

of the one of the branches of the Legislature was struggling with the other for supremacy. As to the point of acquiescence, he thought the argument equally inconclusive. The general practice of a powerful body in the States—a body so powerful that few would ever think of entering into a contest with it—was but a feeble proof of the legality of its practice. For a long time the levying of Ship-money had been practised: it was at length resisted by Hampden, and it was found to be illegal. In the same way, general warrants had long been in use before any one thought of disputing their legality. But the moment that legality was questioned, general warrants were found to be illegal, and the value of the practice was discovered to be nothing. All kinds of prudential considerations might deter men from taking legal proceedings, and that men did not readily enter into a legal contest with either house of Parliament, was no proof that the conduct which might be the subject of a legal contest was necessarily capable of being defended at law. He was convinced that the privilege to the extent to which it was now claimed never had existed by way of the bare exercise of a privilege. It had sprung up from the habit of allowing the officers of the house to seal the papers originally printed for the use of the members. But the printing of papers was originally adopted with a very different object, and had since been allowed to be extended, and he ventured to believe had been finally adopted as a means of traffic without such consideration. He could not conclude without saying something in reference to the particular circumstances of this case. The resolution which it was proposed to make the ground of defence to the action was new to him when he came into court to try the cause. He had expressed his opinion of the law upon a first impression, but more deliberate consideration had given him ample reason to adhere to that opinion. The claim now set up was in substance, on the part of the house, the claim of a right to authorize the unrestrained publication of all papers, whatever their nature, and to sell them by an agent of the house, throwing off a discount to the wholesale dealers. That was a claim which he never could have anticipated would have been made. He might have avoided that painful collision with one of the houses of Parliament, but he could not do so without the sacrifice of his duty, and without a compromise of the sacred principle of constitutional law. Had he hesitated in giving his opinion, it would have implied a doubt were none was felt, and would have been but a short postponement of a contest on a question that inevitably pressed for decision. He must confess that he had indulged the hope that the resolutions of 1835 might have undergone revision, and he had every reason to believe that some of the most distinguished members of the committee agreed with him in opinion on that point. He could not regret the course he had taken. One thing he must add, that he regretted any possible warmth of expression which might have made it more difficult for a popular assembly to recede from any resolution which it had once adopted. The demurrer must be allowed, and the plaintiff must have judgment.

The other learned Judges then proceeded to read their judgments in the case, agreeing in the opinion expressed by Lord DENHAM.

SECOND REPORT OF J. B. JUKES, Esq. ON THE Geological Structure OF NEWFOUNDLAND.

The following Report was sent down to the House of Assembly on Tuesday last.

(Copy.)
The principal substances capable of being applied to practical purposes that I have met with on the shores of Conception and Trinity Bays, are the following:

BUILDING STONE.
The three Islands of Bell Isle, Little Bell Isle, and Kelly's Island, in Conception, contain beds of compact Griststone, of a grey colour internally, but generally brown where exposed to the weather.—This Griststone is of too splintery a nature to admit of being cut or even easily dressed with a chisel, but the beds are naturally divided by joints into small blocks, frequently of a quadrangular shape, and is thus capable of being used as a building stone without any process after being removed from the quarry. This stone, too, is procurable with very little trouble as it both rests on, and is covered by, beds of soft friable shale, which are quickly removable either by the hand of man, or the agency of natural forces. On the east side of Kelly's Island accordingly, a vast quantity of this stone lies at the foot of a cliff, from which it has gradually fallen, and is now being removed to aid in the construction of the Catholic Cathedral in St. John's. A Griststone similar to this, but not so nicely divided by joints, is procurable at the W. of Random Island, at Ragged Island, and at several points along the shores of Trinity Bay.

On the W. side of Collier's Bay, and forming the Cat's Cove Hills and much of the country about the head of Conception Bay, is a fine porphyry of a dark grey colour, with white and red disseminated crystals. This would make a handsome and durable building stone, and might be got in blocks of any size, but from its extreme hardness and toughness would be very difficult and expensive to work.

In Cat's Cove and Salmon Cove, round the head of Holyrood and forming the principal part of the Butter Pots Hill near Holyrood, and probably much more of the surrounding country, is a very hand-

some red Sionite. This differs only from true granite in the absence of mica, and would form a most excellent building stone, equally durable and beautiful.—Unfortunately, however, it would require both blasting in the quarry and dressing with the chisel afterwards, so that, tho' less troublesome than the porphyry, it would still be an expensive material to procure. It greatly resembles the celebrated Mount Sorrell Stone of Leicestershire. It might be procured on the side of Butter Pots Hill or on the neck of land between Cat's Cove and Salmon Cove, in blocks of any size, and from the latter place would be easy of transport by sea. The same stone appears on the main land W. of Random Island, and judging from the shape of the hills, I should say that a wide tract of country thereabouts is composed of the same material.

Some small Islands lying off Random Island, called Green Island, Ragged Island, Anthony's Island, and Duck Island, are composed of red and white Griststone, some beds of which appeared to be capable of being cut and used as Freestone. If such should be the case either the red or the white would form handsome building materials, and though less durable would be less expensive in the working than the Sionite. Green Island seemed to me to contain the most promising beds. An abundance of Stone may every where be procured for rough work, consisting of coarse sand stones and conglomerates, but those I have mentioned are the only kinds that appear adapted for architectural purposes.

SLATE.
This is a very abundant material both in Trinity and Conception Bays, but more especially the latter. In Harbor Grace Island the beds are well exposed on every side, and it consists almost entirely of a fine slate as could be desired. Roofing slates and slabs for all purposes to which slate can be applied, might here be procured of any size and of any quantity.—The same bed runs along the Coast and is seen in Spaniard's Bay, and on the E. side of the town of Carbonear. Harbor Grace Island alone, however, contains enough to supply the population of this Province for many years, and offers great facilities both for procuring it and carrying it away. Several other beds of excellent Slate met my eye along the N. side of Conception Bay, but none in so convenient and so perfectly exposed as the one mentioned above.

LIME STONE.
Of this desirable material there seems to be a great scarcity in the district I have at present examined, as indeed might be expected from the character of the rocks of which that district is composed. In Chapel Cove, Holyrood, Conception Bay, two or three calcareous beds make their appearance at the foot of a low cliff, but do not seem to be very extensive. Some of this stone I am informed has been burnt, and lime of tolerable quality procured. It is, however, by no means a pure Carbonate of Lime, but contains a considerable proportion of silica, and accordingly without care it will frequently be fused into a slay (or coarse glass) instead of being calcined and falling down as lime; from its small quantity and impure quality it can never, I should imagine, become of other than mere local value. Veins and strings of pure carbonate of lime are not uncommonly met with in this district, and some calcareous beds may be seen in the S. W. arm of Random, as also some beds containing calcareous bands and nodules near Witless Bay and some other points of Trinity Bay, but I have not seen any thing that could be called beds of lime stone, or that would repay the trouble of getting and burning into lime.

IRON.
Of this metal, so abundantly diffused through all parts of the earth that the difficulty is rather to say where it is not present in some shape or other, than to point out where it is, I have seen three varieties of iron ore. This mineral is found at the bottom of bogs and marshes, where it is deposited from the Water, that has brought it down from the surrounding Country. It occurs either in thin beds or in rounded lumps, in either case it is rough, cellular and cindery-looking, and while wet quite black, but becomes brown on being dried. It soon acquires a red heat in the fire, which it as quickly loses on being withdrawn, and remains unaltered. When wet, it has so much the appearance of Coal that, (having never seen the substance before), I took it to be coal myself, on being first shown it in that state, and I believe it to be this mineral which has caused divers false reports of the existence of coal in the district. This is certainly the case at "Lady's Pond," Harbor Grace, and some other places. At the "Gold" Mr. Cozens' farm, near Brigus, there is a fine bed of this mineral 6 inches thick, and 1 ft. 6 in. below the surface. It extends over two or three acres at least, and would certainly be worth getting, if an iron work existed in the neighbourhood, but not otherwise.

Red Oxide of iron. This substance may be seen at several places along the N. Shore of Conception Bay, especially about Western Bay and Northern Bay. It stains all the rock of a dull red colour, which comes off on the fingers as a bright red ochre. I was not able to discover any actual vein of ore in any of these spots, but it appeared from the examination I was able to make on the spot, that small grains of some ore of iron were disseminated through the rock (a grey gritstone and slate) and that the colouring matter

resulted from the oxidation of iron. I am not aware whether this red matter could be made use of as a pigment, but I shall suppose that it could not compete with red lead, either in utility or expense.

On the mainland, W. of Random Island, there is found a very heavy black rock, hard but very brittle. It certainly contains iron, and from its weight and appearance it seemed to me to be an excellent ore of iron of the kind called ironstone, which is I believe generally a carbonate of iron. As my knowledge of mineralogy is very slight and superficial, I am unable to state the percentage of iron it contains, or what would be the comparative facility of smelting it. I will take care however that specimens shall be transmitted to England to be properly analysed. At all events the immediate value of the richest ore of iron can be but small, until limestone can be discovered somewhere in the vicinity, wherewith to smelt it.

I have confined myself in these few notes, entirely to those points which may possibly be of practical utility, reserving the geology of the district, or the description of its physical structure, till I can enter more fully into the subject.

I have been careful to bring away an abundance of specimens of the different rocks. My former suggestion having been so promptly and liberally complied with, emboldens me to submit the propriety of assigning a convenient apartment for the reception of a suite of Specimens. I should then be able during the winter, to select and arrange a sufficient number to give an accurate idea of the nature and characters of the materials of which the Country is composed, which would form a standard of reference for future occasions.

Respectfully submitted by
(Signed)
JOSEPH BEETE JUKES.

July 25, 1839.
The Star.
WEDNESDAY, August 7, 1839

We have great pleasure in being enabled this week to lay before our numerous readers, Mr JUKES'S Report of the Mineralogical productions of Conception and Trinity Bays, which we have no doubt will be perused by them with much interest and satisfaction. It will be perceived that he has judiciously reserved the account of his Geological observations for another opportunity; furnishing, at the present time, such details only as are intelligible to the general reader. Building Stone, Slate, Lime Stone, and Iron continue to form the prominent objects of discovery: the last two of an inferior quality and scarce. Mr JUKES'S analysis of the Chapel Cove Lime Stone confirms the statement published a few years since by Mr. ST. JOHN in his School "History of Newfoundland."

With respect to the application for a Room to serve as a kind of Repository for the specimens collected in the Survey, we are clearly of opinion that nothing could be more creditable to St. John's as the Capital of the Island, and few things more likely to give a scientific bent to the rising generation, than its establishment among us. The Legislature would therefore be promoting the interests of the Colony by an immediate appropriation of a sum in accordance with this suggestion.

(From the Royal Gazette.)

HIS EXCELLENCY THE GOVERNOR has been pleased to appoint JAMES BAYLY, and JOHN MUNN, of Harbor Grace, Esquires to be Commissioners of Roads in that Town, (under Act 2nd Vic. chap. 3) in the room of the late Mr. Thomas Foley, deceased and of Mr. Thomas Dunford, resigned.

HIS EXCELLENCY THE GOVERNOR has also been pleased to appoint Mr. HENRY G. CLOW to be Clerk of the Peace at Ferryland.

Secretary's Office, }
24th July, 1839. }

On Tuesday last the Legislative Council resolved itself into Committee on the Bill to provide a further sum to meet the expenses of the House of Assembly's delegation to London last year.

The hon. W. THOMAS, with great justice and propriety resisted the grant proposed, as involving a principle extremely dangerous, and as establishing a precedent highly subversive of the integrity and independence of public officers, who might, should such a bill be carried, be subject both to the prosecution and persecution of the popular branch of the Legislature, which, bringing a very large portion of the funds of the Colony

to bear against individuals who may become obnoxious to it, may not only apply the public money to improper purposes, and ruin the individuals against whom it may direct its energies, but defeat the ends of substantial justice.—Without referring to the case of the late Chief Justice BOULTON, (the gross infamy of which is familiar to our readers) or to matters of mere detail, the hon. Gentleman would confine himself to the general principle of disallowing the popular branch of the legislature to appropriate the funds of the colony to the prosecution of a public officer, without the consent or concurrence of the Legislative Council;—and upon that general principle he would resist the bill then under consideration.

The hon. the ATTORNEY GENERAL, in an opposite view of the subject, if individuals had a right of complaint, much more had public constituted assemblies. The House of Assembly had a right to institute inquiries into the conduct of public functionaries, and without examining the question whether the House of Assembly had in this instance exercised its powers precisely as it ought, the right to exercise such powers with or without the concurrence of the other branches of the Legislature, still remained.

The hon. JOHN SINCLAIR reminded the Committee of the conduct of the House of Assembly in this matter. The ostensible object of the delegation had originally been, to "TREAT" with her Majesty's Government upon the Fisheries and Agriculture of the Colony, together with other matters not specifically named; and yet it turned out that in point of fact, and indeed according to the Assembly's own showing, the object of that delegation was to procure the removal of Chief Justice BOULTON—a measure adopted wholly without the concurrence of the Council, and regardless of public opinion upon the subject.—The hon. gentleman resisted the measure as wrong in principle, and as in practice dangerous to the best interests of the Colony.

The hon. W. THOMAS moved that the Committee rise and report progress and ask leave to sit again on Friday (this day); and this motion having been carried, the committee rose and reported accordingly.—Ledger, Aug. 2

DEPARTURE.—In the Angerona for Sydney, Mr. George P. Jillard.

Ship News.

Port of Harbor Grace.
CLEARED
July 27.—Apollo, Butler, Quebec, ballast.
Aug. 3.—Angerona, Jillard, Sydney, ballast.

Port of Carbonear.
CLEARED
July 16.—Brig Flora, Shaddock, Poole; 26,436 gals seal oil, 11,579 seal skins, 1595 staves, 1 cow hide 13 bls caplin, 1 half do 8 bags do 2 boxes do, 3 do wearing apparel; Brig Dewsbury, Little, Liverpool; 8317 gals seal oil, 123 do cod oil, 104 do blubber, 9 do sea bear oil, 1 bear skin, 5342 gals seal oil, 15 cwt old junk, 1752 gals seal oil, 3000 seal skins.

Port of St. John's.
ENTERED

Angerona, Jillard, London, flour, gin, & government stores.
13.—William Reed, Ayton, Cadiz, salt.
Sibella, Sparling, Sydney, coal.
15.—Samuel, Walters, Oporto, salt.
Martha, Cowman, Cadiz, salt.
Lady Young, Hogan, New York, pork, flour.
Artic, Webster, P. E. Island, lumber.
18.—American Scher, Cyrus, Howard, Philadelphia & Novascotia, flour.
Maid of the Valley, McDonald, P. E. Island, lumber.
19.—Beaver, Reddy, Sydney, coal.
Nightingale, Doyle, Bay Verte, cattle.
Harriette, Kennedy, P. E. Island, cattle, sheep.
Ellen, Kielly, Antigonish, cattle sheep, butter.
Helen, Laird, Demerara, molasses.
22.—Amity, Dollard, Miramichi, board, shingles.
Dispatch, Clunn, Halifax, molasses.

CLEARED
July 9.—Abeona, Lutes, Sydney, ballast.
10.—Nimrod, Baron, Sydney, sundries.
Assistance, Chesson, Margaree, merchandise.
23.—Clondolin, Collins, Barbadoes, fish, & sundries.
Nightingale, Tandvin, P. E. Island, ballast.
24.—Ellen, Kielly, Antigonish, salt.
Active, Webster, P. E. Island, herring.
United Brothers, Bryan, New Brunswick, lumber.
23.—Annandale, Irvine, P. E. Island, lumber.

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3 in
6 M. P.
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90 M. P.
12 spans

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St. John's, July 3, 1839

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