

vious artizans in this particular department. This is strongly illustrated by the very magnificent manner in which Swain & Co., merchant tailors of Fleet-street, have turned out the liveries of one of the new sheriffs for the ensuing year—Mr Shriff Salam us. Nothing that we have ever seen of the kind can be at all compared to them. The worthy sheriff appears to have given a liberal order, and his liberality has been met by a corresponding expenditure of taste and talent on the part of the fabricators, in order that these liveries should issue from their hands in the very best style. The coats are made of a beautiful blue cloth, lined with white satin, and instead of the usual cat-o-nine-tail shoulder-knots, a pair of splendid gold epaulettes are attached to each coat, and the gold lace with which the coats are trimmed, is so put on as to look like massive gold bars; white kerseymie waistcoats and unmentionables similarly trimmed, complete the suit, and form upon the whole an admirable specimen of the great improvement which has taken place in the tailoring art.

CONGRESS AT TEPLITZ, Sept. 16.—The Emperor of Austria is to arrive here on the 19th of this month. His Majesty will stop on the night of the 18th at Rix four leagues from Teplitz, and where the *fete* to be given by the Empress will be celebrated *en famille*. The King of Prussia is expected on the 22nd or 23d, and the Emperor Nicholas on the 25th or 26th. There will be no preparatory conferences amongst the Ministers.—Prince Metternich will arrive with the Emperor. M. Ancillon is waiting at Dresden until the arrival of the Monarchs at Teplitz. Count Nesselrode will accompany his Sovereign. This Congress is not expected to last long, and it is generally understood that the Sovereigns will take their departure on the 4th of October without visiting Prague. The Emperor Nicholas will reside in the same palace with the Austrian Sovereign; the latter will occupy the first floor, and the former the apartments on the second. The members of their suite are to be accommodated in different parts of the town in the vicinity of the palace. All the private lodgings have been taken in the name of the Emperor Ferdinand, who is to do the honours of the Congress. Every precaution has been taken for insuring a proper supply of provisions, particularly of game and forage.—The military service will be performed by a battalion of grenadiers and a squadron of cavalry. We are to have a review and military evolutions, a grand hunting party, a *fete champetre* at Dux, an illumination of the forests, balls and *soirees* at the grand bath saloon; as also the ceremony of laying the first stone of the Russian monument in honour of the soldiers of that nation killed at Culm.

The New Orleans Commercial Advertiser gives the following detail of another savage affair at Vicksburgh:—  
"A Mr Sharkey, cousin of the Chief Justice of our State, and highly respectable, incurred the displeasure of Madison County, because as a magistrate, he had caused the discharge of some suspected men in the custody of a guard from Madison. The next day, the same guard, being reinforced, came down to take Sharkey. He prepared himself as well as to kill one, wound another, and kill or wound two horses of the assailing party. He escaped that night, and the next morning gave himself up to a party of friends, who carried him to Clinton. I was in the room he fought from, and the casement of the windows, the pillows, chairs and walls of the rooms were literally riddled. A charge of buckshot rent the pillow on which the head of his child was placed. He fought like a hero until he discharged all his weapons, and his right hand cut off by a shot.—When the assailants retreated he then fed himself. The Madison county folks Hinds are resolved to defend him.—Should an attack be made, a civil war must ensue. When I left Hinds the citizens were arming and rallying in his defence."

Wolsey in the height of his power occupied the palace of Hampton Court, which he had erected, and which is said to have consisted of five quadrangular courts, of which only two remain. In players.

this palace he is said to have no less than two hundred and eighty silk beds for visitors, and to have maintained five hundred servants, among whom were several Lords, fifteen Knights, and forty Esquires.

Workmen have for a long time been employed in clearing the bed of the river Bievre, which had become encumbered with sand in many places to the depth of five feet, and at the bottom of which had been discovered a pavement of square stones, evidently of great antiquity. In the interstices some of the men employed found, a few days ago, five pieces of brass coin, bearing the head of Julian the Apostate, the Roman Emperor who built the Palais des Thermes, the remains of which are in the Rue de la Harpe.

According to the *Sobian Mercury* the Duchess de Berri—or rather the Comatess Lucchessi Pall—is again *en route*, and intends to proceed to Branaucourt, where she will remain till after her accouchement.

THE STAR.

WEDNESDAY, DECEMBER 2, 1835.

LEGAL QUESTIONS.

If Mick contract with Jack as a servant of all work, such as writing of non sense, or bothering the boys with his halderdash; can said Jack at the termination of his contract, and after the performance of such valuable services, sue Billy for his (Jack's) wages. Billy, who had nothing at all to do with either of the parties, only that Billy had received from Mick sundry gallipots or votes, or some other such goods and chattels, which said Jack had been instrumental in constructing?

In sober earnest. If A contract with B as a servant, can B sue C for A's breach of the contract?

If Valentine employ Douglas to make a pair of breeches of certain cloth, corduroy or *Fustian*, furnished by Pat, what *lieu* for the making will Douglas have on the breeches after he has delivered them to Pat?

Should all the expired Acts of the Imperial Parliament, or any other Parliament, continue after such expiration to be a rule of Law to the Courts of Justice, and instead of being called Statute Law should they be called *Lex Mercatoria*?

In sober earnest. Is it better for our Courts of Justice to be ruled by the English law as far as it can be applied to the circumstances of this country, than it is for them to be ruled by uncertain customs, and the past decisions of Floating Surrogates, Fishery Admirals, and other such Judges?

An important case came on to be heard in the Central Circuit Court on Friday last, which is of some interest to the trade of this country.

The action was promoted, we believe, by the self styled *Constitutional Association*; and was had for the purpose of trying the question of a right on the part of the fisherman to follow "the voyage" into the hands of the supplying merchant for the recovery of his wages.

As the question involves an important principle, and as we have no doubt that a great deal of misrepresentation will be set afloat as to the reasonings which have governed the decision of this case, it becomes a duty with us to place before the public what we conceive to be the true merits of it; and these we gather from the charge delivered upon the occasion.

This—for we cannot go into the details, nor is it necessary that we should—is the abstract reasoning upon which the charge was founded.

Here is an action of Assumpsit brought for the recovery of wages due to the plaintiff (Colbert vs. Howley) as a servant in the fishery, from Grant & Hamilton his employers—who had been supplied by the defendant with their outfit, and Oil made by them to the amount of about £43.—The action was brought upon the ground that the plaintiff having a lien upon the Fish and Oil which he had assisted to catch and make, and which had come into the hands of the defendant, is the receiver of the voyage (as it is termed), he thereby became responsible to him for the balance of his wages due from the Planters, (his employers), of which only two remain. In players.

The wages having been clearly shown to be due from Grant & Hamilton, and the defendant's clerk having proved that he had received the Fish and Oil in question, the whole matter resolved itself into a *pure question of law*—whether an action on the Plea side of the Court could be maintained in a case like the present. The Chief Justice declared his opinion that it could not; and expressed his gratification that the point had already been decided in the same manner in the case of *Silvey* (we think) *vs. Bennett Morgan & Co.*, in the Supreme Court last autumn.

We do not understand that the Chief Justice meant to say that the servant had no lien on the fish and oil in the hands of the receiver, or of any one else; nor did he intimate, we believe, what may be his opinion upon that point, should it ever come before him in a shape to demand his decision. That was a question of too much importance to be discussed incidentally; all he meant to say upon this occasion was, that if the servant had any claim upon the fish and oil of his employers, after it had come into the hands of the supplying merchant, an action at law for his wages against the merchant was not a proper remedy, and that no such action could be supported.

A great deal of the time of the Court and Jury was occupied in receiving evidence to prove the existence of a supposed custom by which the principle relied upon by the Plaintiff could be supported. Several merchants were examined, among whom Mr. W. Thomas and Mr. Morris were the most explicit, and had gone more into detail than any others as to the usage of the Trade; but the utmost of either of their statements could amount to was, that a lien was conceived to exist in favour of the servant upon fish and oil in the hands of the receiver for the wages of the servant.

But the Chief Justice held that, assuming in the largest sense that the servant had a lien upon the fish and oil in the hands of the receiver, yet an action at law against the person of the individual in whose hands the fish and oil might be, upon which such lien attached, was not the method of trying the question. The inconveniences and gross injustice which would arise in case that an action at law could be maintained, were so manifest that he was convinced that no man who had even the crudest notions of legal proceedings could for a moment countenance such a course.

The *Equity side of the Court* was the tribunal to resort to, and whenever the question of liability on the part of the receiver came before him in equity, he should be ready to give his judgment upon the point; but in the present case he only decided that an action at law would not lie by a servant of the planter against a supplying merchant as receiver of the voyage, for his wages. If there ever had been a custom countenancing such a course, and which the Chief Justice was of opinion there never had, yet it would have been inconsistent with the several Acts of Parliament passed from time to time for the regulation of the Fisheries, and for that, if for no other reason, it would have been void.

Now the foregoing are the abstract arguments upon the case, and we have taken some pains not only thoroughly to comprehend them ourselves, but to convey them in intelligible language to our readers. To any man of ordinary practical understanding, they will we think, be sufficiently convincing.

It will be seen that the all engrossing question of the *lieu* of the Fisherman upon the proceeds of the voyage in the hands of the receiving merchant is still in abeyance. The *constitutional* fraternity have not put that in a shape to court a final decision. And why, but because turbulence and strife are their order of the day. They want no decision upon the matter; or if they do, they are consummate blockheads.—*Ledger*, Nov. 24

Married

At Harbour Grace, on the 19th ulto., by the Rev. J. Burt, Mr. James Allcock, to Mrs. Julia Marten.

I WILL NOT be accountable for any DEBTS contracted by the Crew of Brig HOPE, under my Command. FRANCIS WM. SHADDOCK. Carbonear, Nov. 25, 1835.

Notices.

MR. PACK respectfully informs his Friends and the Public at large, that during his recent visit to England, he entered into PARTNERSHIP with the NEWFOUNDLAND TRADE with the Sons of his late Deceased Partners; to be carried on under the Firm of FRYER, GOSSE & PACK in England as he retires, but in this Country, under that of PACK, GOSSE & FRYER from the First of JANUARY next. Carbonear, Nov. 25, 1835.

In the Insolvency of

ROBERT AYLES,

Of CARBONEAR, Merchant, NORTHERN CIRCUIT COURT, HARBOUR GRACE, 13th November, 1835.

MR. JOHN FITZGERALD and Mr. JAMES HIPPLESLEY, of Harbour Grace, Merchants, are this day appointed TRUSTEES of the Estate of ROBERT AYLES of Carbonear, Merchant, duly declared Insolvent; and the said JOHN FITZGERALD and JAMES HIPPLESLEY, are hereby authorised, under such Orders as the Honourable Court shall from time to time make here-in, to discover, collect, and realise the Estate, Debts, and Effects of the said Insolvent. And all Persons indebted to the said Insolvent, or holding any Property or Effects belonging to him, are hereby notified to deliver the same to the said Trustees.

By the Court, JOHN STARK, Chief Clerk & Registrar.

WE the undersigned TRUSTEES to the Insolvent Estate of ROBERT AYLES, Merchant, CARBONEAR, do hereby appoint Mr ROBERT AYLES, and GEORGE HIPPLESLEY of HARBOUR GRACE to collect and receive all the DEBTS Due to the said Insolvent ESTATE, and Notice is hereby given to make IMMEDIATE PAYMENT as above stated.

J. FITZGERALD, JAMES HIPPLESLEY, Trustees.

Carbonear, Nov. 18, 1835.

LIST OF LETTERS for CARBONEAR, now in the POST OFFICE, which will not be forwarded without the Postage. Thomas Donelson, 1 Care of Messrs. Mr. Suffield, 1 Slade, Elson & Co. Joseph Peters, 1 & 1 Paper Leonard Butler, 1 Catherine Connors, 1 Philip Smith, or Mr. Rogers, 1 Denis Fitzgerald, 1.

S. SOLOMON, Post-Master

St. John's, Oct. 15

SHIP NEWS

HARBOUR GRACE.

CLEARED. Nov. 24.—Schr. Sydney, Fogarty, Halifax, 1663 qtls. fish, 53 tierces salmon, 28 bls. herrings, 3 bls. caplin, 20 bags bread.

26.—Schr. Alamo, Tubb, Spain, Portugal or Italy, 3227 qtls. fish.

CARBONEAR.

CLEARED. Nov. 20.—Brig Liberty, Tullock, Portugal, 3565 qtls. fish.

ST. JOHN'S.

ENTERED. Nov. 17.—Schooner Belle, Frith, Bermuda, rum

18.—Elizabeth, Hicks, Viana, salt. Brig Gipsey, Sinclair, Oporto, oranges, grapes.

Ann. Johnston, Corbin, Oporto, oranges, salt.

Vidonia, Knight, London, wine, candles, & sundries.

19.—Schooner Gosse, Grills, Oporto, salt.

Brig Carteretta, Warren, Lisbon, salt. Schr. Mermaid, Hubbard, P. E. Island, potatoes.

Schr. Isabella, Fitzgerald, Miramichi, lumber.

Brig Caledonia, Greig, Lisbon, oranges, salt.

20.—Schr. Nimrod, Webster, P. E. Island, lumber.

Mary, M'Neal, Antigonish, cattle.

Nov. 13.—Brig Barbadoes  
14.—Brig De fish.  
Elizabeth, C Joseph, By mon.  
Sarah Maria, sundries.  
16.—America Boston, fish.  
Schr. Jane S sounds.  
17.—Two Br Torquay, Emulator, mouth, fish.  
18.—Elizabeth herrings.  
19.—Brig Ve mon, &c.  
20.—Schr. A Brig Abona.  
21.—Devonsh wives.

SAMUEL

BEGS rest and the Court for the Press.

△ S&

The Rebellion TANC

The Creation

Containing ab Pr

The above and a proved ed judgment, therefore solicit and support, his Performance LIC.

For Recomp introduce the specimen of the

Behold you el Whose beings Thus sunk and By his, Son In love and d 'Till not conte And grasping They listen'd And from exa Sunk; and to Their unspann Yet while reb Their chief wi Shall in himse And on his coo His characters His brow shall His rule and so And millions t Their pregnant Shall stamp hi

This quotatio nounced by the his Expulsion fr

\* Subscripti ceived at the Of near, of the Mas the TIMES, and by —Also by Mr. VANDENHOFF at

Carbonear, August 26,

Gentel B

MRS CATH begs permission bour FRIENDS, sh date GENTLEM of the Out Ports, comfortable BOA her House near t where every atten on the most reaso John's. Sept 6, 1835.

BLANKS of e at the Office Carbonear, 9, 183