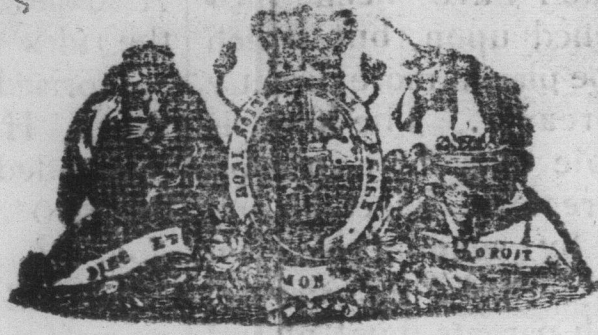


THE



STAR

AND CONCEPTION BAY JOURNAL.

Vol. IV.

WEDNESDAY, APRIL 24, 1839.

No. 251.

HARBOUR GRACE, Conception Bay, Newfoundland:—Printed and Published by JOHN THOMAS BURTON, at his Office, opposite Mr. W. Dixons.

The Ruling Passion Strong of Leath.—An old lady in a retired part of the Peak had plagued her liege lord some forty years, in consequence of an apparent unextinguishable thirst; and it was a subject of remark in the neighbourhood that she was always more thirsty in proportion to the potency of the beverage at the time within reach. The husband was one day persuaded by some friends to try the effect of a surfeit on his spouse, and for this purpose he purchased a bottle each of the best brandy, gin, and rum and placed them on the table at supper time. Many were the thanks bestowed on him, and great was the demolition of the three alcoholic preparations. So much so, in fact, that some neighbours who dropped in about midnight (by previous appointment) to see the effects of the experiment, severally declared that the dose was sure to do good one way or the other, on the kill or cure principle. Total insensibility at length came on, and in this state they deposited her in a large meal chest, and sat down to wait the result. Towards day-break, the old dame began to be restless, and about breakfast-time she fairly awoke. All was dark, all was still. Not a whisper escaped the philosophical experimentators, when, after considerable scratching, and feeling, and tumbling in her narrow prison, she at length, in a very sepulchral tone, broken only by an occasional hiccup, delivered herself of the following soliloquy: "Whv, I'm dead, and buried, and in my coffin. Oh, that last tumbler of rum-punch did the mischief. Well I declare how thirsty, I am. After giving two or three distinct raps against the sides of her supposed coffin, she shouted, as loud as her situation would permit, "Dun ye sell any drink in this country." The husband and neighbours were by this time fully convinced that the experiment was a failure. The lady was released from the meal chest, and still continues to take a wee drop, whenever she has a wee drop to take.

GREAT SURGICAL OPERATION.

The following account of the most formidable operation of "Amputation of the lower jaw bone at its joint," successfully performed in this city, by Professor Baxley, of the University of Maryland, has been handed to us by a medical gentleman who was present on the occasion, and upon whose accuracy of description we can confidently rely. While we rejoice to learn that the occasions for such an operation are rare, we are also gratified to find that we possess the skill adequate to the undertaking when the duty is required: Mrs. O. of this city, had for the last ten months laboured under a disease of the face, which had resisted the curative means of several physicians whose professional aid had been sought, and which rapidly increased until it threatened to destroy life in a few

weeks. The right side of her face was occupied by a tumor extending from the prominence of the cheek bone downward below the edge of the lower jaw and from the right angle of the mouth to the ear, embracing the right half of the lower jaw from the chin to its posterior margin, and up to the socket where this bone unites to the bone of the temple, extending backward into the mouth as far as the palate and tonsils, upward involving the roof of the mouth, and downward by the side of the tongue, which was pushed to the opposite side, so that the part of the mouth not occupied by the tumor was so filled up by the tongue as to render chewing impracticable, and the swallowing even of fluids difficult. The family of the patient state that on Professor Baxley's visiting the case, he immediately pronounced it to be a tumor probable proceeding from the bone, constituting that form of disease called osteosarcoma, and that he could advise no means of giving her a prospect of cure, short of tying the great artery of the neck and then removing the tumor itself. The patient, however could not summon the fortitude at the time to consent to so repulsive an operation, and her friends having learned that certain tumors of the face had been relieved by tying the artery of the neck alone, and being informed that such was a preliminary step to the operation proposed by Dr. Baxley, expressed a desire to have that done, in the hope that the circulation being cut off, the tumor might disappear. This was accordingly done by Dr. B., on the 16th January: at the same time, the patient was assured that it afforded scarcely a chance for cure, and that the removal of the tumor was the only just ground of hope. The facility and adroitness with which the operation was performed encouraged the patient on the next day to think that she might bear the additional one recommended, and on the 17th of the same month, this was undertaken by Dr. Baxley, in the presence of his colleagues, Professor Howard and Dorsey, Dr. G. M. Roberts and others, and Mr. J. Rose, at whose instance Dr. B. had been requested to see the patient. Before commencing this second operation it was found that the circulation had been completely re-established in the tumor from the vessels of the opposite side of the head, and that the arteries on the affected side were pulsating with a force no less than those of the other, side, conclusively establishing the correctness of the opinion that there was scarcely a change of cure from merely tying the carotid artery. This free circulation made it necessary during the operation to tie eight vessels, and cauterize several more. The operation was commenced at the right angle of the mouth, and the first incision cut down to the tumour, and terminated on the neck, a little beyond the point of the ear. The next incision commenced in front, and near the top of the ear and extended below this organ, ending in the first incision. All the parts above the first cut and extending to the prominence of the cheek bone, and those also below it, and reaching below the upper jaw, were quickly dissected off the tumor, which was now completely exposed and was indeed an appalling spectacle. The next step in the operation was to remove the whole of the lower jaw bone, from the chin to its socket above the middle of the ear; this was accomplished by sawing through the bone at the chin, disjoining it at the sockets, and separating it from its lateral and inferior attachments throughout its whole length. The third and concluding step of this extraordinary operation was the dissection of the remaining part of the tumor, from its attachments to the upper jaw and roof of the mouth, and as far back as the throat, which was speedily completed. Such was the astonishing firmness and self-composure of the suffering patient, that she uttered no complaint, nor suffer-

ed a struggle during either operation; and if unparalleled endurance on the part of the patient and unsurpassed coolness and skill on the part of the surgeon in performing this delicate operation, can insure recovery, the prospect of Mrs. O. is extremely flattering. We learn on inquiry that she is now—four days after the final operation—doing well. It is stated in Cooper's Surgical Dictionary for 1839, that small portions of the lower jaw have been removed by eminent surgeons, but the great operation of amputating this jaw at the chin and its joint, have never been performed either in Europe or America except by the distinguished Dr. Mott, of New York, and Dr. Cossack, of Dublin. One other case is mentioned by Delpeau, in which "Mr. Græfe of Berlin, one of the most celebrated surgeons of Germany, dared to disarticulate the lower jaw, as in the present case.—*Baltimore American.*"

APPREHENSION OF THE MURDERER OF LORD NORBURY.

We believe we may at last announce that the Murderer is in custody. A letter was received here on Sunday, written by a gentleman residing near Durrow, which states, that the villain who instigated to the Murder had turned approver, and that the man who fired the shot had just been taken into town by the Police. The letter adds, that he is a Tipperary labourer, and a neatly-finished boot gentleman. The Magistrates had been in possession of the information for some days, but there was difficulty in finding the prisoner.—*Cork Constitution.*

PROTESTANT MUNIFICENCE.—With feelings both of pride and pleasure, we are enabled to lay before our numerous conservative readers one of the most splendid statements of Protestant munificence on record in the history of Ireland. On the day of the great meeting in the town of Belfast, held for the purpose of devising means for the further extension of Church accommodation throughout Ireland, the following sums were instantly subscribed, which sums, it will be superfluous to add, will be increased 50 fold ere the subscription list has travelled through the two Protestant counties of Antrim and Down:—The Marquis of Hertford, £1000; The Marquis of Donegal, £300; Lord Dufferin, £200; Lord Dunganon, £100; Lord Bishop of Down and Connor, £100; Sir Robert Bateson, M. P., £300; Samuel Fenton, £300; Colonel Waid, £100; George Langtry, £100; James Goddard, £100; William Tranor, £100; Anonymous, £100; Rev. Mr. Bland, £100; Rev. John Chaurie, £100; J. Gaussen, £100; J. Crosby, £100; J. Shannon, £100; John Tunley, £200; Robert Thompson, £100; Captain Boyd, £100; Samuel Nelson, £100; exclusive of £1,200 in minor sums, the particulars of which we have not space to enumerate, constituting a grand total of £4,900.—Let protestant Ulster put forth her gigantic means, in men and money, there is a good cause, what shall withstand her mighty energies?—*Drogheda Conservative.*

Ministerial Corn-law Plan.—(From the London Correspondent of the *Edinburgh Observer* of Tuesday.)—"I have much satisfaction in informing you, before any other channel can do so, of the government project as to the corn-laws, for which I have very high authority. Government intend not directly from themselves—but through a confidential supporter in the Commons, to propose that wheat shall be imported at a fixed duty of 10s. per quarter for the

first year; 9s. for the second; 8s. for the third; 7s. for the fourth; 6s. for the fifth; and 5s. for the sixth year, after the law has passed; and then having a permanent fixed duty of 5s. per qr.

A letter from Berlin of the 3rd February states that several Catholic young ladies have decided upon embracing the Protestant religion in consequence of the difficulties which they have experienced on the part of the Catholic authorities in contracting marriages with Protestants.—*Journal de Frankfort.*

FROM BUTLER'S HAND BOOK FOR AUSTRALIAN EMIGRANTS.

With respect to the description of labourers and workmen wanted, the following enumeration is from the best and most recent authority:—
 Boat-builders—6s. to 8s. per day. See shipwrights.
 Brickmakers—8s. to 10s. per 1000, for making. Good workmen will always find employment.
 Bricklayers—6s. to 7s. per day. Do do.
 Blacksmiths—24s. to 42s. per week. Good workmen in demand.
 Brewers—Maltsters—3s. to 4s. per day. Breweries are increasing.
 Basketmakers—A few good workmen would find this a profitable trade. Common labourers employed.
 Chairmakers—25s. to 30s. per week. Market glutted at present.
 Carpenters—6s. to 7s. 6d. per day. Always in demand, especially good workmen.
 Caulkers—8s. to 6s. per day. Work usually done by shipwrights.
 Coopers—7s. to 8s. per day. Employment uncertain.
 Cabinetmakers and Upholsterers—5s. to 7s. per day. Not in demand at present, except as carpenters.
 Cooks—5s. 6d. to 10s. per week, and rations. Men usually employed. Careful and steady men wanted.
 Coppersmiths—30s. to 40s. per week. Good workmen would find employment.
 Dairywomen—L 10 to L 15 per annum, lodgings and rations. In extreme demand.
 Engineers—21s. to 42s. per week, and rations. The class of men here wanted are properly engine-men and blacksmiths.
 Farriers—6s. to 7s. per day much in demand.
 Fencers—30s. to 40s. per week, or post and rail fences 2s. to 3s. 6d. per rod.
 Field labourers—3s. per day, or 5s. a week and rations. All kinds of field labourers in demand.
 Gardeners—£25 to £40 per annum and rations. Always in demand.
 Gardener's Labourers—£15 to £25 per annum and rations. Much required.
 Glaziers and Plumber—5s. 6d. to 7s. per day. A few of the latter wanted.
 Harnessmakers and Saddlers—4s. to 5s. per day. Chiefly supplied by importation.
 Joiners—6s. to 8s. 6d. per day. Good workmen in demand.
 Iron Founders—24s. to 40s. per week. Good workmen would find employment.
 Locksmiths—6s. to 7s. per day.—Good workmen would find employment.
 Millwright—6s. to 8s. 6d. per day. Wanted to fit up wooden gear.
 Milkmen—£12 to £20 per annum, and rations. All kinds of husbandry in demand.
 Nailers—40s. per week and upwards. Good workmen required.
 Plasterers—42s. per week. In demand. An excellent trade.

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Floughmen—£15 to £25 per annum. Lodgings and rations. All agricultural labourers, shepherds, sheepshearers, &c., may be so rated, and are in great demand. Potters—as labourers. One or two might find employment. Printers—Compositors and Pressmen—25s. 35s. per week. A few steady men wanted to replace drunkards. Quarrymen—4s. to 6s. per day. Always in demand. Sawyers—5s. to 10s. per 1000 feet. In great demand. Shipwright—7s. to 8s. 6d. per day. Good workmen in demand. Shoemaker—5s. to 7s. per day. In great demand. A good trade. Some sober men earn 10s. a-day. Sailors—50s. to 60s. per month. Always in demand. Stonemasons and Setters—5s. 6d. to 8s. per day. In great demand. Tailors—5s. to 7s. per day. In demand. Piece-work one-third higher than in England. Turners—A few might work profitably on their own account. Vinedressers—£10 to £40 per annum, or upwards, according to qualification. Skilful men in demand. Wheelwrights—5s. to 6s. per day, or £15 to £20 per annum, and rations. General workmen always find employment. Parchment makers—Sheepskins 2d. to 3d. each. Parchment likely to be manufactured for exportation. No demand at present. When rations are mentioned, the usual quantity is 10lbs. flour, and 7lbs. meat per week.

HALIFAX, APRIL 2.

The new Brunswick intelligence, by the mail of this morning, will allay all doubts that might have been entertained respecting the consequences to proceed from the invasion of New Brunswick. Sir John Harvey has had an interview with his old friend, the American General Scott, and the conclusion arrived at is, that the State of Maine is to withdraw its military, and leave the civil posse, armed or unarmed, with a land agent, on the disputed territory, to look after trespassers, and take care of the lumber they have captured there; and the Governor of Maine is not to take further possession or interrupt the communication, except by direction of the Legislature. In consideration of these advantages, Sir John Harvey has withdrawn Her Majesty's forces—disbanded the militia and volunteers, and sent the 11th Regt. back to Canada. We have no room for comment—our readers will form their own on this queer-like, but, to New Brunswick, dangerous diplomatic arrangement.—Times.

THE FLORIDA WAR.

Congress at its late session appropriated eighteen hundred thousand dollars for the further prosecution of the Florida war. This disgraceful contest seems to be carried on, so far as the Indians are concerned, with greater zeal and success than ever. Having totally ruined the whole of East Florida, with the exception of St. Augustine and two or three other villages held by the United States troops, they have now transferred the seat of war to Middle Florida, and we hear of repeated acts of devastation and blood perpetrated in the immediate vicinity of Tallahassee, the capital of the Territory. The attempts made to overtake and destroy the parties employed upon these marauding expeditions, seem to be attended with very little success, and, according to present appearances, Middle Florida is likely to be as totally ruined as East Florida has been.

HOME EDUCATION.—There are two mistakes current in society,

both of which have been incidentally touched upon, but which deserve to be placed more directly before the reader. The first is that the whole duty of a parent, so far as regards education, is discharged by sending children regularly to school; the second, that although parents must attend to the physical and moral culture of their off-spring, that their mind at least, may be left wholly to the schoolmaster. The reader may feel that the former of these propositions has been sufficiently noticed, and I therefore remark only that school instruction never can supersede the necessity of vigilant parental teaching at the fireside. If a comparison were to be made between the two I should not hesitate to attribute greater importance to home education than to school education; for it is beneath the parental roof, when the heart is young and melted by the warmth of fireside affection, that the deepest impressions are made; it is at home, beneath parental influence and example that the foundations of physical, moral and mental habits are laid; it is at home where lasting opinions are formed.

THE MODEL REPUBLIC.

The New York Daily Whig gives the following list of the consequences of misrule in the land whose institutions many of our liberal legislators are anxious to see superseding those of this country:—

- The corruptions of partisan politicians. Prescription of minorities of the people. Subordination to the presses. Appointments to office of bad and unprincipled men. The robbing of the Treasury. Jobs given to favourites. A prolonged Indian war. A deceitful neutrality on our frontiers. Unjust attacks on the navy. Disregard of treaties. Abandonment of Commerce. American citizens left unprotected in foreign countries. Embassies given to mere partisans, and sums unnecessarily expended in the frequent change of our foreign missions. Stifling of legislative inquiries. An attempt to derange the currency of the country and destroy credit. Attacks on the monied institutions of the states, and an attempt to coerce their financial legislation. The issue of irredeemable paper money by the government, when it professed to be in favour of specie. A currency for office-holders, and none at all for the people. In short, a total perversion of the objects of our representative government, and an attempt to make the ascendancy of party subservient to the interests of a few selfish, corrupt, and unprincipled men—the few at the expense, if not ruin, of the many. Is there any wonder that the people become exasperated?

On Saturday morning the letter-carrier presented to Messrs Peter Lawson and son, nursery and seedsmen, Hunter-square, a package addressed to them from Calcutta, marked "Seeds," for which the sum of £114 and a half-penny was charged for the postage.—Edinburgh Courier.

By the result of the experiments made by order of the British

Association, it has been found that the tides in the Bristol Channel, comprised in the space of the East Steep Holms, constantly keep suspended in their waters at least 700,000 tons mud.—Hereford Journal.

Mr. Berry, the engineer and manufacturer at Wolverton, has entered into a contract with the managers of the London and Birmingham Railway to convey passengers at one farthing a-head, and of goods at one halfpenny a ton, per mile, during the whole journey.

No less than three gentlemen paid the fine of £100 rather than serve the office of mayor of Lichfield.

The last dividends at the Bank of England were all paid in shilling of the new coinage, bearing the effigy of her most gracious Majesty, Queen Victoria.

According to a recent return, it appears that between the year 1803 and 1836, upwards of 33,000 British soldiers have perished in the West Indies, out of an average force of from 8,000 to 9,000 men; and that independent of war casualties.

The extensive viaduct across the Mersey and valley of Stockport, has been contracted for by Tomlinson and Co., of Liverpool, for £65,000. This will form part of the Manchester and Birmingham and London line. The lowest estimate was about £62,000, and the highest above £100,000.

THE TEXAS.—Six of the Mexican prisoners, at Nacogdoches, concerned in the late revolt, had been executed. The brig Perseverance, of Baltimore, which had been nearly buried in the sand near Galveston during a severe gale twelve months ago, has been again afloat. It appears that some of the water lost of Galveston wear pretty much the same appearance as the swamp lost which sold so high in this city two years ago. People have to go in boats to the Postoffice and American consulate. Two companies for the regular army of Texas had lately mustered at Houston. The editor of the Houston Telegraph says that the citizens of the northern and western frontiers are calling loudly for aid against the Indians and Mexicans; and every mail brings account of fresh depredations. It appears that the possession or transfer of land in Texas is likely to cut out as much work as the lawyers found in Kentucky some years ago. In the county of Harrisburg, administrators had been appointed on one thousand estates of soldiers, on one half of which the bonds are said to be worth nothing. Orders of sale are often obtained on false representations, and many of the formalities required to make them legal are wholly neglected. It appears that parties of Mexican cavalry had lately advanced to the neighbourhood of Bexar, and plundered some of the farm-houses. These marauders did not blush to ask the ladies of the farm for their rings. Three Texian citizens have escaped from the dungeon of Matamores, and arrived safely at Goliad. One of them is Mr. Carnes, captured about a year ago on the Neucos. They state that Mr. Brenau, the late representative from Goliad, remains behind in prison. To sum up this arrival Texas throws very little light on the plans of the government of that country, for the future. They appear not to have heard of the late rising by the federal party in Mexico, and the countermarching of the army from Matamores. We believe a law of Texas authorises the raising and equipping of a regiment of regulars to protect the frontiers, but we hear of nothing deserving the name of army, or of any great inducements being held out for volunteers to join them at this crisis. It may be that the Texian rulers will be content if the Mexicans let them alone; and it may be that they have not money enough to equip an army. If, however, they allow the present favourable moment to pass by, without an attempt to compel an acknowledgement of independence, we shall think less than we are disposed to do of the discernment and spirit of their present chief magistrate, Mirabeau B. Lamar.—New Orleans Courier.

The monthly report of the Wesleyan Missionary Society contains a letter from one of their missionaries in New Zealand, giving a very interesting account of the baptism of 129 native converts on one day. During the last forty-five years, viz. from 1792 to 1837, it has been calculated that 281 French generals have died a violent death; of these 170 fell on the field of battle; 55 died in consequence of their wounds; 20 were sentenced to death and shot; 13 assassinated; and 14 committed suicide. The Journal of Commerce of Antwerp speaks of an army of occupation for Belgium, to bring to a conclusion the immediate acceptance of the twenty-four articles. Prussia will go in concert with the King of the Pays-Bas, and she will declare that the occupation will only be temporary, and in every respect will not go beyond the proposed intention. The French cabinet finding itself in this perplexed situation, hesitated to address itself to England, to ask that, in case of the occupation of Belgium by Prussia, France could depend on the aid of England, in virtue of the political alliance which exists between them. The answer of the cabinet of St. James's was very evasive, and she recriminated on the affairs of Spain, and no assistance was promised, therefore, it was determined in a council of ministers, to form a corps of observation of 30,000 men on the northern frontier, to watch the movements of the Prussians. NOVELTY.—A flat boat, propelled by steam, arrived yesterday at our landing with a cargo of lard, &c. The machinery is not simply to drive the boat, but is ingeniously fitted to shell and grind corn, and sift the meal, thus affording the planters along the river, an opportunity of obtaining fresh corn meal.—Grand Gulf (Miss.) Advertiser. The Kentucky legislature has passed a law making habitual drunkenness a cause for divorce.

THE NEW JUDGE.—The Right Hon. Thomas Erskine, Chief Judge of the Bankruptcy Court, who was on Thursday officially appointed by the Lord Chancellor, in the name of Her Majesty, to succeed the late venerable Sir A. Park on the bench, is the third son of the celebrated Lord Chancellor Erskine; and previous to his elevation to the Chief Justiceship of the Court of Bankruptcy by Lord Brougham, was a barrister on the western circuit. The learned judge was also a Privy Councillor by the administration of Earl Grey. The salary of Chief Justice of the Court of the Bankruptcy Court was £4,000 per annum; that of the Judge of the Common Pleas is £5,000. Mr. Justice Erskine is about fifty-five years of age.

WESLEYAN METHODISM.—It is now exactly a century since the first Society of Methodists, consisting of ten persons, was formed by the late Rev. JOHN WESLEY. At the time of his decease, in 1791, the number of members in the various Societies of the United Kingdom amounted to 71,578. At the present time, the number amounts to 323,045; of which, 14,559 are in Wales, 5,553 in Scotland, and 26,244 in Ireland. In addition to these, there are about 130,000 Members belonging to various bodies, who have seceded from the parent stock, but who believe the same doctrines, and maintain generally the same discipline, differing only in points of church government—making a total of FOUR HUNDRED AND FIFTY THOUSAND MEMBERS! The persons attending upon the Methodist ministry, who are not Members, are generally considered to be double the number of the latter; so that the attendants altogether upon the ministry of the Methodists in the three kingdoms cannot be less than about 1,350,000! The regular Ministers, who are supported by voluntary contributions, amount to upwards of 1,600; besides which, the various sections of the Methodist body have now about 17,000 Local Preachers, half of whom, probably, are employed every Sabbath. The chapels and places in which they preach amount to at least FOUR THOUSAND SIX HUNDRED.—Dear-den's Miscellany.

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THE STAR WEDNESDAY APRIL 24, 1839. From the Royal Gazette, April 16. PUBLISHED BY AUTHORITY. TEMPLE, 3rd December, 1838.

My Lord, We have to acknowledge the receipt of your Lordship's letter of the 25th of September last, transmitting to us copies of four despatches with their inclosures, dated on the 14th, 16th, 18th, and 24th of August last, which your Lordship had received from the Governor of Newfoundland.

From these documents your Lordship observes we shall learn that discussion have arisen between the Governor on the one hand, and the House of Assembly on the other, relating to the constitutional rights and privileges of that House; and

your Lordship at information necessary to form a conclusion, and to ascertain how of Assembly, of Judge, and of the accordance with your Lordship's We have taken tion, and have House of Assembly ment for which that the acts of Arms and his A. The Assistant J. discharging Dr. the legal power. We think in Crown can, by General Assembly assist in making to the laws of impliedly to the site privileges, rooms as a court. The power of of privilege is as part of the and has been in ca—and there imprisoned in v says that no of judgment of is imprisoned in which is part of But there is a ssembly of New Comstock Law that treatise exists. We give a diffidence and ing usually Parke when Privy Council (I think P. Jamaica House Appellate has privilege in he what the Ass. their body— Island against Court's the Assembly pealed to the Committee at below, thus a House of Ass. It must be Newfoundland the inhabitants of British Crown require therefore it is the reign of constituted by power of man (as far as mag. of course between the tuted (about the 2nd, rep. Assembly, no rights enjoyed voted different privileges, an contempt. At this (whether and 2nd, as the reign of of reign's Court which exists England as introduced, a the Island sh and contain Jamaica for cognition of fact exercised the Colonial in the geosic Beaumont of. It is further Jamaica had contended for with the law treaty of which We are in Parke, in de refers to the would be sub by the Assen weight due yet taken part of the state considered the putable— inherent in "Supreme of the power merely sac due course a tendency "tion"—and other part. It is obvi ssembly pass Mr. Baron P Assembly, c ing power w and Council ject to the a proposition impossible to established, some case ne pected with power is necessary, the laws, it may belong to the Legislature— Lords—more incident to of the Supreme must belong lative functi we believe a by the Coun making Law nor, in the in other ool ssembly. We have of the Law to the opin Privy coun we feel that doubt how f ship has the Judicial cou

your Lordship states that an essential part of the information necessary to enable your Lordship to form a conclusion as to the propriety of the conduct pursued by the Governor, will consist of ascertaining how far the proceedings of the House of Assembly, of the Sheriff, of the acting Assistant Judge, and of the Governor, respectively, were in accordance with Law—and upon that question your Lordship desires us to report our opinion.

We have taken these papers into our consideration, and have to report that in our opinion the House of Assembly has not the power of commitment for which it contends, and consequently that the acts of the Speaker and the Sergeant-at-Arms and his Assistants were contrary to Law.—The Assistant Judge and the Sheriff did right in discharging Dr. Kieley, and the Governor had the legal power of proroguing the Assembly.

We think it impossible to contend that the Crown can, by constituting or calling together a General Assembly in a Colony, with power to assist in making laws for the Colony not repugnant to the laws of the Mother Country, thereby give implicitly to that body the undivided and extensive privileges possessed by the House of Commons as a branch of the High Court of Parliament.

The power of committing for contempt or breach of privilege is possessed by the House of Commons as part of the Lex et Consuetudo Parliamenti; and has been immemorially so treated and enjoyed—and therefore a person so committed, is not imprisoned in violation of Magna Charta, which says that no one shall be imprisoned unless by judgment of his Peers vel per Legem Terræ.—He is imprisoned by virtue of the Law of Parliament, which is part of the Lex Terræ.

But there is no Lex et Consuetudo of the Assembly of Newfoundland, constituting part of the Common Law, and we are of opinion therefore that no such power as that which is contended for exists.

We give this opinion however with great diffidence and hesitation, on account of its differing materially from that attributed to Mr. Baron Parke when delivering the judgment of the Privy Council in the case of Beaumont v. Barrett (1 Moore P. C. cases 73)—in that case the Jamaica House of Assembly had committed the Appellant Beaumont to custody for a breach of privilege in having published in a Colonial paper what the Assembly had resolved to be a libel on their body.—Beaumont brought his action in the Island against Barrett the Speaker; and the Colonial Courts decided in favor of the privilege of the Assembly.—From that decision Beaumont appealed to the King in Council, and the Judicial Committee affirmed the judgment of the Court below, thus establishing the right of the Jamaica House of Assembly to commit for contempt.

It must be observed that Jamaica was not, like Newfoundland, a Colony acquired by settlement, the inhabitants of which are entitled to the benefits of British Law, but a possession which the Crown acquired by conquest, and over which therefore it had a clear right of Legislation.

In the reign of Charles the 2nd an Assembly was constituted by authority of the Crown, with the power of making laws for the Colony, agreeable to the laws of the Mother Country, and subject to the sanction of the approval of the Crown.—Between the time when the Assembly was constituted (about the year 1680) and the reign of Geo. the 2nd, repeated instances occurred in which the Assembly, no doubt supposing itself to possess the rights enjoyed by the British House of Commons, voted different publications to be breaches of their privileges, and committed their authors as for contempt. This part of the Law of England had thus (whether rightly or wrongly) been accepted and used, as the law of the Island, previously to the reign of Geo. the 2nd, in the 1st year of whose reign a Colonial Act was passed (1 Geo. 2. c. 1) which enacts that "all such laws and statutes of England as have been at any time esteemed introduced, used, accepted or received as laws in the Island should and were thereby declared to be and continue laws of His Majesty's Island of Jamaica for ever." This was a statute recognising the right which the Assembly had in fact exercised and appears to us fully to warrant the Colonial Courts and the Judicial Committee in the decision to which they came in the case of Beaumont v. Barrett.

It is further to be observed, that the Courts in Jamaica had all decided in favour of the power contended for by the Assembly, as being consistent with the laws and usages of the Island, the contrary of which is the case in Newfoundland.

We are however quite aware that Mr. Baron Parke, in delivering his judgment, though he refers to the above mentioned statute as what would be sufficient to justify the course pursued by the Assembly, and though he adverts to the weight due to the decision of the Colonial Courts, yet taken pains to state, that even independently of the statute and the Colonial decisions, he considered the right of the Assembly to be indisputable—"it would appear," he says "to be inherent in every Assembly that possesses a Supreme Legislative Authority to have the power of punishing contempts, and not merely such as are a direct obstruction to its due course of proceeding, but such also as have a tendency indirectly to produce such an obstruction"—and the same sentiment is expressed in "other parts of his judgment."

It is obvious from the context that by an Assembly possessing Supreme Legislative Authority, Mr. Baron Parke meant to designate a Colonial Assembly, constituted in the ordinary form, having power with the concurrence of a Governor and Council to make Laws for the Colony, subject to the approbation of the Crown.—To the proposition in this unqualified form, we feel it impossible to give our assent, until it has been established, by decision of the Privy Council, in some case free from the special circumstances connected with the Island of Jamaica. If such a power is necessarily inherent in the House of Assembly, the body analogous to the House of Commons, it must, by a parity of reasoning, also belong to the Council, the branch of the Colonial Legislature intended to resemble the House of Lords—moreover, if such a power is a necessary incident to one of two or more bodies constituting the Supreme Colonial Legislature, a fortiori it must belong to a single body, where the Legislative functions have not been divided—and yet we believe such a power has never been claimed by the Councils or other bodies having power of making Laws with the concurrence of the Governor, in the different Australian settlements, and in other colonies where there is no Elective Assembly.

We have felt it our duty thus to state our view of the Law on this subject; but opposed as it is to the opinion, though not to the decision, of the Privy Council in the case of Beaumont v. Barrett, we feel that your Lordship must entertain great doubt how far we are correct; and as your Lordship has the means of obtaining the opinion of the Judicial committee of the Privy Council, we would respectfully suggest whether the case is not of sufficient importance to render such a course expedient.

We have, &c. &c. (Signed) J. CAMPBELL, R. M. ROLFE.

The Lord GLENELG, &c. &c. &c. COUNCIL OFFICE, White Hall, 24th December, 1838.

Sir, I am directed to state to you, for the information of Lord Glenelg, that the Lord President of the Council is of opinion that it would not be advisable to recommend to Her Majesty to refer the documents transmitted to me with Lord Glenelg's letter of the 15th December, to the Judicial committee of the Privy Council, and I therefore return all the papers relating to that matter to you.

I have, &c. (Signed) C. C. GREVILLE. J. STEPHENS, Esq., &c. &c.

SHIP NEWS Port of Carbonear. ENTERED April 19.—Brig Flora, Shaddock, Poole, ballast. CLEARED April 19.—Flora, Shaddock, Lisbon, 3,500 qtls. fish.

Port of St John's. ENTERED March 4.—Isabella, Meagher, Bristol, coal. Mary, Ryan, Cork, potatoes. 9.—Olinda, Scott, Greenock, pork, sugar, coal. 12.—Douglstown, Henderson, Viana, salt. 18.—Earl Grey, Thornton, Gibraltar, salt. 19.—St. John's, Percy, Glasgow, coal. 30.—Sophia, Campbell, St. Jago de Cuba, rum, molasses. Ann Johnston, Corbin, Oporto, salt & sundries.

NOTICES THE SUBSCRIBERS WILL SELL BY PRIVATE BARGAIN, Their FISHING ROOMS at INDIAN PICKLE. (Labrador.)

With the whole or any part of the Property thereon—in such Lots as may suit Purchasers. The plans of the Premises may be seen, and all other particulars known, on application to CODNER & JENNINGS.

St. John's, April 23, 1839.

ALL Persons having Demands on or against the late Firm of THOMAS CHANCEY & Co. of this place, (which was Dissolved on the 13th October last, as then announced) are requested to furnish the particulars of their Claims, to the undersigned, that the same may be examined and forthwith liquidated. And all Persons Indebted to the said late Firm, are hereby required to make immediate settlement, or proceedings will be instituted against them.

EDWARD WALMSLEY, For, and on behalf of WILLIAM WILKING BULLEY. Carbonear, April 10, 1839.

WE, the undersigned, Trustees of 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 Hand, this 10th day of November, 1838. (Signed) JOHN MCCARTHY, WILLIAM RENDELL, JAMES SLADE. Carbonear.

For Portugal Cove. On Sale The fine first-class Packet Boat NATIVE LASS, James Doyle, Master, Burthen 23 tons; coppered and copper fastened.

The following days of sailing have been determined on:—from CARBONEAR, every MONDAY, WEDNESDAY and FRIDAY morning, precisely at 9 o'clock; and PORTUGAL COVE on the mornings of TUESDAY, THURSDAY and SATURDAY, at 12.

She is completely new, and with such improvements as to combine great speed with unusual comfort for passengers, with sleeping berths, and commanded by a man of character and experience.

The character of the NATIVE LASS for speed and safety is already well established. She is constructed on the safest principle of being divided into separate compartments by water tight bulk-head, and which has given such security and confidence to the public. Her cabins are super to or to any in the Island.

Select Books and Newspapers will be kept on board for the accommodation of passengers. FARES:— First Cabin Passengers 7s 6d Second Ditto 5s 0d Single Letters 0s 0d Double Ditto 1s 0d N. B.—James Doyle will hold himself responsible for any Parcel that may be given in charge to him.

TENDERS will be received at my Residence until MONDAY, The 6th MAY at Noon,

from Persons willing to CONTRACT for the erection of a Fence around the SESSIONS HOUSE of this Town.

A Specification of the WORK may be seen on application to me JAMES POWER, J. P. Carbonear, April 8, 1839.

THE PUBLIC ADVERTISEMENT under date the 13th of October last was not fully sanctioned by me; the terms of that Advertisement have not been fulfilled by the Representative of my Partner, Mr. WILLIAM WILKING BULLEY, of LIVERPOOL; and no settlement has been made with me for a full transfer of the Trade.

Any further information may be obtained on application to Mr. THOMAS NEWELL, Carbonear, whom I have appointed as my Agent. THOMAS CHANCEY. Witness, THOMAS GAMBLE, DONALD BETHUNE, Carbonear, 17th April, 1839.

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. Notice is hereby given that the said JOHN MCCARTHY, WILLIAM RENDELL, and JAMES SLADE, as such Trustees, are duly authorised under such orders as the said Northern Circuit Court shall from time to time deem proper to make therefor, to discover, collect, and realize the Estate, Debts, and Effects of the said Insolvents; and all Persons indebted to the said Insolvents, or having in their possession any Goods or Effects belonging to them or either of them, are hereby required to pay and deliver the same forthwith to the said Trustees.

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

On Sale SEALERS Agreements For Sale at this Office.

Just Landed Ex Jane Elizabeth, Nathaniel Mun den, 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, Biddle & Co., of Carbonear. Will be offered For Sale By Public Auction, On WEDNESDAY the 8th 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-PARD'S ROOM—consisting of one, DWELLING-HOUSE, One STAGE, One STORN, 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 15 to 30 qtls Round Fish. At St. Mary's. Together with sundry SKIFFS, PUNTS, CRAFT, CASES, &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.

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,

POETRY

CASA'S DIRGE.

BY W. D. MOIR, ESQ., (DELTA.) (From the Literary Gazette.)

VAINLY for us the sunbeams shine; Dimm'd is our joyous hearth;

Ocean may rave with billows curl'd, And moons may wax and wane,

Shall not claim thee again! Closed are the eyes, which bade rejoice

Yes, thou art gone! our hearth's delight,

Our boy so fond and dear, No more our smiles to glad our sight,

Now winter with its snow departs, The green leaves clothes the tree,

Her boughs in beauty wave; They only shake their blossoms down

Dear to our souls is every spot, Where thy small feet have trod;

And smit'd is the sod; The wild bee with its buglet fine,

Only in dreams thou comest now, From heaven's immortal shore,

Which Death's pale signet bore; 'Twas thy fond looks, 'twas thy fond lips,

That lent our joys their tone; And life is shaded with eclipse,

Where thy fond endearing ways, That tenderest feeling prove;

Fondness for us thrilled all thy vein; And, Casa, can it be,

Idly we watch thy form to trace In children on the street;

Then sudden o'er these fancies crush'd— Despair's black pinions wave;

Oh heavenly child of mortal birth! Our thoughts of thee arise,

To feel that life renewed is thine, A soothing balm imparts;

Thou leapest where the fadeless wands Of amaranth bend o'er;

There chance and change are not; the soul Quaffs bliss as from a sea,

And years through endless ages, roll, From sin and sorrow free:

There gush for aye fresh fountains of joy, New rapture to impart;

A little while—a little while— Ah! long it cannot be!

Oh! that we were where now thou art, Not lost, but gone before!

A BOY IN A BAND-BOX.—A

man of business advertised in a Philadelphia paper "A Boy Wanted." The next morning he found at his door a beautiful and smiling specimen of the article desired, snugly deposited in a band-box.

DRUNKENNESS.—Drunkenness turns a man out of himself, and leaves a best in his room.

Perhaps there is not any thing which tends more to sap the moral principles of a family than the want of concert between the parents.

Reason is called the eye of the mind, and, should be equal in temperature with the eye, which neither perspires with heat, nor freezes with cold.

"Men," says a celebrated author, "will wrangle for religion, write for it, fight for it, die for it! Any thing but 'LIVE FOR IT.'"

Not less than 42dols,25, as is seen by the schedule of contingent expenses, was expended to supply the last session of Congress with Snuff.

The way there are pickling down and barrelling up people in New York, is a caution. Almost every mail brings an account of one or two dead bodies having been found in a hoghead or barrel, chopped up and corned down.

Lord Mansfield being willing to save a man who stole a watch, desired the jury to value it at tenpence; upon which the prosecutor cried out, "Tenpence My Lord! why, the very fashion of it cost me five pounds." "Oh," said his lordship, "we must not hang a man for fashion's sake."

A Churchwarden. A medical gentleman was lately called in to attend the dying functionary, who was not conversant with expressions out of the vulgar tongue. "I have a great soreness in my breast," said the doctor, "from a febrile affection in the thorax. But, pray let me ask you, do you expectorate?" "Expect a rate! said the churchwarden, "No sir, thank God, that parish business is settled, I made a rate last week."

Experiments have been tried in mixing pitch with coal for steam navigation, and it is said to have answered more effectually.

In the neighborhood of Grosvenor-square reside four surgeons, all enjoying excellent practice, whose names are Churchyard, Slaughter, Blood, and Death.

In some of the prisons of American warm wormwood tea is given copiously to confirm drunkards, to counteract the effect of a too-sudden disuse of spirits, and has been found effectual.

A lady applied, a few days since, for a seat at one of our chapels, and being informed that the pews were all filled, asked if there would be a vacant sitting by "Lady-day;" to which the official replied, "Lady day, Ma'am! I did not know that Lady Day had applied for a seat."

Young girls, like kittens, are pretty play-things; but as they grow up they look for their claws.

On Sale

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. Harbor Grace, July 4, 1838.

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.

COMMISSION

WILLIAM DIXON 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,

A CARD

MRS. M. A. STOWE 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. Jvcon Moor's, Harbor Grace, Nov. 14, 1838.

Notices

CONCEPTION BAY PACKETS St John's and Harbor Grace Packets

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

Nora Creina 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 CREINA 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. 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 Kieley's (Newfoundland Tavern) and at Mr John Cruet's. Carbonear, June 4, 1836.

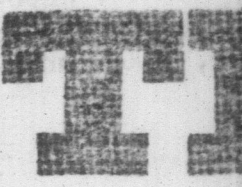
TO BE LET

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 STABB, and on the east by the Subscriber's.

MARY TAYLOR. Widow. Carbonear, Feb. 9, 1839.

Blanks

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



Vol. IV.

HARBOUR GRACE

(From the Lib.

We are glad the British a Canada have severe and in the piratical States. Several have to expiate similar way. example. offence than of a neutral's boating one, subjects in rebel. New York, v. mitted themselves, fate. They the shadow of ever their not be, they had any practical upon the joy it is much to measures not urgently and sary for the colonies, and a much each of serding women and in the shape watch-dogs in lavishing the the pastbear a weak crea pride and igi bean ideal of isters had at under the gov COLBORNE, and intellige rection would at the outset, ently protecte punished, au blood would But the white politicians. DURHAM, man of sense, sight, or ene They are me ance-monger. JOSEPH HULL loss of faith cheese-paring the number officer's coa wasting by v ces and vita All the acts of and abroad, blunders. T in Spain, in Sea, in Cana dirty and co like themset called New ever they go, do, it is noth Look at the they so much which Belgu honourably a the honest at NETHERLAND