

THE TRANSCRIPT.

QUEBEC, FRIDAY, 6TH SEPT. 1838.

Our latest New-York dates are of Sunday the 1st inst. They do not contain any local news of much importance. The Great Western, if she left Bristol as advertised, would be seven days out on Sunday last; and the news by her may, therefore, be expected here on Friday next. The intelligence by this vessel will be twenty-three days later from England than we are now in possession of, and cannot fail of being of the highest importance. The Chartist movements and the prospects of the harvest in England, the affairs of British India, and the state of the foreign relations of the Great Powers with Mehemet Ali, are all of a nature to arouse in the minds of our Colonists a feeling of intense anxiety for the receipt of tidings from the "Fatherland."

Extract of a letter from Mobile, of Aug. 22.—"The fever is subsiding, no more cases are reported, and I trust as the weather is now favourable the health of the city will improve."

The New Orleans Bee of the 19th ultimo says—"In private practice yellow fever is alarmingly on the increase. Every physician has his hands full."

The main building of the New-York dyeing and printing company's works at Staten Island, has been destroyed by fire.

Mexican dates of the 4th Aug. have reached New-York. President Bustamante on his return to the capital restored to the press all the rights and privileges which it formerly enjoyed. He also issued a decree annulling a contract made by Santa Anna with a London Company for a loan of £130,000 sterling.

The unfortunate young lady, Miss W-walls, has died in consequence of the injuries received from her ravisher, the brutal "sympathiser," Appleby, who it is much to be regretted had not been sent over the Niagara in his piratical schooner, without this enormous addition to the weight of crime upon his head.

The Charleston papers announce the death of the Right Rev. D. Bowen, Bishop of the Protestant Episcopal Church in South Carolina.

By the Halifax mail we have our papers from the Lower Provinces, Halifax dates of the 27th August, Frederickton 31st, and Miramichi 27th. We subjoin a few extracts from which it will be seen that His Excellency Sir John Harvey has complied with the requisition made to him to convene the Legislature. The inhabitants of Eastport, we are happy to find have "reciprocated" the generosity of the New Brunswickers.

Frederickton, Aug. 31.

At a Public Meeting, held at the County Court House on Tuesday evening last, pursuant to notice given, which was numerously attended: William D. Hart, Esq., was called to the chair, and Mr. Ward was requested to act as Secretary. The object of the meeting was to consider the best methods, which could be adopted for the preservation of property from conflagration and plunder. Seven resolutions were passed for the establishment of fire companies.

On the following day the committee proceeded to collect subscriptions, and obtained upwards of £100 towards the accomplishment of the object in view; and which will probably be a sufficient sum, in addition to that already in the hands of the Fire-Wardens.

On Saturday last a Proclamation was issued by the Lieutenant Governor, requiring the Legislature to assemble on Tuesday the 10th September, "in consequence of a great recent public calamity, and other weighty reasons." It is understood this measure is in accordance with the wish communicated to His Excellency by the inhabitants of St. John; and we trust there will be every disposition in that city to carry into effect those Laws which the Legislature may enact.—Sentinel.

Halifax, Aug. 31.

At a meeting of the Inhabitants held yesterday, at the Exchange Coffee House, to take into consideration the distress which must have been occasioned to a large number of Families at St. John, N. B., by the awful conflagration which has taken place in that City, the High Sheriff was requested to take the chair.

The Chairman having addressed the meeting stated the object for which it had been called. When the following Resolutions having been submitted were unanimously adopted.

Resolved, That this meeting sincerely sym-

pathize with the sufferers by the late disastrous fire at St. John, N. B., and are anxious to alleviate the sufferings of those who may stand in need of assistance.

Resolved, That a Subscription List be now opened, a committee of twelve gentlemen be appointed to obtain further contributions, and that the Chairman of that Committee hold the necessary correspondence with his Worship the Mayor of St. John.

One thousand dollars were recently subscribed in New Brunswick for the sufferers by fire at Eastport, and sent to that place. Part of the money had been expended, but the citizens of Eastport, on receipt of the calamity at St. John's, made up the original amount, and returned it with a highly creditable letter, expressive of their sympathy.

THE DISPUTED TERRITORY.—The Woodstock, (N. B.) Times states that it has been informed on the most respectable authority, that licenses to cut timber on the disputed territory have been, and are in course of being granted by the States of Maine and Massachusetts. The most complete contempt is thus shown to all existing arrangements and feelings of national honour by the parties so acting, whose conduct may, on this occasion, be taken as an indication of their future intentions.

From the same paper, we learn that Colonel Mudge and Mr. Featherstonough, the Boundary Commissioners, have departed for the disputed territory. "We understand," says the Woodstock paper, "that they will commence their explorations on the west bank of the St. John, somewhere in the vicinity of the Grand Falls."

Trial of Jalbert.

The steamer Eagle arrived yesterday at 3 P. M., bringing to our address the Montreal papers—which are barren of news—and the following interesting letter from our correspondent:—

Montreal, Wednesday, 4th Sept.

This city, during the last two days, has been kept in a state of the most feverish excitement in consequence of the trial of the notorious Captain Jalbert for the murder of the late Lieutenant Weir, of the 32nd regiment. Jalbert appears to be about sixty years of age, tall, good looking, and of respectable appearance, deportment, and dress. He has been, during the trial, generally cool and collected, though he now and then shed (or affected to shed) tears.

On behalf of the Crown, the Court was addressed by the Solicitor General, Mr. Andrew Stuart, at considerable length, and with great ability. The principal evidence given against him was that of a Mr. John Mason, who was at the time of the rebellion, and the murder in question, an engineer employed in the distillery of Wolfred Nelson. In his evidence, he stated he saw the unfortunate Lieutenant Weir placed in a cart in front of the residence of Wolfred Nelson, in charge of Jalbert and three or four others. He heard them receive orders from Wolfred Nelson to use diligence, and to convey the officer to St. Charles, and deliver him over to General Brown. He saw Jalbert with a drawn sword, on horseback, in command of the party, and heard him give the words "drive on." About an hour after, when the troops under Colonel Gore were at hand, and an attack was expected from them, he saw Jalbert return, flourishing and exhibiting his sword stained with blood, declaring that he had slain the chief leader of the British. Another witness, named Jean Baptiste Gnoier, who had before two Magistrates at Sorel—Messrs. Crebassa and Jones—made affidavit that he was present, and that Jalbert gave command for the murder of Lieut. Weir, on his examination told a story utterly at variance with his former deposition, and was committed to jail for perjury. Indeed, there can be no doubt that several of the witnesses for the crown had been tampered with and drilled by the prisoner's counsel. The court closed yesterday about five o'clock, after the examination of only seven witnesses. This morning the trial was resumed. The prisoner appeared much more dejected than yesterday. Several witnesses were examined on behalf of the crown, whose evidence went to prove most distinctly that the prisoner was present at the murder of Lieut. Weir; that he struck him with his sword, and that he repeatedly uttered the words in French, "Finish him! finish him." The case on behalf of the Crown closed about three o'clock, when the counsel for the prisoner, who were apparently taken aback by the overwhelming evidence adduced towards

the conclusion, desired an adjournment of the court till to-morrow, to enable them to prepare for the defence. The proposition was of course rejected, and Mr. Walker commenced his address on behalf of the prisoner, which up to the present moment, (five o'clock) is not concluded. He does not seem to deny that the prisoner was a participator in the murder, but contends that he was guilty only "alike with the rest"—that he sought to be indicted for high treason,—and that Dr. Nelson, as his superior in command, was more guilty than he. I do not believe that the duties of Attorney General and Solicitor General were ever, in my recollection, more zealously and efficiently performed than on this occasion. The counsel for the prisoner consists of Messrs. Mondelet, Chier, Walker and Lafontaine.

Nothing can be more clear and conclusive than that which has been adduced of the guilt of the prisoner, and I think that justice will be done one way or another. Public excitement is very great. On the jury there are eight Canadians, two Scotchmen and one Irishman. In impanelling the jury, ten were challenged by the prisoner, and twenty by the Attorney General.

P. S. After an address of an hour and a half Mr. Walker has concluded, and the Court is now being addressed by Mr. Mondelet.

The Montreal Herald of Tuesday states that the objections raised by the counsel of the murderer Jalbert, have been over ruled by the Court, and his trial would commence that day. If the jury is composed of Canadians, the murderer will most certainly be acquitted, as in the case of the murderers of Chartrand. If such proves to be the case, we hope that the counsel, the jurymen and criminal will yet meet the fate they will so richly merit. Verbum sat. The excitement on this subject is immense, more so than many may imagine.

"RESPONSIBLE GOVERNMENT."

We have much pleasure in transmitting to our columns from the Niagara (U. C.) Chronicle, the subjoined statistical information respecting the Canadian newspaper press. Our talented contemporary has fallen into some slight errors, which we take leave to correct. There are four French papers published in Lower Canada, namely—La Gazette and Le Canadien at Quebec, and L'Amis du Peuple and L'Aurore des Canadas at Montreal. The latter is an obscure radical print unworthy of being classed among the "responsible" journals; its publisher was incarcerated last week on a charge of treason, and since his release he confines his attention to extracts from other papers. With respect to the other three French journals, there is "no mistake" as to the Gazette and Ami du Peuple being on the right side of the question. The Canadian is not on the right side; its editor and proprietor were both placed in a predicament, last winter, similar to that of the publisher of the Aurore.—Now, with these corrections, and the addition of the Sherbrooke Farmer's Gazette to the "Anti-Responsibles," our Niagara contemporary's list will show a majority of twenty-three to fifteen against "Durham and Responsibility."

"We would like very much that the 'Niagara Chronicle' would PARADE the larger portion of the Canadian Press which is opposed to Responsible Government."—Examiner.

With the greatest pleasure imaginable. The following is a list of the Canadian newspapers, with their respective characters as regards the question of "Responsible Government." There may be an omission or two on either side; but we think it is sufficiently accurate to establish our point:—

Table with columns: ANTI-RESPONSIBLE, RESPONSIBLE, and a list of newspapers including West-End, Hamilton, Express, Examiner, Guardian, Colonist, Mirror, Journal, St. Catharines, Statesman, Brockville Recorder, Herald, Kingston, Spectator, Backwoodsman, Pe-terboro, Colonist, Quebec, Two French papers, L. C., Transcript, Mercury, Standard, Misissioi.

Besides these, there are the following:—The Museum (a Dutch paper whose character we do not know, we cannot read it); the Bradford Sentinel (a political character a all); the Niagara Worker (doubtful); the Palladium (undecided); the Bathurst Courier (neutral); the Quebec Colonist (the Hamilton Journal calls this a liberal paper; but the Quebec Gazette says all the English papers in Lower Canada are opposed to "Responsible Government.") Let the French responsables, have it, and the law. The Examiner, however, published in the Lower Province besides; & without reckoning any French papers on our side at all—and we believe there are some—we have a clear majority of 20 to 16.

Let it be observed, moreover, that several of these advocates for "responsibility" were faithful, though humble followers of McKenzie, up to the very day of the outbreak in 1837—industrious cullers of scraps from his "Constitution," thereby spreading the poison as its circulation extended; and often, among which is the Examiner, occupy precisely the same ground now, on which the revolutionary papers stood. It is best known to the leaders of the party themselves, at what point they propose to fix the limits of their operations; but the attitude which they at present assume, is not less apparently hostile, both toward the Imperial and the Colonial Government, than was that of McKenzie for months after he had resolved on revolt. If they should not succeed in their object—what then? Are they sure they will be able to ally to public excitement which they are now fanning so dustily? If not—who will be responsible? Is Mr. Hinc! satisfied?

THE CANADIAN PRISONERS.

Extract from a Despatch, No. 84, of the 2nd July, 1838, from the Marquis of Normandy, Her Majesty's Principal Secretary of State for the Colonies to His Excellency Major General Sir George Arthur, K. C. H. &c. &c.

The decisions of the Courts of Queen's Bench and Exchequer ascertained, that the prisoners were held in lawful custody in this kingdom. But these Courts did not determine either of the two ulterior questions, namely, whether their compulsory detention as convicts in Van Diemen's Land would be lawful. The Judges studiously declined the expression of any opinion on either of those points of law, because they had not then actually arisen, as they strictly confined their judgments to the precise and single question in controversy before them. It was however inferred by those who attended the discussions and heard the judgments, that the Judges entertained a very grave doubt whether the Government lawfully proceeded further against the prisoners, unless they could bring them to trial in this country for their treasons.

Under these circumstances, I consulted the Attorney and Solicitor General, on the question whether, if the prisoners should be sent to Van Diemen's Land, they could be lawfully held in custody there, as convicts or prisoners of the Crown. The law officers reported, that they could not be so detained or dealt with in that Colony, unless either an Act of Parliament or a Colonial Ordinance were made, to justify that course of proceeding.

Here then arose a conclusive and insuperable difficulty.—Her Majesty's Government could not propose such an enactment either to the Imperial or to the Local Legislature, with any prospect of success.

Amongst other objections to such a law, it was not the least weighty that the Government are not in possession of the evidence by which the offences of the prisoners, or of any of them, are established. We have, indeed, their petitions for pardon, in which their guilt is acknowledged in general terms; but under the peculiar circumstances of the case, it was admitted as a sufficient basis for legislation against them; we have also the reports of the Commissioners by whom the cases were investigated—but on what proofs the Commissioners proceeded, it is not in our power to explain. An act of Parliament, or an Ordinance of a nature so totally new and unprecedented, could scarcely have been obtained, even on the complete evidence of the facts. In the absence of such evidence it was manifestly untenable. To have sent the prisoners to Van Diemen's Land, on the mere chance that they might be passed there for their detention, was a proceeding which it would have been impossible to hazard or to justify.

It thus became necessary, either to bring these men to trial in this country, for high treason, or to discharge them on the conditions mentioned in the Home Office. We have not avoided a result which it is not possible to avoid, and which is not less embarrassing to us, and perhaps to the Colonies. I trust, however, that the best state of the case, every excitement raised by this decision it will be in your power to mind of the opinion of the Government regard was disposed to treat with a crime as those of which are self-convicted.

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THEATRE ROYAL.—In order to attract numerous audiences we cannot speak of been present. On Wednesday evening the 4th inst. the performance of the piece entitled "The Two Pieces, as a comedy and as the spoiled child."

Aurora Borealis.—The presented an appearance early in the evening that shined the North and South to increase in brilliancy, when it presented a grandeur. In the zenith light was centered and all with various primitive colors appearing of a deep intermingling and cross about 10 o'clock, which appeared.

On Saturday last, Her Majesty's General left for the West Indies; and we understand that he had undertaken to proceed to Quebec, and to visit the garrison there.—Montreal

A fire took place at August, which was un- hounded a dozen of eight habitations, which of wood. The papers terms of the assistance ary in arresting the pro-

THE QUEBEC SECOND DAY.

The Hurdle Races.—A Sweepstakes of £5 open to all horses. On starting from the distance of 11 st. 7 lb. each. T place, at Toronto, Lapr ary 7 lb. extra.

Capt. Daniel's c. g. Ve —blue and white streaks. Mr. Piquet's b. c. Dun 4 lbs.—blue, black Mr. Bernard's Polly Jo lbs.—black and red c Mr. McGrath's b. g. Skai 4 lbs. Mr. Ball's b. m. Marv old, 11 st., 4 lbs.—green

THE GARRISON F.

Added to a Surespina press bona fide the prej army or Navy. Wej late. The winner of by one time to carry maller sum, 4 lb. Th race—once round a Lieut. Col. Whyte's c 11 st. 4 lbs.—blue bod Capt. Shirley, c. b. M at 4 lbs.—purple and Mr. Ball's b. m. Marv The three horses whi ee were jockeyed as fol Col. White's Cheroo pon, King's Dragoo n. H. Pison; and C us, with Captain the r back.