UNITED STATES.

(*From the New York Herald, July 26.*)

THE DOUBLE EXECUTION.

The Hanging of Edward F. Douglass and Thomas Benson, for Murder on the High Seas—Scene in the Tombs Yard.

In accordance with the United States law, Edward F. Douglas and Thomas Benson, convicted of the murder of Asa Havens, second mate of the bark Glenn, on the night of the 17th of September, 1850, while sailing in the Pacific Ocean, and sentenced to be executed on Friday, 26th July, between the hours of ten and twelve o'clock, were launched into eternity at five minutes past eleven o'clock, and thus have atoned for the crime committed against the laws, in taking the life of a fellow being.

At an early hour the avenues and entrances leading to the city prison were densely crowded by anxious persons, some with tickets of admission, but a much larger number without, awaiting with anxious expectation to push their way in if possible. Near the hour of eleven o'clock some three or four hundred persons had been admitted into the prison yard. Among them we noticed his Honor Mayor Kingsland, Aldermen Morgan and Conklin, the Chief of Police, Mr. Matsell, and a large body of policemen, to keep order, together with a file of marines of ten men, under the command of Lieutenant Norvil.

The scene became one of intense anxiety as the hour approached for the doomed men to appear under the gallows. The Marshal in the prison cell, read the death warrant to both, in the presence of Mr. Hugh Maxwell, J. T. Hall, Z. Ring, and special deputies Tallmadge and Thompson. The culprits were then led from the cell by Deputy Marshals Brown and De Angelis, preceded by Marshal Tallmadge and his two special aids, and in the procession were the clergymen and others. The doomed men were placed under the gallows, and Marshals Brown and De Angelis stood close by their side, in order to adjust the fatal rope, when ordered to do so by the Marshal. The United States Marshal then addressed Douglas in the following words:—

"Edward F. Douglass, the hour has now come for your execution, and if you have anything to say, this is the time."

Douglass, in a somewhat tremulous voice, spoke briefly as follows:—

"All I have to say is, that the wages of sin is death. I want to tell you all my friends, and people, that the wages of sin is death. I am now getting my wages; you see an example before you. Let me warn you all against beginning with small things of evil, lest you end in large ones. Again I say, you have an example before you. Take warning, I entreat you. I have one thing more to say to the United States Marshal, and to all you people—James Clements is innocent of the crime with which he is charged; he is not deserving of death. I have no more to say."

When he concluded, his countenance assumed a deathly pallor, his forehead and face were drenched with perspiration, and his frame shook violently for about a minute.

Marshal Tallmadge then addressed Benson in similar language to that spoken to Douglass.

"Men and Brothers—I have but few words to say to you before leaving this world. I did not have any thing to do with the murder of Havens. I did not strike him, nor shoot him, nor stab him, or use any violence against him; and, to my knowledge, Clements is not guilty of participating in his murder. This I say at my dying hour before God and man. I am about to die. I am prepared, and I say to you all, be prepared, when the hour comes to meet your God. You see what Christianity—I am resigned; I am an example before you. Farewell, my friends—may I meet you all in heaven."

Benson held in his hand a hymn book which had been given him shortly after being placed under the gallows.

On signifying that he wanted to sing a hymn, his request was granted by the Marshal. In a loud, clear, and firm voice he sang the first verse of hymn No. 335, from the book which he held in his hand. Douglass, in a tone of voice that was scarcely audible, joined the singing. The lines were as follows, viz:—

"And let this feeble body fail,
And let it faint or die,
My soul shall quit this mournful vale,
And soar to worlds on high;
Shall join the disembodied saints,
And find its long sought rest—
That only bliss for which it pants—
In the Redeemer's breast."

After the conclusion of the hymn, the Rev. Mr. Hodges, of Brookly, the officiating clergyman of the unfortunate men, made a short and appropriate prayer. Both of the condemned seemed to unite mentally with the clergyman, in calling for mercy from the Eternal Judge, before whom, in a few moments, they were to appear, and when the prayer was ended, they added fervently, "Amen."

Marshal Tallmadge and his assistants then shook hands with the prisoners, bidding them an everlasting farewell. While the Marshal had hold of Benson's hand, the latter, looking him in the face, said:

"Marshal, may God bless you, and may I meet you in the ranks of the living, in Heaven. Be prepared and take warning by me. I die in the full confidence of saving grace."

At shaking hands with the Clergyman, Douglass was much affected. He said, tenderly grasping the hand of Mr. Hodges:

"Farewell, Mr. Hodges! You have been a true friend to me in all my trouble; that is now at an end. You have been a kind father to me, and I feel grateful for the interest you have shewn in my behalf. May God bless you and yours; and may he keep you as strong and constant in your ministrations to others as you have been to me."

On concluding these few words, Douglass seemed almost in a fainting condition. He wiped away the heavy drops of perspiration that trickled down his face, gave one look at the fatal cord that swung perpendicularly over his head, and then closed his eyes for a few seconds.

In bidding farewell to Rev. Mr. Lockwood, Benson said, "Farewell, brother! Keep firm in the faith, and may I meet you in in Heaven. God bless you! Farewell!"

The guard of marines were then drawn up in a line at the foot of the gallows and ordered to kneel. The black caps were drawn over the faces of the prisoners, and the nooses attached to the hooks on the cord. Marshal Tallmadge then gave the signal, by drawing a white handkerchief from his pocket, when Deputy Marshal Rakielwez cut the rope with one blow of the axe, and the bodies of Douglass and Benson were suspended in the air. The prisoners had been standing under the gallows precisely ten minutes. At five minutes after eleven the rope was cut. Benson struggled hard, and at the eighth minute after the weight fell, he gave a last convulsive movement, and his soul was in eternity. Douglass remained perfectly motionless for several seconds. He then drew up his arms, gave two or three slight convulsive twitches of the body, and all was over. The bodies were left hanging till twenty minutes to 12 o'clock, when Drs. Geer and J. W. Metcalf examined them, and pronounced life extinct. They were then cut down, and placed in coffins preparatory to their interment.

After the bodies of the sufferers were placed in their coffins, the mother of Douglass was admitted by Mr. Edmonds, the humane and efficient Warden of the prison. The afflicted mother approached the coffin, and the instant the lid was removed, she fell on the body of her boy, and exclaimed in extreme and painful grief: "Ah! my son, my poor boy, your trials are now all over on this earth: your last trial has proved a fatal one in this world." She knelt over the body, and kissed him again and again, at the same time cutting off portions of his hair as keepsakes of the untimely end of her unfortunate child. She has now a daughter, the only child left, having lost one daughter by death since the pending of the trial. The bodies were removed from the prison by their friends, during the afternoon; and we understand that Douglass is to be interred at Greenwood Cemetery, and Benson in the burying ground.

During Thursday afternoon, Mr. Daniel E. Gavit, daguerreotypist, corner of Broadway and Murry streets, conveyed a daguerreotype apparatus to the prison yard, and Douglass sat for his likeness, and four impressions were taken. Benson was also taken by the same artist; and a copy of each was presented to the mothers of the unfortunate young men. Mrs. Douglass expressed herself much gratified at the kind present.

Fire at Concord.—A destructive fire occurred at Concord, New Hampshire, on Monday night—the work, it is supposed, of incendiaries. The loss of buildings is estimated at about $50,000, on which there is insurance to the amount of about £28,650. The aggregate of other property lost is about $60,000, on which there is insurance to the amount of about $46,000; but a considerable portion of this is on property on which the amount of insurance exceeds the loss, so that the loss of property not covered by insurances is about $40,000. The announcement that Robinson, a coloured man had been arrested for setting the fire, is incorrect. The Selectmen, however, have offered a reward of $1,000 for the detection of the incendiary.—*Boston Mail.*

Walking on the water.—We learn from the reliable correspondent of the Philadelphia Bulletin, that a few Sundays since, the experiment was tried on the Seine, in the presence of a large number of spectators, with perfect success. What the invention consists of is not stated, but six men, provided with new boots, walked up and down on the river, smoking cigars, wheeling at the word of command, and performing a variety of diverting manœuvres. The experiment was quite successful, and the happy inventor expects to make his fortune by selling his boots to fishermen, steam packet passengers, and travellers on our Western waters.

It is said that Jenny Lind will visit Quebec between the first and middle of October, and that she will give a concert, provided a room of sufficient size can be obtained.

Tenders for $2,000,000 canal-enlargement script were opened at Albany on Tuesday afternoon, when it was found that bids for upwards of four millions were made at par. J. Thompson, of New York, bid for two millions; Wm. B. Astor, for $40,000; King & Son, for $25,000, and others for lesser sums.

Remarkable Death by Lightning.—At New London, Pa., Sunday afternoon, the Methodist church was struck by lightning the pastor, and the Rev. Jonas Bosly, who was in the pulpit, almost instantly killed. Several of the audience were stunned. Mr. B. leaves a wife and two children.

Curious Phenomenon—A Shower of Frogs.—Captain Brewer, of brig Delaware, of Philadelphia, from Cardenas (Cuba,) writes to us, that while at that port, on the 28th ult., during the afternoon, a copious shower of rain fell in and about the town, after which could be seen not hundreds—but thousands of small frogs in all parts of the streets,—so abundant indeed, that one could scarcely walk without trampling them under foot. The Captain says as the place is not subject to that kind of fish, he would like to know where they come from.

Perhaps some of the learned gentlemen of the scientific association, now in session at Albany, can tell.—*New York Express.*

The Potato Blight.—The potato crop in this State is likely to suffer from the blight. Accounts of the disease have already been received from nine counties, viz: Madison, Ontario, Erie, Livingston, Genesee, Wyoming, Onondaga, Oswego, and Cortland. In the three latter, the Syracuse Journal says the rot is extensiv, and the farmers are generally digging and sending to market. The Danville (Livingston Co.) Herald of Aug. 20th, says:

Accounts from nearly every section represent the potato blight as prevailing more generally than at almost any previous period. In this and the surrounding localities, we hear increasing complaints, and indeed we shall not be surprised if we shall prove to be an entire failure.

Presentation of Plate to Hon. David Tod.—The following letter, addressed by citizens of the United States and other merchants of Rio, to Hon. David Tod, late United States Minister to Brazil, is a merited testimonial of the regard in which the Minister's services there were held, by those most interested in their prompt and faithful discharge.

Five boys, all of a family named Onacker, aged respectively 16, 14, 12, 11 and 2 were burned to death at Brighton, O., on the 19th; their panic-stricken parents looking on unable to render them assistance.

San Francisco, July 17.—Bullion exported.—The Custom House books show, that there has been exported from the port of San Francisco for the quarter ending June 30th, the sum of $9,000. This is of course not near all the gold that has found its way out of the country.

TREMENDOUS TORNADO NEAR BOSTON.

We learn from the Boston papers that a terrific tornado passed over the villages of Weston, Waltham, Watertown, West Cambridge and Medford, on Friday evening last, about half-past 6 o'clock, levelling in its course dwellings, barns, &c., and tearing by the roots trees of twenty to thirty years standing. The scene is described as truly terrific—timber and trees flying in all directions, and women and children screaming through fear. The tornado appears to have covered a space of about forty rods square, and the height of the column appeared to be about a mile. Throughout nearly the whole of its course it was preceded by a cloud of dust, the appearance of which operated as a warning to many persons in the fields, roads, and even houses, and induced them to fly out of the track of the approaching danger. But for this circumstance the loss of life must have been immense.

No lives were lost in West Cambridge, nor limbs broken. Mr. Fessenden was taken from under the ruins of his store, in an insensible state, with his head and face much bruised and cut. Andrew Wilson, who was at work in Mr. Russel's orchard, was lifted up, and carried about 200 feet, and bruised in the back in the fall.

The two-story house of James M. Sanford, depot master at that station, was taken up and carried about 200 feet across.

A two story house, nearly finished by Chas. Rollins, for B. E. Bates, Esq. and worth $600, was torn to pieces, which were so scattered, that even a small pile of them was not to be seen.

At West Medford, the house of a Mr. Huffmaster, a German farmer, was completely riddled, and he was found buried under the fragments, having received a violent contusion of the brain, which proved fatal. He died on Saturday night, and was buried on Sunday.

The windows of the railroad depot were all broken, and a heavy baggage car was lifted from the track and rolled a distance of 150 yards.

Several persons were more or less injured by flying timbers or bricks. Among them were George Maxwell, whose skull was fractured, and Luke Costello, who had an arm broken. Both were taken to the hospital.

The wife of Mr. Baldwell, residing on the hill, while standing in the doorway, was caught up and carried across the field and over fences about 500 yards, but received no injury.

The damage done to buildings, gardens, orchards, &c., has been estimated at $100,000, and it will probably quite reach that sum. It will take a large sum to replace the fruit trees alone.

The accounts from Havana are of the most serious nature. We are indebted to the Purser of the Cherokee for the following fearful narrative:—The Habanero, Spanish Government steamer, while cruising off a place called Bahia, forty miles west of Havana, captured a party of 50 patriots, who were in four boats, unarmed, and report says were steering for New Orleans. They were brought to Havana on Saturday morning, the inst., and at one A. M., placed on board a Spanish frigate lying in port. They were executed at quarter past eleven, A. M., on the same morning. They were shot in the public road in Havana, and at the least calculation in presence of 20,000 spectators.

LATER FROM CUBA.—SUCCESSES OF THE INVADERS.

Mobile, August 21.

The United States steamer 'Vixen' arrived at Pensacola on the 20th, in four days from Cuba. General Lopez, it is said, made a stand at Manuel, and had had two engagements with the Spanish troops, and was successful in both. The Spaniards lost eighty officers and 300 men, in killed and wounded. The wounded and died were carried to Havana, and the latter buried with military pomp on Friday last.

The force of Lopez is increasing with great rapidity, from twelve to fourteen hundred new recruits joining his ranks daily. On the night of the 14th, over one hundred left Havana for the purpose of joining the invaders. There is a report also that one entire regiment of Government troops had gone over to the patriots. The people, too, are rising in many, quarters. The last report of the results of the two engagements of Lopez is, that one General, one "Commodore," one "General, of Marines," with two hundred privates, were killed, and many wounded.

CANADA.

Emigration.—Up to Saturday last, 27,645 emigrants had arrived at Quebec, being 5032 more than to the same period last year.

The Fisheries.—A gentleman arrived from Gaspe, reports that the American fishing schooners are cruising about that neighbourhood in great numbers. When they require shelter, they often put into Gaspe Basin to the number of fifty or sixty sail. Our informant boarded several of them at that place on the afternoon of Sunday the 27th ult., and was very civilly received. The fleet anchored at the time was composed of 57 vessels, all fine looking craft with lofty masts and rakish appearance. Their sails are generally made of cotton, and their fishing lines are of the same material. The catch of one of these vessels some times amounts to fifty barrels in a day. Many of them are employed by a mercantile firm at Boston. Coming up to Quebec, he counted not less than sixty-nine, all in a line off the Seven Islands, below Cape Des Monts, on the North Shore.—*Quebec Mercury.*

Canadian Parliament Prorogued.—*Toronto, August 20.*—The Governor-General prorogued Parliment to-day at noon. The principal acts passed consist of the repeal of the tonnage and light duties. Introduction of decimal system of currency. Appropriation of sixteen millions of dollars towards the Halifax Railway. Establishment of Normal Schools in Lower Canada. Reduction of Judicial and other salaries. Incorporation of Fort Erie and Buffalo Suspension Bridge. Nothing done relative to the reciprocity question.

The Crops.—On a recent visit to the country we were highly gratified at the appearance of the crops Wheat appears to be above an average with little or no "weevil," in fact some fields that we have seen in the neighbourhood of Port Neuf would delight the eye of an English farmer—barring the weeds—of which there are also abundant crops. Oats is very heavy. Hay is nearly a double crop, and every thing promises abundant returns except Potatoes, which we were sorry to see have began to take the rot as in former years.

NOVA SCOTIA.

Naval.—Her Majesty Ship Cumberland, 70, Captain Seymour, with the Flag of Vice Admiral Sir George Seymour, Knight, C. C. H., will sail for Havana, early in the ensuing week. Later accounts from Cuba, via Telegraph from New York, has, we are informed, induced the Admiral to proceed thither. The Cumberland has bent sails, and taken on board her powder, stores, &c., and is now ready for any service that may be required. It is said that the men-of-war at present employed in protecting the Fisheries, will also be ordered off to Cuba. Whatever interest Great Britain may have in preserving the peace in Cuba, one thing is quite certain—viz., the yoke of Old Spain cannot, by any possible means, be much longer imposed on the down-trodden inhabitants of that splendid island; at least such is the opinion of persons informed on the subject.—*Nova Scotian.*

We hope there may be no necessity for the presence of the Naval Squadron in Cuba, although affairs in that quarter are in a very threatening condition.—We apprehend trouble in Cuba for a long time to come. Spain will not give up her hold upon the "Gem of the Antilles" without a struggle. It is the last of those noble possessions which once made her the boast and envy of Europe. Her political existence is identified with retaining this, and to do this she will rouse up all her strength and pride. That the spirit of the age is opposed to her there can be no doubt: and, insignificant and despicable as may be the handful that now make war upon her, the end, if we mistake not, will be a constitution for Cuba, or her loss. The cloud, which at rising, is "no bigger than a man's hand," will yet cover the horizon, and fearful will be the tempest that restores harmony and equilibrium to her political at mosphere.—*Acadian Recorder.*

Cuba.—We learn that the Admiral on this station will not leave for Cuba until further advices are received from England. We are glad of this, for the presence of the Navy is absolutely essential to the successful issue of the proposed Regatta.

By the English Mail on Thursday last,

The Royal Mail Steamship America, arrived at Halifax, on Wednesday morning last, in 10¾ days.

LIVERPOOL, August 23.

We regret that our accounts of the general state of trade are this week not so cheering as we have for some time past had to record.—That the depression, which seems to have entered into all branches of commercial enterprise is more than merely temporary we cannot for a moment believe. And no doubt when the harvest shall have been fully secured, and the monetary operations of the leading capitalists are left unaffected by so many contingencies as the closing of the late session of Parliament exhibited, we shall witness a return to that activity and general prosperity which the soundness of our commercial policy has undoubtedly secured to all classes. The unfortunate failures that have taken place in some of the principal mercantile houses have thrown an additional gloom upon trading operations, and rendered a feeling which previously amounted to cautiousness, almost akin to suspicion. In Manchester, the old and respectable houses of Richard Gould and Co., whose liabilities amount to £50,000; of Messrs. Fraser and Lightifoot, whose liabilities are £50,000; and that of Castelli and Giustiniani, formerly of Manchester, but recently chiefly engaged in the Greek trade, the liabilities of whose house and variously estimated at between a quarter and half a million sterling; and that of Messrs. Harrison of Baltimore, seriously affecting some houses here, have each and all tended to augment the depression to which we have adverted.

The harvest is progressing favourably, and our corn market is more depressed than ever, business being limited at a decline of 6d per barrel on flour, and 2s per 79 lbs. on wheat; 19s. 5d. is not the top price for American flour, and about 200 barrels of Western Canal, out of condition, were sold to day at 10s 9d to 11s 6d per barrel.

Trade with America.—A parliamentary return has been issued, showing the trade of the United Kingdom with the United States of America in the last four years. In 1847 the declared value of British and Irish produce and manufacture exported to the United States of America was £10,974,161; in 1848, £9,564,909; in 1849, 11,971,028; and 1850, £15,191,961. The imports from the United States have increased. In the three years, (last year's account not being made up), the official value of the imports was respectively, £20,349,882; £23,916,855, and £26,554,941.

The St. James' Theatre, London, will be opened on Monday next, by Mr. Barnum, of New York, for the purpose of introducing the youthful dramatic artists, Miss Ellen and Miss Kate Bateman, who created an immense sensation throughout the United States during the last two years.

Highland Regiments.—An Order has been issued for the five kilted Regiments viz:—the 42nd, 78th, 79th, 92nd and 93rd Highlanders, to wear in future, as a forage cap, the Glengary bonnet, instead of the one hitherto in use. This change does not affect those Highland corps wearing trousers, the 71st, 72nd, and 74th, who are to continue the old forage cap.

Some of the French factors established in London have announced their intention of selling wheat and flour by auction.

Last week a large wrought-iron beam, 45 feet long and weighing nine tons, was conveyed through Wigan, from Haigh Foundry, on its way to the colliery at Mostyn, North Wales.

The authorities of the stamp office have announced that paragraphs of arrivals at hotels are liable to the duty on advertisements, and will be charged accordingly in every case.

United States.—The R. M. Steamer Canada arrived from Boston yesterday morning, bringing accounts to Wednesday.

An intense sensation pervades the Republic, from New Orleans to Boston, on account of the execution of a number of citizens of the United States by the Spanish Government at Havana.

Wilmington, N. C. Aug 27—Yesterday we were informed by a passenger from Smithville, that a brig with signals of distress flying, was ashore on the outer shoals. She is represented to have lost her mainmast, to be laden with a cargoe of molasses, estimated at three hundred hogsheads, and is said to be the Br. brig Annadale. Capt. Irwin, from Matanzas, bound to Halifax. The crew have left the wreck, with three feet water in the hold.

HASZARD'S GAZETTE.

TUESDAY, SEPTEMBER 9, 1851.

It will be in the recollection of our readers, that about a month since His Excellency was pleased, as it is stated in the *Gazette* of the 2d August last, to *dispense* with the services of the members of the old Board of Firewardens, and appoint others in their stead. Now the object of this article is to enquire into the validity of the right thus assumed by the Executive, to dismiss from their offices a body of men appointed under and by virtue of an Act of the Provincial Parliament. Before entering, however, into any critical examination of the correctness or otherwise of the construction given by the law advisers of the Crown, belonging to the present Administration, to the "Act for better preventing Accidents by Fire within Charlottetown," we think it expedient to take a cursory view of the law as it stood prior to the passing of that Act—12 Vic. c. 8—in the year 1849.

The first mention of "Firewardens," on the statute book, is in the year 1814. The Act 54 G. 3. gives, by its first section, power to the Governor to appoint not more than *four* persons, *annually*, to act as Firewardens. This Act, together with the 11 G. 4, c. 6, which was an amendment of the former, were both repealed by the 4 W. 4, c. 10, A. D. 1834, which gives the Lieut. Governor and Council power to appoint *eight* persons, who are to be sworn to the faithful discharge of their duty, and *to remain in office during the continuance of the Act.* The Act was limited to three years, but continued down to the year 1844, when it was repealed by the 7 Vic. c. 6, which gives the Lieut. Governor and Council power to appoint *sixteen*, who are to *remain in office during the continuance of the Act*, which Act, having no clause of limitation, is a perpetual Act: it was amended by 11 Vic. c. 15, and both were repealed by 12 Vic. c. 8, above referred to, which consolidates and amends them both, and is likewise a perpetual Act. The 3d section of this Act is as follows:—"And be it enacted, That the *several persons appointed and now acting* as Firewards for the said Town, under and by virtue of the said recited and repealed Acts, *shall be confirmed in office* as a Board of Firewardens, and it shall and may be lawful for the Lieut. Governor, or other Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, from *time to time*, in case of any *vacancy* happening in said Board, either by removal, death, or otherwise, to appoint *one* or *more* Firewarden or Firewardens to fill any *vacancy* or *vacancies* so occurring." The purpose for which we have caused part of this clause to be printed in italics (not of course in the original) will appear as we proceed.

The first point to which we would direct the attention of our readers is, that the power of appointing the Firewardens is wholly and solely derived from the Acts themselves, and that, in the exercise of such power, the provisions of the Acts must be strictly complied with. Now the late Board of Firewardens were originally appointed under and by virtue of the 7 Vic. c. 6, and this Act states, that they shall continue in office during the continuance of the Act, and there can be no question but that their authority would have been at an end when the Act itself ceased to exist, had it not been that by the section above copied they were continued in office; and here, we apprehend, arises the question—"Were they continued with the same privileges as to duration of office, or were they appointed as holding during the will and pleasure of the Crown?" By the former Act they held their offices during the continuance of the Act, which, being a perpetual Act, they may be said to have held them for life, subject to the contingency of non-residence—being incapacitated by reason of accident depriving any one of them of the use of his limbs, as blindness, lameness, or the like—or that, by improper conduct in the exercise of his duty, it became dangerous or improper to suffer him to remain in office. And that this must have been the intention of the Legislature is evident, for had it intended to give the Executive the power of remodelling, (this is, we suppose, the proper phrase,) it would have been just as easy to have adopted the words of the Act of 1844; but it, on the contrary, *confirms* them in office. Now, what is the meaning of the word "confirm?" They had been appointed at first by the Lieut. Governor and Council, now they are appointed by virtue of this Act, and no power is given to dissolve the Board, and to create a new one; but, on the contrary, the power of the Crown is confined to the filling up of vacancies as they may from time to time occur. Now the words "vacancy," and "from time to time," necessarily imply the continuance of the Board; for there can be no vacancy in that which does not exist. The word "confirm" must, therefore, mean during the continuance of the Act which re-appoints them, in the same manner as they had been appointed originally, and which appointment is thereby confirmed. We have marked the words "one or more," as being the antecedents to "vacancy or vacancies," thereby giving full proof, if any were wanted, that it was not the intention of the Legislature to confer on the Executive the power of dissolving or abrogating the Board at its pleasure. It is evident that this power was not contemplated by the Act of 1844—7 Vic. c. 6; for, by the 21st section of that Act, the death or removal from the town is to be notified in writing to the Administrator of the Government by a Firewarden, and the Administrator is to appoint another within thirty days after such notice. We were not a little puzzled to account for a provision so necessary not having been inserted in the present Act, but the difficulty vanished when we found that the Board had, by the 5th section of the Act, power to make bye-laws, rules, and orders for their own good governance, and enforce the same by fines and penalties, independently of appointing a Chairman, Clerk, and Treasurer. This brings them as near to a body corporate as can well be: they had only to have a common seal and perpetual succession to make them so. The succession has been provided for, and the vacancies as they arose from time to time would be notified by the Chairman or the Clerk, under the direction of the Chairman, to the Executive.

Hence also, the loose phraseology "removal, death or otherwise;" the two first words are in the Act of 1844, but differently expressed, for it states Sec. 21, "in case of the removal of any firewarden by death, resignation or otherwise," and if by death or "removal from the town," the notice is to be given by any one firewarden. By that Act no Board was constituted, and therefore no resignation could be given to any but the Executive, and a notice from any individual firewarden was unnecessary; but in the Act which constitutes the sixteen firewardens a Board, no mention is made of resignation—death and removal from the town is all that the Executive have immediately to do with—the "otherwise" depends on the rules, orders and bye-laws, and is immediately cognizable by the Board, which through the medium of its proper officer, notifies the Executive, and it *then* exercises its privilege of appointment. It has been said that the word "removal" means removal from office, but even if the Act* under which the late Board were appointed had not itself defined the meaning of the word to be "removal from Charlottetown;" common sense would have suggested it. Every officer under government is liable to be removed from office upon proper cause being shown before the proper authorities; nor can there be a doubt but that the Board of Firewardens like every other set of men, the Pump and Well Assessors, for instance, entrusted with the execution of particular duties, may be compelled to the performance of them in case of refusal or neglect; but they in common with all other British subjects have a right to be heard; nor is it in the power of the Crown summarily to dispense with the services of the Board of Officers created by Act of Parliament. We challenge the Crown Officers to shew that the Executive is possessed of a prerogative the exercise of which would strike at the roots of all freedom, either of action, or opinion, and make boards, corporations and individual officers, but so many automata in the hands of an ignorant or unprincipled government. The law is well laid down in Chitty: "It is a clear principle that the king cannot, by his mere prerogative, diminish or destroy immunities once conferred and vested in a subject by Royal Grant," Chitty's Prerogative 119, and again, "It is a principle of law that the king is bound by his own and his ancestors' grants, and cannot, therefore, by his mere prerogative take away vested immunities and privileges, now if this be correct with respect to offices created by virtue of the prerogative itself, how much more so is it when applied to offices, franchise and priveleges created by statute," id. 132. In a recent case of a Commissioner of the Small Debts Court, it has been held that he cannot be removed from office without hearing—and so it is in all similar cases. The Crown is the fountain of honor, but not the source of dishonour; it gives freely, it never deprives but with just cause, even where the office is held during pleasure. We have, we think, fully shewn that the Board of Firewardens are constituted by the Act of the Assembly as a board, not holding during pleasure, but as a permanent board, the integrity and continuance of which is specially provided for by the same statutes that called it into existence; whence then this *dispensing power*! One would have thought that no man or body of men who had read that portion of the History of England, wherein it is recorded that one king lost his head and another his crown for attempting to dispense with the provisions of Acts of Parliament, would have dared even to make use of the word (so justly obnoxious has it become to the ears of freemen), much less to abrogate, repeal and annul an Act solemnly passed, and duly and judically acted upon. Now let us see a few of the consequences of this high-headed, unconstitutional and tyrannical interference with the statute law of the land. A fire breaks out, the inhabitants rush to the spot—one of the newly-appointed firewardens orders a bye-stander to assist—he refuses—he orders a constable to take the party into custody—the constable if he has no wish to incur the risk of an action for false imprisonment, will also refuse, and no man of common prudence will lend the least aid to the enforcement of an illegal and usurped authority—here then in a time of danger when all ought to be unanimous; the hands of the friends of order are paralysed by doubt and uncertainty, while those of the vicious and designing are to a correspondent degree strengthened. Again, five or more firewardens are empowered to give directions for pulling down any house or houses they may think necessary for preventing the farther spread of the fire—let such a contingency happen, and who will spring forward to carry the orders of the Firewardens into execution, in defiance of the threats of the owner; that they shall be held personally liable for the consequences; or we will ask what five of these same firewardens themselves will be found sufficiently satisfied with the legility of their appointment so to order it? Here then at a time when decision and determination should be prominent, doubt and irresolution prevail. We have hitherto made no allusion to the reasons which we may suppose had weight with the Executive, it has thought fit to assign none, probably because it had none to give—at least none that would bear publishing—it has contented itself with stating that the Lieut. Governor has thought fit to dispense with the services of the persons appointed by the Act, and to constitute a new Board in their stead; his power legally and constitutionally to do either of these acts we deny, and have no hesitation in affirming that any act or acts that may be done or attempted by the new Board will be equally illegal and unconstitutional. In making use of the term "Lieut. Governor," we do so from necessity, and must not, for a moment, be understood as conveying any, the least censure on Sir Alexander Bannerman, who in this as in all other cases where the Lieut. Governor in Council is mentioned, has acted by the advice of that Council, the members of which alone are responsible both to the public at large and to their constituents for the consequences arising therefrom.

* "It is a rule in the construction of statutes," said Lord Mansfield, "that all which relates to the same subject, notwithstanding some of them may be expired or are not referred to, must be taken to be one system and construed consistently." Dwarris on Statutes, 569, 570, 2 Ed. Lond., 1848.

His Excellency and Lady Bannerman have been engaged, during the greater part of the past week, in making a tour to the Eastern parts of the Island, where they were received with the respect due to their station. Several Addresses were presented to His Excellency on the route, to which suitable Replies were returned, but not having been put in possession of the particulars until this morning, we are obliged to postpone their publication to our next issue.