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### St. John's.

The Fall Term of the SUPREME COURT was closed at a late hour on Saturday night last, after the extension for a week of the original time prescribed for its sittings.

The topic of all-engrossing interest in the public mind throughout the term, was the decision to which it was probable the Court would come on the deeply important matter involved in the case of KIELLEY vs. CARSON and others of the House of Assembly, which was, it will be remembered, an action for false imprisonment under colour of the Privileges of the House.—Public Ledger, January 4.

#### MR. JUSTICE LILLY'S JUDGMENT.

This case is one of the greatest importance that has ever been brought under the consideration of this Court; and as intimately involves the liberty of the subject, and directly involves a question as to the extent of the Royal Prerogative, and the powers of the House of Assembly, I am happy to have had an opportunity of hearing the arguments of counsel on both sides, in which much learning and research has been displayed, and every point which could make in favour of either party has been urged with very great ability. The question is, in a great measure, the same with one upon which I have already given my opinion, and with an earnest desire to arrive at a just conclusion, I have well weighed the arguments which have been used, and have given the matter the best consideration of which I am capable.

This was an action of trespass for assault and battery, and false imprisonment. The first count is for breaking and entering plaintiff's dwelling house on the 6th day of August, and seizing and imprisoning him for the space of four days. The third count is for assaulting and imprisoning him generally; and the second and fourth counts for the battery. The defendants have pleaded, first, the general issue; and secondly, a special justification. That of the first defence is to the effect—That long before and at the time when the Colonial Legislature of our Sovereign Lady the Queen was held in St. John's, in the Island of Newfoundland, and was then and there sitting, and that the defendant at the time when, &c., was a member of the House of Assembly of the Island aforesaid, and the Speaker thereof. That at the time when, &c., to wit, on the 6th day of August, the said House of Assembly being sitting, one John Kent, being then a member of the said House of Assembly, complained to the said House that the plaintiff on the day and year aforesaid, had made use of insulting and threatening language and gestures towards the said John Kent, so being a member of the said House of Assembly, in reference to him in his office as member of the said House. The plea then recites the proceedings of the House upon this complaint, and the resolution of the House that the Speaker should issue his warrant, &c. That the defendant, as Speaker, in pursuance of the said resolution and order, and according to the laws, customs and usages of the House of Assembly, did issue his certain warrant, in manner and form as set forth in the plea, and then states the arrest of the plaintiff under the warrant—has being brought before the House—the proceedings of the House thereon—a subsequent resolution and order, that the plaintiff, by his conduct before the House, having committed a gross violation and aggravation of the previous contempt, be handed over by the Sergeant-at-Arms to the Sheriff of Newfoundland, and the Gaoler of Her Majesty's Gaol for this district; and that the said defendant, as Speaker, should issue his order to these officers as a warrant for this proceeding;—that defendant, Speaker as aforesaid, in pursuance of the order and resolution, and according to the laws customs and usages of the said House of Assembly, did, on the ninth day of August, in the year aforesaid, issue his certain warrant under his hand and name, as such Speaker, in the form set forth in the plea under which the plaintiff was lodged in the gaol of the district. The justification of the other defendants is the same, with the exception of their being members of the Assembly only, and exception also the defendant Walsh, who justifies as the messenger and servant of the House, and as acting under the orders of the Sergeant-at-Arms. To this justification the plaintiff has demurred generally, and the defendants have joined in demurrer.

The first and main question then which is to be considered is, whether the House of Assembly do by law possess the power of punishing summarily by a commitment for contempt, as in the nature of a breach of their privileges,—and secondly, if they do lawfully possess such a power, whether they have rightly exercised it in the present instance. In support of the first point, the power in question is the Assembly of the House of Commons. It is argued that they possess it, in the first place, from analogy to the Imperial House of Commons; that because the House of Commons lawfully exercises such a power, the House of Assembly here is necessarily invested with it. A very brief consideration, however, of the nature and constitution of the Imperial House, its origin and history, its powers as well of supreme jurisdiction

as of supreme legislature, not only within the United Kingdom, but as fully and extensively in and over the remotest portion of the British dominions, will convince any one of the sort of analogy which the General Assembly of this Island bears to it. Parliament is governed by its own laws and customs, the *Lex et consuetudo Parliamenti*, which is coeval with the common law, and is part of the law of the land, and as such the Judges are bound to take judicial notice of it; but this law is peculiar to Parliament alone and is not applicable to any other body on earth. The powers & privileges which both Houses of Parliament possess and enjoy, have been exercised by them from time immemorial; they have been confirmed and recognized by statutes and judicial precedents for centuries. The power of the two Houses of Parliament to commit for contempts, was shown in the celebrated case of *Burdett vs. Abbott*, to which so much reference has been made, to be founded on immemorial usage,—to be part of the powers and privileges of Parliament statutorily assigned to both Houses upon their separation—to be incident to Parliament as being the highest Court of Record in the Realm, and to be established and recognized by numerous precedents in all ages of our history; and although Lord Ellenborough says that such a power was essentially inherent in Parliament as the *supreme legislature of the Kingdom* still the exercise of it in that case was held to be authorised and justified by the law of the land, and consequently that such a power was not (as was argued) in contradiction of Magna Carta and the 28th of Edward the third, which declare, that no man shall be imprisoned but by the lawful judgment of his peers, or by law of the land.

The Assembly of this Island was called into existence by the King's Commission to the Governor, under which it was established only six years ago. Its authority is limited to the enacting in conjunction with the Governor and Council, of laws and ordinances not repugnant to, but as near as may be applicable to the laws of England. It is therefore, by no means the Supreme Legislature of this Island, for then it would exclude the authority of Parliament, which is absurd. Its jurisdiction, moreover, is circumscribed, and does not extend even over the whole Island, for a late enactment, was disallowed by His Majesty's by cause it assumed to exercise a controul over part of the Island, not within its jurisdiction. The number of members composing the House of Assembly consists of but 15, and of these 6 form a quorum. The qualification as well of the electors, as of the members, does not require the possession of any amount of property, real or personal, whatever. All persons who occupy for twelve months any description of dwelling, are hereby qualified to be electors; and the only qualification prescribed for members, is the occupancy for two years of the same description of tenement. I do not remark upon these circumstances invidiously but merely to shew the inapplicability, in every respect, of the argument drawn from analogy.

The analogy here argued to exist between our House of Assembly and the British House of Commons, has also been invariably denied in the most express terms by every authority upon the subject which I have met with. Mr. Chitty, in his able treatise upon the Prerogative of the Crown, and the relative duties and rights of the subject, says, "With respect to the Colonial Assemblies, it is most important that any idea that they stand on the same footing as the English House of Commons, should be excluded from consideration." The principles upon which the English Parliament rests its rights, powers and privileges, cannot be extended to a provincial Assembly. Parliament stands on its own laws, the *lex et consuetudo Parliamenti*, which are founded on precedents and immemorial usage. The plantation Assemblies derive their energies from the Crown, and are regulated by their respective charters and usages, and by the common law of England.

It is therefore quite out of the question to appeal to the law and custom of Parliament as the rule by which we are governed in this case, and there is therefore no weight in the argument that upon the establishment of a General Assembly here, under the King's Commission the *lex et consuetudo Parliamenti*, which is peculiar to Parliament alone, thereby necessarily comes into force here. So far was this from being allowed or admitted by the source from which our charter emanated, that His late Majesty was advised to withhold his assent from certain Acts of the Assembly, for the reason that they contained the words "*In Colonial Parliament assembled*." In Canada, it is true, the Legislature is styled a Parliament, but it is by the words of an express Act of the Imperial Parliament, under which the Legislature was erected, and all Acts there run in the name of the Queen, by and with the advice and consent of the Legislative Council and Assembly.

The power of the commitment for contempt is contended for, in the second place, upon the ground that a like power exercised by the Assemblies of other colonies. To prove this, references have been made in the Journals of those Assemblies to instances of commitment for contempt. It would, however, have been more satisfactory to my mind if some legal adjudication upon the subject of the exercise of such a power had been cited;

we should then have seen the origin and nature of it, and whether founded as it is not unlikely, on some local enactment, or supported upon usage recognized by the Courts of Law,—for whether this practice prevailing in those Colonies be conformable to the law or not, cannot clearly appear, unless it be shown to be recognized by judicial precedent. The instances which have been referred to are also all of very recent occurrence, in colonies where Legislatures have existed for half a century and upwards. In some of the colonies, I am aware that an Act for a trial of disputed elections, in imitation of the Grenville Act, is in force and the power of compelling the attendance of parties and witnesses, is given by such Act.—But whether the usages of such Assemblies be legal or not in the colonies where they prevail, they are clearly not binding here, and have no legal force whatever in this country. As well might the House of Assembly here claim to exercise the power of elections the members of the Council because other Assemblies have had power by their Charters to do so, or prescribe to appear certain officers who, in other colonies, are by usage appointed by the Assembly.—No local Act in colonies can have any validity in this country, neither can the peculiar usage and practice and their legislatures beset up as having any bearing upon this case.

The third argument in support of the power of the Assembly to punish summarily for contempt by imprisonment, is drawn from the King's Commission, and Royal Instruction accompanying it, under which the Local Legislature was erected.

This commission was issued in the year 1839, and empower the Governor, by and with the consent of the Council and the House of Assembly, to make laws for the good government of the Colony, not repugnant to, but as near as may be agreeable, to the laws of England. But there are no terms in this Commission or the Royal Instructions which refer to the House of Assembly like powers and privileges with those enjoyed by the House of Commons, or such as are exercised by the Assemblies of other Colonies; neither is they any great contained therein that they are to be governed by the law and custom of Parliament. No powers of jurisdiction are conferred upon the Council and Assembly conjointly or severally, and no appeal lies to either of them from this Court, or any other Court in this Island. But if the terms of the Charter were even more express in favour of the power claimed by the Assembly, still the King cannot, cannot dispute with Magna Carta which is incorporated into the common law.—2nd *Rolles Reports*, 115. The King cannot charge by his grant alter the law in any respect, as he cannot give power to any to oust another of his hand.—2nd *Rolles Reports*, 164.—The King cannot erect a new Court, with a new jurisdiction without an Act of Parliament, and if it be erected, the jurisdiction ought to be expressed, for nothing omitted will be within such jurisdiction.—4th *Instructs*, 200.—nor can he by Charter or Commission alter the common law.—*Com. Digest. Prerogative*.—If the King, as the fountain of Justice grant to a Court power to find and imprison, it shall be a Court of Record—1 *Salkeld*, 200;—but the King has not granted to the House of Assembly the power to fine and imprison, and it clearly is not a Court of Record nor is any where called a Court at all.

As to the argument which was used, that the Assembly isa Court of Record, for that the Journal or Book of the Clerk is a Record, it is laid down *Holbes* 110 as to what shall be an Act of Parliament that if the Jhurnal of Parliament be variant from to Record, it shall not prejudice, for that is no record.—*Com. Digest. Title Parliament*—which militates somewhat with the dictum of my Lord Coke,

that, the book of the Clerk of the House of Commons is a Record, as it is affirmed by the Statute 6, Henry 8—but that Statute merely requires that a Member departing from the Parliament, shall have his license to depart recorded in the Clerk's Book. The House of Commons, however, is part of a Court of Record and of the highest Court of Record in the Kingdom, upon somewhat better authority than the Statute 6, Henry 8.

In the special plea of justification it is alleged, that the Defendant issued his Warrant in pursuance of the order of Assembly, and for the execution thereof and according to the laws usages and customs of the said House of Assembly. This seems to be essence of the justification. Now as to the laws, usages and customs of the House of Assembly, if any such exist and have the force of law this Court would certainly be bound to recognize them,—but it has not been shewn to us in what "Rolles," "Records," and "Precedents," these laws, usages and customs, are to be found, and I have not been fortunate as to meet with any treaties in which they are contained.

It is admitted, however, by the Counsel for the Defendants, that there is no Statute or Charter which in terms grants to the House of Assembly the power of imprisonment; and as to the customs, and usages, mentioned in the plea, no such things are pretended to be set up; for that the Assembly has been only 6 years in existence and that this is the very first instance, in which they have ever assumed to exercise the power of imprisonment. In the case of *Crav, v. Ramsey—2 Ventris* 7—the Court of Common Pleas in pronouncing judgment, unanimously agreed that "that which there is neither practical custom, judicial precedent, or Act of Parliament to warrant, may well be judged to be against law"—and can any thing be more apposite when applied to the present case.

The only remaining ground then upon which this power of commitment by the Assembly is contended for, as lawful, is that of reason and necessity. When we speak, however, of necessity as being a lawful justification of a proceeding which is not only at open variance with the known and established laws of the land and the ordinary course of Justice, but which deprives the subject of his freedom in direct contravention of the Magna Carta and the 28 Edward 3, those great bulwarks of the liberties of Englishmen, whereby, it is enacted that no man shall be imprisoned but by the lawful judgment of his peers, or by the laws of the land, and that no man shall be taking or imprisoned without being brought in to answer by due process of the law, it must be such a strick legal necessity as, in the absence of all other modes of address, and to prevent a failure of justice, will warrant the dispensing with the established laws of the land. But if by the terms necessity be intended that such powers are fit and expedient and in the ordinary sense of the word necessary, it may, perhaps, afford a good reason why they should be made the subject of a legislative enactment, but does not meet the necessity here set up. Our duty is to declare what the law is, not what it ought to be, *judicere non jus dare*, and I trust the day may never come when British Courts of Justice will sanction any infraction of the positive laws of the land, from motives or arguments of expediency.—We have indeed reason to rejoice that the rights and liberties of Englishmen are secured by laws fixed and certain, and defined by landmarks well known and established,—that they do not rest upon such an uncertainty as would justify any man or body of men in tampering with those rights and liberties whenever they might think fit and expedient for them so to do. The argument used by Lord Ellenborough is



*Burdett vs. Abbott*, (and which has been used here) that independent of recognised precedents, the power of commitment is essentially inherent in parliament from its very nature and constitution, is applicable to Parliament alone, and we must bear in mind that the Court there did not decide the question before them upon this ground, but upon *Law* as ancient and binding, as *Magna Carta*—upon precedent and usage, recognised and practical, time out of mind.

If however it be conceded that the House of Assembly by lawful authority possess the power of punishing summarily by imprisonment for contempt, as in the nature of a breach of their privileges, and as exercised in the manner complained of in this action;—whether they possess it as a Court of Record, or as inherent in them by analogy to the House of Commons—it would seem to be a necessary consequence that this Court cannot interfere in any manner with the exercise of such a power. That although the facts which constitute the alleged contempt should be set forth on the Record, the Court is entirely precluded from determining whether those facts do or do not amount to a breach of their privileges. In short, that they are the sole and wholly proper of their privileges and that it is not a breach of them. That this is part of the power which the Assembly consider to belong to them, is evidenced by the fact of their having arrested and imprisoned myself, as being guilty, in their opinion, of a contempt and breach of their privileges, for having in the performance of my duty as a Judge of this Court discharged the present Plaintiff when brought before me under a *Habeas Corpus*, and to which circumstance I now allude for this purpose only.—It follows then that this Court, which is styled the *Supreme Court*, and is the highest Court of judicature in the Island—by the express words of an Act of the Imperial Parliament possess within this government all the powers of the Courts of Queen's Bench, Common Pleas, Exchequer, and High Court of Chancery in England,—from which no appeal lies to any other body in this Island, but only to the Queen in Council—the jurisdiction of which is more extensive than that of the Assembly, and which was erected and established years before the Assembly came into existence is not, in any case where the Assembly may construe a particular transaction to be a breach of their privileges, and such transaction may come incidentally before the Court upon a plea of justification, to exercise any judgment whatever upon the question whether the facts set forth in the justification amount to a breach of the privileges of the Assembly or not. It amounts to this, that the Assembly may construe any thing which they consider a breach of their privileges, to be such, and punish for the same by imprisonment, and that the matter shall be wholly unappealable and unredressable in any other Court or place.

This is a doctrine to which I by no means subscribe; but, if it could be established, the imprisonment of one or all of the Judges of this Court, for any judicial act of theirs, which the Assembly might construe to be a contempt, would be just as much within the scope of their authority as the imprisonment of any private individual.

In the present case the Plaintiff who is not a Member of the Assembly, was in the first instance arrested for a constructive contempt only. The Warrant set out in the pleadings does not positively recite his having been adjudged guilty of a contempt, but his having been guilty of certain violent acts and expressions the tendency of which was to seditious, &c. The individual Member of the Assembly aggrieved, if he sustained any wrong, was clearly capable of obtaining the most ample redress in the ordinary Courts of Law, and there was not, in fact, any necessity whatever for the Assembly taking the law into their own hands, and determining what punishment should be inflicted upon the party.

As to the Warrant which is said, in the pleadings, to have been issued according to the laws, customs and usages of the House of Assembly, but which however forms its own precedent, I am of opinion it is invalid. It is not only think entitled to be considered as the process of a Court of Justice, and as it has happened to be a warrant of the Speaker of the House of Commons, I know not by what rule of reason it can be claimed to come under the law applicable peculiarly to the Imperial Parliament.—*21 Inst.* 52, 591, *H. P. C.* 94. It is the first instance of the exercise of such an authority by a novel and limited jurisdiction, and as it operates to deprive a subject of his liberty, it must be construed strictly.

The Council for the defendants has argued throughout, not so much that the powers, or rather to use the words of the plea what the *laws usages and customs*

of the House of Assembly are, as what they ought to be; but the province of this Court is to pronounce the law not to supply its deficiency. It is said the Assembly cannot be presumed capable of assuming or exercising any privileges or powers, which are not reasonable or proper, but I say, that if the principle be once admitted that they can, without the sanction of a *sufficient law or usage*, assume the right of exercising any one power which is contrary to the common law then are they equally entitled to dispense at pleasure with every established law for the protection of the liberties and properties of her Majesty's subjects. The language of Lord Denham in the case of *Stockdale vs. Hansard*, 7 Car. & P. in which the House of Commons attempted to justify the exercise of a privilege which might be prejudicial to the character and reputation of individuals, is very strong, and as it is quite applicable to the present case. I cannot do better than quote it. Denying to the House of Commons the lawful right to exercise any such privilege, he proceeds "and I wish to say so now most emphatically, and distinctly, because I think that if on the first opportunity that arose in a Court of Justice, on a point of this kind being stated, the points were left unsatisfactorily explained, the Judge who sat in that Court might become an accomplice to the destruction of the liberties of the country, and expose every individual in it to a tyranny to which no man ought to be called upon to submit." The law given no authority to apprehend any one upon the command of the King, even though it be in the King's presence, 2 Inst. 130, and there are in the state very many bodies, politic and corporate, from the Sovereign downwards, of equal importance with the House of Assembly, but not one of them can justifiably do any act by which the liberty, reputation, or property of the poorest subject in the realm may be restrained or injured, without the clear and express authority of Law,—and I do not see how the House of Assembly is to be excepted from the general rule. It is not because the House of Assembly is a component part of a subordinate Legislature that it is for that reason entitled to usurp the functions of the Courts of Law and to dispense at pleasure with the established forms, and set at naught the settled course of justice.

Nothing is so abhorrent to the spirit of our Constitution and Laws, as arbitrary and undefined power, and when for the first time such a power as deprives the subject of his liberty,—of his birth-right, trial by jury,—and of the benefit of appeal, is claimed to be exercised in hostility to *Magna Carta* and the *Common Law*, so I say with Mr. Hargrave, in speaking of the exercise of a like power by the House of Lords "the legal existence of such power should be made to appear by proofs, and sanctions of the most inflexible kind."

I am far from denying to the House of Assembly, relatively with the other branches of the Legislature, the existence of certain privileges, as incident to their condition, but surely if it be deemed desirable or expedient that they should possess further powers and privileges, and especially vindictive ones, they have in their own hands the means of legally acquiring them. It is quite competent for the Assembly, by an enactment in which the different Branches of the Legislature may concur to define and establish by law such powers, and privileges; and in doing so, regard could be had to the peculiar constitution of our Legislature, and the vast difference between it and the Imperial Parliament, and the Legislatures of other Colonies, founded upon a very different franchise.—The laws and rules of Parliament as modified by the exigency of the case might then, in the terms of the recommendation of the Secretary of State, be adopted for the conduct of the Council and Assembly. I see nothing derogatory to the Assembly in this course, for many of the highest privileges of Parliament have from time to time been established, defined, and confirmed and others again abolished by Legislative Enactments;—and it is very probable that a great part of their peculiar powers originated in statutes or ordinances having the force of law, but of which all traces have long since been lost.—*Wilkins Leges Anglo-Saxonas* Dwarres 105 and 106.

But as respects the case under consideration, since the power assumed by the Assembly is not claimed to be exercised upon the foundation of any statute, usage, or precedent,—since it is in direct opposition to the *Common Law*, and the process by which it has been carried into effect is in my judgment invalid, I am of opinion that the plea of justification has not been made out and that the Plaintiff should have judgment on the demurrer.

[We shall insert in our next, the Judgments of Mr. Justice DESBARRES and Mr. Chief Justice BOURNE on the above case.—ED. STAR.]

MAYO ANTI-TITHE MEETING.

(From the *Dublin Evening Mail*)

THE DEMAGOGUE FEATHER ON THE WANE.

The Pope's leges have held another very imposing mobbery against tithes in the country of Mayo. The place selected for the meeting—a ruined monastery—the associations awakened by the scene as well as suggested by the orators—the activity and zeal of the priests who managed the whole proceedings, were all well calculated to add to the fraudulent resistance of a just debt, the bitter fanaticism of a superstition stripped of her ancient gods, and disarmed of her intolerant power.

The gathering, it is said, consisted of 40,000 people. The chair was taken by a gentleman whose residence at *Breeza Hill* portends a coming storm; and the meeting was addressed, in their usual tone of political morality and civil honesty, by at least half-a-dozen priests. Their ordinary diatribes against the "gorgeous nuisance"—their customary invectives against tithes—and their ferocious intolerance against Protestantism, it were needless to repeat or discuss. They have neither the merit of truth nor the attraction of novelty. There was, however, a theme both new and true discussed at this meeting, which is making rapid and prodigious way in the public mind—we mean the detected treachery of Mr. O'Connell towards his countrymen in the matter of the Tithe Bill. When Father Davern stood forth single-handed (as it appeared) to denounce the impostor, we said that he stood not alone, and that a little time would exhibit the Roman Catholic priesthood of Ireland arrayed on his flanks, and bearing down with destructive vehemence on the power which, for the own uses, they had created. How quickly have our words been verified.—At this Mayo gathering the Reverend Father Fergus gives vent to his own indignation, and that of all his ecclesiastical brethren; and, though he included her Majesty's ministers in the censure, yet from the precise and pointed wording of his speech, it is evident that Mr. O'Connell himself is the principal object of denunciation:—

"But now," saith this vehement accuser, "when those who pretend to be their friends, and who on the people's shoulders have ascended to their political elevation, have carried measures evidently injurious to their best interests, and which is to be dreaded more than all, having a necessary tendency to implicate, embroil, and render mutually obnoxious the landlord and tenant, and thus disturb the peace of the community, what bounds can be set to our indignation, and what contempt for their vacillating imbecility? (Loud cheers.) They have violated their solemn pledge, and attempt to justify themselves on the plea of expediency, which dastardly and temporising conduct, if not condemned by marked and timely reprobation, every selfish, knavish, and ambitious ministry will, on the same grounds, cling to office, and sport with the feelings as well as insult the judgment of the public (Continued cheers.) Yes, but if the Whigs went out of office, the Tories would come in—perhaps so. But I defy any Tory government, even of the deepest Orange hue, considering the state of Ireland, and not altogether disregarding public opinion, which should be the guiding star in politics, to have the hardihood and effrontery to force upon the country a worse Tithe Bill than our friends the Whigs have given us. (Hear, hear.) Aye, but to sweeten the pill in order to swallow it the more easily, and to make the burden the lighter, tithes shall be no longer called tithes, but a rent-charge (hear, hear), with a miserable percentage reduction, which never will benefit the poor."

This is much in the manner, and not far from the matter of Father Davern's correspondence, who exclaims—

"What faith can they (the Roman Catholic clergy and people) any longer feel in the leader who, on Wednesday, wrote a letter from London denouncing the ministerial bill 'as worse than ever was imposed by Mohammedan sword on Grecian vassals,' and on the following evening, with protests from five Irish counties in his pocket, made a speech in support of it, and recorded a vote in its favour? On, Sir, believe me the people are sick of this blowing hot and cold."

The Rev. gentleman declines to examine the motives which gave rise to this tergiversation; he leaves them to the development of time. We may help him to a more immediate interpreter; for we find, in the address of Mr. Ward to his constituents at Sheffield, last week, a solution so clear and so adequate as to preclude a doubt of its being the true one. It has this further value, that it is the evidence of an eye and ear witness of the whole proceeding.

"I know," said Mr. Ward, "that these views have been forced upon the government (and this is their only excuse) by the Irish members. So long as the peasantry bore the brunt of the tithe war they cared little about it; but they succumbed immediately when the Exchequer processes were directed against themselves. I am happy to find that the course Mr. O'Connell pursued (for he and Mr. Sheil were mainly instrumental in determining the course of the government) has been repudiated by the people of Ireland, who regret that their members have taken the million bribe, and compromised their principles."

And here, O Father Davern—and thou, too, Father Fergus of Mayo—here is the reason—here the motive why Mr. O'Connell, with the protests of five Irish counties in his pocket, voted for the Tithe Bill, against which he levelled the heaviest denunciations the day before; and against which he renewed his denunciations the day after;—as long as the peasantry bore the brunt of the tithe war, Mr. O'Connell and Mr. Sheil cared little about it; but the moment the Exchequer process was brought to bear against themselves—and they were compelled to pay their tithes, with costs and trouble—they struck their colours; and for their own security abandoned the cause of the people. The rest of the Mayo priests coincided in the

views of Father Fergus; they openly denounced the leader; and appear determined to take the leadership on themselves. The Very Rev. James M'Hale—brother of "John of Tuam," condemned in the strongest terms the conduct of the ministry, and exhorting the people to be no more misled, but to rely upon themselves, "concluded with the sacred words of the Father of the Maccabees, 'Remember your ancestors [of 1641 and 1688] and the deeds they have done in their day, and be ye like unto them.'"

We have striven to follow the advice of his reverence, and for our lives can remember nothing of the glories of our ancestors but the rebellion in 1641; the pro-Popery war of 1688, and the battle of the Boyne; and the insurrection of 1798, and the flames of Scullabogue-barn. But Perchance his reverence refers to

"The days of old,  
When Malachi wore the collar of gold;"  
and if so, we must consult that most authentic History of Ireland, "Tom Moore's—Melodies."

The accounts just received from the West Indies, the Cape, and from Australia, completely confirm our previous statement that an augmentation to our military strength is called for in all these colonies, but from whence that augmentation is to come it is impossible for us to say, as the 96th (by right the last for service in 1839, being only three years, at home) is now under orders for new South Wales; nor is it supposed we can replace more than one of the four regiments now about to leave Ireland by another from England, the duty at present being quite enough for those stationed here, crippled as the depots are by the large drafts sent to Canada.

"The *Liverpool*." This splendid new steam ship, of which we gave a description in a recent number of our publication, intended to convey passengers between Liverpool and New York, made her trial trip on Saturday last to Dublin. She was intended to have started on Friday, but owing to the boisterous weather and not being insured, she did not sail till Saturday morning at 4 o'clock. She anchored at Kingston at four o'clock in the afternoon, having been 12 hours 21 min. on her passage, beating the mail boat three hours. Her average speed was found to be 10 knots per hour in the teeth of a strong head wind. A very large party of gentlemen, proprietors and their friends, were on board, who greatly enjoyed themselves and were much gratified with the splendour of the vessel, her speed, and the performance of her engines. She started on her return on Sunday night, at a quarter before eleven o'clock and arrived at Prince's Pierhead at a quarter past 9 yesterday morning, thus performing the voyage in 10 hours and a half, and again beating the mail boat four hours. She encountered a heavy sea off Holyhead. Her average speed through the water, on her return, was 11 knots per hour. A calculation was made by which it was ascertained that with the same opposing difficulties to contend with as she had on her voyage out, namely a head wind and a rough sea, she would steam to New York in 13 days! What, therefore, may be expected from her with ordinary or favorable weather. We can only add that this vessel bids fair to realise all the expectations that have been raised about her, and that she does credit to the town where she has been built and completed and whose name she bears.

*French Treatment of Quacks.*—"They manage these things better in France," we observe—that is, in reference to quackery. Two or three vagabond empirics have been traversing the country with a nostrum which they distinguished as the *Sucre Mexique*, being nothing else than jalap and molasses.

These fellows, by the police, prisoned on the ing money and having guaranteed cases, and pro remedy. Quaswindling, and qui culti decri creditors ougder the protect every common medicine shou swindler.

It is a fact, late prevalent and the absence to meet the Thames, together spring tides of water in the brackish, as at Bernouidsey, who obtain the Thames, have rably inconv hith, where the river, the days was of mestic purp holders were cisterns from is seldom the Thames is here were for four days last.

At a recent Club resolved as we are pleased conduct of we cannot re our bitter efforts to sup have been w

THE BU

The news conveyed is indeed alluring, consisting of 35 Indians instantly and shot them to death every one was no doubt murdered by the Carlos in Argentina, but the deep penitence and the moral excitement which its mission had produced, but too soon their consequences but her who is Vicerey of Don of any accord of bers and the blood, his hands garments dabbling in gore, the Spanish nation a God! has washed participation, inflicted France offering an end to it would not, for we can tell; and to cite the tolerance committed with which a word of abets Don Carlos the Emperor of humane and enlightened that the gold but a whetstone Cabrera is what theatre on which to struggle against moderate desires and even of a multitude of Spaniards, let as a condition of to fair and many horrible, and be heard cry shame more than cry guilt on the co statesmen who monstrosity. T Spain, France, an open, and Europ to this question, grounds than the set aside, or bli animated by Ch

THE POSTPON

From the This is a ten



These fellows were pounced upon by the police, and fined and imprisoned on the charge of obtaining money under false pretences; having guaranteed a cure in all cases, and prescribing the same remedy. Quackery is essentially swindling, though it may be said, *qui vult decipi, decipiatur*. The credulous ought to be placed under the protection of the law, and every compounder of an universal medicine should be punished as a swindler.

It is a fact, that owing to the late prevalence of dry weather, and the absence of the land waters, to meet the flowing tide in the Thames, together with the lofty spring tides of the past week, the water in the pool has become so brackish, as high up the river as Bermundsey, that the inhabitants, who obtain their supply from the Thames, have been put to considerable inconvenience. At Rotherhithe, where mains are laid on to the river, the water for several days was unfit for the usual domestic purposes, and the householders were obliged to fill their cisterns from another source. It is seldom that the water of the Thames is salt above Blackwall. There were unusually high tides for four days, ending on Sunday last.

County Longford.

At a recent meeting of the Liberal Club of Longford, it was resolved as follows:—"That whilst we are pleased with the general conduct of the Irish government, we cannot refrain from expressing our bitter regret that our strenuous efforts to support that government have been wholly unrequited."

THE BUTCHERY IN SPAIN.

(From the Morning Chronicle)

The news conveyed by our Madrid letter of the 5th is indeed afflicting. Cabrera, on entering Villanueva the other day, brought out the garrison, consisting of 55 soldiers, and shot them. The Valencians instantly brought out 55 Carlist prisoners and shot them. Cabrera threatens in consequence to shoot every liberal of every town he enters; and he no doubt, will do so. These continued massacres by the monster who represents Don Carlos in Arragon are, we have no doubt, the result of cold calculation on his part, to produce terror in the region through which he roams, and to excite troubles in the towns, which, not being able to conquer, he hopes to subvert by producing anarchy and sedition. The inevitable effect of his deeds is to give power in the great towns to the decidedly democratic party. The Moderates even the moderate liberals, cannot hold the reins when the deep passion that such sanguinary cruelty must excite are awake. The results are fearful, lamentable, but cannot be without some profit to the constitutional cause in calling forth that spirit which its miserable statesmen and guides have laboured but too successfully to extinguish. Another consequence of the wholesale massacres of the butcher who is the appointed lieutenant and Viceroy of Don Carlos is the utter impossibility of any accord ever taking place between the Liberals and the Pretender. His cause is steeped in blood, his hands are imbrued in it, his wedding garments dabbled in it; and it is with them, dripping in gore, that Carlos presents himself to the Spanish nation and to Europe. England thank God has washed her hands and shaken off all participation, in even tolerating such horrors. If offered France free and full cooperation in putting an end to these horrors. The King of France would not for what reasons his own bosom best can tell; and to that bosom must he now reconcile the tolerance of the horrors that he coldly sees committed within a march of his frontier, and which a word of his could prevent. Austria, too abets Don Carlos; it is said, even pays him. Yet the Emperor of Austria has shown himself a humane and enlightened prince. Surely he must see that the gold sent to Don Carlos has proved but a whetstone whereon the butcher's knife of Cabrera is whetted. Is Spain is still to be the theatre on which the gold of absolutism Europe is to struggle against the wish, the happiness, the moderate desires for liberty of all the enlightened, and even of a majority of the unenlightened mass of Spaniards, let the suborners of this war require as a condition of their support that it be applied to fair and manly war, not to the purposes of vile, horrible, and bestial butchery. The acts of Cabrera cry shame on civilized Europe. They do more than cry shame—they throw a share of their guilt on the countries, the monarchs, and the statesmen who support, and even tolerate such monstrosity. The representative assemblies of Spain, France, and England are now about to open, and European attention will again be drawn to this question. It must come forward on higher grounds than that of policy, and can no longer be set aside, or blinked, or cheated, in a society animated by Christian feeling and humanity.

THE POSTPONEMENT OF THE MEETING OF PARLIAMENT.

From the Morning Herald, Dec. 5. This is a tender topic for most of the Whig

journals. They have exhibited a most creditable unwillingness to handle it. They are, unquestionably, ashamed of the meanness of their patrons in shrinking from their posts, at a time, when if ministers possessed the slightest spark of courage, or of pride, they would call together the great council of the nation—render an account of their stewardship—and defy all their accusers—or, finding themselves unmitted for the prais of their position, resign! Unpleasant, however, as is the theme, the ministerial journals have, at last, been compelled to make it the subject of criticism.—The following *marceau* is a sort of joint stock contribution on the topic, by the *Chronicle* and *Courier*. The latter journal observes:—"But there is a great deal of justice, nevertheless, in the reflection which the *Chronicle* this morning makes; and we, too, are disposed to regard it as a fortunate circumstance that from the postponement of the meeting of parliament till Feb., the patience of the Canadians has not been exposed to the severe trial of hearing some of the wicked and mischievous speeches which would assuredly have been delivered by some of the Lords, if their natures have not been changed by some miracle."

"Prevent the peers from assembling, and the revolt will die a natural death. Their speeches might breathe anew a fiery spirit in the dead body of rebellion. Their doings in August did not, we admit, create the flame, but their sayings just now might help more than anything to keep it alive." "How ingenious, how manly, how lofty in tone, is this defence of ministerial skulking! What have the "reforming" ministers, the "philosophical" ministers, the ministers in whom alone the English nation (if wise) will place its trust—have these invaluable servants of the Queen, and of the country, no more effective species for putting down rebellion in Canada, than is contained in the profound device of *gagging* "the peers" for two months to come! What harm, let us ask our ministerial contemporaries, could "the peers," the "tory lords" do, with "their factious whispers?" Would not ministers, at once open their budget of "philosophy," and of facts—and prove to the benighted world, that wily policy is the only true policy for consolidating our colonial empire,—and that while tory peers had been recklessly tampering with the foundations of England's strength, they, the recipients of official pay, they, the ever watchful and energetic occupants of Downing-street—they, the patriotic and lofty-minded advisers of the Queen—had contrived, in the strength of their own wisdom, and of the wisdom of their dearly beloved ex-Governor-General of the Canadas, to render further Colonial rebellions, impossible, by rooting out the last germinating principle of disaffection? Of course, our respectable whig ministers could do all these creditable things! Why, then, should *Chronicle* and *Courier* conspire to make their Downing-street deities appear like men, whose policy would not withstand the battering of a few "factious" tory speeches? Call you that, a backing of your friends?"

THE STAR

WEDNESDAY, JANUARY 16, 1839.

SEAL FISHERY.—It seems to be now generally understood that the outfit for the seal fishery from this port for the ensuing spring, will be unprecedentedly short, as compared with the last twelve or fifteen years. There were 110 vessels employed in this branch of our trade in 1838, taking 2826 men, and outfits for the four years preceding do not exhibit any material difference. We have ascertained pretty correctly that the present year's outfit will not exceed sixty vessels of an average size not greater than that of the past years—and supposing that the number of men employed will be in an equal ratio—upwards of thirteen hundred men of those who prosecuted the last year's fishery will be unprovided for. We are not desirous of awakening any unnecessary alarm; but the prospect of having so large a number of our industrious fishing population without the means of obtaining their accustomed employment, has in it nothing cheering or encouraging, and is calculated to excite any other than pleasing anticipations as to the effects which such a state of things will probably bring about. In Brigus there will, we believe, be no diminution, and the same may apply to Harbor Grace; but Carbonear will, as well as St. John's, show a very material deficiency, and we fear that on the whole, nearly two thousand men will be unemployed, to whom this fishery has hitherto afforded occupation. The falling off arises in some degree from the scarcity of tonnage and consequent high rates of freight, which has induced the employment of many sealing vessels in the carrying trade; but it is principally owing to the want of success that has attended the prosecution of the seal fishery for some years back.—*Newfoundlander*, Jan. 10.

From Felix Farley's Bristol Journal, November 17.

NEWFOUNDLAND.

"To the Right Honorable Lord Glenelg, Principal Secretary of State for Her Majesty's Colonies, &c. &c. The undersigned Memorial of Merchants and others resident in Bristol, trading to, and connected with, the Island of Newfoundland,

"HUMBLY SHEWETH, That your Memorialists, many of whom are possessed of property in the said Island, are all of them deeply interested in its prosperity and welfare.

"That your Memorialists have frequently had to lament the numerous evils and disturbances that have taken place in this Colony more particularly since the institution of a Colonial Legislature, whereby the trade of the Island has been seriously prejudiced and the lives and property of Her Majesty's subjects placed in imminent peril.

"That by recent advices received by your Memorialists from the Town of St. John's, in the said Island, they have heard with extreme regret the arrest of a gentleman of high respectability, for an alleged breach of privilege, by order of the House of Assembly; and that upon his being subsequently released by the Judge of the Supreme Court, and the High Sheriff of the Island, in the exercise of their judicial functions, those gentlemen were themselves taken into custody by a similar order from the House.

"That your Memorialists without wishing to make any unnecessary comment upon those proceedings, cannot but regard them with unfeigned sorrow as indications of the continuance of a most unhappy state of affairs in the said Island, unless it shall please Her Majesty's Government to take prompt and effectual measures for the restoration of peace, and for the future prevention of those internal animosities by which the Colony is at present so lamentably distracted.

"That your Memorialists in addressing your Lordship, are not in the most remote degree actuated by party or political feeling, being purely desirous, for their own sakes, as well as for that of their numerous connections in Newfoundland, that order and good government should be permanently established.

"Having the utmost confidence in the peaceable disposition of the greater part of the inhabitants, your Memorialists would venture to suggest the importance of an early investigation on the part of Her Majesty's Government into the nature of the elective franchise by which the House of Assembly is constituted, and to which, in the opinion of your Memorialists, very many of the evils complained of are to be attributed.

"Your Memorialists would, therefore, venture earnestly to hope that such measures may be adopted for the restoration of tranquillity, as Her Majesty's Government in its wisdom may see fit; and that before the winter be too far advanced additional troops may be sent out for the more effectual protection of life and property throughout the Island.

"And your Memorialists, &c. Bristol, 24th October, 1838."

To which the following reply from Sir George Grey has been received—Downing street, 12th November, 1838.

"Sir,—I am directed by Lord Glenelg to acknowledge your letter of the 24th ultimo, forwarding a Memorial from the Merchants of Bristol, engaged in the trade of Newfoundland, in which they call the attention of Her Majesty's Government to political dissensions in that Colony, and urge the necessity of sending there an additional military force, for the security of life and property.

"Your will have the goodness to inform the Memorialists, that previously to the receipt of their communication his Lordship had taken all the measures which it is in the power of Her Majesty's Executive Government to adopt, for giving effect to wishes of the memorialists.

"I have the honor to be, Sir, Your most obedient servant, GEORGE GREY."

DEPARTURES.—In the St. Patrick, for Liverpool Mr. & Mrs. Soper, Miss Sydney Montgomery.

SHIP NEWS

Port of Harbor Grace, ENTERED. Jan. 14.—Brig Margaret Ann, Hartery, Lisbon, 130 tons salt, 5 cwt. cork-wood. CLEARED. Dec. 10.—Brig St. Patrick, Evill, Liverpool, 70 tons cod oil, 98 salted hides, 26 qts fish 27 cwt oil junk.

For Sale

Just Landed  
Ex Jane Elizabeth, Nathaniel Munden, Master,

FROM HAMBURG,  
Prime Mess PORK  
Bread  
Flour  
Oatmeal  
Peas  
Butter.

Also,  
15 Tuns BLUBBER.

For Sale by  
THOMAS GAMBLE.

Carbonear,  
Jan. 9, 1839.

The following Valuable Mercantile and Fishing Establishments situate at St. Mary's, belonging to the Insolvent Estate of Slade, Bidde & Co., of Carbonear.

Will be offered For Sale

By Public Auction,  
On WEDNESDAY, the 1st day of May next  
At 12 o'Clock,

AT THE  
COMMERCIAL ROOM  
(St. John's.)

THAT Eligible Room, known as RICHARD'S ROOM—consisting of a Large DWELLING HOUSE, with COUNTING HOUSE adjoining; Three STORES, One SHOP One COOK ROOM, Two STAGES, One BEACH, FLAKES, MEADOW, and GARDEN.

That Eligible Room known as PHILIP'S ROOM—consisting of one DWELLING HOUSE, One STAGE, One STORE, Extensive MEADOW GROUND with right and privilege of Piscary at Great Salmonier.

That Eligible Room known as CHRISTOPHER'S ROOM—consisting of a DWELLING HOUSE, FISH STORE, STAGE, FLAKES, BEACH, GARDEN, and MEADOWS.

Also,  
10 FISHING BOATS, carrying from 16 to 30 qts Round Fish.

At St. Mary's.  
Together with sundry SKIFFS, PUNTS, CRAFT, CASKS, &c. Particulars of the Rooms may be made known on application to Mr LUSH, at St. Mary's; Mr. J. B. WOOD, at St. John's or at Carbonear, to

J. W. MARTIN,  
Agent.  
Carbonear,  
9th Jan., 1839.

SEALERS  
Agreements

For Sale at this Office.

TWENTY GUINEAS  
REWARD!

Cow Stolen.

WHEREAS some evil disposed Person or persons did on the night of the 12th instant, or early on the morning of the 13th instant, break open the door of the STABLE on the Premises of SLADE, BIDDLE & Co. and STOLE herefrom a

MILCH COW,

Any Person giving information of the offender or offenders, so that he or they may be brought to Justice, shall receive the above Reward

There is also a further Reward of

10 Guineas

offered to any person who will give information of the Persons by whom the Meadow and other FENCES belonging to said Estate, have been destroyed

JOHN W. MARTIN,  
Agent.  
Carbonear,  
December 10, 1838.



Notice

THE Partnership heretofore subsisting between us, the undersigned, carrying on business as Merchants, at this place, has this day been DISSOLVED.

THOS. CHANCEY, WM. WILKING BULLY, By his Attorney E. WALMSLEY.

W. BRANSCOMBE, Wm. BEMISTER, Jr. Carbonear, Newfoundland, 13th October, 1838.

A CARD

MRS. M. A. SNOWE

RESPECTFULLY begs to acquaint the Gentry and Public in general, that in compliance with the wishes of several of her Friends, she has opened SCHOOL for a limited number of Young LADIES.

The Branches she purposes to Teach are Reading, Writing and Arithmetic Grammar Fancy Needle Work, Embroidery Preliminary Lessons on the Piano Forte And Drawing.

Hours of attendance from 10 to 4, Saturdays excepted. Terms can be known on application at Mrs. S's residence opposite Mr. Jacob Moore's. Harbor Grace, Nov. 14, 1838.

In the Honorable the Circuit Court for the Northern District of Newfoundland, Harbour Grace, October Term, Second Victoria.

In the matter of Robert Slade, senr., Mark Seager, Robert Major, and Rolles Biddle, late of Carbonear, Merchants, Copartners.

WHEREAS the said Robert Slade, senr., Mark Seager, Robert Major, and Rolles Biddle, were on the Thirtieth day of April last past, in due form of Law, declared Insolvents by the said Court of our Sovereign Lady the Queen. And whereas JOHN MCCARTHY, of Carbonear, Merchant, WILLIAM RENDELL, of St. John's, Merchant, and JAMES SLADE, of Trinity, Merchant, Creditors of the said Insolvents, have by the major part in value of the Creditors of the said Insolvents, been in due form chosen and appointed Trustees of the Estate of the said Insolvents.

By the Court, JOHN STARK, Chief Clerk and Registrar. Court House, Harbor Grace, 9th Nov., 1838.

WE, the undersigned, Trustees to the Insolvent Estate of SLADE, BIDDLE & Co. of Carbonear, in the Island of Newfoundland, Merchants, have appointed, and by these presents do appoint Mr. JOHN WILLS MARTIN of Carbonear, Gentleman, to be our AGENT, to transact and manage all matters connected with, and relating to the said Insolvent Estate.

As witness our Hands, this 10th day of November, 1838.

(Signed)

JOHN MCCARTHY, WILLIAM RENDELL, JAMES SLADE.

TO BE LET ON A BUILDING Lease,

About Two Acres of Cultivated Land, well Fenced, situated on the Carbonear Road, immediately in rear of the Court House.

Apply to Mrs. CAWLEY. Harbor Grace, Oct. 31.

On Sale EDWARD WALMSLEY & Co

Offer For Sale THEIR PRESENT STOCK, COMPRISING A VARIETY OF GOODS,

Of every description, suitable to the TRADE, of this Island, to which is now being added,

THE CARGO OF The Brig SARAH lately arrived from LIVERPOOL,

CONSISTING OF A Few Bls. Excellent Archangel PORK Hamburg BREAD A QUANTITY OF TEAS CORDAGE HARDWARE, &c. &c.

AND, A Choice Assortment of MANCHESTER AND OTHER

GOODS,

Carefully selected, and which they intend disposing of on Reasonable Terms for Cash or Produce.

Carbonear, October 31, 1838.

FOR SALE at the Office of this Paper, Price 2s. 6d. (prompt)

A RECORD OF THE EXTRAORDINARY PROCEEDINGS OF THE

HOUSE OF ASSEMBLY OF NEWFOUNDLAND, IN THE

ARREST AND IMPRISONMENT OF Surgeon KIELLEY, AND SUBSEQUENT ARREST OF The Honorable Judge LILLY AND THE High-Sheriff (B. G. GARRETT, Esq. For, (as the House has it) "Breach of Privilege!!"

Harbor Grace, October 10, 1838.

G. P. Jillard

HAS RECENTLY RECEIVED FROM ENGLAND, And just opened a handsome assortment of

PATENT LEVER and other WATCHES With a great variety of Watch Chains and Ribbons Gilt, Silver, and Steel Guard Chains Seals and Keys Women's Silver Thimbles Silver Pencil Cases German Silver Table and Tea Spoons Gold Wedding Rings Lady's Ear Rings and Finger Rings Very Superior Single and Double Bladed Pen Knives

With a variety of other Articles, which he will sell very low for CASH. Harbour Grace, July 4, 1838.

COMMISSION WILLIAM DIXO having a commodious Premises, which from its detachment is comparatively secure from Fire, will be happy to receive GOODS of any description for disposal on Commission, by Private or Public Sale.

N. B. A Public Sale will take place weekly. Harbor Grace,

DRIVER and METFORD'S STOVE

DRIVER and METFORD beg to inform the Nobility and Gentry, that they Manufacture the celebrated Dr. ARNOTT'S Stove. This invention combines the greatest economy, safety and cleanliness, with the most effective operation of any mode of heating yet discovered, and is adapted to places of Public Worship, public establishments, halls, vestibules &c. May be seen in operation at their Stove Grate Manufactory and Iron Works.

Southampton, March 9, 1838. [Dr. ARNOTT'S STOVE.—We see by advertisement that this useful and economical Stove is now manufactured to any size, by Driver & Metford, this town of The article has been so highly approved of by all who have seen or used it, that it is quite unnecessary for us to say a syllable in its favor.—Hampshire Telegraph, March 12, 1838.]

[From the contiguity of Southampton to Poole, orders from hence may readily be executed for this celebrated Stove.—Ed. STAR.]

FOR SALE By Private Bargain

An excellent Dwelling House and a quantity of Land attached thereto, situate on the South side of Carbonear, and lately occupied by William Thistle, Junr.

AND, A large piece of cleared Land, at the Water-side of Musquitto, late the Property of Mr. Dennis Thomey deceased, being one half that extensive Plantation formerly belonging to his Father, the late Mr. Roger Thomey.

For further particulars apply to Thomas Ridley & Co. or to

ALFRED MAYNE, Their Attorney. Harbor Grace, June 6,

BY MICHAEL HOWLEY

Sealers' Scalping Knives—Men's Great and Pea Coats Hour, Half-hour and Log Glasses Blanketings, Serges Flannels, Yarn Stockings Gun Locke and Gun Lock Vices American Coasting Pilots Nails, from 1 1/2 to 5 inches Scupper Nails, Pump and Tin Tax Men's Boots and Shoes Waist Belts Canvas Frocks & Trowsers Iron Pots & Kettles Hatchets, Shovels Saws, Claw Hammers, Lanthorns

ALSO, ON HAND, Rum, Brandy, White Wine Molasses, Sugar Green and Black Teas Coffee, Pepper Pork, Tobacco, Dip Candles Leather, &c. &c. Carbonear,

THE Co-partnership Trade hitherto carried on by us under the firm of BENNETT, MORGAN & Co. is this day Dissolved by mutual consent.

All Persons having claims on said Trade are requested to present the same for payment, and all Persons indebted thereto are requested to make payment to C. F. BENNETT, who alone is authorized to receive the assets of said Co-partnership Trade.

C. F. BENNETT, GEORGE MORGAN. Witness, GEORGE BEADEY BECK, THOMAS BENNETT, St. John's Newfoundland, 1st February, 1838.

The Business for the future will be carried on by C. F. BENNETT.

THE Public are hereby notified, that my signature to the Advertisement contained in the Gazette of Tuesday last, announcing the Dissolution of Co-partnership of BENNETT, MORGAN & Co. was obtained from me under a misconception of the term of its duration, not having in my possession at the time the Deed of Co-partnership between us:—I now find by reference to a copy of the Deed of Co-partnership, which I have since obtained, that the Co-partnership does not terminate until the first day of January, 1841.

GEORGE MORGAN. Feb. 10, 1838.

NOTICES

CONCEPTION BAY PACKETS

St John's and Harbor Grace Packet

THE EXPRESS Packet being now completed, having undergone such alterations and improvements in her accommodations, and otherwise, as the safety, comfort and convenience of Passengers can possibly require or experience suggest, a careful and experienced Master having also been engaged, will forthwith resume her usual Trips across the BAY, leaving Harbour Grace on MONDAY, WEDNESDAY, and FRIDAY Mornings at 9 o'Clock, and Portugal Cove on the following days.

FARES. Ordinary Passengers ..... 7s. 6d. Servants & Children ..... 5s. Single Letters ..... 6d. Double Do. .... 1s. and Packages in proportion

All Letters and Packages will be carefully attended to; but no accounts can be kept or Postages or Passages, nor will the Proprietors be responsible for any Specie or other monies sent by this conveyance.

ANDREW DRYSDALE, Agent, HARBOUR GRACE PERCHARD & BOAG, Agents, St. John's Harbour Grace, May 4, 1835

Packet-Boat between Carbonear and Portugal Cove.

JAMES DOYLE, in returning his best thanks to the Public for the patronage and support he has uniformly received, begs to solicit a continuance of the same favours.

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

TERMS. Ladies & Gentlemen 7s. 6d Other Persons, from 5s. to 3s. 6d Single Letters Double do.

AND PACKAGES in proportion N.B.—JAMES DOYLE will hold himself accountable for all LETTERS and PACKAGES given him. Carbonear, June, 1836.

THE ST. PATRICK

EDMOND PHELAN, begs most respectfully to acquaint the Public, that he has purchased a new and commodious Boat, which at a considerable expence, he has fitted out, to ply between CARBONEAR and PORTUGAL COVE, as a PACKET-BOAT; having two cabins, (part of the after cabin adapted for Ladies, with two sleeping berths separated from the rest). The fore-cabin is conveniently fitted up for Gentlemen with sleeping-berths, which will he trusts give every satisfaction. He now begs to solicit the patronage of this respectable community; and he assures them it will be his utmost endeavour to give them every gratification possible.

The St. PATRICK will leave CARBONEAR, for the Cove, Tuesdays, Thursdays, and Saturdays, at 9 o'Clock in the Morning and the Cove at 12 o'Clock, on Mondays Wednesdays, and Fridays, the Packet, Man leaving St. JOHN'S at 8 o'clock on those Mornings.

TERMS. After Cabin Passengers 7s. 6d Fore ditto, ditto, 5s. Letters, Single 6d Double, Do. 1s. Parcels in proportion to their size or weight.

The owner will not be accountable for any Specie.

N.B.—Letters for St. John's, &c., &c. received at his House in Carbonear, and in St. John's for Carbonear, &c. at Mr. Patrick Kielty's (Newfoundland Tavern) and at Mr. John Cruet's. Carbonear, June 4, 1836.

TO BE LET

On Building Lease, for a Term of Years.

A PIECE of GROUND, situated on the North side of the Street, bounded on East by the House of the late captain STARR, and on the east by the Subscriber's.

MARY TAYLOR, Widow. Carbonear, Feb. 9, 1838.

Blanks

Of Various kinds For Sale at the Office of this Paper.



Vol. IV. HARBOUR GRACE

The Fall Term was closed at a late hour last, after the original...

The topic of all the public attention is the decision to which the court would come after a full and careful consideration of the case.

Mr. Justice B... has an opinion in the case of Burdett vs. Abbott, decided in Master's Court, in which the House of Commons has power to confer the privilege, and that from an unqualified member's was admitted in a court of law.

The question to be decided by the House of Assembly is, whether the House of Commons has power to confer the privilege?

In the course of the debate on the case, I had some views on the privilege conferred by the House of Commons on its members, and the House of Commons is assigned to it as Legislature.

The polity of the Governor, Council, of Government for other of Her Majesty is convoked by the Imperial 2 & 3 Wm. the 4th.

The general exercise of the Assembly, so as to look into the Executive's which Courts of Law.

The exclusive right of the citizens, &c. describing the public.

The form of Government borrowed from their House of Commons.

I feel I cannot do justice to the House of Commons passages from Lord the case of Burdett that being to me and necessarily independent of any they should have security to enable purpose of discharging also that they protection, I do individual wrong, would be the priv