

POETRY.

MOTHER, WHAT IS DEATH?

"Mother, how still the baby lies,—
I cannot hear his breath;
I cannot see his languid eye—
They tell me this is death.

My little work I thought to bring,
And sat down by his bed,
And pleasantly I tried to sing—
They hushed me—he is dead.

They say that he again will rise,
More beautiful than now,—
That God will bless him in the skies—
Oh, mother, tell me how?"

"Daughter, do you remember, dear,
The cold, dark thing you brought
And laid upon the easement here,—
A withered worm you thought?"

I tell you that Almighty power
Could break that withered shell,
And show you, in a future hour,
Something would please you well.

Look at the chrysalis, my love,—
An empty shell it lies;
Now raise your wandering thoughts above,
To where you insect flies?"

"Oh, yes, mamma! how very gay
Its wings of starry gold,
And see! it lightly flies away
Beyond my gentle hold!

Oh, mother now I know, full well,—
If God that worm can change,
And draw it from this broken cell,
On golden wings to range,

How beautiful will brother be,
When God shall give him wings,
Above this dying world to flee,
And live with heavenly things."

FOREIGN INTELLIGENCE.

Extracted from the latest English Papers

Holland.

AMSTERDAM.

(Private Correspondence of the *Handelsblad*, dated London.)

The following is the project of treaty that the Cabinet of the Hague has remitted to the Plenipotentiaries of France and Great Britain:—

"PROJECT OF TREATY.

"Art. 1. His Majesty the King of the Netherlands consents that his troops shall evacuate the fortresses of Lillo and Liefkenshoek in the period of—days after the ratification of the present convention.

"Their Majesties the Kings of France and England shall equally consent, in the period of—after the ratification of the present treaty, to guarantee that the Belgian troops shall evacuate Venloo, the Dutch part of Limburg, and the German part of Luxemburg, according to the demarcation agreed to in the treaty of the 15th November, between the five Powers and Belgium, and the places above-mentioned shall be delivered up to the King of the Netherlands.

"Art. 2. His Majesty the King of the Netherlands consents, after the ratification of the present treaty, to free the navigation of the Meuse, in conformity with the regulation decreed in 1831 at Mentz.

"Art. 3. Until a definitive treaty between Holland and Belgium shall be agreed to, the Dutch government shall raise upon the Scheldt one duty under the name of *tolregt*. This will be—, by tons, for vessels coming from the sea up the Scheldt, and a duty—, by tons, for vessels going down the river. This duty shall be levied at Flushing without any visiting or administrative form, and shall be the same for all vessels, whatever be their cargo or colours.

"Art. 4. His Majesty the King of the Netherlands consents that commercial communications shall be established between Germany & Belgium by Maestricht and Sittard; they shall be perfectly free and protected from all obstacles. The employment of the two roads, which divide the two towns, to arrive at the frontiers of Germany, shall only be subjected to a moderate duty on the expense of the toll, so that the transit may not be impeded.

"The rates of transit for Limburg shall be equally moderate, and shall not exceed the actual rate. If this rate exceed one per cent. of the value of the merchandise, it shall be reduced to the rate of one per cent.

"Art. 5. His Majesty the King of the French, and His Majesty the King of Great Britain, consent to obtain from Belgium the payment from the 1st of January, 1833, of 8,400,000 florins, payable yearly to the Dutch treasury.

"Art. 6. His Majesty the King of the Netherlands consents, that in the provinces that shall be allotted to him, none shall be prosecuted or annoyed for any political cause."

Ireland.

ITINERANT PREACHERS—THE POLICE.

To the Editor of the *Morning Register*.
Corofin, Feb. 8, 1833.

Dear Sir,—I transmitted a few weeks since a memorial to the Irish Government, signed by myself and my parishioners, complaining of itinerant preachers, who stop with a party of police at the residence of Mr. Edward Synge, and who constantly annoy the Catholic inhabitants, enter their houses, preach in public meetings and at public funerals. At one funeral these men were severely beaten, and their lives were with difficulty protected from the fury of an exasperated people, by the interference of influential persons.

I received, I think, a satisfactory reply, a copy of which I beg to give you on the other side. I think the publication of it might be useful. It will direct others, suffering similar annoyance in other quarters of Ireland, how to obtain redress.

I am, dear Sir, with great respect, your faithful and obedient servant,

PATRICK GORMAN,
Parish Priest of Rath and Kilnaboy.

Dublin Castle, Feb. 4, 1833.

Sir,—Having caused an inquiry to be made into the circumstances stated in the memorial signed by you and the Roman Catholic parishioners of Rath, with respect to the interference with the religious feelings of the people by two itinerant preachers, who, it is alleged, are living in Mr. Synge's house under the protection of the police, the Lords Justices desire me to acquaint you, that it appears from the result, that the conduct of the persons alluded to seems to have been highly improper, and Mr. Brew, chief magistrate, has been directed to express to them the sense entertained of it by government, and that, if persevered in, the police guard at the house they occupy will be withdrawn.

I am, Sir, your obdt. humble servant,
Wm. GOSSETT.

Rev. P. O'Gorman, R. C. Rector of Rath.

TITHE TRIALS.

DEFEAT ON PROSECUTIONS FOR TITHES IN THE COUNTY OF WATERFORD.

At the Quarter Sessions on Friday, held in the city of Waterford, the Attorney-General's list of tithe prosecutions amounted to 820. The first called on was at the suit of the Rev. Mr. Mounsell, against a farmer named Halfpenny, the proclamation of which appeared in the *Gazette* on Nov. 21.

Mr. Dominick Ronayne, M.P., on the part of the defendant, argued that this proceeding was informal, and should be quashed, inasmuch as the notice that had been posted through the parish was dated the 8th of December, which did not allow the month of grace between the proclamation and execution, provided and ordered in the late tithe act.

Mr. Hamilton, for the prosecution, contended that the posting did not amount to the legal execution contemplated in the act; but

The Assistant Barrister thought otherwise, and decided in favour of the defendant.—He then inquired if the remaining cases were similarly circumstanced, and finding that they were, ordered the entire 820 applications to be nonsuited.

The country people are in raptures at the defeat of the Attorney-General, who must begin *de novo*, if the legislature permit him.—*Globe*.

IMPORTANT TO MERCHANTS.

Court of King's Bench.

HAWES v. FOSTER.

This was an action tried before the Lord Chief Justice at the last sittings at Guildhall and a verdict found for the plaintiff, with leave to move for a new trial. The Solicitor-General now moved the Court accordingly. The action was on a warranty contained in a contract for the sale of oil, which the defendants had warranted to arrive on a certain day, but which was not so delivered to the plaintiffs. The damages consisted in the loss sustained by the plaintiffs from a rise in the price of oil, which obliged them to buy at a higher rate. It appeared the defendants had employed a broker, named Wright, to sell the oil in question on its arrival, and the custom is that if the goods in such cases do not arrive on the day stipulated, the contract is void. In the present case the broker concluded the sale with the plaintiffs, and entered in his book that the oil was to be sold to them on its arrival; but, in the "sold book," which was handed over as usual to the plaintiffs, the oil was warranted to arrive on a certain day. The question, therefore, on the trial was, whether the case should be decided by the entry in the broker's book, or by the sold book, and the above verdict was given, that the point might be discussed. The learned Solicitor-General now submitted, in support of his motion for a new trial, that the broker's book was the proper authority, and cited the opinion of Lord Ellenborough in support of his view, as well as that of Lord Tenterden against it.

The Lord Chief Justice.—As this is a point, the decision of which will affect the custom among merchants and brokers, we are of opinion that it should be discussed. Rule nisi granted.

GRAPHIC SKETCH OF THE STORMING OF CUIDAD RODRIGO.—A writer in the United Service Journal, gives the following highly graphic sketch of a scene, which has been described by, at least, 100 pens:—

The situation in which we were now placed was one of extreme danger and embarrassment. Instead of falling into the rear of a column, supposed to have, already, carried the breach, we stood alone, at its base, exposed to a tremendous fire of grape and musketry, from its defences, whilst we were in danger of being assaulted in the rear, by a sortie through the sally-port, in the ditch already mentioned. For a minute we seemed destined to be sacrificed to some mistake as to the hour of attack, but suddenly we heard a cheer from a body of men who, crowning the summit of the counter-scarp, flung down bags filled with heather, to break their fall, and leaped on them into the ditch. It was the old Scotch Brigade, which, like us, having been intended as a support, was true to its time, and was, consequently, placed in the same predicament with ourselves. On the appearance of the 94th, the fire of the garrison was redoubled; and, after a moment's consultation between the seniors, it was decided to die like men on the breach, than like dogs in the ditch, and, instantly, with a wild hurrah, all sprung upwards, absolutely eating fire. I think the breach must have been seventy or eighty feet wide: the 94th took it on the right, we on the left, extremity, as you look to the country; and I affirm, it would have been a work of no small labour to have achieved the ascent under any circumstances, consisting, as it did, of a nearly perpendicular mass of loose rubbish, in which it was extremely difficult to obtain a footing. As our serious intentions were now evident to them, the enemy developed and employed their entire means of defence. Two guns pointed downwards from the flank, and had time to fire several rounds of grape, working fearful destruction, particularly in the 94th. On the margin of the breach were ranged a quantity of shells, which were lighted and rolled down amongst us, acting rather as a stimulus to push up and avoid their explosion. The top of the breach was defended by a strong body of the garrison, who maintained a heavy fire of musketry, and shewed, for some time, an undaunted countenance. Hand-grenades and fireballs were not wanting, nor yet the agreeable accompaniment of a heavy fire from a distant flanking demi-bastion, which bore on the foot of the breach and crest of the glacis, where the 45th and 88th, who were just arrived in time to do good service, suffered very severely by it. As we struggled up the resistance, though not, perhaps, as determined as it might have been, was still sufficiently formidable to have daunted the bravest. However, with all its defects, a night attack has the advantage of concealing from the view much of danger and difficulty, that, if seen, might shake the nerves. But there was no time then for hesitation, no choice for the timid; the front ranks were forced onwards by the pressure from the rear; and, as men fell wounded on the breach, there they found their (living) grave, being trodden into and covered by the shifting rubbish displaced by the feet of their comrades. Some few, more lucky, when wounded, rolled down the slope into the ditch, where they called, in vain, for that assistance which could not then be afforded them; and they added, by their outcries, to the wildness of the scene. Such a struggle could not be of long duration; and the effort of our men, reinforced, as we were, by the two last-named regiments, were, in a few minutes, crowned with success. The enemy's resistance slackened, and they suddenly fled from before us, escaping to right and to left, by boards laid across cuts through the terre-pleine, by which cuts the breach was isolated; the boards they left behind in their panic. It was now seven o'clock, the breach was carried, and the town virtually ours. A voice was heard to shout above the uproar, "They run, they run!" All crowded on the summit of the breach, and some spoke of forming the men on the rampart; but on that spot there was no safety, for we had scarcely attained it, when a deadly fire was opened upon us from a breast-work, at about twenty yards distance and beneath, formed from the ruins of some houses, of loose stones, and lined with men. Many of our people threw themselves on their faces, and, in that position, returned the fire with good effect, as I observed, on the following morning, more than forty of the garrison lying dead behind the breast-work, shot through their heads—the only part exposed to our fire. One portion of our fellows, led by Gen. McKinnon, proceeded to the left along the rampart, and turned the right flank of the breast-work, (which was appuieed against the walls) and there, firing on them, dispersed the enemy. About that time, the expense magazine blew up on the rampart, destroying the general and many with him, as well as such of the garrison as were at that end of the breast-work; behind

which I saw, the next day, a number of mutilated and blackened corpses, hideous and shapeless, friends and foes, mingled in one common destruction. I distinctly remember the moment of explosion, and the short pause occasioned in our proceedings,—a pause which enabled us to distinguish the noise of the attack still going forward in the direction of the little breach. I accompanied a party which pushed across a board to our right, for the purpose of clearing the rampart (on that side) of the enemy, who still fired at us, but fled on the first demonstration of attack. Then it was that a gigantic young Irish volunteer, attached to our regiment, was said to have uttered that exclamation of surprise at the facility with which he could deprive a human being of life that became celebrated afterwards throughout the division. Observing a gallant artilleryman still lingering near his gun, he dashed at him with bayonet fixed, and at the charge. The man stepped backwards, facing his foe, but, his foot slipping, he fell against the gun, and, in a moment, the young fellow's bayonet was through his heart. The yell with which he gave up the ghost so terrified B— that he started back the implement of death in his hands, and, apostrophizing it, was heard to say, "Holy Moses! how easy you went into him!" As the first taste of blood rouses the latent fierceness of the tiger's whelp, so this event seemed to have altered B—'s nature, and, doubtless, led to his subsequent misfortunes and premature death. No enemy being now visible on the ramparts, and the men who lined the breast-work having fled, we advanced in pursuit, dropping from the wall into the town. At first we were among ruins; but, having extricated ourselves from them, we made our way into a large street, leading nearly in a straight line from the principal breach to the plaza of square. Up this street we fought our way, the enemy slowly retiring before us. At about half the length of the street was a large open space on our left hand, where was deposited the immense battering train of "the army of Portugal," and its materiel. Amongst this crowd of carriages, a number of men had ensconced themselves, firing on us as we passed, and it required no small exertion on our part, to dislodge them. Such of them as were caught suffered for their temerity. In the mean time, those of the enemy ahead of us were lost to sight, having entered the square, for which place we pushed on with as many men as we could lay hands on, formed, without distinction to regiments, into two or three platoons; for the greater proportion of those who had started with us had gradually sneaked off into the bye-streets for the purpose of plundering, which business was already going on merrily. As we reached the head of the street, (which entered the square at an angle,) and wheeled to the left into the open space, we received a shattering volley from the enemy, which quickly spoiled our array. They were drawn up in force in the square and under the colonnade of the cathedral, and we were, for the moment, checked by their fire, which we returned from the head of the street waiting for a reinforcement. At length, when we were meditating a dash at the fellows, we heard a fire opened from another quarter which seemed to strike them with a panic, for, on giving a cheer and moving forward, they, to a man, threw away their arms, as if by word of command, and disappeared in the gloom like magic. It was the light division, who entered the square by a street leading from the little breach, and their opportune arrival had frightened the game which we had brought to bay, leaving the pavement covered with arms and accoutrements. Resistance had ceased, and the town was captured.

EFFECTS OF DIFFERENT TEMPERATURES ON THE BODY.—When the air is warm and dry it excites a most agreeable sensation in the lungs and in every part of the body. It increases the power or function of every organ, and health is perfect; this is observed in a dry spring after a cold and moist winter; but when the weather is intensely hot, and persons exposed to the burning sun in the tropics, they often drop dead suddenly from apoplexy: this has happened even in France and Spain during very hot summers. All the functions, as breathing, digestion, &c., are diminished and oppressed. There is danger of mortification of wounds and ulcers, bowel complaints, fevers, hysteria, epilepsy, &c. Persons labouring under consumption have been advised to live in warm climates; but many physicians suppose that the acceleration of the breathing and pulse caused by hot air in summer, only hurry the sufferers to a more speedy death. The change of habitation from a cold climate to a warm one in winter is highly advisable, though it is now believed that the southern coasts of this country are as eligible as foreign climes for our consumptive patients. A cold and moist atmosphere produces debilitating effects on man and animals; a cold and dry air is not so injurious; it braces the nerves and is favourable to health, although it sometimes induces determinations of blood to the head, chest, and abdomen, and causes inflammations in the organs of their cavities.

Printed and Published by D. E. GILMOUR, at the Star Office, Carbonar, Newfoundland, to whom all Communications must be addressed.—Subscription, ONE GUINEA PER ANNUM, payable half-yearly.