British News.

THE STATE TRIALS.

WRIT OF ERROR.

HOUSE OF LORDS—SEPTEMBER 2.

OPINIONS OF THE JUDGES.

This morning being the time appointed for the Judges to give their opinions on the points submitted to them by the House of Peers in the important case of the Queen *v.* O'Connell and others, the approaches to the House of Lords were occupied, at a very early hour, by persons anxious to gain admittance. The doors were opened at ten o'clock, but long before that hour a crowd of persons had assembled outside, and when they were opened there was quite a rush. The space below the bar of the house was crowded with spectators and counsel.—The counsel for the Crown and those who appeared for the traversers occupied the places in front. All those engaged in the cause were present, except the Attorney-General: the remainder of the place below the bar being appropriated to the use of spectators. Several elegantly-dressed ladies were present in this part of the house. The galleries were crowded within a few minutes after they were opened. On our admittance to the gallery we found the greater number of the Judges and of the Law Lords present. The Bishop of Lichfield read prayers. Amongst the Judges present were Lord Chief Tindal, Mr. Justice Patterson, Mr. Baron Gurney, Mr. Justice Williams, Mr. Justice Coltman, Mr. Justice Wightman, Mr. Justice Maule, Mr. Baron Alderson, the Lord Chief Baron, and Mr. Baron Parke. Among the Law Lords were the Lord Chancellor, Lord Denman, the Lord Chief Justice, Lord Brougham, and Lord Campbell. Lord Cottenham arrived shortly after the commencement of the proceedings. The Duke of Cambridge was in the house before the commencement of the proceedings, as were Lord Beaumont, Lord Redesdale, the Earl of Dalhousie, Lord Strangford, Lord Boston, and Lord Tankerville.

GRAY *v.* THE QUEEN.

Mr. Justice Wightman proceeded to deliver his opinion in this case, in which the question submitted to the Judges was, whether a party charged with treason and felony had a right to the peremptory challenge of a jury after they had been sworn.—The learned Judge gave his reasons at considerable length, and was clearly of opinion that the court in Ireland ought to have allowed the challenge.

Mr. Justice Coltman and Mr. Justice Williams were of the same opinion.

Baron Gurney said, he concurred in the opinion of the learned Judge who had preceded him. He did not think that the distinction of the right of challenge being allowed only in *favorem vitæ* was sound.

Mr. Justice Patterson concurred in the opinions which had been expressed by the other learned Judges, and thought that the peremptory challenge ought to have been allowed.

Mr. Baron Parke said, that he regretted he felt obliged to differ from the learned Judges on the question put by their lordships. The question appeared to to be, what was the rule of common law in allowing peremptory challenges, whether it extended to all cases of felony or to capital offences only? He was of opinion, that the right of peremptory challenge did not exist in cases of non-capital punishment. He believed that it had not been the object of the legislature, when they passed the act of George IV, to take away from the accused any right which he had before possessed, by depriving him of the benefit of clergy. Such a result had not been contemplated by the legislature; nevertheless, such had been the result. It was not, however, the duty of Judges to supply the defects of the legislature—it was their duty to administer the law as they found it; and in his opinion the challenge had been properly disallowed.

Lord Chief Baron Pollock was of opinion that the court ought to have allowed the challenge.

Lord Chief Justice Tindal was of opinion that the court below ought to have allowed the challenge on the part of the prisoner. No prisoner could be deprived of an important right by implication. The peremptory challenge was always allowed in *favorem vitæ*, and it was also allowable in all cases of felony, for anciently all felonies were capital.

The further consideration of the case was then adjourned until wednesday, (this day).

O'CONNELL *v.* THE QUEEN (IN ERROR).

Lord Chief Justice Tindal said, the first question proposed by their Lordships to her Majesty's Judges was this, namely:—"Are all, or any, and if any, which of the counts in the indictment bad in law, so that, if such count or counts stood alone in the indictment, no judgment against the the defendants could properly be entered upon them?" The answer to this question would depend upon the consideration whether all the counts of the indictment were framed with that proper and convenient certainty, with respect to the substance of the charge of conspiracy, which the law required. For, undoubtedly, if any of such counts were framed in so loose, uncertain, or inapt a manner as that the defendants might have availed themselves of the insufficiency of the indictment upon a demurrer, there was nothing to prevent them from having the same advantage from the objection upon a writ of error. To constitute the crime of conspiracy, it was necessary that two, or more than two, should agree to do in effect an illegal thing, that is, to effect something in itself unlawful, or to effect something which, though in itself lawful, was sought to be brought about by unlawful means. That it was an offence unknown to the common law, and not first created by the statute of the 33d Edward I, was manifest.—The statute spoke of conspiracy as a term at that time well known to the law, and professed only to be a definition of conspirators. It had accordingly always been held to be the law, that the gist and the effect of conspiracy was the bare engagement and association to break the law, whether any act in pursuance thereof were done by the party or not, King *v.* Edwards. No serious objection appeared to have been made at their lordship's bar against the efficiency of any of the counts prior to the 6th. Indeed, there could be no question but that the charges contained in the first five counts did amount in fact, to the legal offence of conspiracy, and were sufficiently described therein. There could be no doubt but that the agreeing of divers persons together to raise discontent and disaffection amongst the liege subjects of the Queen, to stir up jealousies, hatred, and ill-will between different classes of her Majesty's subjects in Ireland feelings of ill-will and hostility towards her Majesty's subjects in other parts of the United Kingdom and especially in England, which charges were found in each of the five counts which first occurred in the indictment, did form a distinct and definite charge in each against the separate defendants or an agreement between them to do an illegal act. It, therefore, becomes unnecessary to consider the charge of conspiracy to do other acts which were alleged to be within the scope of the agreement. With respect, however, to the sixth and seventh counts, in the form in which they stood upon the record, they all concurred in the opinion, that they did not state the illegal purpose and design of the agreement entered into between the defendants with such proper and sufficient certainty as to lead to the necessary conclusion, that it was an agreement to do an act in direct violation of the law. Those two counts did in substance state in each of them the agreement of the defendants to have been to cause and procure divers subjects to meet together in large numbers for the unlawful and seditious purpose of obtaining, by means of the intimidation to be thereby caused, and by means of the exhibition and demonstration of great physical force at such meetings, changes in the government, laws, and constitution of the realm. Now, though it might be inferred from these counts that the object of the defendants was probably illegal, yet it did not appear to them to be so alleged with sufficient certainty. The ninth, tenth, and eleventh counts the Judges all concurred in the opinion did sufficiently charge the defendants with agreeing with others for purposes which were in violation of the law of the land. He thought it unnecessary to state authorities for the opinion that the agreement of the defendants with others to weaken the attachment of her Majesty's subjects to the lawful institutions of her kingdom, to bring the laws into disrespect, and to supersede the lawful tribunals established for the administeration of justice rightly charged, especially in the 11th count.—As to the 6th and 7th counts, the Judges had no doubt that they were bad in law, and that if they stood alone, a verdict for the defendants would properly be entered upon them.

The next question put to the Judges by their lordships was, "Was there any defect, and if so, of what nature, in the finding of the jury, and the entering of that finding on the record?" On this question the Judges were all agreed that the finding on the first, second, third, and fourth counts was not supportable in law. In respect to the first and second counts, they held the finding to be bad, on the ground that the jury found the eight defendants guilty of a joint conspiracy on each of these counts; but they found certain ones of the eight guilty of other and separate conspiracies under the same counts. The finding was bad as to the third count, because the jury found three of the defendants guilty of the charges, all the defendants guilty of certain other of the charges, and all, except Thomas Tierney, guilty of others. On the fourth count they found all were guilty of all the charges except Thos. Tierney, who was guilty of part only. The third question was, "Whether it was the opinion of her Majesty's Judges that there was any sficient ground for reversing the indictment, by means of any defect in the indictment, or of the finding, or entering of the findings of the jury upon the said indictment?" That question to a certain extent comprised the same points as the eleventh question: and as there was a difference of opinion amongst the Judges on these points, he begged to inform their lordships, that he was about to express only his own opinion in answer to that question. In order to arrive at a satisfactory answer to the question, it was necessary to consider it as divided into two seperate parts—first, whether in an indictment consisting of several counts, and the finding being good on some and not so on others, was that finding altogether bad on account of its insufficiency as to some parts? Now he held it to be the law, that where the finding is good in the criminal case upon one count of the indictment, and the sentence authorised by law has been secured, such judgement could not be revised on the ground that the finding on the other counts were bad in law. In criminal cases, the jury have no other question but whether the accused be guilty of the charge in the indictment, and they have nothing to do whatever with awarding a personal punishment or ascertaining a fine, which was the province of the Judges only, whether the punishment was fixed by statute or discretionary. If it had been objected, on the part of the plaintiffs in error, that if judgement were allowed to stand whilst there remained defective counts on the faces of the records, it would expose the defendants to some hardships and inconvenience: first, preventing them from availing themselves of the judgement in the present indictment as a bar to a second prosecution for the same offence; and secondly, the possible difficulty of availing themselves of a pardon granted for an offence contained in one count of the indictment.—If he thought that those consequences would follow from holding the present judgment irreversible, he would pause long before he adopted the conclusion to which he had at present arrived. He could not, upon the best consideration which he had been able to give to the subject, discover that any such difficulty really existed. As to the objection of a difficulty being thrown on the defendants with respect to evidence contained in those counts which were confessedly valid and not extending to evidence on the other counts, it might be answered that no instance could be found of a pardon being granted after judgment, which did not recite the indictment and a conviction. Indeed, in cases of felony, the pardon would be void without such recital, and if it was possible to suppose a case to happen after such recital, that the crown should pardon not the whole of an offence contained in an indictment, but the offence counted in a valid count only, there could be no doubt whatever that the court before whom such parties were brought to take the benefit of the pardon would discharge them altogether when nothing appeared excepting from the pardon the offences described in counts which were not sustainable in law. He did not, therefore, see any objection to the judgment in the present case being supported on the good counts in the indictment, and on the good counts only.

The fourth question proposed by their lordships was, "Is there any sufficient grounds to reverse the judgement by reason of the matters stated in the pleas in abatement, or any of them, or in the judgment upon such pleas?" In answer to the question, he had been requested by his brethern to say, that they all agreed that the judgment ought not to be reversed, from the reasons stated in the plea of abatement. In answer to that question, it would be unnecessary to say more, than that the law required that a plea of abatement should be pleaded with certainty. This was laid down in "Coke upon Littleton." As this was the rule in civil actions, at least the same degree of precision and strict exactness was necessary in a plea of abatement, in any proceedings of the crown. In the present case the plea failed in many particulars. The names of the unworn witnesses, on which the plea was founded, were not given in the plea. The fifth question proposed by their lordships was, "Is there any sufficient ground for reversing the judgment on account of the continuing the trial in the vacation, or of the order of the court for that purpose?" The objection taken was, that this order was conditional only, and not for an appointment, but for the continuation of the trial. The order, however, appeared to the Judges to be clearly within the scope and meaning of the act, and the power which was exercised by the court was well exercised. The statute warranted the court in appointing such day or days as they should think fit. The trial, therefore had been very properly continued in the vacation. The order was sufficient for that purpose, and by all her Majesty's Judges this question was answered in the negative. The question, sixthly, put to the Judges was, "Whether there was any sufficient ground for reversing the judgment on account of the judgment of the court overruling and disallowing the challenge to the array, or any or either of them; or of the matters stated in such challenge?" The answer to this question depended upon the principle on which the law allowed the challenge to the array. The principle was the indifferency of the sheriffs. Now, in the present case there was no indifferency on the part of the sheriffs alleged, but it was said that the jury-book was not made up according to the statute, and that no less than 79 names were omitted in the list. It was said the list was illegally and fraudulently made out, and the challenge of Mr. Steele asserted that it was made to his prejudice, but no fault was alleged against the sheriff. Then it was said that the materials of the jury book were improperly composed, but that was no ground for the challenge to the array. If the deficiency in the jury-book was allowed to be matter of challenge, the business of every assizes would be stopped. On the whole, all the Judges were agreed that there was no ground for the objections taken, and their answer, therefore, to the question was in the negative.

The next question (the 7th) put to the Judges was, "Whether there was sufficient grounds to reverse the judgment by reason of any defect in the entry of continuances from the said trial to the 15th day of April, regard being also had to the appearance of the defendants on the said last-named day?" Now, with respect to this question, what was the case? Why, a trial had taken place in vacation that had commenced in term, and it was said that that was not a valid proceeding. Now, the fact was the statute provided for the continuance of a trial at bar, and in the present case it never could be said that the case had ceased. The statute by its own operation continued the cause over to the following term—there was in fact a parliamentary continuance of the cause. All the Judges concurred in opinion that no discontinuance had taken place, and, therefore he felt bound to answer that question in the negative. The eighth question put by their lordships to the Judges was, "Whether there was any sufficient ground to reverse or vary the judgement on account of the sentences, or any, or either of them passed on the respective defendants, regard being had particularly to the recognisances required and to the period of imprisonment dependent on the entering into such recognisances?" Now, on this question the judges saw no grounds for varying or reversing the judgment on account of the sentences pronounced. The defendants had, under their sentences, the power to enter into their recognisances, and thereby shorten the time of their sentence, and it was to be presumed, that at the time the Court passed judgment, it took care the defendants should have time enough to enter into their recognisances. All the Judges concurred in agreeing therefore, that the 8th question must be answered in the negative. The 9th question was "Whether there was any sufficient ground to reverse the judgment on account of the judgments of error *coram nobis*, or any or either of them, or of the matters stated in such assignments of error, or any or either of them?" Now, upon this question it was to be observed, that the errors assigned in the writs were, with the exception of Steele's, the same. In the case of Steele, however, the error assigned was that the indictment was not properly found, because it had not been stated on the back of the bill by the sheriffs that that the witnesses had been sworn.—Now, with respect to the error of fact alleged by all the other traversers the answers of the Judges returned to their lordships was this, that the statute of Victoria, in that respect, repealed the former one, and that the course pursued by the Court of Queen's Bench in Ireland, with respect to the swearing of witnesses, was in accordance with the opinion of the Judges. On this point they thought the decision of the Irish judges was correct; and upon a reasonable construction of the statute they thought that this ground of objection was answered. The 9th question they all concurred in agreeing, that it must be answered in the negative. The tenth question put was this—"Is there any sufficient ground for reversing the judgment by reason of its not containing an entry as to the verdicts of acquittal?"—After a careful search made at the Crown office, no instance of such an entry could be found where a party was found guilty of one part of the indictment on which he received judgment, and this practice they thought was in accordance with law; for it appeared from Lord Hale, that an entry of acquittal *quod eat sine die* might be entered for the defendant even after a writ of error had been brought. They were all of opinion therefore, that the tenth question was to be answered in the negative. Upon the eleventh and last question, upon which he was delivering his opinion only, he had in answering the third question, anticipated those observations which would otherwise apply. He had already stated that the opinion at which they had arrived was, that a general judgment upon the whole record was not to be reversed upon a writ of error by reason of one or more counts being bad. He had also stated his opinion that it would make no difference that the punishment was discretionary. The only *position*, therefore to be considered were, whether the entry on the record, being "that the defendants *for the offences* aforesaid be fined and imprisoned," was in itself a ground for reversing the judgement? That to which their attention had been called was, that the word should be that the defendant "*for his* offences as aforesaid," be fined and imprisoned.—The plain interpretation of these words was this—such offences as were set out in those counts of the indictment that were free from objection, and of which the defendants had been found guilty by a proper finding of the jury. That was, the offences in the 5th, 6th, and all subsequent counts, and he saw no objection to the word offences in the plural number. He did not think that in point of law, the words as they appeared in the record formed a ground of objection. He therefore thought the question also—but he offered it as his own humble opinion was to be answered altogether in the negative.

Mr. Justice PATTERSON, in delivering his judgment said that there was no difference of opinion amongst their lordships, except with regard to the third and eleventh questions. The third question was whether there was any sufficient ground for reversing the indictment by means of any defect in the indictment, or of the finding or entering of the findings of the jury upon the said indictment. This question appeared to him to consist of two parts—the first related to the consequence of any defect in the indictment itself; the second to any defect in the finding of the jury on the trial. With regard to the first, he would take the liberty of answering it, together with the eleventh question, which he took to be in effect, the same; for the only defect in the indictment was in the sixth and ninth counts, which were bad with regard to the second question. He thought that the consequences of any defect in the findings of the jury were cured, so far as they related to the fourth count, in consequence of entering a *nolle prosqui* with regard to one of the defendants the Rev. Mr. Tierney. He did not think there was any ground for reversing the indictment with regard to the first and second counts, by reason of any defect in the findings with regard to those counts. He would connect the third with the eleventh question, as he thought they were nearly identical. Something had been said about the possibility of a pardon for some of the offences, and not for others. This argument went too far, for it went to show that a general sentence was always bad, even although all the counts should be good. The point to be decided was, whether there were *nomina collectiva*, and it not to which of the two counts they applied; because if they applied to the second only, the judgment which included hard labour was illegal. The Court held, that they were *nomina collectiva*, and applied to both counts.

Mr. Justice MAULE thought that upon the record, neither in the case supposed by the third question, nor in that supposed by the eleventh, could the judgment be reversed by a writ of error.

Mr. Justice COLTMAN said, that, in his humble opinion there was sufficient grounds for reversing the judgment on the third and eleventh questions by reason of the defects of the finding of the jury and the judgment thereupon.

Mr. Justice WILLIAMS said, that the difference amongst the Judges arose on the last question, he would draw the attention of their lordships to this point—that there was no difference between this case and any other criminal case in which the verdict of guilty was recorded, one of the counts in the indictment being bad and another good.

Mr. Baron GURNEY said that he and his learned brethern were of opinion, that the 5th, 8th, 9th, 10th, and 11th counts in the indictment were good counts. They had no means of judging whether the punishment was proper or not. All they had to do was to consider whether the law authorised the proceedings in the case.

Mr. Baron ALDERSON said, he felt that if their lordships were to reverse the judgment in this case, it would be productive of great inconvenience, and would involve a failure of justice in criminal cases for the future. He thought in the present case, it was impossible to say, with any certainty that there was any error. Whether the punishment was discretionary or not made no distinction. For these reasons, therefore, his humble answer to their lordships' questions both as to the 3d and 11th was in the negative.

Mr. Baron PARKE said: That with regard to the third question proposed by their lordships, he regretted, that after fully considering it he could not bring his mind to concur with the majority of his brethern respecting it.

Mr. Justice COLERIDGE concurred with the majority of the Judges.

The LORD CHANCELLOR: My lords, I move that the further consideration of this question be postponed to Wednesday next.

LORD BROUGHAM: And that the opinions of the Judges be printed.

The motion, with Lord Brougham's addition, was then put and agreed to, and their lordships adjourned till Wednesday.

The galleries and the space below the bar were crowded during the whole of the proceedings. The seats at the foot of the Throne were completely occupied by the eldest sons of Peers, and the attendance of Peers was very numerous. There was a crowd waiting outside the doors, anxious to hear the result.

PREPARATIONS FOR WAR (!)—Frequent communications are being made by the Government to the several departments at this port, on the subject of the store and state of the materials necessary in case of any emergency which may require sudden equipment. Orders have been issued for the entry of seamen for general service, a step only taken in the expectation of more than the ordinary demand.—One hundred able seamen are also ordered to be entered in the dock yard, as labourers at 2s. 6d. per diem: petty officers to act as leading men, at 3s. 6d. per day. They are to be entered on the express understanding that they are to join any ship when required and at a moment's notice. This is in accordance with a plan suggested by Sir Charles Napier, in the Houses of Commons, but one not likely to be very successful. Good seamen will scarcely be found willing to take the labourer's broom; and indifferent characters may at most times be had without forming any such nursery. It is to be regretted also, that the Government should feel it necessary, as a matter of economy, we suppose to discharge labourers to make room for the increase to the numbers of seamen employed. Seventy-five of the former are ordered to be dismissed as seamen offer for entry. Many of these men have been in the dockyard for several years, and very naturally anticipated being eventually placed on the establishment.

DOMESTIC SUMMARY.

(From Charles Wilmer's American News Letter.)

The chief topic of the day is the rumoured intention of her Majesty to visit Ireland, preparatory to an amnesty remitting to Mr. O'Connell and his fellow prisoners the remaining term of their imprisonment. Whether true or not, the mere rumour has created great excitement among all parties. The Conservatives profess to believe that Ministers will make the Queen a party to such a proceeding, while the Repeal organs openly declare that an amnesty would neither be received as a favour nor turn the Irish people from their purpose. The affairs of Morocco, and the possibility of a war between this country and France, have raised the hopes of the Repeal party, and it is one of the signs of the times, that several of their journals advert with evident satisfaction to the chances of a French invasion of Ireland. Another mode of obtaining Repeal, which appears to find favour with the Association, is a proposal to abstain from all exciseable articles, and particularly from those of English growth or manufacture, as a certain means of affecting the revenue to so serious an extent, that the Government will be compelled to accede to their demands. This resolution, however, has not been finally adopted, but Mr. Smith O'Brine has intimated that both Government and the people should contemplate such a determination as a probable contingency. An attempt has been made by O'Connell—an insidious one apparently—to identify Father Mathew with the Repealers.—Mr. Daniel O'Connell jun., at a recent meeting of the Repeal Association said, 'I can state it, to be the opinion of Mr. O' Connell that the association should take steps to get as many persons as possible, not being already pledged teetotallers, to take the abstinence pledge for a limited period—that is, until the Repeal of the Union. Mr. O'Connell has consulted Father Mathew, who approves of the limited plan for those who will not take the pledge for life. Four of Mr. O'Connells grandsons have already taken it in this limited shape; and Mr. Smith O'Brine, upon his return from the country, will probably shape a motion for an aggregate meeting at Clontarf, or some other suitable vicinity, to administer the Repeal total abstinence pledge".

Father Mathew himself in a letter addressed to the editor of the Dublin Monitor, says, 'It is true that Mr. O'Connell condescended to ask whether I thought that Mr Smith O'Brine's pledge would be injurious to the Total Abstinence Society? I answered, not in the least. This was all that passed on the subject. I had not the most distant idea of connecting myself with this movement. I do not consider Mr. Smith O'Brine a teetotaler. Teetotalism signifies the renunciation of alcholic drinks for life, or, as it is in the Irish pledge, *go bragh*—for ever.

FRANCE AND TAHITI.—The affair of Tahiti is said to have reached its crisis. The French papers for some days have argued on the belief that the British Cabinet, after having taken the opinion of the law officers of the Crown, had sent an *ultimatum* to the French Government, demanding the recall of Capt. Bruat and M. D'Aubigny from Tahiti, and had directed Lord Cowley, in the event of a refusal, to demand his passports. It is now however stated by one of the official journals, that, notwithstanding the rumours to the contrary, no specific *ultimatum* has yet been presented by our Government, but that a great number of verbal and other communications upon the subject have taken place between Lord Cowley and M. Guizot. Lord Cowley, on the part of the British Government, demands the recall of both Capt. Bruat and M. D'Aubigny, and the disavowal of the conduct of these officers to Mr. Pritchard, M. Guizot, it is said, refuses to disavow Capt. Bruat, on the ground that he was quite entitled to remove Mr. Pritchard from the island; and as regards M. d'Aubigny, he maintains that the necessary harshness of his conduct had already been disapproved of by his superior officer, and this was, in fact, the only offence he had committed. The French Cabinet, therefore, considers that, in recalling M. d'Aubigny, all the reparation is offered which the case requires. It is added that M. Guizot has intimated his intention to resign rather than make any further concession; and that the whole of his colleagues in the Cabinet have adopted the same resolution. In the meantime the visit of King Louis-Philippe has been postponed until October, and doubts are entertained on both sides of the Channel whether it will take place at all. Unusual preparations are making in our dockyards, and reinforcements of troops are under orders to proceed to Gibraltar.

PORTUGAL.—From Portugal we learn that matters are daily becoming worse; the Minister has issued a decree which virtually gives him the legislative attributes of the Cortes, and suspends, if it does not abrogate, the constitutional Charter. The Duke de Palmella, and other statesmen, have appealed to the Queen against these encroachments, and it is not improbable that the Cortes will interfere.

TIMBER MARKETS.

In Liverpool there has been a fair business done this week, and more demand has appeared for consumption.—Prices of most goods have been supported, and the fine harvest weather we are now enjoying has had its influence in giving confidence to buyers, especially in the cotton market.

There is a good demand for Shipping to all parts, and a large export business in manufactured goods is going on, with more prospect of remuneration to the shippers than there has been for a long time.

TIMBER.—The import this month has been unusually limited, and continues to exhibit a remarkable deficiency, as compared with last year, when 72 vessels, 34,694 tons, had arrived against 41 vessels, 20,920 tons this year; and on the whole import, since 1st February, there now appears to be a deficiency of 87 vessels, 39, 654 tons, or very nearly one-half of last year's imports to the same date. This state of trade joined to the animated country demand, and the almost entire absence of old stocks, has had the effect of advancing and sustaining prices at very full rates.

PINE.—Of Quebec, several cargoes have been for account of the Timber Merchants who retail them; all the others have been sold from the quay, at 17½d. to 17¾d. per foot, according to quality, and one (the last sold,) at 18¼d. Of St. John, several cargoes, of superior quality and sizes, have been sold as follows: one cargo of 19½ inch average, at 19½d; two cargoes, of 20 inch average, at 20d; one at 20½d; two at 21d, and one at 21¾d, all the same average; one of 22 inch (the last sale,) at 21½d per foot. A cargo of Bay Chaleur, of small average, at 19½d; and one of Richibucto, at 17d per foot. Red Pine, of ordinary size, has been sold with cargo at 18½d and 19d; and at St. John at 15d per foot. BIRCH continues in good demand; early in the month, St. John, with cargo, was sold at 18½d per foot, and a cargo of Nova-scotia at 19d; since, St. John, with cargo, has been sold at 19d, 19½d and 20½d. per foot, the last sale being at 19d.

MASTS and SPARS.—No sales to report.

DEALS.—Quebec have been sold, with cargo, at £8 to £9 per standard, and apart, £9 10s to £10 has been paid for middling quality.

New-Brunswick and Nova-Scotia FIR PLANKS and BOARDS.—St. John Spruce, with cargo, have been sold at 2¼d to 2¾d per foot of 2 inches; apart, one cargo of St. Andrews has been sold at 2 7-16d., and one of St. John at 2¼d, two at 2¾d, one Halifax at same price, a cargo of Miramichi Yellow at £11 per stand, another at or about the same price, and one £10 17s. 6d.; the last sale was of one of Miramichi Yellow, at £12 per standard.

STAVES.—Quebec standard, with cargo, have been sold at £30 to £35; and one lot at £45 per standard M.; and in lots apart from £42 to £47 10s. per M.—Some of old stock, in yard, all Pine, of good quality, have been sold at £52 10s and holders generally are asking higher prices. W. O. Puncheon, of middling quality, have been sold at £10 to £12 per M.; and fair quality at £15 to £16 16s.

LATHWOOD.—St. John and Quebec, with cargo, at £4, and Bay Chaleur at £3 5s. per fathom. N.-B. and Nova-scotia Ash Hhd. STAVES, with cargo, have been sold at £5 to £6 per M.

[From the Liverpool Mail, Aug. 31.]

We copy the following from the London *Morning Post* of yesterday, in a second edition of which, and of the *Times*, it was inserted contemporaneously:—

FRANCE AND ENGLAND.

"At an early hour this morning we were informed, on what we were assured was good authority, that an important crisis has now arrived in the relations between England and France.

"According to our informant, the receipt of the intelligence from Mogador on Tuesday night was immediately followed by the despatch of a special courier to Paris as the bearer of a communication from Lord Aberdeen to M. Guizot. His Lordship is said to have demanded the immediate evacuation of the island of Mogador by the forces under his Royal Highness the Prince de Joinville, and to have intimated that, in the event of a refusal to withdraw the French troops, measures would forthwith be taken, in conformity with the established usage in similar circumstances.

"The deep interest involved in this statement makes us regret that, at the period at which we write, it is not possible for us, of our own knowledge, to affirm or deny the truth of it."

Matters, it would appear, begin to wear rather a serious aspect, and it is probable that the war party in France will be taught in spite of all their bluster, that there is a power capable of prescribing limits to their ambition, and of enforcing its *dictum*. There can be little doubt, we presume, that the rumour is a correct one, as it would be manifestly impossible for this country to permit anything like an armed occupation of the ports on the Morocco coast by the French government. Neither can there be any question that the views of England, so just to the preservation of the balance of power amongst the great nations of the old world, would be supported by Russia. The colonisation of Algiers by the French, in direct opposition to their assurances when the expedition departed for the alleged punishment of the pirates which found refuge and encouragement from the DEY, is fresh in the memory of our rulers, who are not likely to allow of a similar mistake being committed in reference to Mogador. The following letter, which is extracted from the *Augsburg Gazette*, of the 23d of August, and is dated from London, of the 16th, contains much that has the semblance of truth, and which justifies the opinions we have expressed.

"Orders have just been given to arm several ships of war and frigates. The number of seamen at present receiving pay amounts to 36,000 men; the war steamers represent a force of 13,500 horses. It is not doubtful that in six weeks a fleet would be ready to assemble at Spithead. The turn which affairs have taken between France and England favours the views of the Emperor of Russia. The proposals made by that Sovereign when in London have been renewed by Count Nesselrode. I am assured that the French Government is fully informed on this subject. The Court of St. Petersburgh is said to have offered to the Queen of England an alliance offensive and defensive in case of war with France. The Emperor added, that he would place his entire land and sea force at the disposal of the allied Powers. It is easy to divine the answer of the English Government. It expects that the Cabinet of the Tuilleries will yield to the equitable and moderate representations of England, and that it will not be necessary to have recourse to war. If, however, tranquillity should be interrupted, it would be the interest of all the European Governments to put an end to it as quickly as possible by displaying an imposing force. It is, therefore, beyond doubt that in case of war there would be a Russian-English alliance."

TAHITI.

On the subject of Tahiti, the *Courrier Francais* has an article which contends that "the honour of France being in question in Tahiti, and the interests of England involved in the affair of Morocco, vast difficulty will oppose itself to an agreement." Others of the Paris journals refer in warm terms to the same questions, but we are informed that in respect of Tahiti, the two Governments were approaching an adjustment. The Morocco affair could only become dangerous by incidents which it would appear the French Government have endeavoured to provide against.

The *Revue de Paris* has the following:

"We have derived the following information respecting the Tahita affair from an authentic source:—After the exchange of several diplomatic notes, M. Guizot proposed to England to constitute Tahita into an independent state, under the authority of Queen Pomare; to accredit near that Princess consuls for Great Britain and France, whose subjects should be treated on a footing of perfect equality, as regarded commercial advantages, and recall the French expeditiou. Mr. Pritchard would be permitted to return to Tahita as a mere individual, but not to occupy any situation in the island. We are ignorant of the answer returned by England to this overture; we can only state that such is the tenour of the proposition made by M. Guizot."

ARRIVAL OF THE PRINCE ROYAL OF PRUSSIA.

Chevalier Bunsen and Captain Meynell, R. N., with two of the royal carriages, arrived at Woolwich, on August 13, at a quarter past 7 o'clock, having left London at 6, a.m. At a quarter past 10 o'clock, a guard of honour, with the colours and band, of the Royal Marines, under the command of Major Wright, arrived at the dock yard, in expectation that his Royal Highness Prince William of Prussia would arrive from the continent and land at Woolwich about 11 o'clock. Previous to that hour Lieutenant General Lord Bloomfield, G. C. B. & G. C. H., Commandant of the Garrison; Colonel Parke, C. B., Commandant of the Royal Marines; Captain Bullock, Commander Smith, and Lieut. Robinson, of the Royal Navy, with the authorities of the dockyard were in attendance, and remained until half past one o'clock, but the Prince Royal had not arrived, and the guard of honour was ordered to their barracks to remain in readiness to assemble and march to the dockyard at a moment's notice, a look out being constantly kept on the steeple of the parish-church, to give timely notice of the first appearance of the Princess Alice steam vessel. Between one and two o'clock Colonel sir Robert Sale, the hero of Jellabalad and Affghanistan, arrived at the Royal Arsenal on a visit to Lord Bloomfield; and his Lordship, with the Chevalier Bunsen and Captain Meynell, proceeded to the residence of Lt. General Lord Bloomfield to welcome him on his arrival. Chevalier Bunsen and Lieut. Meynell returned with the royal carriages shortly afterwards to London, and at half past 4 o'clock, p. m. another royal carriage returned to Woolwich, containing Baron Thill, secretary of Legation.

At precisely eight o'clock the Princess Alice steam vessel, Commander L. Smithett, was observed entering Woolwich reach, and on arriving opposite the Royal Arsenal burned blue lights to announce the near approach of the royal visiter.—On arriving opposite the dockyard, Baron Thill, Captain Bullock, and Commander Smith went off in the barge of the William and Mary yacht, to attend upon his Royal Highness the Prince Royal of Prussia; and at half-past eight o'clock the Prussian standard was taken down from the mast-head of the Princess Alice, and another hoisted on the flag-staff of the barge of the William and Mary yacht on Prince William of Prussia descending into it for conveyance on shore, the tide being very low at the time his Royal Highness arrived. Commander Smith had the honour of steering the barge of the William and Mary yacht with Prince Wm. on board; and on his Royal Highness landing, Captain Bullock led the way across the William and Mary yacht, decorated with flags, and the platforms covered with green cloth, to the royal carriage, where his Royal Highness was welcomed by Lt. General Lord Bloomfield, and entered into conversation for several minutes with his lordship. His Royal Highness was accompanied by Count Koningsmark, who entered the royal carriage with him, and left Woolwich for London at a quarter before 9 o'clock. The Secretary of Legation, Baron Thill, remained to take charge of some valuable luggage belonging to his Royal Highness, and followed shortly after with the other members of the suite of the Prince Royal.

Commander Smithett accomplished the voyage from Ostend in his usual excellent style, with his fine fast steamer, the Princess Alice, having left Ostend at 9 a. m. and performed the entire distance to Woolwich in eleven hours, against a strong head wind and tide.

The Prince Royal is a remarkably fine looking personage, and appeared in excellent health, and pleased with the attention paid to him during the passage and on landing.—*Army & Navy Register.*

THE DEATH OF LORD KEANE.

The mortal career of Lord Keane has closed in peaceful and domestic privacy. This very fortunate commander breathed his last at Burton Lodge in Hampshire, in the 64th year of his age, the diseases with which he was afflicted having terminated in dropsy. His services in India are so recent as to be familiar to the memory of every one who takes an interest in public affairs; while they have been by the crown esteemed of sufficient magnitude and importance to obtain for him the honours of the peerage, and the pecuniary means of sustaining those honours in a becoming manner. The family from which the deceased peer was descended does not appear to boast of any very high antiquity. The last generation, certainly, and probably one or two preceding generations, held in the county of Waterford the rank of country gentlemen—squires, if not of very high station, at least of competant wealth. No reader requires to be reminded that when a legislative union between Great Britain and Ireland was under discussion in Parliament, political services rendered to the minister of the day were highly esteemed and largely rewarded. It so happened that at this period the father of Lord Keane became a baronet. Lord Keane was born in the year 1781, and entered the army at an early age, but did not rise to the rank of major general till the year 1814. The military services rendered by his lordship in India have been the objects of warm approbation by the Whig government and commensurate reward. For the performance of those services, he had been qualified by the experience which he acquired throughout the campaigns in the Peninsula; but besides the good fortune which attended him in that quarter of the world, he received more credit for his services in Martinique, where, as lieutenant-colonel, he commanded the 13th foot. As colonel he commanded brigades at the battles of Pyrenees, Nivelle, Orthes, and Toulouse. These services procured for him a knighthood of the Bath, a cross and two clasps with the rank of major-general.—Peace having been concluded, he, as was the case with many other military men remained for some time unemployed, but eventually India presented a field for his exertions. To go through the whole of his campaigns there, would exceed our present limits. He received the thanks of the Court of Directors of the East India Company on the 18th of December, 1839, while on the 11th of the same month, he was raised to the peerage, and obtained a pension of £2000 a year for his own life, and that of his two immediate successors in the peerage, added to which were the thanks of both Houses of Parliament in the month of February, 1840, the thanks and approbation of the Governor-general, fetes and entertainments at Bombay, banquets at the London tavern, and other marks of royal and public approbation.

Dinner to Sir Robert Sale and Sir W. Nott.—On Wednesday evening the Court of Directors of the India Company gave an entertainment, in their characteristic style of magnificence and sumptuous hostility, to celebrate the return to their native land of those two distinguished officers, whose achievements have stood so proudly prominent during the late Affghan war. It was an occasion worthy of the distinguished purpose to which it was dedicated, and nothing could be more gratifying than to witness this eminent association of merchant princes assembled to hail, with a welcome worthy of them, two of their glorious veterans, on their return from that distant empire which their skill and valour so powerfully contributed to defend. Unfortunately, indisposition, the consequence of severe and harassing campaigning, prevented Sir W. Nott from attending to receive personally the high compliment which it was intended he should share. Amonst the ladies in the gallery were Ladies Sale and Nott, the former being accompanied by her daughter, Mrs. Sturt. Their presence was hailed with repeated bursts of acclamation; indeed the least allusion to the heroic conduct of the former lady was, during the evening, the signal for renewed plaudits. The dinner took place at London Tavern. The chairman of the East India Company presided. Amongst the distinguished guests we noticed the Earl of Ripon, the Earl of Dalhousie, the Earl of Lincoln, Lord G. Somerset, Lord Eliot, Sir R. Peel, Sir G. Murry, &c. The company consisted of about 150.

THE CHRONICLE.

SAINT JOHN, SEPT. 20, 1844.

THE Royal Mail steamer *Britannia* arrived at Halifax on Sunday last in 10½ days from Liverpool, with the first September English Mail.—We are indebted to Messrs. E. L. Jarvis and Chas. Inches, who came passengers in the steamer for copies of the latest English papers, in advance of the Mail to this city, which arrived here yesterday morning.—The passengers came over in the steamer *Nova Scotia* on Tuesday morning. The news by this arrival will be found of the highest importance, and we have endeavoured to extract as much as our time and limits would admit.

A Reade, Esq., Private Secretary to His Excellency the Lieutenant Governor; Captain Campbell, 52d Regt.; Messrs. R. Sheraton and J. McNicholl also came passengers in the packet.

Judgment has been given in the case of the Queen *vs.* O'Connell and others, against the prisoners; full parcenlars of which will be seen in preceding columns. The *Liverpool Courier* on this head remarks:—

Mr. O'Connell has now got justice after his own fashion—from the tribunal to which he voluntarily made his appeal; and though the sentence may not be altogether satisfactory to him, it will be perfectly so to every lover of peace and order—to every upholder