of Commons? There is none. Whence, then—by what authority, and from what source, do they derive the power which they have exercised on the present occasion? I am given to understand that it is by *analogy* to the House of Commons and the Assemblies of other British Colonies—that is, because the House of Assembly is the representative branch of the Local Legislature, it is therefore *necessarily* invested with all the privileges and powers acknowledged to belong to the House of Commons, as well as the customs and usages of the Houses of Assembly of other colonies. I myself have heard not only this doctrine, but that even of the power of inflicting corporal punishment broadly asserted by members of the House of Assembly. Let us examine into it. This colony is one of those provincial establishments, the constitution of which, according to Blackstone, "depend on the "respective commissions issued by the crown to the Governors, and "the instructions which usually accompany those "commissions, under the authority of which Provincial Assemblies are constituted with the power of "making local ordinances not repugnant to the laws "of England." So far then our Assembly is not equal in power, even within this colony, to the Imperial Parliament, to which it, as well as all other Legislatures in the Queen's dominions, is subordinate—whose constitution is as yet liable to alteration by the Sovereign Power which granted it, and whose existence may, by an Act of Parliament, at any time be terminated. Again, our House of Assembly does neither by itself nor in conjunction with the Council form a Court of Record; neither do the Council and Assembly together, nor does either separately, form a Court of Judicature; nor does it possess the power of impeachment—one of the highest powers of the House of Commons, which may consequently commit even for a crime in order to an impeachment. The House of Lords, as is well known, is the highest Court of Record, and possesses supreme appellate jurisdiction within the realm: but does the Council of this island—the Upper Branch of the Legislature—in the least respect whatever, exercise analogous powers?—and yet the powers and privileges claimed to be exercised by the House of Assembly on the present occasion should, *for the like reason*, apply equally to the Council, from its analogy to the House of Lords. It is true there are here three branches of the Legislature, in imitation of the British Parliament, and somewhat similar forms of procedure in the passing of Bills are observed, but beyond this it is absurd to talk of analogy where there is no resemblance of origin, constitution, or powers. Indeed it is not long since the executive government, upon view of the style of *Parliament* which the Legislature had arrogated to itself, disallowed the title as wholly inapplicable; and if under the name *Parliament* our Assembly might have claimed to exercise the powers of the Imperial Parliament, this act of the Government has prevented them doing so.

"And here I will refer as conclusive upon this subject to the opinion of Lord Camden—a lawyer of the highest learning and ability, who was successively Attorney General, Chief Justice of the Common Pleas, and Lord Chancellor of England—one who it is well known favoured popular claims and during the war of the revolted American colonies, sided with colonial pretensions. Speaking of the exercise of rights by the Colonial Assemblies, as supported by arguments drawn from the exercise of the like rights in the House of Commons, he says—"The constitution of the two Assemblies (that is, of the House of Assembly and the House of Commons) differ fundamentally in many respects; our House of Commons stands upon its own laws, the *lex parliamenti*, whereas Assemblies in the Colonies are regulated by their respective *charters, usages* and the *Common Law of England*, and will never be allowed to assume those privileges which the House of Commons are entitled to justly here, upon principles that neither can nor must be applied to the Assemblies of the Colonies." And again he says—"In this disposition of the Lower House to assume to themselves any privilege which the English House of Commons enjoy here, His Lordship (Lord Baltimore) should resist all such attempts where they are unreasonable, with firmness, and should never allow any encroachments to be established *on the weight of that argument singly*; for I am satisfied that neither the Crown nor the Parliament will ever suffer those Assemblies to erect themselves into the power and authority of the British House of Commons."*

Let us now enquire into the legality of exercising the power of punishing summarily by imprisonment for contempt, as in the nature of breach of privilege upon the ground that a similar power is exercised by the Legislatures of other Colonies. The constitutions of these colonies, as has been shewn, are not all alike, but depend upon the terms of the respective Commissions under which they were granted, and, indeed, those of the old American colonies were greatly dissimilar to each other. In some of them the Councils at least were Courts of Record possessing various powers of judicature; but if in any of them (Nova-Scotia for instance) the power of punishing by imprisonment for breach of privilege is exercised by the House of Assembly, it is not necessarily because the House of Commons exercise the same power, nor of any inherent right in the Assembly to exercise such power. It may be that in such colony they originally enacted and declared by a Law what the rights and privileges of the several branches of the Legislature were, and conferred upon them the power of punishing summarily for a breach of those privileges. The most probable foundation for the exercise of such a power is long practice, not questioned in the first instance, and after lapse of time and repeated exercise grown into an usage, and recognised perhaps by the Courts of Law. If so, such power becomes to be, as regards such a colony in some respect part of the law of the land. But will any one say that such an usage can be pleaded as having any force in this colony, and that if it have even grown into Law in the colony where it obtains it can be said to be the law of this Island a whit more than their Statute of distributions, or for the release of dower, or any other act of the Local Legislature of such colony, can be held to be in force as the law of this Island?

It is laid down in the books of authority that the decisions of the two Houses of Parliament, in cases in which they are admitted to be the sole competent judges, are *fitly governed by usage* and *controlled by precedent*. But how can the House of Assembly here, whose existence commenced scarcely six years ago, be said to be governed by *usage* or controlled by *precedent* in the present case, as to which manifestly neither usage nor precedent exists? If it is to the usages and precedents of the Imperial Parliament, or those of other Colonial Assemblies, they refer, certainly they do not understand the meaning of the terms.

But if the House of Assembly on the first occasion upon which they choose to exercise a power of imprisonment, consider themselves invested with it because the House of Commons exercise the same power, then are they equally entitled upon the same ground and for the like reason to *all* the powers and privileges of the House of Commons, for the rule by which they claim forbids them to choose some powers and privileges and reject others—they must take all or none—and if in addition to the *lex et consuetudo parliamenti* they are at liberty to call and choose from among the customs and *usages* of other Colonial Legislatures all such as in their judgement are desirable and convenient, they would be I fear a much more powerful body than the Imperial Parliament itself, or, indeed any other known to the British Constitution.

That the House of Assembly here are invested with some privileges as incident to their condition, I do not mean to deny: but of these I do not desire to constitute myself the arbiter—nor is it of importance on the present occasion that I should define what and how extensive they are, but it is my duty, and an imperative duty, to take care that they arrogate no privileges and exercise no powers, unless they be beyond question entitled to do so, which may interfere with the undoubted privilege—the dearest birthright of every British subject, recognized and confirmed by Magna Charta, "that no man shall be imprisoned but by the *lawful* judgement of his peers, or by the *law of the land*,"—secured also by the statute of the 28 Edward 3d, which enacts that no man shall be put out of land or tenement, nor *taken or imprisoned*, nor disinherited, nor put to death, without being brought in to answer *by due process of the law*." It has been shewn in argument, as it is laid down by the highest authorities, and is clear law, that a statute made in the affirmative, without any negative expressed or implied, doth not take away the Common law—much less then shall a man's liberty, of which our laws are so tender, be restrained by *implication or analogy*.

The Courts of Record in England exercise and always have exercised the power of commitment for contempt, which power is part of the Law of the land, and the Superior Courts of this colony also possess the like power, but it is by virtue of an express Act of the Imperial Parliament, and this power of the House of Commons, to commit for a like offence originates, among other sources, in its being part of the highest *Court of Record in the Realm*, whose powers and privileges were originally assigned by Statute, and have been sanctioned by immemorial usage;—for as Lord Ellenborough says, "there is no pretence for treating the privileges of the House of Commons, as some persons have treated them, as things of a novel origin and constitution beginning within the time of legal memory, and standing upon no authority of prescription or Statute." But can it be shewn that there is in force in this Island any negative Statute, any law or usage whatever which would, in defiance of Magna Charta and the 28 Edw. 3, interfere with the liberty of the subject in the mode now under consideration? If it be said that the King's commission, which called the Assembly into existence, if it even contained express words to that effect, could grant such a power, I deny it:—for the King can no more make a Law than either branch of the Legislature individually. If it be said that it is *necessary* to the House of Assembly to possess the power of punishing summarily, as for a breach of their privileges, (whatever these privileges may be assumed to be) as the House of Commons do, I deny it also. They are entitled, and I will, admit particularly entitled to protection in the due performance of their functions, but the Laws of the land are equally open to them as to every other lawfully constituted body, and amply sufficient to punish all offenders against that freedom and protection to which they are entitled. Their sittings are not necessarily open to the public, though it is most desirable they should be, but certainly they of all public bodies should know how to preserve order and decorum in their meetings, and of all public bodies would undoubtedly have the fullest aid of the constituted authorities to protect them. If, then, the power of imprisonment is not *absolutely necessary* to them, it cannot for any other reason that I can discover, if indeed it could possibly upon this one, be said to be *inherent* in them (as some would have it) any more than the power of impeachment or any other of the extraordinary powers of Parliament is inherent in them.

But let us look at the present case, for we cannot shut out the whole facts of it as disclosed in the affidavit before me, and it plainly appears that, without defining what their privileges are, the Assembly assume the power of adjudging and determining at pleasure upon any act committed by an individual which they may consider to be a breach of privileges and this too without permitting the person accused, or his witnesses, to be parties to the investigation, when the offence complained of was denied. Here at least the House of Assembly have not conformed to the practice of the House of Commons, who invariably call on the offender to admit or deny the charge and disprove it, if he can. My duty now, however, is not to pronounce upon the merits of the complaint, but upon the legality of the punishment with which it has been visited.

Again, this power of vindicating what they assert to be their privileges by summary punishment cannot, according to the same rule by which they claim to exercise it—*i. e.* the law of Parliament, in any manner be drawn in question, nor can the party imprisoned obtain redress by or in any Court in the Queen's dominions. And yet such absolute powers as these are claimed to be exercised by a body, not being a Court of Record—scarcely six years in existence—consisting of but fifteen individuals, of whom six only form a quorum—eligible upon a qualification which in England would not entitle them to vote for a member of Parliament—without the sanction of any law, usage, or precedent—and having other abundant means of protection and redress but merely because the House of Commons, forming with the House of Lords the Supreme Court of the Realm, and consisting of several hundreds of the most eminent men in the nation for talent, learning, wealth, and influence, exercise similar powers and privileges, originally assigned to them, by a positive statute, and sanctioned by immemorial usages from the remotest ages.

I am sworn to do equal law and execution of right to all the Queen's subjects, rich and poor, without having regard to any one; and as I find the law so will I to the best of my ability administer it. We live, thank God, under a system of laws the boast of the civilized world, and the best bulwarks of British freedom, which will not permit the liberty of any subject of the Crown to be restrained upon light or trivial grounds; and while there is no man more chary of the just rights and privileges of any of the constituted authorities than I am, no man will be more forward in enforcing, so far as lies within my province, those laws which hedge round and secure the liberty of the subject, and which are the chiefest supports of the freedom of the state.

I shall now consider, as the last point, the validity and sufficiency of the warrant set forth in the return to the *Habeas Corpus*; and here I will say *in limine* that if the House of Assembly do really possess the powers which they claim to exercise equally with the British House of Commons, the warrant of the Speaker (provided it discloses a sufficient ground of commitment) ought not to be scanned with that critical nicety as to technicalities which are requisite to the validity of other commitments. But, admitting, for argument sake, that they have the same authority with the House of Commons to direct their Speaker to issue his warrant in such case as this, does this warrant disclose a sufficient ground of commitment? In my judgement it does not. The prisoner is not stated to have been adjudged by the house to be guilty of any offence—for the proceeding of the House is in the nature of a judgement, or it is nothing—nor does it recite any order or resolution that the party should be committed for the offence, and that the Speaker should issue his warrant to the Sheriff accordingly.

But having shewn that the House of Assembly is not a Court of Record, that it does not possess the powers which it claims to exercise by virtue of any law, usage or precedent, upon no one, in short, of the grounds or authorities by virtue of which the House of Commons exercise such a power, let us see whether, under these circumstances, there is anything in this warrant which gives it any efficacy; for in a warrant which is to take a man's liberty nothing is to be inferred but what the words themselves fairly and strictly impart. A warrant, then, must be in writing and made by a person having competent authority. It must be under seal: without this the commitment is unlawful, the gaoler is liable to false imprisonment, and the wilful escape by the gaoler, or breach of prison by the prisoner, makes no felony.* A warrant committing one in execution (which is the case here) must state that the party has been convicted.† And it must be for a time certain,§—and should set forth clearly the authority under which it is made.‖ In all these essentials this warrant is utterly defective.

Had I entertained doubts only that this warrant was issued by a Court of competent jurisdiction, it would still have been my duty to see that it was in form and substance legal and valid for the purposes for which it professed to be issued; for the Queen's Bench upon a *Habeas Corpus* will examine into the commitment of a party for contempt by any other Court of Law having competent authority to commit, and will discharge the prisoner if the process of such Court be irregular, though the judgement upon which it is issued be unquestionable; but under all the circumstances having no doubt of the want of authority in the Assembly, it is the more imperative upon me to pronounce upon the legal sufficiency of this warrant.

When powers and privileges affecting the liberty of the subject are for the first time arrogated by any man or body of men, who claim also to draw in question and pronounce definitively upon any act which they may deem to be a breach of those privileges, and to punish for the same by their own authority as they may see fit, it especially behoves those who administer the laws to take care that no one is subjected to such punishment, unless to be clearly warranted by the *law of the land*. And if the power which has on this occasion been exercised can be shewn to be warranted by the law of the land, and to be unquestionable in any other Court, then I say, and with every deference, that such a power is of all others the most liable to be so abused, as to render the liberties of all who dwell in this portion of the British dominions dependent upon as frail a tenure as those of the subjects of the most despotic government in the world.

As I have already said, the powers which the Assembly have claimed to exercise upon this occasion are not *necessary for them*, and the laws of the land are abundantly sufficient for their protection—but if it be considered that the omnipotent powers which they have arrogated are necessary, then let it be so declared and enacted by the legislature. Until, however, I can satisfy my mind that the laws of the land now in force give them such powers, I shall at least withhold my sanction from them.

* Chalmer's opinions.

*1. Hale, 583. †6. T. R. 509.
§6. B. & A. 864. ‖ 2. Haw. c. 16, 13.

Summary.

Success of Shipping Companies in the North of England.—The *first* company established in the port of Stockton, was called the Union Shipping Company. It was formed in 1822, and at its commencement the capital was small, but is now £12,000. This company has paid 50 per cent. for the three years ending December 1835, being on an average 16 1-2 per cent., notwithstanding the loss of a vessel which has been replaced. The *second* was established in 1834, and called the Commercial Shipping Company; and in a note from the manager, dated Jan. 20, 1835, the following passage occurs:—"The committee have great pleasure in stating to the proprietors, that the profits have exceeded their expectations. The amount of the subscribed capital is £2,925, whereof £2,105 has been invested in three vessels, which have been fourteen voyages, and cleared the sum of £454 11s. 5d., being at the rate of 21 per cent. for the time they have been employed, averaging about five months. Since this note was written, the capital has increased to £12,000. The *third* was established in 1834, and called the General Shipping Company. This was commenced with a small capital, which has been increased to £20,000, and 31 per cent. has been paid from the commencement to January 1836. The fourth was also established in 1834, and called the York and South Durham: and at a meeting of the shareholders, held on the 24 February, 1836, a report was presented by the directors, together with an abstract of the accounts, by the auditors, exhibiting a net profit of £1,692 10s. 8d. upon the past year. A resolution was then passed as follows;—"that the abstract of the account presented by the auditors be received and adopted, and that a dividend of 15 per cent be declared, to be paid out of the profits within one month and that the further sum of £342 10s. 8d. (being about 4 per cent) be reserved towards forming a guarantee fund. It will be seen, that at this date these companies were scarcely formed, and yet each of them had paid about 21 1-2 per cent. on an employment of the vessels for five months. From the accounts since published by these companies, it appears that they have been most prosperous, and are likely to continue so, having paid large dividends and laid by guarantee funds.—*Tyne Mercury.*

All the world has heard of Wall's End coal; but all the world does not know what this designation implies. It means simply this. At the end of the Great Roman Wall—about three miles below Newcastle, to the East—some fortunate proprietor or proprietors, not many years ago, found a remarkable fine vein of coal, which bore down all competition, and which seemed as inexhaustible in quantity as unrivalled in quality. Demands of great extent came from all quarters—and I learned while at Gateshead, that it was only just now exhausted; but another vein, in a contiguous quarter, promises to be equally excellent and abundant.—*Dr. Dibdin's Northern Tour.*

The revenue of the Liverpool Post Office now exceeds £100,000 a-year; when the present Postmaster was appointed it was no more than £11,000; —such is the importance and increase of commerce in that port.

Paris, with a population of one million, has eighteen daily papers, the average sale of which amounts 72,000 copies per day, while London, with a population of a million and a half, has only ten daily papers, with a sale of about 44,000 per day. Taking the number of newspapers sold in every country as a criterion of the state of education, Spain surpasses all the European States in ignorance. We believe the criterion is tolerably correct. We have seen in some French paper a list of the number of Newspapers published in Europe, and in that list Spain stands at the very bottom, having had some years ago not more than twelve newspapers for a population of twelve millions. But Spain exhibits many remarkable features, and is at the bottom of the list in many other respects. No nation stands so low in point of national credit, patriotism good government, or humanity. Durango decree and the cruelties committed in retaliation by the Christinos, mark her, in the latter respect, with indelible characters. We know not how the Church stands now, but a few years ago it was the richest in the world. The richest Church, and the most debased people, form lamentable contrasts.

Sheerness, Aug. 29.—H. M. steam frigate Gorgon received orders last evening to proceed to the Little Nore, where she now remains waiting for orders. She has taken only 250 tons of coals, and owing to her heavy draught aft, her after coal boxes have not been made use of. Her spare machinery, formerly stowed in midships, has been shifted chock forward to assist her draught aft; her main deck ports aft, are caulked in, and her rudder hole in her counter is about one foot out of the water. All parties here are much disappointed in her buoyant qualities, or rather her deficiencies.

August 23.—Launched from H. M's. dock yard at this place at 1 45 P. M. this day, H. M. steam ship Acheron, she is of the following dimensions, length between the perpendiculars 150 feet, keel for tonnage 128 feet 8 inches, extreme breadth 32 feet 9 inches, for tonnage 32 feet 4 inches, moulded 31 feet 11 inches, depth of hold 18 feet, register tonnage 720 tons; she is without exception the finest specimen of naval architecture we have ever seen, she was built under the superintendence of John Fincham, jun., Esq., assistant builder at this yard; her form is perfect symetry, and the workmanship beautifully and substantially executed. She was named in fine style by Miss Otway. The dock-yard gates were open to the public, a large company assembled, every possible accommodation was given, the dock yard band was in attendance and the weather very favourable. At 1 45 P. M. the dog shore was knocked away, and in two seconds she glided majestically into that element on the surface of which the British flag has been borne to every part of the habitable globe.

Portsmouth, Aug. 21.—There is a report here that the Cornwallis, 74, the flag ship of Sir Charles Paget, in the West Indies, is ordered home from Quebec, to complete her complement of seamen reduced by volunteers for service on the Canadian lakes.

An amicable treaty has just been concluded between France and Tripoli. There are nine conditions or stipulations in this important document; *one only* of which we deem it necessary to give, and that we do because it contains in its spirit and essence all the elements that stamp the distinction between *man* and *brute*. Ponder it, reader, and then say if we are not right.—

The Dey for ever abolishes the slavery of Christians in his states. All the Christian slaves who may exist there shall be set free. The Dey engages to indemnify the proprietors and to make no more slaves, or to allow this to be done in future by his subjects. If the Dey hereafter shall be at war with another state, the soldiers and sailors who may fall into his power shall be treated as prisoners of war, according to the usages of European nations, and the passengers, non-combatants, shall be immediately liberated without ransom.

Communications.

[FOR THE CHRONICLE.]

Mr. Editor,—In your last publication of the 12th inst. I have read an article said to be a "Militia General Order," and dated 4th inst, in which it is stated that I have preferred an accusation against my Commanding Officer, which I have failed or declined to substantiate, and that "His Excellency in consequence considers it for the good of the Militia service that I should be discontinued, in my present rank as Lieutenant of the City Rifle Battalion." Quere—how discontinued? Cashiered? No. Commission cancelled? No. What then?—As sir, this may puzzle some of your readers as much as it has me, I will endeavour to throw what light I can on the subject, "for the information of the Militia Forces of the Province." I will start with stating that a *General Standing Order*, was issued by Sir Howard Douglas, (who really had at heart the interest of the Province,) that all promotions of Commissioned Officers of Militia should take place according to seniority, unless it could be satisfactorily shewn that the Officer entitled, was an incompetent person. This Order has never been rescinded; and I believe has been generally acted upon, by Officers commanding Battalions, throughout this Province. An attempt to infringe this Rule was made a few years since, in the second, now the Rifle Battalion, by the introduction of a person from another Battalion, as Adjutant. This innovation was resisted by the Officers, a meeting of whom was held for that purpose, and a Committee formed, of which I was one; we waited upon Colonel Ward, and informed him that they had unanimously resolved to throw up their Commissions unless he would pledge himself to adopt the course laid down in the *General Standing Order*, viz; That all promotions should be made according to seniority. Colonel Ward did pledge himself to that effect, and the consequence was, a removal of the objectional appointment, and the appointment of a Gentleman, then an Officer of the Battalion, who now holds the situation. Subsequently, an Artillery Company was raised out of the Battalion, and Lieut. Foster joining it, he was placed below two other Gentlemen junior to him. This was very properly remonstrated against by Lieutenant Foster, and after a great deal of manœuvring and deploying, it was satisfactorily rectified. Then comes my own case;—Lieutenant T. B. Millidge, previous to his leaving this Province, was Lieutenant of the Rifle Company, and was at that time my senior; but on his departure, he was regularly superceded, and Mr. James Nethery appointed to fill the vacancy, and as a matter of course, according to Military usage, must on his again joining the Battalion come in as a junior officer. About four years after, Mr. Millidge returned to this city, and was again attached to the Rifle Battalion, when strange to say, yes! passing strange indeed; he was not only re-appointed to his former Rank, but to his former date of Commission. Now I would put the question "in a quiet way," can a precedent be shown for this extraordinary proceeding? or can it for a moment be supposed that it would have happened in this instance, had not Mr. Millidge been a family connection of Colonel Ward? Will any one be kind enough to inform me if the Colonel kept his pledge in this instance? He has been pleased to say that the re-appointment in this odious and unprecedented way, was an act of the Governor, over which he could have no controul. *Halt* and *dress* Colonel, and allow me for once to call my commanding Officer to *attention!* Did you not at one period of your Military career, throw up your commission because the Commander-in-Chief permitted Captain Sandall to retire with his rank without consulting you? If on that occasion you were so tenacious of your prerogative, I trust you have not retrograded in points of honour, since that period.—I am convinced you have not, and must therefore conclude that it was strictly in accordance with your recommendation, that this extraordinary, and extra odious re-instatement of Mr. Millidge was made. This fact considered I leave the public to judge in how far you have redeemed your pledge to the Officers under your command, and in how far I was justified in complaining to the Commander-in-chief of your conduct. With respect to the proceedings had on the occurrence, I can only say, that from the commencement I saw clearly that I was precondemned, and that however clear I might make my view of the case, it would avail me nothing. In my first Letter from his Excellency, I was requested to explain more fully: In the 2d, I was informed that I could have no redress; and in the 3rd, that because His Excellency *thought* my charges not fully substantiated, I was discontinued. Shades of my fathers! wherefore contended ye for freedom?—The Judge *thinks* the accused guilty—he dispenses with the old fashioned and cumbersome system of Evidence, Trial, and Jury; and condemns him; Why? because he thinks him guilty. However, I do not attribute the whole blame of the *thinking* system to Sir John Harvey. I think, for it is now *my* turn to think, that he has been ill advised. I know his advisers, and they have reason to know me. Perhaps some of the old sores inflicted in former wars, are not yet healed. In reference to the Court of Enquiry, set forth as so equitable and ample a means of my obtaining Justice, I have to remark, that His Excellency (as far as I can learn) has no power over the Militia forces, other than he derives from the Province Law, which Law points out but one way in which a Militia Officer can be dismissed; and that one way is by General Court Martial, to which I hold myself amenable, whenever His Excellency shall deem my conduct worthy such a tribunal. I will state however that I had the fullest confidence in the gentlemen composing the Court of Enquiry; but the thing was in itself illegal. To confess the truth I have no relish for hole-and-corner meetings. I want a clear stage, and no favor, just such a one as the Law points out,—*a General Court Martial.*

I beg to subscribe myself,
your obedient servant,
JOHN HOOPER,
Lieutenant of the City Rifle Battalion.

THE CHRONICLE.

ST. JOHN, OCTOBER 19, 1838.

The arrival of the steamer Royal William at New York has furnished Liverpool papers to the 20th of september, and from which we have made various extracts.

The English Mail by way of Halifax, arrived here yesterday morning bringing Falmouth dates to the 8th of september.

Inquest.—On the 2d inst. a Coroner's Inquest was held at Dorchester, by Andrew Weldon, Esq. on view of the body of Hugh Clarke, who was knocked overboard from the schooner *Russel*. Verdict "Accidental death by drowning."

A fine ship of 645 tons, was launched from the ship yard of Mr. George Thomson, in Portland, on Monday last; she is called the *Commerce*, and belongs to Mr. John Walker.

From the Royal Gazette.

IN THE SUPREME COURT.

Michalmas Term, 2nd. Victoria.

Thursday, 11th October, 1838.

Charles Gallagher, Gent. one of the Attornies of this Court is called to the bar and admitted, sworn, and enrolled a Barrister.

Saturday, 13th October, 1838.

Francis A. H. Straton, John C. Allan and John M. Johnson, Junior, Gents, having produced the requisite certificates and having been examined as to their fitness and capacity pursuant to the late rule of Court, are admitted, sworn, and enrolled Attornies of this Court.

Extract from the minutes.

KING'S COLLEGE, October 12, 1838.

His Excellency the Chancellor, having been unavoidably absent on the day of the Encœnia, has directed me to announce the following subject for English Essays in competition for the Douglas Gold Medal of the present year, viz:—

The Nature and Principles of Justice

The prize will not be given for any Essay, unless its author shall have strictly conformed to the provisions of the statute.

E. JACOB, V. P.

LORD DURHAM.

We yesterday morning received the *Quebec Official Gazette Extra* of the 9th inst., containing a Proclamation of His Excellency the Governor General, announcing Her Majesty's disallowance of the first Ordinance, or act of Amnesty, made under His Excellency's administration to provide for the security of Canada.

In this Proclamation His Lordship takes occasion to state his reasons, determining upon a resignation of His office and return to England.

The lateness of the hour at which it was received has alone prevented us from copying this deeply interesting and most eloquent document into the present number of our paper, but it shall appear next week.

The Editor of the *Quebec Mercury*, in publishing the Proclamation thus concludes his remarks:—Though we in common with all loyal and well affected subjects deeply lament his departure, the additional gloom which that event would otherway cast over the prospects of these Provinces is in a measure dispelled by the assurance His Lordship has given, in the concluding paragraph of the document, we this day publish, that he will protect and watch over their interests, in his place in that Legislative body where the colonists of British North America have most needed an advocate, and that as a peer of Parliament when his official connexion with these Provinces shall cease, he will ever be found ready to render efficient and active service when the affairs of Canada shall again come under the consideration of that body.

The Meeting in Quebec for the purpose of presenting an Address to His Excellency the Governor General, was most numerously attended: the numbers were computed at not less than 3,000 who walked in procession, and many more awaited its arrival in front of the Palace.

At the entrance of the Hall of the Assembly the scene baffled description; the jostling occasioned by the eager attempts at gaining admission produced many laughable incidents. At length the Hall was closely packed both on the floor and in the gallery, and hundreds remained without.

The Countess of Durham accompanied by the Ladies Lambton on entering the hall through a passage which had been formed with great difficulty, were received with deafening cheers.

His Lordship having entered the Hall by the door from the Wardrobe, a passage was again, with much difficulty formed and he gained the head of the apartment. On his arrival there he was greeted with the greatest possible enthusiasm.

There is no foundation whatever for the report which has been circulated, that His Excellency the Governor General will resign the administration of affairs in this Province to Sir John Colborne. On His Excellency's departure for England, as a matter of course, the officer commanding the troops will become the Administrator, not in consequence of the Earl of Durham's resignation, but of his absence from the Province. We have heard on good authority, that His Excellency will not resign his various high commissions until after his return to England, and then to Her Majesty from whose gracious hands he received them.—*Quebec Mercury.*

Halifax, Oct. 10.

Lieut. Gifford, of the Medea, Steamer, arrived this forenoon with Despatches to His Excellency the Commander-in Chief from Quebec. He left Quebec in the Medea on Saturday evening last, and landed yesterday afternoon at Pictou. We learn by him that the Inconstant and Andromache were to sail in a day or two for Pictou or this place, for the purpose of conveying either the 23d or 93d Regiment, now in this Garrison, to Quebec. This requisition for Troops, we understand, has been made in consequence of some suspicious movements on the American frontier near Upper Canada His Excellency Sir George Arthur had arrived at Quebec from Toronto, for the purpose of consulting with His Excellency the Earl of Durham on the measures necessary to be adopted for the defence of the Province over which he presides.

The Earl of Durham, we are informed, will leave Quebec on the 23d inst. He will visit the United States, and embark at Norfolk for England in one of Her Majesty's ships.

The Medea may be expected here to-morrow evening. She was taking in Coals at Pictou. She will convey hence the Baggage of the Troops intended for Canada to Pictou, where, we have just heard, the Inconstant and Andromache are to embark the Troops for Quebec.

Letters were received by the Mail yesterday from Quebec, stating that Lt. Gen. Sir John Colborne had received a very flattering Letter from Her Majesty's Government, requesting him to remain in Canada as Commander-in-Chief of the Troops.

HMS. Pearl sailed on Monday at day light for Bermuda; and the Crocodile yesterday afternoon immediately after the arrival of the Mail from Canada. The Skip-Jack will proceed to the same destination after the arrival of the Medea.—*Gazette.*

The Bahama Islands were visited by a severe gale on the 7th, 8th, and 9th ult. All the wreckers were out to assist the numerous vessels which had been either driven on shore or dismasted. HMS. Thunderer, was driven from under Andros, with three anchors, to the Florida reef, where she brought up for three hours, the wind suddenly shifted and she was drove a second time across the Gulf Stream to the Bahama Banks, her anchors holding to her bow—mainmop blown away; the purser died 20th Aug. HM. Ship Sapphe, lost her boats; since leaving Halifax in October last, she has taken four slavers.

Extract of a Letter from a Gentleman in Jamaica, dated August 27, to his Friend in this Town.—"We have now had nearly a month's experience of entire freedom of the negroes. The result hitherto, has been most discouraging; idleness and insolence are the order of the day; when they work they do very little and exact exorbitant wages, indeed much beyond what any property can continue to pay. Even those who are cultivating the cane cannot be relied on to take off the crops, on some properties there has not been a day's work done."—*Halifax Times.*

Quebec, October 3.

From our Montreal Correspondent.

"Montreal, Monday evening, Oct. 1.

"The meeting, at the St. Ann's Market this day, was numerously attended. The first resolution was moved by S. Gerrard, Esq., and seconded by John Boston, Esq. It conveys the sense of the meeting in the integrity of the Earl of Durham's good intentions, and regrets, that the uncalled for interference of the Imperial Parliament has neutralized such intentions.

"The second resolution was moved by T. Penn, Esq., and seconded by Wm. Badgley, Esq. This resolution bewails the intended departure of the Earl of Durham, at a time when his measures had infused such confidence in the minds of the inhabitants.

"The third resolution was moved by the Hon. G. Moffatt, and seconded by C. D. Day, Esq. This resolution strongly recommends an union of the Canadas, and disapprove of the federal connection of the North American Colonies.

"The fourth resolution was moved by Adam Ferrie, Esq. and seconded by H. Driscoll, Esq. This resolution, after describing the calamity that His Excellency's departure will create, strongly recommends that he should not abandon the great work which he has commenced, on account of the paltry proceedings of the Imperial Parliament, but should continue and go through with the task he has imposed on himself.

"The fifth and last resolution was moved by Col. Dyer, and seconded by Thomas M'Adam, Esq. It only went to decide, that a copy of the resolutions be for warded to the Earl of Durham.

"Having been disappointed in receiving a copy of the resolutions, I can only send you the substance from memory. Mr. Thom made a long and able speech in favour of a federal union of the colonies, which was neutralized by the gentlemen who followed. Mr. C. D. Day made a most impressive speech, and so did the Hon. G. Moffatt, both opposed to the federal union.

"An amendment was introduced to the third resolution by A. P. Hart, Esq., that the resolution should not be received, inasmuch as there was no mention made of the subject in the advertisement calling the meeting. After a good deal of discussion the amendment was lost."

Up to the present moment, no authority has been transmitted to the regiments in canada, permitting the enlistment of recruits under any circumstances.—*Quebec Mercury.*

The following is from the Montreal papers of yesterday:—

We have been informed, that His Excellency the Earl of Durham has expressed a wish, that Sir John Colborne should immediately assume the administration of the Government of Lower Canada; and that it is the intention of his Lordship, during the rest of his residence in the Province, merely to exercise his functions as High Commissioner in British North America. Colonel Couper, the Military Secretary of the Earl of Durham, came passenger in the Canada steamboat from Quebec to Sorel, and it is understood that his visit to Sir John Colborne is connected with the proposed arrangements of the Earl of Durham.—(*Gazette.*)

Curious Facts.—Lord Durham's Ordinance condemning the exiles to death should they return to the Province, without leave, is merely a mitigation of two ordinances passed in Special Council on the 4th of May, 1838; the one authorizing the Governor to grant conditional pardons, and the other for the more speedy attainder of persons who have fled from this Province, or are concealed therein. One of these ordinances expressly provides the penalty of death for those returning contrary to the conditional pardon; the other for attainder and confiscation of property for not appearing after proclamation; yet the ordinance in mitigation is condemned, as illegal, and is to be disallowed, while the others remain in force, without one word having been said against them.

We believe the Lower Canada Ordinances of the 4th of May contain the same enactments as the acts of the Lieutenant Governor, Council and Assembly of Upper Canada, passed at the last session, and against them, the lawyers in Parliament, have not said a word.—*Quebec Gazette.*

Montreal, October 3.—Yesterday forenoon, the piece of cannon captured at Moore's Corner on Sunday evening, arrived in town under a guard of of the 15th Regt. in the steamer Princess Victoria. The cannon is an iron long six pounder, mounted on a new carriage, with elevating screw and every thing complete, and in most excellent order. Some rough boards were fixed at the sides and ends, so as to give the carriage the appearance of a cart or waggon, and the space inside was filled with apples. The Missisquoi Standard mentions that the apparent waggon attracted the attention of one of Captain Moore's troop, who apprised his Lieutenant, and the parties in charge of it were ordered to stop, but instead of doing so, they drove on faster. Captain Moore being informed of the circumstance, took with him the Lieutenant, a corporal and a private being all that were on the station at the time, and pursued. After riding hard for a mile and a half they came up with the team, but the party had escaped, the night being pitch dark. There was a sword which had the appearance of having been recently sharpened, inside the box. Three horses were secured, but we saw only two with the cannon yesterday. It is impossible to say what quantity of arms and ammunition has been thus secretly conveyed into the Province, but there is little doubt that it has been on an extensive scale. We know that the *habitans* in one part of the country of L'Acadie who are sworn in, amount to upwards of six hundred, and they are busy making cartridges to fit American muskets. The organization is secret, but it is widespread. This time last year, the object of the rebels was to bully and bluster, thinking they would thereby gain their ends, but now, whatever is to be done, must be managed with caution and in silence. A large number of French and Polish officers are said to be engaged for the purpose of teaching the *habitans* the art of war, and they are ready to commence operations whenever they think the organization is complete and effective.—*Herald Abstract.*

Mr. Cavendish, 52d Foot, A. D. C. to the Governor General, left town yesterday morning for New York, to sail by the Great Western steamer, and is the bearer of despatches from His Excellency to the Colonial Office.

There is abundance of rumors afloat respecting secret meetings and contemplated risings next winter. We believe there is some foundation for them, and good cause at least, for the utmost vigilance being exercised by the Government.—*Courier.*

Cobourg, September 19th.—The Eclipse yesterday was seen here to great advantage the weather being delightfully clear during its passage. It was not as generally expected completely annular at this place, the shadow of the moon covering as it passed, a small portion of the Sun's lower circumference. Nevertheless the effect was extremely beautiful, the sun being reduced at its greatest obscuration in appearence to about the size of a new moon.—(*Star.*)

Desertion.—A great deal has been recently said upon the subject of desertion from the British Troops stationed near the lines. Now as far as our knowledge extends, we believe the inclination to desert is far more general amongst the American than amongst the British troops. As an instance, we may mention, that within the last week seven deserters from the United States Army called at Mr. Gowan's office, soliciting employment on the Victoria Macadamized Road; and three of them subsequently stated that upwards of twenty had deserted from Sackett's Harbour.—(*Brockville Statesman.*)

Deserters are crossing to Cornwall from the American troops stationed at Fort Covington every day. Four crossed last night, and two the night before. Twelve, in one body, landed below Gray's Creek on Tuesday last. They wear the Yankee uniform, and are composed of Irish, English and Scotch. The few remaining at that place are ordered to the interior.—(*Cornwall Observer.*)

The Whale ship Vermont, Howland, of Poughkeepsie, arrived at New-York 2d inst. in 125 days from New Zealand, having on board 2600 barrels of whale oil, 200 of sperm, and 20,000 lbs. of bone. She has been out but 14 months and ten days.

New York, October 11.

The steam-packet Royal William, Captain Swainson, was telegraphed at half-past 11 o'clock yesterday morning. By her we have received London papers, to Sept. 19th, and Liverpool to the 20th.

The owners of the Royal William, a little to eager to make a good freight, insisted, against the opinion of the Captain, on putting in fifty tons of goods, instead of occupying the space with Coal. The consequence was some delay on the voyage, and the necessity of burning up all the spare lumber about the ship. With all this, she was barely able to get in.

London, Sept. 14.—All the detachments for regiments in Canada have embarked on board the Atholl troop ship; those intended for corps in New Brunswick and Nova Scotia are to be conveyed out by the *Eagle*, transport, which is at present fitted up for the purpose.

London, Sept. 19.—The Paris papers of Monday have reached us, by the ordinary express, but contain little news of interest. They are filled with observations and speculations on the affair of Louis Bonaparte, on the Belgic question, on the unhappy condition of Spain, and in an especial manner on the South American quarrels, in which the Government had contrived to involve itself, but no fact worth notice.

*London, Sept.