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## Weekly Almanack.

| August—1831. | Sun Rises. | Sun Sets. | Moon Rises. | Full Sea. |
|---|---|---|---|---|
| 24 Wednesday | 5 14 | 6 46 | 7 42 | 11 49 |
| 25 Thursday | 5 15 | 6 45 | 8 11 | 0 25 |
| 26 Friday | 5 17 | 6 43 | 8 42 | 1 0 |
| 27 Saturday | 5 18 | 6 42 | 9 15 | 1 36 |
| 28 Sunday | 5 20 | 6 40 | 9 49 | 2 17 |
| 29 Monday | 5 21 | 6 39 | 10 28 | 3 5 |
| 30 Tuesday | 5 23 | 6 37 | 11 12 | 4 6 |

Last Quarter 30th, 6h. 24m. morning.

## THE GARLAND.

*"They that seek me early shall find me."*

Come while the blossoms of thy years are brightest
Thou youthful wanderer in a flowery maze—
Come, while the restless heart is bounding lightest
And joy's pure sunbeam trembles in thy ways;
Come, while sweet thoughts like summer buds unfolding,
Waken rich feelings in the careless breast,
While yet thy hand the ephemeral wreath is holding,
Come and secure interminable rest.

Soon will the freshness of thy days be over
And thy free buoyancy of soul be flown—
Pleasure will fold her wing—and friend and lover
Will to the embraces of the worm have gone!
Those who now love thee, will have passed forever,
Their looks of kindness will be lost to thee—
Thou wilt need balm to heal thy spirit's fever,
As thy sick heart broods over years to be!

Come, while the morning of thy life is glowing,—
Ere the dim phantoms thou art chasing die—
Ere the gay spell which earth is round thee throwing,
Fades like the crimson from a sunset sky.
Life is but shadows, save a promise given,
That lights the future with a fadeless ray—
Come—touch the sceptre—win a hope in heaven,
Then turn thy spirit from this world away.

Then will the shadows of this brief existence,
Seem airy nothings to thine ardent soul—
And shadowed brightly in the forward distance,
Will of thy patient race, appear the goal;
Home of the weary, where in dust reposing,
The spirit lingers in unclouded bliss,
While o'er his dust the curtained grave is closing—
Who would not, early, choose a lot like this!

COMPLIMENT TO BLACK EYES.

Matilda's eyes so brilliant are, and black,
One glance subdues you at the first attack;
'Twas of her eyes a dying victim spoke,
"They are in mourning for the hearts she broke."

## MISCELLANEA.

"We endeavour, by variety, to adapt some things to one reader, some to another, and a few perhaps to every taste."—*Pasq.*

The Landers and the River Niger.—The two Landers arrived here on Tuesday last, in the William Harris transport, from Rio de Janeiro, having reached that country from Fernando Po. They both appear in good health, and state that in their progress through Africa they found the climate perfectly healthy, experiencing no inconvenience in this regard, until they reached the pestilential influence of the coast and Fernando Po. It appears the Landers landed at Badagry on the 22d March, 1830, and immediately proceeded on horseback to the northward, to a city called Boussa, which is known to be on the Niger, and which city is described to be of great extent, being upwards of twenty miles in circumference, though it may not contain more than four thousand houses. These, however, in general, are little better than huts, and, like Timbuctoo, it contains no large buildings. It is situated about latitude 10 north. They remained nearly three months at this place, and ascertained that it is not an island, as had been supposed. The King of this place treated them very kindly; indeed they speak in high terms of the kindness and gentleness of the negroes in the interior, who, so far from offering to molest them, afforded them all the information and assistance in their power. It was only when they approached the vicinity of the coast that they experienced insult and impediment. During their sojourn at Boussa, they made excursions round it, and ascended the Niger against the stream for three days, visiting another city, which will be found in Clapperton's map, called Youri, directly north of Boussa. At the end of three months, during which time the river had been rising, from the influence of the rainy season, and which they were told would be requisite to ensure their safe passage over the rocks and other impediments, which form rapids, &c., they began to descend, and soon found the river ran easterly till they reached the vicinity of Funda; which city should be placed on the maps at least two degrees further east than it now is. Near Funda the Niger was joined by a large river, which, from description, was doubtless the Shary, and which the natives said came in a direct line from Tchad Lake, distant fifteen days' journey in the north east; thus clearly proving that the Niger receives from, instead of expending its waters in that Lake. With regard to the Tchad Lake, it was understood it sent out waters to other rivers further east than Funda, and running to the southward, most probably supplying the great rivers Zaire and Congo. Below Funda, at a place called Thirree, these adventurous travellers were pursued and captured by a fleet of thirty or forty war canoes. In the pursuit (it does not appear why the Landers should have fled) their canoes were swamped, and all their writings, collections, and instruments were lost. This took place about ten days' journey from the coast. The natives of Thirree, after their capture, treated them kindly, and forwarded them towards the coast. Below Funda they fell in with a river which branched to the westward, and which they ascertained to be the River Benin. They reached the sea by the Nun river, a few miles to the eastward of Cape Formosa, and about two degrees from Badagry, from whence they started. They conjectured they had come down the Niger at least 930 miles; but having lost their instruments and papers, they had no means of ascertaining the exact position and distances of the many towns they passed on either side of its banks. When they arrived at the mouth of the Nun River, they discharged a servant, Antonio, who set off up the river to return to his own country; but on the arrival of the Landers at Fernando Po, they ascertained that this servant, after proceeding up the Nun River, branched off to the eastward, and reached the coast again by the New Calabar River, thus proving that the Benin, the Nun, and the New Calabar Rivers, were all mouths of the great Niger, with a direct communication to the Tchad Lake. After their capture they were purchased by a slave dealer, who doubtless knew he should obtain a good price for giving them up. They reached the sea about the 30th of Nov., 1830. During the time they were in the interior, a volume of Watts's Hymns fell into their hands, which had formerly belonged to Dr. Anderson, who was in company with Mungo Park at the time of his death.—*Hampshire Telegraph.*

The magnificent cove of Cork is without a ship of war, the arsenals without stores, the artizans and labourers without employment. Reform and economy cannot console them for the want of the means of life.

A London Shopkeeper Fifty Years Ago.—Mr. Bryant himself was a neat, quiet, orderly sort of a man, regular as clock-work, and steady as time, the very pink of punctuality, and the essence of exactness. He had been in business nearly forty years, in the same shop, conducted precisely in the same style as in the days of his predecessors; he lacked not store of clothes or change of wigs; but his clothes, and wigs, and three-cornered hats, were so like each other, that they seemed, as it were, part of himself. His wig was brown—so were his coat and waistcoat, which were nearly of equal length. He wore short black breeches with paste buckles, speckled worsted hose, and very large shoes, with very large silver buckles. He was most intensely and entirely a citizen.—He loved the city with an undivided attachment. He loved the sound of its bells, and the noise of its carts and coaches; he loved the colour of its mud and the canopy of its smoke; he loved its November fogs, and enjoyed the music of its street musicians and its itinerant merchants; he loved all its institutions, civil and religious; he thought there was wisdom in them, if there was wisdom in nothing else; he loved the church and he loved the steeple, and the parson who did the duty, and the parson who did not do the duty; and he loved the clerk, and the sexton, and the parish beadle, with his broad gold-laced hat, and cane of striking authority; and he loved the watchmen and their drowsy drawl of "past umph a'clock;" he loved the charity schools, and admired, beyond all the sculptures of Phidias, or the marble miracles of Parthenon, the two full length statues, about three feet each in length and two feet six inches each in breadth, representing each a charity boy and a charity girl, standing over the door of the parish school; he loved the city companies, their halls, their balls, though he never danced in them; their dinners—for he never missed them; and above all other companies, he loved the stationers', and its handsome barge, and its glorious monopoly of Almanacks; he loved the Lord Mayor and the Mansion-house, it was not quite so black then as it is now, and he loved the great lumbering stage coach and the little gingerbread sheriffs' coaches, and loved the aldermen, and deputies, and common-councilmen, and liverymen.—Out of London he knew nothing: he believed that the Thames ran into the sea, because he had read at school that all rivers run into the sea; but what the sea was, he did not know, and did not care; he believed there were regions beyond Highgate, and that the earth was habitable farther westward than Hyde Park corner but he had never explored those remote districts. What was Hammersmith to him, or he to Hammersmith? He knew of nothing, thought of nothing, and could conceive of nothing, more honourable, more dignified, or more desirable, than a good business properly attended to. He was proud of the close and personal attention that he paid to his shop—somewhat censoriously proud; he might be called a mercantile prude, or shopkeeping pedant; and when a neighbour who had a country house at Kentish Town, to which he went down every Saturday, and from which he returned every Monday and Tuesday, came, by a variety of unavoidable or unavoided misfortunes, to make his appearance in the Gazette, with a "Whereas" prefixed to his name, Mr. Bryant rather uncandidly chuckled, and said—"I don't wonder at it. I thought it would end in that. That comes from leaving things to boys."—*Atherton.*

French Soldiers.—The French army have the character of being the best marchers in Europe, and I know from experience that no men, to use a phrase of the "Fancy," understand better than they do, how to "hit and get away; nevertheless, I would say, that an army composed exclusively of Irishmen would outmarch any French army, as much as I know they would outfight them. The quality which carries a Frenchman through, and enables him to overcome obstacles truly formidable in themselves, is his gaiety, and his facility of accommodating not only his demeanour but his *stomach* also, to circumstances as they require it. An Irishman is to the full as gay as a Frenchman; if he does not possess his *piquant* wit,—and I don't say that he does not—he has in a paramount degree the rich humour of his own country, which is no where else to be found. He can live on as little nourishment as a Frenchman; give him his pipe of tobacco, and he will march for two days without food and without grumbling—give him, in addition, a little spirits and a biscuit, and he will work for a week. This will not be a task so easy of accomplishment to the English soldier; early habits have given him a relish for good eating, and plenty of it too: if he has not a regular allowance of solid food, it is certain he will not do his work well for any great length of time. But an Irish fellow has been accustomed all his life to be what an Englishman would consider half-starved; therefore, quantity or quality, is no great consideration with him; his stomach is like a corner cupboard—you may throw anything into it! Neither do you find elsewhere the lively thought, the cheering song, or pleasant story, to be met only in an Irish regiment. We had a few Englishmen in my corps, and I do not remember ever to have heard one of them attempt a joke. But there are those who think an Irish regiment more difficult to manage than that of any other nation. Never was there a more erroneous idea.—*United Service Journal.*

The Gallant 89th.—*Who would not be a Soldier?*—The 89th Regt. arrived in Canterbury about a fortnight ago from India, under whose burning sun the officers and men had fought and bled, and changed the "comely bloom of health" for the withered and ebon features of the natives.—The following piece of exquisite *blarney*, in the shape of a handbill, was distributed a few days ago, on occasion of the Regiment wanting recruits:—"On enlisting he receives from the King a bounty of three guineas; he exchanges his old clothes for handsome comfortable uniform, and his homely fare of course bread and vegetables for good tea or coffee, soup and beef. He no longer lives in a low confined hut or cottage, but has a fine airy large barrack-room. Instead of rolling about, and walking as if he had a load of clay at each foot, he steps smartly along with an upright air. Instead of hard labour from sun-rise to sun-set, with little pay or food, he has only to clean his arms and clothes, and attend one or two parades a day. He need no longer whistle to himself, as he has a fine band of music, besides drums, fifes, and bugles. If he behave himself well, and know any thing of writing or reading, he may soon hope to be made a corporal, and then a serjeant; his officers will take care he is not wronged, but will protect and promote him. If he is sick, he will receive every attention in an excellent hospital, from experienced surgeons, and be visited by his officers and chaplain.—If he is married, and has children, they will be educated, gratis, at the school of the regiment. Should the interest and honour of the nation render a war necessary, the soldier will be well provided for; he will fight beside brave men, who will stand by him, and under gallant and considerate officers, who will not foolishly throw away the lives of their men. If he escapes, he will share in prize-money and honour; should he be wounded, a grateful country will reward him by a liberal pension; and should he be killed, (as we must all die some time,) he will enjoy the satisfaction of dying in a good cause, of leaving his family to the kind care of the nation, who will provide for them, and of being buried where he fought, with the colours waving and muskets discharged over him."—*Kentish Chronicle.*

Importance of Words.—Words are the vehicles by which thought is made visible to the eye, audible to the ear, and intelligible to the mind of another; they are the palpable forms of ideas, without which these would be intangible as the spirit that conceives, or the breath that would utter them. And of such influence is speech or writing, as the conductor of thought, that, though all words do not "last for ever," and it is well for the peace of the world, and the happiness of individuals that they do not, yet even here every word has its date and its effect; so that with the tongue or the pen we are continually doing good or evil to ourselves or our neighbours. On a single phrase expressed in anger or affection, in levity or seriousness, the whole progress of a human spirit through life, perhaps, even to eternity, may be changed from the direction which it was pursuing, whether right or wrong. For in nothing is the power and indestructibility of words more signally exemplified than in small compositions, such as stories, essays, parables, songs, proverbs, and all the minor and more exquisite forms of composition. It is a fact, not obvious perhaps, but capable of perfect proof, that knowledge, in all eras, which have been distinguished as enlightened, has been propogated more by tracts than by volumes.—We need but appeal, in evidence of this, to the state of learning in our own land at the present day, when all classes of people are more or less instructed. On this point, I shall have a future opportunity of expatiating, and shall, therefore, at present, offer only two examples of the permanency of words, involving sacred or important truth, of equal value and application, in all periods and countries, and among all people to whom they may be delivered. In the youth of the Roman Commonwealth, during a quarrel between the patricians and plebians, when the latter had separated themselves from the former, on the plea that they would no longer labour to maintain the unproductive class in indolent luxury, Menenius Agrippa, by the well-known fable of a schism in the human body, in which the limbs mutinied against the stomach, brought the seceders to a sense of their duty and interest, and reconciled a feud, which, had it been further inflamed, might have destroyed the state, and turned the history of the world itself thenceforward into an entirely new channel, by interrupting the tide of events which were carrying Rome to the summit of dominion. The lesson which that sagacious patriot taught to his countrymen and contemporaries, he taught to all generations to come. His fable has already, by more than a thousand years, survived the empire which it rescued from premature destruction. The other instance of a small form of words, in which dwells not an immortal only, but a divine spirit, is that prayer which our Saviour taught his disciples. How many millions and millions of times has that prayer been preferred by Christians of all denominations! So wide, indeed, is the sound thereof gone forth, that daily and almost without intermission, from the ends of the earth, and afar off upon the sea, it is ascending to Heaven like incense and a pure offering: nor needs it the gift of prophecy to foretell, that though "heaven and earth shall pass away," till every petition in it shall be answered, till the kingdom of God shall come, and his will be done in earth as it is in heaven.—*James Montgomery's Retrospect of Literature, in the Metropolitan.*

Who first invented Letters.—When, where, and by whom letters were invented, it is now useless to imagine. Notwithstanding the pretensions of Hermes, Trismegistos, Memnon, Cadmus, and others, the true history, nay, even the personal existence of these supposed claimants, must be ascertained before the unappropriated honour can be conceded to any one of them. It may, meanwhile, be affirmed as one of those circumstances humbling to human pride that occasionally occur in history, and which, while they strangely stir the imagination, awaken sublime but melancholy reflection in minds given to muse upon the vanity and mortality of all things that are done under the sun; it may be affirmed, as one of those humbling circumstances, that the man who conquered the greatest trophy ever won from fate and oblivion, lost his own name, after divulging the secret by which others would immortalize theirs. As a figure of speech, one may be allowed to wish, that the first letters in which he wrote that name, whether with a pen of iron on granite, or with his finger on sand, had remained indelible. But his own invention in his monument, which, like the undated and uninscribed pyramid, will remain a wonder and a riddle to the end of the world.—*Ibid.*

A Chinese Bride.—The greatest rarity, however, after this feast, was the sight of a Chinese bride. The son of our host having been married a few days before, we were honoured (according to the usage of the country, during the honey-moon,) with permission to look at his wife, as she stood at the door of her apartment, while we were passing out. The lady was surrounded by many old women, who held tapers and lamps above and about her, that we might have a more complete view of her figure and attire. She was a young person, perhaps 17 years of age, of middle stature, with very agreeable features and a light complexion, though she seemed to us to have used paint. She wore a scarlet robe, superbly trimmed with gold, which completely covered her from the shoulders to the ground. The sleeves were very full, and along the bottom ran a beautiful fringe of small bells. Her head-dress sparkled with jewels, and was most elegantly beaded with rows of pearls, encircling it like a coronet; from the front of which a brilliant angular ornament hung over her forehead and between her eye-brows. She stood in a modest and graceful attitude, having her eyes fixed on the floor, though she occasionally raised them, with a glance of timid curiosity, towards the spectators. Her hands, joined together, but folded in her robe, she lifted several times towards her face, and then lowered them very slowly. Her attendants, presuming that the guests would be gratified with a peep at that consummation of Chinese beauty, (the lady's feet,) raised the hem of the mantle from hers, for a moment or two. They were of the most diminutive kind, and reduced to a mere point at the toe. Her shoes like the rest of her bridal apparel, were scarlet, embroidered with gold. In justice to the poor creature, during this torturing exhibition, (as we imagine it must have been to her,) her demeanor was natural and becoming; and once or twice something like half a smile, for an instant, showed that she was not entirely unconscious of the admiration which her appearance excited, nor much displeased by it.—*Missionary Travels.*

Birds-eye View of Canton.—From the platform of Sir James Urmston's house, which is considerably elevated, we obtained a bird's-eye view of the city of Canton, and the adjacent country. The former is exceedingly crowded with buildings, and the latter neither picturesque nor fertile. On the roofs of the houses, which are all flat and tiled, and apparently touching each other, scaffolds are erected for drying clothes and dying manufactured goods. Conveniences for piling firewood, and other lumber, are also arranged on the tops of the dwellings, that no room may be lost below, where ground is so precious, that men are made to grow in forests, of which the "trees of life" are not suffered to occupy more space than is barely sufficient for thriving, individually, and drawing each other up in society. Above the monotony of ordinary structures, rises one pagoda, of great height, while three others appear at some distance from the city. None of these seem to have any connexion with idol temples, standing quite apart from such, and being built, it is said, in honour of the illustrious dead.—While these monuments to mortal man are thus stately, the temples dedicated to the "immortal gods" of China (so far as we have had opportunity of observing, both here and in the islands) are comparatively low, and without towers or domes sufficiently elevated to give them any measure of grandeur.—*Mission'y Trav.*

Divines of the Church of England.—No. XIII. of this valuable series contains the commencement of the works of the glory of the English Church, Jeremy Taylor. The biographical memoir prefixed to the volume, from the pen of the editor, the Rev. T. S. Hughes, is highly interesting. It contains a very comprehensive account of the life and works of this celebrated divine, as well as a judicious estimate of his extraordinary talents, as an author and a preacher. Popular as the preceding volumes of the "Divines of the Church of England" have been, and valuable as the works of Sherlock and Barrow unquestionably are, we predict that the present series will become far more popular, from the fame of the great divine whose works will be placed in the hands of the public in a form at once elegant and cheap. Mr. Valpy deserves great praise, and still greater encouragement, for commencing and carrying on the present undertaking. We wish him every success in his spirited enterprise.

Imprisonment for Debt.—The Liverpool Mercury, in noticing the late Act of the Legislature of New-York, for the abolishment of Imprisonment for Debt, remarks as follows:—

"We trust that ere long, this excellent example will be followed in our own country. Under the present system, the incarceration of an honest debtor may be, and too often is, attended with the most destructive consequences to himself and his family, whilst to the fraudulent one, who can live in prison on the fruits of his spoil as comfortably as he can out of it, the punishment is wholly inadequate. The subject will probably be one of the very first to engage the attention of a reformed Parliament.

Population at different Periods.—There are some singular facts connected with a review of the population returns during the last 130 years.—For instance, in 1700, the county of Middlesex contained 624,000 souls; in the course of the following half century they had not increased to more than 641,500: in the fifty years succeeding (viz. from 1750 to 1800) they had rapidly risen to 845,400; and during the twenty years which elapsed between 1800 and 1820, they have grown to no less than 1,167,500, which gives an average increase of 16,105 inhabitants per annum. But the augmentation in the population in the county of Lancaster has been still more rapid and extraordinary. It appears that this county had no more than 166,200 souls in the year 17,000; fifty years afterwards we find them stated at 290,400; but in 1800 they had attained to 695,103; in 1810 to 985,100, and in 1820 to 1,074,000! The two smallest counties in England seem to have least participated in this increase of human beings, for we observe that in Huntingdon the number was 34,600 in 1700, and not more than 49,800 in 1820; whilst in Rutland they were 16,600 in the year 1700, and the number did not exceed 18,900 in 1820.

Population Returns.—Judging from the returns already made, the result is likely to throw the Malthusians into convulsions, for every where the increase is amazing. They may take comfort, however, in the consideration that an increase in the number of the people has been followed by an improvement in their condition. The following is the result of some of the returns:—

| | *Population in* 1831. | *Inc. since* 1821. |
|---|---|---|
| Manchester, and suburbs, | 233,380 | 75,000 |
| Liverpool, 163,000, Suburbs included, upwards of | 200,000 | —— |
| Birmingham, | 145,000 | 40,000 |
| Sheffield, | 55,000 | 12,843 |
| Hull, | 46,540 | 12,093 |
| Bolton, | 41,285 | 9,890 |
| Oldham, | 32,492 | 10,830 |
| Blackburn, | 27,091 | 5,125 |
| York, | 26,777 | 4,248 |
| Stockport, | 25,469 | 3,743 |
| Cheltenham, | 23,045 | 9,657 |
| Wigan, | 20,774 | 3,058 |
| Huddersfield, | 19,035 | 5,751 |
| Worcester, | 18,442 | 1,505 |
| Warrington, | 16,018 | 2,448 |
| Bury, | 15,860 | 5,277 |
| Halifax, | 15,376 | 2,748 |
| Wakefield, | 12,258 | 1,494 |
| Lancaster, | 11,563 | 1,419 |

Statistics of China Proper.—There are in China Proper, exclusive of Tartary and the dependent provinces, 15 provinces, containing an area of 141,479,126 souls, an annual revenue of £11,649,912, and a military force of 1,182,000 men. The average rate of taxation per head is £1, 7s. 2d. nearly; the average of inhabitants is 103 to the square mile.

*From the Glasgow Herald, June 14.*

COURT OF SESSION.—20th MAY.

William Ewing, &c., Pursuers and Claimants, *v.* Wm. M'Gavin, &c.; Raisers and Defenders.

Subscriptions—Charity, Public—Committee of Management, Powers of—Held, I. That individual subscribers to a charity were not entitled to interfere with the committee appointed to manage the money subscribed, whilst in the act of applying it to the object for which it was contributed.—II. That whilst the object for which the fund was raised continued, the subscribers had no right to retract their subscriptions, or insist on their being applied to other purposes.—III. That individual subscribers had no right to interfere between the committee and the treasurer of that body.

In 1825, a fire broke out in the forests of Miramichi, in the province of New-Brunswick, and involved the colony in great distress, by the loss of life and health, and the destruction of property. With a view to relieve the sufferings of the inhabitants, large sums of money were collected by public subscription, in various parts of the British Empire. At Glasgow, on the 22d November, 1825, a public meeting, at which the Provost presided, was held, and upwards of £1100 was subscribed. The meeting unanimously passed the following resolutions:—

"That it appears by various accounts received from Miramichi, in the province of New-Brunswick, that a dreadful fire visited the inhabitants of that quarter in October last; and although the extent has not yet been ascertained, there can be no doubt that it must have been attended with a melancholy loss of lives and destruction of property: That, contemplating the case of the unfortunate survivors, bereft of their natural supporters, destitute of food, clothing and houses—many of them sick and mutilated,—most of them deprived of the means of honest industry, with the prospect of an inclement winter, and a fear of a scarcity of provisions,—there must be a scene of great and general distress: That the sufferers are not only our fellow-subjects, but, as wood-cutters, have been the instrument of supplying the wants of the country, and extending the commerce of this port: That the appeal, therefore, which has been made to the benevolence of the public is well founded,—and that, in concurrence with other places, a general subscription ought to be raised in this city: That a committee be requested to act, for the purpose of procuring the necessary funds and superintending their strict application to the relief of the proper objects."

To manage the fund subscribed, a Committee was appointed, consisting of sixteen gentlemen, who nominated Mr. M'Gavin, agent for the branch of the British Linen Company at Glasgow, to act as their treasurer. Of the sums collected in Glasgow, £700 were remitted to a Committee resident at New-Brunswick, and distributed among the sufferers. Upwards of £600 remained; and the Glasgow committee met on the 30th January, 1829, and a majority resolved to take up the funds in their treasurer's hands, and to transmit them to the Miramichi committee, for similar distribution, as they should think fit. Notice to this effect was given to Mr. M'Gavin, their treasurer; and he having delayed to comply with the request, an action of count, reckoning and payments, was instituted against him by the Glasgow committee. In defence, Mr. M'Garvin maintained—I. That he was not in safety to pay over the money to the committee, in respect that several of the committee were of opinion that the objects for which the fund was subscribed had been accomplished, and, therefore, as the distress at New-Brunswick had been alleviated, that the money ought not to be remitted for that purpose, but that it should be paid over to the Pictou Academical Institution, or for the purpose of endowing schools at Miramichi.—II. That a number of the original subscribers had addressed to the defender a mandate, ordering the proportion of the funds in his hands, belonging to them, to be paid over to the said institution.—III. That in these circumstances, the defender had, with a view to his exoneration, raised an action of multiplepoinding before the Sheriff of Lanarkshire. The pursuers in the count and reckoning having lodged a claim in the multiplepoinding, then brought it up to the Court of Session *ob contingentiam.* The trustees of the Pictou Academy, M'Gavin the treasurer, and a minority of the Glasgow committee, and several of the original subscribers, pleaded—I. The subscriptions were made for a specific purpose. The object of the subscribers having been accomplished, the committee, who merely acted as trustees, are bound to repay the surplus to the subscribers, or to apply it in the way they shall direct. The distress must have ceased, as appears from a letter of the Rev. James Thomson; for he requests some of the money to endow schools, but says nothing of misery still existing among the inhabitants from the fire, though three months thereafter he writes a contradictory account, which is founded on by the Glasgow committee.—II. The relief meant to be afforded was temporary. The committee have allowed the balance of the fund to lie for three years, without employing it for the purposes for which it was destined. This is a strong presumption that the distress is at an end.—III. The committee having differed as to what were the views of their constituents in regard to the application of the said balance, it was the duty of the majority to have consulted their constituents, by calling a general meeting of the subscribers.—IV. The funds pertaining to the proportion subscribed by a minority of the committee, and by several of the original subscribers, have been assigned to the trustees of the Pictou Academy, who are therefore entitled to pursue. Answered I. The fund was irrevocably placed in the hands of the committee (a majority of whom are now acting), for a specific purpose, which has not yet been accomplished; so that none of the contributors have any right to demand that the fund shall be paid to them, or applied to other purposes than that for which it was destined.—II. The distress has not yet been relieved, as appears from the document now in process, dated at Miramichi, 18th August 1829, subscribed by the High Sheriff, the Rev. James Thomson, and various other clergymen and respectable persons in the colony.

Lord Fullerton pronounced this interlocutor and note:—"The Lord Ordinary (5th February, 1831,) having heard parties' procurators on the closed record in the conjoined actions: In the count and reckoning decerns against William M'Gavin for the sum of £642 7s., being the admitted amount of the subscription in his hand, under deduction of the expense of collection, with interest at 2½ per cent. from the 30th day of May, 1828: And in the multiplepoinding, prefers the pursuers and claimants, William Ewing and others, to the fund *in medio*: Finds them entitled to expenses; and allows an account thereof to be given in, and to be taxed by the Auditor.—Note.—The action of count and reckoning and payment, is brought by the committee, appointed to receive and superintend the application of the subscription in aid of the sufferers by the fires in Miramichi. It concludes against Mr. M'Gavin, the secretary and treasurer appointed by that committee, for the balance of the subscription in his hands. The action of multiplepoinding was raised by Mr. M'Gavin in consequence of the pretensions of several of the subscribers, or the assignees of these subscribers, to get back their subscriptions, on the ground that the object of the subscription had been fully accomplished. The claimants in the multiplepoinding are, on the one hand, the pursuers of the action of count and reckoning, and, on the other, the trustees of the Academy at Pictou, who hold assignations from several of the original Subscribers. The Lord Ordinary thinks, that when subscriptions are made for a charitable or any other legitimate purpose, the committee appointed to receive and apply those subscriptions must be considered in some measure trustees for the accomplishment of that purpose, with large discretionary powers in the election of the individual objects included in it; and he holds it to be quite clear, therefore, that subscribers are not entitled, after payment to the committee, to retract their subscriptions as a matter of right. On the other hand it is possible that cases may occur in which there is such clear and absolute evidence of the non-existence of any objects falling under the scope of the subscription, as to warrant a demand on the part of the subscribers for a division of any balance remaining unapplied in the hands of the committee. But the present is certainly not such a case. In the subscription papers, the contributions were made 'in aid of the sufferers by the late fires in the province of New Brunswick;' and nobody can well doubt, upon considering the nature and consequence of such a calamity, that, however large the contributions in other quarters may have been, there must still be cases of suffering and distress falling within the scope of the subscription, and the limits of the discretionary power vested in the committee; and, if any confirmation of this were necessary, it is to be found in the paper signed by the High Sheriff, and various other respectable persons in the colony. In these circumstances, whatever right individual subscribers may have to inquire into the objects to which the committee proposes to apply the balance, and to object if these objects are truly foreign to the proper objects of the subscription, it is clear they cannot interfere between the committee and the treasurer appointed by that committee, upon the general allegation, and the offer to go to a jury on the point, that the whole distress occasioned by the fires at Miramichi had been relieved. But that is the only question here; and the Lord Ordinary thinks it must be decided in favour of the committee, merely demanding the balance of the subscriptions from the party appointed by themselves to hold those subscriptions, until they found it convenient to apply them."

The minority of the Glasgow committee and the subscribers having reclaimed,—at advising,

The Lord Justice-Clerk saw no difficulty in the case. The resolutions were exceedingly broad. They proposed to relieve distresses caused by calamities of a most unparallelled extent. He would give full credit to the document, dated 18th August 1829, founded on by the pursuers. It was written evidently with a view to correct erroneous apprehensions which had gone forth, that the alleviation of the distress had been completed. This document was signed by the High Sheriff of the county, and other respectable men. The defenders say, that they do not wish to re-pocket their subscriptions. What do they wish, then? Why, to contribute the money to the Pictou Academy. This was clearly a deviation from the object for which it was subscribed. Had the committee chosen to have given it away for any such purpose, the subscribers would then have been entitled to have called on them to return the money. But the committee were desirous of applying the fund to the purposes for which it had been contributed. In the destructive fires, many individuals must have been mutilated, and they had a claim to relief whilst a farthing of the fund remained. He would adhere to the Lord Ordinary's interlocutor.

Lord Meadowbank observed, that the Lord Ordinary had most clearly pointed out in his interlocutor the legal principles which ruled the case.

The other Judges concurred—and the Court unanimously adhered.—*Scottish Jurist.*