

THE
CARBONEAR STAR,
AND
CONCEPTION-BAY JOURNAL.

VOL. I.

WEDNESDAY, FEBRUARY 27, 1833.

No. 9.

BIOGRAPHY.

MOHAMMED ALI,
PASHA OF EGYPT.
(continued.)

It may be inferred from the statement just made that the viceroy was not deterred by the tumult at Cairo from resuming at a proper time the plan he had already matured, for introducing into his army the drill of modern Europe. Aware of the obstinacy which characterizes the Albanians, he left them to be shamed out of their awkward and inefficient system by witnessing the improvement of the other troops: resolving to put his experiment to the test on the Fellahs of Egypt, and on the still more unsophisticated natives of Sennaar and Kordofan. With this view, as well as to reduce the remoter provinces of the upper country to his obedience, he fitted out, in 1820, an expedition which he placed under the command of his son Ishmael, whom he charged with instructions for accomplishing the double purpose now stated. The success of the young general fulfilled the expectations of Mohammed Ali. Thousands of captives were sent from the conquered districts to the neighbourhood of Es Souan, where they were formed into battalions, and subjected to all the restraint and fatigue of European discipline.

We are told that these unhappy beings were in the first place vaccinated, and that, as soon as they recovered from this factitious distemper, they were put into the hands of French officers to be instructed in the manual exercise and other military arts, according to the latest institutions of the Bonaparte school. The hopes of the pasha were at first greatly disappointed in these black troops. They were indeed strong and able-bodied, and not averse from being taught; but when attacked by disease, which soon broke out in the camp, they died like sheep infected with the rot. The medical men ascribed the mortality to moral rather than to physical causes. It appeared in numerous instances that, having been snatched away from their houses and families, they were even anxious to get rid of life; and so numerous were the deaths which ensued that, out of 20,000 of these unfortunate persons, three thousand did not remain alive at the end of two years.

But nothing could shake the determination of the viceroy. He placed five hundred faithful Mamlouks under the charge of Colonel Séve, formerly aid-de-camp to Marshal Ney, who were trained to fulfil the duties of officers. As the blacks, for the reasons already mentioned, were found unfit for this laborious service, he impressed, according to the rules of a national conscription, about thirty thousand Arabs and peasants, whom he sent under a military guard to Upper Egypt. Planat informs us, that in 1827, twelve regiments were organized, tolerably well clothed in a plain uniform, and armed after the manner of European soldiers; and as it is intended that every regiment shall consist of five battalions of eight hundred men, the military establishments, in infantry alone, will amount to about fifty thousand. There are, besides, several corps of cavalry, artillery, and even marines; which last are stationed at Alexandria, to serve on board the ships of war whenever it may be necessary to meet an enemy at sea.

The colonels of regiments are extremely well paid, having allowances which amount to not less than £1500 a year. Their dress too, is very rich, consisting of red cloth, covered with gold lace, and a cluster of diamonds, in the form of a half-moon, on each breast. Over this they wear, on state occasions, a scarlet pelisse, which fastens over the body with two large clasps of gold set with emeralds. Their upper dress is closed with a sash; and the Turkish full trousers have given way to a more convenient habiliment, which is tied under the knee, and fitted to the legs like gaiters. The pay of the non-commissioned officers is likewise ample; and that of the men eighteen pisters a month, with full rations of good provisions, and their clothing. They are now content, and even attached to the service; while a considerable spirit of emulation pre-

vails among them, excited in a great measure by the impartial manner in which promotion from the ranks is bestowed, according to the merit of the candidates. It is worthy of notice, too, that the men are no longer liable to arbitrary punishment.—Every one committing a fault must be tried before he can be bastinadoed, and generally some other penalty is inflicted, such as confinement, degradation, or hard labour. The officers, again, when they forget their duty or their character, are placed under arrest: and even the viceroy himself does not pretend to decide as to their guilt, but leaves the result to the award of justice, regulated by martial law.

The superiority of troops prepared for the field according to the European method was, as we have already stated, most distinctly manifested, in the several campaigns which they served against the Wahabees,—a circumstance which afforded to the viceroy a degree of delight almost beyond expression. This first step in the improvement of an art, valuable above all others to a governor placed in the circumstances which he occupied, was due almost entirely to Colonel Séve, whose name has been already mentioned. This able officer encountered much opposition from the barbarians whom he was appointed to superintend; but, with the tact which belongs to a man who has inspected society in all its forms, he subdued the ferocity of the savage by assuming a tone more commanding than that of mere animal courage. The Mamlouks were occasionally so discontented as to threaten his life; but he never lost his firmness; and, by offering to meet single-handed those who conspired against his authority, he gained the respect which is always lavished by untutored minds upon fearless hardihood, and at length became a favourite among all classes of the military. Planat tells us that on one occasion, when a volley was fired, a ball whizzed past the ear of Séve. Without the slightest emotion, he commanded the party to reload their pieces. "You are very bad marksmen," he exclaimed;—"Make ready,—fire!" They fired, but no ball was heard: the self-possession of the Frenchman disarmed their resentment; they thought him worthy of admiration; and at length were ready to acknowledge that, in point of acquirement and professional experience, he was decidedly a better man than themselves. He afterwards fell while serving in Greece.

Great merit was unquestionably due to this officer for the reformation which he had effected in the viceroy's army; but beyond this we cannot speak of him without the strongest expressions of contempt and detestation, it being universally known that he had adopted the religion of Mohammed,—soothing and cloaking his degradation with the name of Suliman Bey, and under the title of Mir-allaï, or commander of four thousand. He received his pelisse and his advancement on the morning of Christmas-day,—as if he had expressly intended to insult the faith which he had just renounced; a sacrifice on his part which, however trifling it might appear, would not exalt him in the eyes of his new sovereign, who has never required any of his Christian servants to change their creed.

The invasion of the upper provinces, by the army under the command of Ishmael, belongs to the history of Nubia rather than to that of Egypt; for which reason we shall not enter into its details at present farther than to state that, owing to an insult inflicted upon one of the native chiefs, this favourite son of Mohammed Ali was cut off by a most miserable death. The cottage in which he and his personal attendants had taken up their quarters was surrounded with a mass of combustible materials, and burnt to the ground; no one escaping through the flames except the physician, who was reserved for more protracted suffering. Ibrahim, the conqueror of Derayah, avenged in some degree the murder of his brother, and even extended the dominion of the Egyptian arms into districts which neither the Persians nor the Romans had ventured to penetrate.—But the affairs of Greece, which began to occupy the full attention of the Porte, supplied a new theatre for the military talent of

his lieutenant, who, at the command of his father, withdrew his troops from the deserts of Dongola and Kordofan to transport them to the more sanguinary fields of the Morea.

(to be continued.)

REPORT OF HIS MAJESTY'S ATTORNEY-GENERAL OF NEWFOUNDLAND, ON THE JUDICATURE LAWS OF THAT COLONY.*

On entering upon the task that has been assigned to me, of submitting to His Majesty's Government my opinions and sentiments on the operation of the laws passed in 1824, for the Judicature of Newfoundland, and the governance of its fisheries, I unaffectedly own that the questions which the consideration of the subject involves are so important, both to the government and the community, and as respects practical remedial measures, which defects in the present system urgently call for, in my view so peculiarly difficult to apply, that I would rather escape the responsibilities that attach to the attempt at their illustration. Nor will it, I hope, be imputed that the diffidence I feel of my own ability to acquit myself effectively, and with credit to myself on the occasion, is censurable or questionable, when it is considered that, within the period of my residence in the colony, very material changes have been effected in its judicature, without promoting those ample results that were anticipated; although the more recent, and by far the most important of those changes, were understood to have been founded, in some of their prominent features, upon the suggestions of our late able Chief Justice, Mr. FORBES.

It is generally admitted that the present system of judicature has not fulfilled the reasonable expectations of the community; and it may therefore be assumed not to have accomplished the views of His Majesty's Government entertained on entering upon that revision of the laws contained in the Act of 5th G. 4, c. 67. My own reflections on the subject, and an attentive observation during a residence of nearly a quarter of a century in the colony, sufficiently confirm me in the belief that it is much more easy to point out defects and inadaptations in laws, than to suggest proper remedies and facilities. The localities of such a colony as Newfoundland especially present, in addition, many obstacles in the adaptation of those details requisite to the promotion of an equal operation in the administration of any system of Judicature. Thus, that caution, doubt, and even reluctance with which the lessons of the wise, no less than our own experience, warn us to approach all changes that affect the bonds and obligations of communities, are urged upon us with increased force; for, in some instances, it will probably be found that a grievance complained of is not so justly ascribable to the peculiar character or defect imputed to a particular law, as to the intractable character of the material on which, or medium whereby, the law is designed to operate.

The consideration of the judicature of Newfoundland, in its present condition, necessarily involves that of its jurisprudence; for not only is there an almost substitution of the laws of police, adapted to the circumstances of St. John's, and other populous settlements, but the imperfect, vague, and inefficient character of the code of criminal justice, under the present construction of the statute law held by the Judges of the Supreme Court, seriously calls for legislative definition and settlement.

During the period that Mr. Forbes resided as Chief Justice, and sole Judge in the Supreme Court, as constituted under the Statute 49 G. 3, c. 27, he held that all the statute law of England, as far as it was found applicable to the condition and circumstances of the colony, was the law of Newfoundland.

* This Report was, in pursuance of a Message from the House of Assembly to his Excellency the Governor, requesting "that the House might be furnished with copies of the Judges' and Attorney-General's Reports on the Judicature Laws of the Colony," laid before the House of Assembly 1st February, 1833.

foundland; and, under this doctrine, recent statute laws made for the punishment of forgery, the offence of embezzlement by servants, &c. were put in force. When Chief Justice Tucker succeeded to the Bench, on the retirement of Mr. Forbes, he took a different view of this important subject, and held that only so much of the statute law of England as was in existence at the period of the first settlement of the colony, and also applicable to its condition, could be made available to the administration of criminal justice in Newfoundland. And the Supreme Court, under its now existing constitution and present administration, holds to this doctrine. But the *retroactive* period of the legal settlement of this colony involves doubts. The Act of 10 and 11 W. 3,* is by some persons regarded as recognizing a settlement to a certain extent at least. Still, that law, in its leading feature, was opposed to settlement, and under its provisions, "all persons guilty of thefts, robberies, murders, and other felonies in Newfoundland" were required to be carried to England, to be there tried in any county, by virtue of the King's Commission of Oyer and Terminer, and according to the laws of England. But previous to the enactment of this statute, such offenders were carried to England, and tried only before the Lord High Constable and Earl Marshal of England.† Thus, before any Judicature was instituted in Newfoundland, the people, whether living or only frequenting there, were subjected to the whole criminal law of England, so far, at least, as regards principal offences.

Commissions of Justices of the Peace were, under His Majesty's Commission to the Governor, and subject to particular instructions, issued by the Governor as early as the year 1729: such justices being enjoined by their commissions to proceed according to the law of England in the trial of offences not capital;‡ and not to proceed in any cases of doubt and difficulty, such as robberies, murders, and felonies, or any other capital offences. Commissions of Oyer and Terminer were subsequently issued by virtue of similar authority; and the first court of this character was instituted in 1750, for the trial of all felonies, &c., according to the law of England.§

Such were the limited means progressively employed down to the year 1792, for the administration of criminal justice. In the meantime it was found that, although the efforts of the Government should prove to be successfully directed to the exclusive maintenance of a transitory fishery, still that, amid the numerous relations of master and servant, in the employment of seamen and fishermen, wrongs were committed requiring immediate redress on the spot.

It became obvious that such redress could not be administered through the agency of the Fishing-Admirals, whose limited administration of authority, under the statute of William, in matters of mere fishery police, was found to be partial and unjust, whenever themselves or their friends were interested; and in all that concerned public rights neglectful.

By the statute 15 G. 3, c. 31, || various provisions were therefore made to regulate the hiring of seamen and fishermen and their employment, payment of wages, &c.; and jurisdiction was given to Justices of the Peace in Sessions, and also to the Vice-Admiralty Court in Newfoundland, respecting these matters. Further Jurisdiction was also given to the Vice-Admiralty Court in matters touching the laws of navigation and trade.

* A. D. 1698.

† See letters patent of King Charles, A. D. 1633, for the conduct of the Newfoundland Fisheries.

‡ His Majesty's Commission to Governor Osborne, empowering him to appoint Justices of the Peace, and other necessary officers and ministers of justice, enjoined the Governor and Magistrates not to do anything contrary to the statute of 10th and 11th W. III. — Vide Reeves' History of Newfoundland, p. 72.

§ In the year 1701, Mr. Reeves, then Chief Justice, acting under the statute 31 Geo. III., c. 29, giving jurisdiction only in civil matters, presided in a Court of Oyer and Terminer, at St. John's, under a like commission.

|| A. D. 1776.