

THE
CARBONEAR STAR,
AND
CONCEPTION BAY JOURNAL.

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WEDNESDAY, SEPTEMBER 4, 1833.

No. 36.

NOTICES.

NORA CREINA.



PACKET-BOAT BETWEEN CARBONEAR AND PORTUGAL COVE.

JAMES DOYLE, in returning his best thanks to the Public for the patronage and support he has uniformly received, begs to solicit a continuation of the same favours in future, having purchased the above new and commodious Packet-Boat, to ply between *Carbonear* and *Portugal Cove*, and, at considerable expense, fitting up her Cabin in superior style, with Four Sleeping-berths, &c.—**DOYLE** will also keep constantly on board, for the accommodation of Passengers, Spirits, Wines, Refreshments, &c. of the best quality.

The *NORA CREINA* will, until further notice start from *Carbonear* on the Mornings of **MONDAY, WEDNESDAY, and FRIDAY**, positively at 9 o'Clock; and the Packet-Man will leave *St. John's* on the Mornings of **TUESDAY, THURSDAY, and SATURDAY**, at 8 o'Clock, in order that the Boat may sail from the Cove at 12 o'Clock on each of those days.

TERMS AS USUAL.

Letters, Packages, &c. will be received at the *Newfoundlander Office*.

Carbonear, April 10, 1833.



DESIRABLE CONVEYANCE
TO AND FROM
HARBOUR-GRACE.

THE Public are respectfully informed that the Packet Boat **EXPRESS**, has just commenced her usual trips between *HARBOUR-GRACE* and *PORTUGAL COVE*, leaving the former place every **MONDAY, WEDNESDAY, and FRIDAY** Mornings at 9 o'Clock, and *PORTUGAL COVE* the succeeding Days at Noon, Sundays excepted, wind and weather permitting.

FARES,

Cabin Passengers	10s.
Steerage Ditto	5s.
Single Letters	6d.
Double Ditto	1s.
Parcels (not containing Letters)	in proportion to their weight.

The Public are also respectfully notified that no accounts can be kept for Passages or Postages; nor will the Proprietors be accountable for any Specie or other Monies which may be put on board.

Letters left at the Offices of the Subscribers, will be regularly transmitted.

A. DRYSDALE,

Agent, Harbour-Grace.

PERCHARD & DOAG,

Agents, St. John's

Harbour-Grace, April 5, 1833.

BLANKS of every description for sale at the Office of this Paper.

COURT OF EXCHEQUER, JUNE 28.

LIBEL.—*Cobbett v. Lawson and others.*

This was an action for libel, brought by Mr. Cobbett, M.P., for Oldham, against the proprietors and printer of the *Times* newspaper.

Mr. KELLY opened the pleadings, and Mr. C. PHILLIPS stated the case to the jury. He had to perform a duty which he entered upon with an embarrassment that had hitherto been unknown to him; he was beset by that embarrassment because he felt convinced that had his client's feelings allowed him to

come forward he would have done himself much more justice, but more so on account of the great weight, experience, and eloquence of the learned counsel opposed to him. For the first time in his life Mr. C. appeared in a court of justice claiming compensation for a libel. Had the attack been on his character as a public man he would have scorned to come there, but would have relied upon the acts of his public life; but the attack being upon him as a private individual he owed it to a large body of his fellow countrymen, as well as himself, to bring the offender before a Jury of his country.—It was well known that Mr. Cobbett's object had been for a long time to get a seat in the House of Commons, and his numerous enemies, among whom the most violent was the *Times*, used all their effort to prevent his success. The plaintiff felt that it was due not only to his constituents, but to the tradesmen of the country, that he should adopt the course he had taken, he being not only a public writer, but an industrious tradesman in a very considerable way of business, as would be proved, not only as a bookseller, but as a seedsman. Very shortly after Mr. Cobbett had been chosen by the almost unanimous voice of the burgesses of Oldham he was astonished to see a paragraph in the *Times*, purporting to be copied from a country paper, which, if true, would have debased him both in his moral character and that of a tradesman. A month before he was entitled to take his seat in the House of Commons the paragraph appeared in the most influential paper in London:—"COBBETT.—It is hinted to us that Cobbett is an uncertificated bankrupt, therefore cannot sit in the House of Commons.—*Leeds Intelligencer.*" That was holding up Mr. Cobbett as a most debased character, and saying in effect that he had played off a most false and wicked trick upon the constituency of Oldham, robbing them of their representative. No doubt Mr. C. had enemies in Oldham, and the probable result of their seeing the paragraph would have been their petitioning the house against his return. In consequence of the complaints of his constituents, Mr. C. was obliged to bring actions against every paper that had copied the libel, every one of which had made a satisfactory apology, except the *Times*, which Mr. C. had most willingly accepted, money not being his object. It was true that Mr. C. had once been a bankrupt, but so far from his certificate being refused, it was given him without the slightest hesitation on the part of his creditors. It might be said that the libel was copied from another paper, but that would not avail, as the copying of it into the *Times* had been the means of spreading the slander through the whole world. In conclusion, the learned Counsel called upon the Jury to give exemplary damages; for, however fair and honourable a man's conduct might be, if a paper like the *Times* only breathed upon his credit he was damned for ever.

The libel was put in and read, the publication being admitted.

James Gutsell examined by Mr. KELLY.—Was in the employment of Mr. Cobbett, who for a long time had been a bookseller in a large way. He sold books of which he was the author, French books and American ones. Exported a very large quantity last year to the United States. He was a very extensive seed merchant, a great part of which he raised at Kensington, and purchased others. Had frequently received money for seeds that had been sold. Witness also knew him to receive large quantities of corn and timber from America. Bills were drawn upon him in America, and circulated till they became due and were presented for payment. The libel appeared about a fortnight after the plaintiff had been returned for the borough of Oldham.

Cross-examined by Sir J. SCARLETT.—Was the plaintiff's amanuensis, and occasionally assisted in the shop. Had known him four years. He wrote a good deal, and the shop at those periods was attended by Miss Blundell. During last year the plaintiff went about the country lecturing. Witness went with him, and the shop was attended at that time by Mr. Cobbett's son, the one who was

now at the bar. He only went to attend to the books, not to serve in the shop. There was nothing over the door. Neither the words bookseller or seedsman. Did not know how many actions Mr. Cobbett had commenced in consequence of the present libel. The trade went on to appearance as usual, the doors were kept open from about eight o'clock in the morning till eight o'clock in the evening. Witness had sold upwards of £100 worth of garden seeds, but could not say how much more. Had never heard Mr. Cobbett say he had paid any dividend, or that he would never pay any debts.

Thomas Jones examined by Mr. PHILLIPS.—Was in the employ of Messrs. Simkin and Marshall. Had purchased books for them at Mr. Cobbett's shop in Bolt-court almost every day, in the usual way of trade.

Cross-examined by Sir J. SCARLETT.—It was Mr. Cobbett's own works that he purchased from him.

Re-examined.—Had purchased American books also, which found a ready sale. From the 12th January to the 7th of February £46 odd was laid out in Mr. Cobbett's shop by witness. Had been in the employ of Sherwood and Co., and also then bought from the shop of Mr. Cobbett books to a considerable amount, as much as £20 a day.

This was the case for the prosecution. Sir J. SCARLETT then rose and addressed the Jury on behalf of the defendants. After complimenting the Counsel for the plaintiff for the great talent he had shown in making a great deal out of little, the learned Counsel said there were two questions to be considered; first, whether the matter complained of was a libel; and, secondly, if it was so, what amount of damages ought to be awarded. Before he proceeded to contend that it was no libel he would set his friend right as to a few facts. WHEN A MEMBER OF PARLIAMENT BECAME A BANKRUPT HE LOST HIS SEAT; but if his constituents chose to re-elect him he was as good a member as before, although he had not got his certificate; so that all that had been said on that point went for nothing. How could this affect Mr. C. with his constituents? They had not sent him to parliament because he was a trader, but on account of his being a great political writer, who had promised no less than a month after he got into parliament to put all things to rights. Now what was the proof that had been brought forward as to Mr. Cobbett being a trader? Nothing. The mere selling his own books, or seeds he had himself raised, could not constitute him one; and if the Jury were of opinion that he was no trader, they would be bound to find a verdict for the defendants. If they were of a different opinion, then the question would be the amount of damages. Now there was nothing immoral or base imputed to Mr. Cobbett in the paragraph. But was Mr. C. a person who ought to seek damages at the hands of a Jury, he always having the remedy in his own hands; by inserting in his *Register* that the false, lying, and corrupt paper, the *Leeds Intelligencer*, had told some most malignant falsehoods of him? Was Mr. Cobbett's reputation damaged by the article in question? Certainly not. He did not stand before the world as a tradesman with a shop and window, but as a man of the most eminent literary man, who could write equally well on both sides of a question—as a man who could confute, change sides, and confute again.—The learned counsel then proceeded to quote many contradictory passages from the works of the plaintiff, and concluded by expressing his confidence that the Jury would find a verdict in favour of his clients.

Mr. Baron BOLLAND summed up, and the Jury, after half an hour's consultation, found a verdict for the plaintiff.—Damages £100.

It appears certain that an active correspondence has been kept up with the Court by the HARROWBY party, and that the King has been playing the part of a mediator. The result of this mediation, however, has been to place Lord Grey in a worse position than he was before. His Lordship convinced that he could no longer go on with the Cabinet so constituted as it now is, with the moderate Tory party in it continually oppos-

ing obstacles to him, and being urged by his brother-in-law, the Secretary at War to resign at once, or insist upon the adoption of a more liberal system, had thrown out pretty intelligible hints to the King, that an infusion of liberality into the Cabinet would be very useful. The king would not listen to any suggestion for liberalizing the Government, but offered to use his own influence with the Peers, so as to get rid of the immediate obstacle before Lord Grey. This he did, but his Lordship is said, by his immediate friends and relations, to be resolved on resigning or ruling with proper authority. His Majesty wishes him to remain in office, but will not listen to any proposal which would increase the Liberal influence in the Cabinet. Thus, it is reasonable to suppose that the Court will attempt the formation of a Government of moderate Tories, with Richmond, Grant, Stanley, and perhaps, Palmerston still in office. The friends of Earl Grey say, however, that he will triumph, and that there will be a very great change in the feeling of the Cabinet towards Liberalism.—*Spectator.*

ARISTOCRACY.—Aristocracy means that power or strength which is conferred by being, politically speaking, the best; it is the Force of the Best. It may be applied to other objects than rank; as the aristocracy of wealth, of beauty. To apply it to rank is a usurpation; it strictly belongs to citizenship; he who is of the number of the best citizens is an aristocrat, properly speaking; it need not be remarked how widely this sense of the term differs from the popular one. How the aristocracy proper—that is, of citizenship—was converted into the aristocracy of rank and blood, is pretty evident. The best citizens were naturally entrusted with power. A thing a man has long used as his own, soon becomes looked on as a family affair: the best citizens are weak on the subject of their children, and the people are also weak on the subject of their favorites. Thus it was easily agreed that the power, which was first conferred on merit, should be entailed on the sons of merit. More active citizens might interfere, and wrest the actual exercise of power from the hand into which it had devolved, but still the honor remained, and the wealth oftentimes, which power is apt to get about it.

We are living in a society where aristocracy has been very careful of its descendants, and very strictly entailed power, honour, and, as far as was possible, wealth. By a skilful command of the channels of public opinion, care has been taken to protect this strict descent of honors, by establishing it as a popular article of faith, that this sort of aristocracy is essential to the well-being of the state, nay to the administration of every department; and it is singular, that they who lose by this arrangement, are more fully convinced of its wisdom than those who gain by it. The perpetual contention of countries and communities has made excellence in war the first claim of a citizen; thus the best citizens or the original aristocracy of many countries, were warriors, and these have contrived to hand down their honours to their "lean and shiplipped" descendants.

The pugnaciousness of mankind has thus given to aristocracy its present form. As pugnaciousness is counteracted by reason and education, other necessities, other tastes arise, which considerably modify the ancient forms of aristocracy. Commerce breeds its heroes: wealth comes to be paramount: the educated worship talent, which supplies them with mental food. In the arts, the Gifted form an aristocracy apart. Hitherto the old prejudice in favour of the feudal aristocracy has been preserved in so great a perfection that any other kind of aristocracy is held inferior, and some are accounted altogether despicable. But as we advance farther in civilization, great changes will take place. Things will be valued more nearly at their real value. The Gifted of Nature will especially rise in estimation; the man of genius will cease to care for the notice of the man of rank. They who can contribute to the wisdom, or entertainment of multitudes, will take place of persons who have no claim