

sums of money hereby granted shall be paid by the Treasurer of the Colony in discharge of such Warrant or Warrants as shall be issued by the Governor or Person administering the Government of the Colony, for the time being, in favour of any Person or Persons, to be applied to the purposes of this Act: And that it shall not be lawful for the said Treasurer to pay any sum or sums of Money out of the Treasury of the Colony other than such as are expressed and directed in this or some other Act or Acts of the Legislature of this Colony.

And be it further enacted, that the third and fourth sections of the Act made and passed in the Fourth Year of His Majesty's reign, entitled "An Act for Appropriating the supplies granted to His Majesty during the present Session of the Colonial Parliament," shall be revived and be and continue in full force and virtue, until the thirty first day of March which will be in the Year of our Lord, One Thousand Eight hundred and Thirty six, in as full and ample a manner as if the same sections were herein again contained and re-enacted.

(From the London Morning Herald, April 9.)

It is not very flattering to our national sagacity that our keen-sighted neighbours, the French, should perceive the dangers of our present political position so much more readily than it as yet seems to have worked conviction at home. The fact, however, may, perhaps, be accounted for on the well-known principle that "lookers on see most of the game." The opinion announced by the *Gazette de France*, on the result of the late divisions in our House of Commons, that "the revolution of England is accomplished," if not calculated to excite alarm, is, at all events, of a character to beget caution and a greater degree of self-examination among the well-meaning men of all parties, than the heat of political excitement will generally permit. It is a singular feature of our present position that the votes of the House of Commons, which are thus viewed in France as pregnant with destruction to the civil and religious institutions of this country, are not the votes of a majority of English Representatives, but have been, in fact, carried by the interference of Members of the Legislature who are under the obligation of an oath not to have voted at all upon the occasion. We confess that the proportion of English Destructives (destructives, most of them at least, rather from error than design) is much larger than we could ever have expected to see; but still, when we see 300 Members of the House of Commons decidedly opposing themselves to any measure even of apparent spoliation (for if Lord John Russell's motion means no more than it professes, it must in effect become a mere dead letter), and these backed by what we firmly believe to be a great majority of the property and intelligence of the country, though there may be, and, undoubtedly is, ground for caution, if not of alarm, we trust that the French writer is somewhat premature in his judgment, and that there will still be found a sufficient fund of right judgment in this country to avert the fearful consequences which must follow upon any thing like public convulsion. At the same time, taken as a warning, the sentiments thus conveyed to us from the opposite shore need not be without its value. The *fas est ab hoste doceri* is a maxim which none but the most arrogant and bigotted would affect to despise; and though we would feign hope that in the amicable spirit which now animates the two countries towards each other, the wish is not in this case father to the thought, it is the part of true wisdom not to neglect such a warning, reflecting that those who are "fore-warned," are truly said to be "fore-armed."

THE KING'S LEVEE.

The King held a Levee yesterday afternoon, (April 8) at St. James's. Earl Amherst was presented to His Majesty by the Earl of Aberdeen, on his appointment as His Majesty's High Commissioner in the Province of Lower Canada.

The Right Hon. Sir Charles Bagot, G. C. B., was presented to the King by the Duke of Wellington, upon being appointed His Majesty's Ambassador Extraordinary and Plenipotentiary to congratulate the Emperor of Austria, and to take leave.

The following presented addresses to the King:—

Mr. Joseph Carter Wood (Chairman), Lord Francis Egerton, (proposer), General Gascoigne (second), and Sir Thomas Cochrane, from a numerous body of the inhabitants of the city and liberties of Westminster, expressive of their alarm at the attempts now made to augment the power and influence of the Roman Catholic Church, at the expense of the Established Religion; and assuring His Majesty of their zealous support in such measures as His Majesty may deem best calculated to avert so imminent a danger.

Lord Ernest Bruce, M. P., from the Mayor, Burgesses, Clergy, and Inhabitants of Marl-

borough, Wilts, in favour of the present Ministry.

Earl of Sandwich, from the Gentry, Clergy, and yeomen of the County of Huntingdon, in favour of His Majesty's Ministers, and the preservation of the Church of England and Ireland.

Lieutenant Colonel Chaplain, M. P., from the Inhabitants of the borough of Stamford and St. Martin's praying His Majesty to maintain inviolate the privileges and property of the Church of the United Kingdom, and expressing their conviction that these objects will be most effectually obtained by continuing His Majesty's present Ministers in office.

MONMOUTH, APRIL 2.

REX V. IVANS.

This was a case perhaps without precedent in the annals of criminal proceedings, but establishing the point that inn-keepers, who exercise their own pleasure in the reception of guests, are indictable at common law.

The Council for the prosecution stated, that by the common law of England, as laid down by Sergeant Hawkins, an inn-keeper who, without just cause, refused a traveller admittance, was guilty of an indictable offence.

It being suggested by Mr. Gordon that a previous tender of expenses was necessary to sustain this indictment at law.

Mr. Justice Coleridge observed, that an actual tender was not required.

S. P. Williams examined by Mr. Whitmore—Sunday night, the 18th of April, 1834, I arrived at Chepstow about twelve. I went to the Bell Inn kept by the prisoner. I saw a light in one of the upper windows. I struck the window with my stick to make them hear. Defendant's wife opened the window, and said the house was full. I then went to the Beaufort Arms, which was shut up. I returned to the Bell, and was again answered by the defendant's wife. I said it was useless to tell me the inn was full, as I knew there was very extensive accommodations—that I was entitled to admittance.

By the Judge—I think she had risen from bed. She asked me my name. I said, "What difference can that make?" She said she would not let me in unless I told her where I came from. Defendant then said no one should come into his house that night.

Cross-examined by Mr. Godson—I was not drunk; I did not swear at the woman; I was so far from home on a Sunday evening, because I had pressing business next day.

Mr. Justice Coleridge, in summing up, told the Jury that an inn-keeper was a public servant, on whom the law casts certain obligations, and imposes certain duties; every inn is an open house of entertainment, to which every man is entitled to access. The question here was, had there been any impropriety on the part of the prosecutor which deprived him of this right? As to Sunday being the day, it was in some cases impossible to avoid travelling on the Lord's day; it was not illegal to do so, therefore it could not affect the rights of parties. The only point admitting a doubt was the lateness of the hour, but they must remember that one great purpose of inns was the reception of guests at night. As to the non-tender by the prosecutor, it would have had some weight if the defendant had made any request of tender.

The Jury found the prisoner GUILTY. He was sentenced to pay a fine of £1 to the King.

PORTSMOUTH, APRIL 6.

Orders have been received at this port to put into commission forthwith His Majesty's ships Tweed, 20, and Sapphire, 23, destined for a foreign station. Commander Maitland will have the command of the former, and Captain R. Rowley the latter. The four line-of-battle ships (which have been prepared for any sudden emergency) are also expected daily to hoist the pendant, owing, it is rumoured, to an augmentation of our naval strength in the Mediterranean being found indispensable to cope with the combined Russian and Turkish fleets. The is-to-day inundated with reports of a squadron of five seventy-fours and five frigates being ordered to be dispatched without delay to the Mediterranean, to reinforce Sir J. Rowley's fleet, in consequence of the reported action between the Canopus, 84, Captain the Hon. J. Percy, and three Russian line-of-battle ships, off the mouth of the Dardanelles. We can assure our readers no such orders have been received by the Port Admiral; though every preparation is being made for such a contingency.—Globe.

The spirit of emulation and competition has already performed wonders in Lisbon, and proceeds with accelerated pace.

At the Convent of St. Francisco a library of 300,000 volumes is forming from the spoils of all the abolished and suppressed convents in the interior. A gentleman has been sent out by the British Museum and Government, to collect rare manuscripts to exchange duplicates, or procure rare editions

wanting in London, as well as a supply of ancient documents and black lettered lore, requisite for filling up certain chasms in British history. Your Government has already presented to this a valuable collection, of books and is receiving an eligible *quid pro quo* in return for the same. By some mistake in the transmission of the bills of lading, the delivery had been unaccountably retarded. The literary treasures hidden in the monasteries are incalculable; amongst them is a manuscript of the last King of the Goths, far more ancient than any in the possession of the British Museum.

THE NEW BILL FOR ABOLISHING IMPRISONMENT FOR DEBT.

Last Session, when the Bill was introduced into Parliament, a great many persons, whose schedules would not bear strict examination, and who were consequently fearful of appearing before the Insolvent Debtors' Court, delayed petitioning the Court in the hope that the bill would pass into a law, when they would be enabled immediately to walk out of prison. The very same thing has occurred since Sir John Campbell presented the bill to Parliament this Session, and there are not so many cases for hearing, in the Insolvent Debtors' Court, as formerly.

As arrest and imprisonment for debt will be abolished, and there will be no further use for the King's Bench, the Fleet, White-cross-street, and the Marshalsea prisons, it is supposed that a new Gaol much smaller than either of the before mentioned establishments will be erected for the reception of prisoners in custody for contempt of Court, and for judgments awarded against them by the superior Courts.

Some idea of the business that is placed in the hands of the Sheriffs' Officers may be formed from the fact that nearly 30,000 warrants for arrest and execution are issued in the course of the year by the Sheriffs of London, Middlesex, and Surrey. The number of persons committed to the King's Bench, the Fleet, White cross street, the Marshalsea, and Horsemonger lane, including the prisoners committed to White-cross street and Horsemonger-lane upon processes out of the Court of Request, amounts to between 6,000 and 7,000 in the year. The Bench and the Fleet have been so full of prisoners, that five and six and sometimes seven men have lived and slept in one small room. Between 500 and 600 prisoners have very often been confined in White-cross street, and when the prison is very full the small space that is allowed between each iron bedstead in the bedward is filled up with planks, placed from bedstead to bedstead, on which some of the prisoners are obliged to sleep during the time they are in gaol. The Sheriffs' Officers are likely to be great sufferers by the bill as they will lose their employment.

An iron railway has been contracted for by the Greek Government with the banker Feraldi to run from Athens to the Piræus. Shades of Themistocles, look down.

A brig is to start at the end of April from France to explore the coasts of Iceland and Greenland. [Dr Gainard, who is already known as a learned traveller is to accompany the present enterprise.

THE STAR

WEDNESDAY, MAY 20, 1835.

(From the Newfoundland, May 14.)

The Central Circuit Court was opened on Monday last, for the despatch of business, by the Hon. Chief Justice BOUTTON, who addressed the Grand Jury, (of which THOMAS BENNETT, Esq., was chosen Foreman) in the following charge:—

Mr. Foreman, and Gentlemen of the Grand Jury,

I am again called upon, in the periodical discharge of my duty, to address you upon those topics, which for the good of society, the laws of our country have confided to, the investigation of the criminal tribunals, and in the efficient performance of which arduous and important service so large and responsible a share, has by our glorious constitution been cast upon you.

In drawing your attention to the small number of cases, which the calendar presents to our notice, I feel great satisfaction at being enabled still to see the language of congratulation, which it afforded me such sincere pleasure to address to the last grand inquest assembled in this place, when I am enabled to acquaint you that in this large seaport, containing a very mixed and transient population, and during the winter months, when employment is more difficult to be procured, than in the busier seasons of the year, only four persons have been committed for trial by the civil magistrate on charges of Felony, and these unaccompanied with any attempt at personal violence in their accomplishment, we have every reason to hope that the moral condition of the people is advancing in a manner calculated to produce a more wholesome state

of society than the criminal calendar has indicated for some years past.

The improved system of prison discipline which the Legislature during the past year enabled the Supreme Court to adopt in conjunction with the salutary modes of punishment which the several criminal tribunals were at the same time authorized to inflict, may fairly be presumed under Divine Providence to have been instrumental in bringing about a change so beneficial to all classes of our fellow subjects, and to none more so, than to these persons, who from a fear of adequate punishment, if from no higher motive, have been deterred from pursuing a course of vicious habits, which sooner or later must have ended in their destruction.

An additional proof of the salutary effects which have resulted from these changes may be drawn from the fact, that while the Gaol expenses for the quarter ending 31st December, 1833, and 31st March 1834, were for the former £178 10s. 10d. and for the latter period £206 2s. 2d., the like charges for the corresponding quarters of the ensuing twelve months, after the new arrangement had begun to take effect, have amounted to no more than £82 15s. 2d., for the quarter ending 31st December last, and to the still smaller sum of £75 16s. for that ending 31st March last, and even these might, in my opinion, with a proper economy, be considerably diminished.

The cases of Felony to which I have alluded, are for offences, involving no question requiring any particular remarks from me, with the exception, perhaps, of that of Forsyth and his son, both of whom I find charged as principals in stealing the property identified by the prosecutor, and found in the house of the father. It appears to me, however, more probable from the circumstances of this case, as detailed in the depositions taken before the committing magistrate, that the father if inculpated at all, was the receiver of the property knowing it to have been stolen, and in that case, should be so charged,—you, however, will be the better judges after hearing the evidence from the witnesses, and of course you will be governed by your own impressions and not by my suggestion, which has been thrown out simply for your consideration.

While congratulating you upon the rapid diminution of the more flagrant and common offences, which are perpetrated by the lowest and meanest of mankind, it is not a subject of the deepest regret that any cause should exist in this once united community, for engendering the suspicion that persons of a higher order have engaged in designs of a criminal nature, which, if not of so deep a die in their individual malignity as those to which I have already drawn your attention, are scarcely less injurious to the whole frame of society in their oppressive and disorganizing influence upon the civil relations of those, who are engaged in the active employments of life.

In this Colony all the King's subjects stand upon an equal footing—the law makes no invidious distinction between one person and another, and therefore how prone to evil must that man be, who to bring about any particular result at which he aims would decoy the ignorant, or inflame the passions of the wayward, to combine together for the purpose of injuring either the character, the trade, or prospects in life of those who venture to think for themselves, and to regulate their conduct in a manner different to that which they would illegally prescribe to them.

All combinations and confederacies wrongfully to prejudice another are misdemeanours at common law, whether the intention be to injure him in his trade or business, or in his character or person.

No doubt every individual has a right to select the tradesman, or other man in business with whom he will deal; to reject one and encourage another, but he has no right to instigate others to refrain from dealing or holding intercourse with any particular individual for the purpose of injuring his character, trade or condition in life.

Any merchant may place what price he thinks proper upon any article he has for sale, but he would not be justified in combining with others to raise the price of a commodity.

A mechanic has also a right to fix his price for his own labour; but not only are those who engage in such illegal combination obnoxious to the criminal Law, but all those who incite or instigate them to enter into such conspiracies are liable to punishment; and, in some respects, are much more culpable than the misguided instruments of their mischievous projects.

If a combination be formed for any illegal purpose, the first promoter of the design, although he shall take no part in its immediate execution will be dealt with as a principal, and may be indicted as one of the conspirators, there being no accessories either before or after the fact, in offences below the degree of Felony; but if no one acts upon his advice, and the combination be not formed, the inciter is nevertheless guilty of a misdemeanour; for he that incites others to commit a crime, although they refuse to listen to his pernicious council is himself guilty at least of a misdemeanour.