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THE BRITISH-AMERICAN REGISTER.

QUEBEC, SATURDAY, 16th APRIL, 1803.

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PUBLIC PAPERS.

Letter from Mr. Pichon, Chargé des Affaires of the French Republic, to the Governor for his Catholic Majesty in Louisiana.

(Communicated to the Secretary of State.)

Georgetown, near Washington City, March 11.

SIR,

The Marquis d'Yrujo has communicated to me the contents of the dispatches, which he has just received from your Excellency, and from the Intendant of his Catholic Majesty in the province under your command, in answer to those he wrote to you in relation to the late suspension of the right of deposit conceded to the United States at New-Orleans.

The Marquis d'Yrujo finds himself necessitated again to remonstrate to your Excellency on that subject. I avail myself of the opportunity to beg of you, Sir, in the name of the French government, whose interests are implicated in this case, maturely to consider the alarming consequences which may result, if the Intendant should persist in his measures. The intelligence which has been transmitted to the Marquis d'Yrujo has, at last, made it appear indubitable that the measure alluded to was exclusively grounded on the personal opinions of this officer; and supported by no order from his Catholic Majesty, or any intimation from the French government. This information, while it screens from suspicion the dispositions of both governments, and lays entirely on the Intendant the consequences of the present state of things, does not however remove the apprehensions which that state is calculated to excite. These advices, Sir, give an additional force to the remonstrances, which, for my part, and in the anticipated conviction which I entertained that these measures had a cause merely local, I had no hesitation, lately to address to the authorities, hourly expected, of the French Republic at New-Orleans, under cover to the Intendant. So pressing are the circumstances, that I deem it my duty to renew these remonstrances, and to entreat your Excellency to exert your superior authority, to prevent the consequences which the prolongation of the present order of things may produce.

It will not escape your notice, Sir, that France now being notoriously the proprietor of Louisiana, and the authorities of his Catholic Majesty exercising in this colony, at present, only an intermediary power, any measure having a tendency to commit France, on whom the odium and the consequences of what has been done visibly fall, ought

to be suspended; otherwise France may find herself committed, and her relations with the United States materially changed without her consent. I enter into no farther details with your Excellency, being satisfied that they would be superfluous; your Excellency will be aware that the present is a most critical moment. In the collision of two authorities, one of which undertakes to initiate a construction of treaties, which may lead to war, it fortunately happens that the paramount authority, which is eminently entrusted with the preservation and safety of the colony, is of an opinion calculated to maintain peace. In such an alternative, Sir, your Excellency ought to hesitate no longer in using your powers to preserve this peace: If it should be disturbed, the responsibility of the event must inevitably lie on your Excellency. His Catholic Majesty, who is in some measure guarantee to France for Louisiana, until France shall have occupied it, would have to blame you for not having taken the measures necessary to fulfil that guarantee towards his ally.

The contents of this letter, Sir, will, I am confident, be fully justified to your Excellency by the existing circumstances, which the Marquis d'Yrujo, in behalf of his court, will doubtless make known to you more particularly.—It only remains for me, therefore, to pray your Excellency to accept the assurance of my respect and high consideration.

(Signed)

L. A. PICHON.

His Excellency the Governor of his Catholic Majesty, in the Province of Louisiana }

Official Letter from William Kirkpatrick, Esq. American Consul at Malaga, published at Washington.

Malaga, 1st February, 1803.

SIR,

I profit by two vessels on their departure for Philadelphia, and Salem, to acquaint you, that the French commercial agent in this place, has just received advice, that the Dey of Algiers has declared war against France. Intelligence is transmitted to him by his colleague in Barcelona, where a vessel had arrived with the news, and dispatches for the French government, which were immediately sent on by express. I hasten to communicate to you this important information, and am, with the utmost regard,

You obedient humble servant,

WILLIAM KIRKPATRICK.

CHAMBRE D'ASSEMBLÉE.

Jeudi 7 Avril.—Un message a été reçu de son Excellence le Lieutenant Gouverneur, accompagné de divers papiers concernant la Salle d'Audience à Québec, et des estimations montrant la somme nécessaire pour compléter la dite bâtisse. Mr. l'Orateur ayant lu le Message, il a été ordonné que le dit Message soit pris en considération Samedi prochain.

Un Bill grossoyé pour continuer et amender les loix actuellement en force pour régler les Maîtres et Aides de Poste dans cette Province, a été lu une troisieme fois et passé, et des Messagers ont été nommés pour le porter au Conseil Législatif.

Samedi 9.—Un Message a été reçu du Conseil Législatif informant la Chambre que son Excellence le Lieutenant Gouverneur avoit nommé William Smith, Ecuier, Maître en Chancellerie, pour à l'avenir être le porteur des Messages du Conseil à l'Assemblée. En conséquence de quoi la Chambre a passé quelques résolutions touchant sa réception, et la manière d'envoyer à l'avenir les Messages de l'Assemblée au Conseil.

La Chambre s'est alors occupée de la considération du Message de son Excellence concernant la Salle d'Audience à Québec, et a finalement voté une adresse à Son Excellence, la priant d'avancer les argents nécessaires pour compléter la bâtisse.

Mardi 12e.—Un Message a été reçu du Conseil Législatif par Mr. Smith, Maître en Chancellerie, signifiant la concurrence du Conseil à divers Bills envoyés par l'Assemblée, quelques uns avec et d'autres sans amendements.

Le Bill pour enregistrer certains Actes et Certificats d'Actes qui affectent la propriété réelle, accordée par sa Majesté en franc et commun socage, a été alors lu pour la seconde fois.

Mercredi 13.—Les comptes contin-gents de la Session ont été mis devant la Chambre par le Greffier, et référés à un Comité de cinq Membres.

La Chambre a alors pris en considération les amendements faits par le Conseil Législatif au Bill pour continuer et amender les Loix actuellement en force qui régient les Maîtres et Aides de Poste en cette Province, et au Bill pour continuer l'Acte qui pourvoit aux Officiers Rapporteurs. Les amendements ont été accordés, et des Messagers ont été nommés pour en informer le Conseil, après quoi la Chambre s'est ajournée à Vendredi.

COURT OF KING'S BENCH, QUEBEC.

The KING, vs. GEORGE MILLER, for Forgery.

THIS cause came on to be tried, on the 30th March last, before THE CHIEF JUSTICE and MR. JUSTICE DE BONNE; the Jury impannelled, were:

Andrew Doe, Foreman.

George Black,	William Hamilton,
Albert Kling,	David Douglass,
Daniel Fraser,	Archd. Campbell,
Thomas Allen,	Edward Redfall,
Hugh McQuarters,	Robert Hadden,
	Peter McFee.

THE *Attorney General* in his address to the Jury, stated that the Prisoner stood charged in the Indictment with a capital offence. The Statute 2. Geo. II. c. 25. had declared that "to forge, or, utter knowingly, a forged receipt or acquittance for money" should be a felony without the benefit of Clergy. The consequence of their verdict against the Prisoner would be a judgment of death. It certainly therefore, behoved the Jury to weigh well the evidence which he should produce against the Prisoner, but at the same time, he reminded them, that the sense of duty should not be lost in the recollection of the

unhappy situation of the Prisoner. It was true, the life of an old inhabitant, whom they had all known for years was in their hands; and his general Character might, perhaps, incline them in his favor. He had no objection that every advantage of this kind should be extended to him; he would only request the Jury to suspend their Judgment, until they had heard the evidence which he had to produce. "Give him," said the *Attorney General*, "the full presumption of innocence, to which at this moment he is entitled; but, at the same time, give to the evidence the weight to which that also is entitled; believe it to be improbable that the Prisoner has committed the crime imputed to him, but do not believe it to be impossible; follow in one word the rule of your duty, hear all that shall be offered in proof, without bias in his favor, and without prejudice against him, but decide, as your oaths require according to the evidence."

The *Attorney General* then stated, that the first Count of the Indictment charged, that, the Prisoner had forged a certain receipt or acquittance for money, with intent to defraud one *William Grant*, in these words:

"Recd. of Mr. George Millar
Twenty pounds 16s. Cy. in part
rent due 1st May last.

WILLIAM GRANT."

"July 21st 1802."

and that the second Count charged him with uttering the same receipt knowing it to be forged; he begged the Jury to remark, that to alter a writing and make it appear to have been done at a time when it was not done, and by that alteration to give, or attempt to give, it an operation which in truth and justice it ought not to have, was forgery. This was

precisely the case of the Prisoner: He had been a tenant of Mr. *William Grant*, for many years, they had also had considerable dealings together. In the course of last fall, Mr. Grant instituted an action in the King's Bench against the Prisoner for a balance of £130. due him, at that time. To this action the Prisoner pleaded payment of part, and in support of his Plea filed two Receipts: the one, that which was charged in the Indictment, purporting to have been given on the 21st July 1802; the other, a receipt for £25, purporting, to have been given, on the 1st of August, 1802. The last receipt would be produced, as they would see from the evidence, that it was connected with the other; but he should not offer any proof to shew that it was forged, as it was not at present the subject matter of inquiry; but with respect to the first, he should prove, that it was signed by Mr. Grant and given to the Prisoner, so long ago as the year 1792; and, had by the Prisoner, been charged in his account current of 1793, against Mr. Grant, and credited by him.

To substantiate this fact, which would prove the forgery, he should produce a witness, Mr. *Keable Sergeant*, to whom the Prisoner applied in the year 1793, to make up for him his account current with Mr. Grant; to him, the Prisoner then delivered the two receipts, with other papers; and from them, he made up the account: this witness could identify the receipt in question, more particularly, because at the time when he made up the account, he indorsed upon it, in his own hand writing, the amount of that and of the other receipt; which indorsement, was still visible, though an attempt had been made to obliterate it with ink; it was yet so visible, that the whole, or very nearly the whole was legible; the Witness could prove

it to be his own hand writing; and as he had never made up more than one account for the Prisoner, he was from that circumstance, enabled to prove, most clearly, the period at which he first saw the receipt in question, viz: in the year 1793: and consequently, that it was in existence and charged against Mr. Grant, nearly ten years before the day on which it now purported to have been made. Mr. Serjeant would also prove, that it was then credited by Mr. Grant, and settled in account with the Prisoner.

The *Attorney General* stated also, that upon sylvng the receipt in question, in the cause of *Grant. vs. Miller*; Mr. *Taschereau* of Counsel for Mr. Grant, had required the Prisoner by a proceeding, called in the Civil Law of the Province, an "*Inscription en faux*," to declare whether he meant to make any use of it, or to maintain that it was made in July 1802, as in that case, he, Mr. *Taschereau* should proceed to prove that it was a forgery; and that the Prisoner upon this requisition withdrew it. The inference, which the Jury would draw from this conduct, he would not anticipate.

He should proceed to call the several Witnesses, which he had to produce, in support of the prosecution. In the first instance, he should by them trace the receipt mentioned in the Indictment, from the hands of the Prisoner into those of the Prothonotary of the King's Bench; with whom it was sylvd in February last, as it was received from the Prisoner; he should then prove it to be now in the same state, in which it was sylvd; and he should afterwards prove, what he had before more particularly stated, that it was in existence and in the possession of the Prisoner, in the year 1792; that it was then charged in an account signed by himself, against Mr. Grant, and by the latter,

passed to his Credit. The *Attorney General* concluded, by remarking, that if the evidence should rise to support the points which he had stated, to the satisfaction of the Jury, their verdict must unavoidably be, against the Prisoner.

James Stuart, Esq. of Counsel for the Prisoner was the first Witness called.

Mr. *Ker*, who was also for the Prisoner, objected to his being examined. He contended that Counsel could not be examined, as to any facts which had come to their knowledge professionally;—which was the situation of Mr. *Stuart*.

The *Attorney General*, admitted what had fallen from the learned Counsel, but stated that Mr. *Stuart* was called, not to disclose any matter which had been communicated to him by the Prisoner in confidence; but merely to shew what was the state of a certain Paper which Mr. *Stuart* had publicly sylvd to the Prisoner in the King's Bench when he received it.

The Court overruled the objection; and Mr. *Stuart*, being sworn, and the Receipt of July 21, 1802, shewn to him, said, that he had before seen a Paper perfectly similar to that and that it had been in his possession; that it was impossible for him to swear to each distinctive mark upon it, for reasons which he could assign to the Court, if allowed; but that, he believed that to be the same Paper that he sylvd a Paper perfectly similar to the one produced, with several others, in the Court of King's Bench, in the February Term last, in a cause there pending, wherein *William Grant, Esq.* was Plaintiff, and the Prisoner, defendant and *vice versa*, the Prisoner Incidental Plaintiff against the said *Wm Grant*. That the Paper he sylvd, he received from the Prisoner at the Bar; he sylvd it with several others about two days after he received them, and believes it was in the same state in which he received it. It lay upon his Table for some time, he afterwards brought it to Court and sylvd it with the Pleadings. In his own mind, he had no doubt but he sylvd it in the same state in which he received it; he delivered it in Court, to one of the Prothonotaries, Mr. *Pyke* he believed. That the date of the Receipt in question, was what induced him to say, that it was the Paper which he had received from the Prisoner. He did not at first examine the sum, but observed that the ink with which the date of the receipt was written, was of a colour different from the body of it; it was blacker.—He observed the same in another Receipt.—He recollected also the date of the Receipt in question, it was July 21st. 1802. *Cross Examined* by Mr. *Ker*, he said he thought there were 5 Receipts, which he had received from the Prisoner; he did not ex-

nine the Receipt minutely, so as to know the exact sum; there were several Bons for Bran, which were also given to him by the Prisoner, subscribed with the name "Wm. Grant;" there were more than 30 or 40; he could not say the precise number, he made them up into bundles and marked on the back of each bundle the number which it contained. He was not positive to which of the Prothonotaries he delivered the Paper; but believed they were both in Court at the time.

In answer to a question put to him by the Court Mr. Stuart said, that the Receipt of 21st July 1802, was given to him by the Prisoner with others to be fyled in the Cause of *Grant vs Miller*.

George Pyke, Esq. was then called and sworn. He said he was one of the Prothonotaries of the Court of King's Bench, and attended in the discharge of his duty in the February Term last. He recollected that several Papers were fyled by Mr. Stuart on the 4th February last, in the Case of *Grant vs Miller*; and from a Mark [A] in his hand writing; on the paper shewn to him (the Receipt in question) he believed it to have been one of them; he delivered it with others in communication to Mr. Tascereau, who was of Counsel for the Plaintiff. He could not say whether he delivered it in the same state in which he had received it: he had not particularly examined it when he delivered it. He delivered it in the office, to Mr. Tascereau, the day upon which it was fyled; about two hours after the rising of the Court. He did not think he had been absent from his office in the interim; to the best of his belief, he delivered the Papers in the same state in which he received them. The receipt was one of the 5 fyled by Mr. Stuart, they were also attached by a small ribbon to a piece of paper which served as a cover. On the back of the cover, Mr. Stuart had marked "fyled by the Defendant, 4th February, 1803;" to which he subscribed his initials, G. P.; He delivered the 5 Receipts so attached to Mr. Tascereau, but at that time he had not examined the contents of them. He had only counted them, to see if the number was right. He does not recollect that they were returned to him till the 7th, when Mr. Tascereau informed the Court, that he meant to proceed by an "*Inscription en Faux*," against two of the Receipts; they were all returned to him at that time. He then noted upon the Minutes the Date of the two Receipts. He marked one of them which is the Receipt now in question, with the letter A; the other with the letter B. The Paper (the Receipt A) now exhibited was one of them. Mr. Tascereau did not fyle an "*Inscription en Faux*" because upon his Motion a rule was obtained upon the Defendant, to appear in Court, and to declare whether he

meant to make use of the Receipts or Not. Mr. Stuart his Counsel, the next day declared that he did not intend to make use of them, and obtained leave by consent to withdraw them. It was then that the Witness marked the two Receipts with the letters A & B. The paper now in question is marked A, (he here read the Entry from the Minutes, and an order made by the Court on the 12th February to this effect, viz. that the said exhibits "A. & B. be impounded in the hands of the Prothonotaries, to be delivered to His Majesty's Attorney General, for such proceedings thereon as he shall think fit.")

Cross Examined by Mr. Ker.—He did not examine particularly the Receipts at the time they were fyled; but examined them particularly when they were brought back by Mr. Tascereau. It was customary to mark every Exhibit individually, at the time it was fyled, but from the circumstance of these Papers being attached together, he at first had marked the cover only. They were not sealed together with wax; the ribbon was run through them and tied in a knot. The Counsel for the Prisoner did move to withdraw the Papers, as he did not intend to make use of them. He, the Witness, obtained his knowledge of the Paper in question, when he marked it A. He could not swear positively that it was one of those which he received from Mr. Stuart, but could swear that the Papers which he did receive, he delivered to Mr. Tascereau; but he could not swear that those which Mr. Tascereau had delivered back were the same, which he Mr. Tascereau had received. The Papers were in the custody of the Witness; many persons had been back and forwards in his office; Gentlemen of the Bar in particular. The papers were laid on the Table, where the Witness was writing; it was impossible for him to say they were to much in his custody that no body could have touched them.

Thomas Tascereau, Esq. sworn; he was of Counsel in the cause of *Grant vs Miller*, in February last; was in Court when Mr. Stuart, for the Defendant *Miller*, fyled certain papers; immediately after the Court, he applied to Mr. Pyke for them, and was told they were not yet paraphed. He applied again soon after, within 3 hours; Mr. Pyke then gave him some of the papers fyled by Mr. Stuart; he received them in the Prothonotary Office, between 3 and 4 P. M. within three hours after the rising of the Court. He examined the paper now shewn to him (the Receipt A.) when he received it from Mr. Pyke, it then bore the date now upon it. He returned it to Mr. Pyke without alteration; he shewed it the same evening to Mr. Grant, but it was never out of the witness's possession.

Cross-examined by Mr. Stuart, he returned the same papers which Mr. Pyke delivered to him; they were never out of his possession until he returned them to Mr. Pyke. Nobody had access to them; he did not take a copy of them. He filed a Petition on behalf of Mr. Grant, stating his intention to proceed by an "*Inscription en faux*;" and got from Mr. Pyke copies of the two Receipts which were served upon Miller. He did take a memorandum of the contents from the originals upon filing his Petition. The Court granted "*Aste*," and ordered the Defendant, Miller, to appear in Court within 3 days to declare whether he intended to use the two Receipts or not. The next day, Mr. Stuart declared in Court that the Defendant did not mean to make use of them, and prayed leave to withdraw them from the files. The Receipt marked A. was one of those upon which he, the witness meant to found the "*Inscription en faux*." He does not remember whether there were any other persons in the office, when Mr. Pyke delivered them to him from his Table; but is sure, he received them the same day they were filed.

Mr. Keable, Serjeant, was then called and sworn; he said that he had resided in Quebec 15 years, and knew the Prisoner the whole of that time. He had been frequently employed by him to make up his accounts; and did make up for him, an account current, with Mr. Grant, in December 1792. An account was here produced to him, upon which he said, that the body was of his own hand-writing; and that the Signature to it, was that of George Miller, the Prisoner, at the Bar. He knew his hand-writing, had often seen him write. He had made up that account for the Prisoner either in December 1792, or January 1793. At the time when he made up the account, he saw the Receipts to which an *Item* in the account current charging Mr. Grant, with "£ 45 16 for rent as per receipts" alludes; they were two in number. He believed that he did indorse upon one of them, the sums contained in both, and added them together on the back: (here the receipt A. was exhibited to him;) he believed the indorsement thereon to be of his hand-writing; but it was so covered with ink that he could not positively say. He was desired to take it to the window and examine it, which he did, (and he then swore that he believed it to be his hand writing; he had not a doubt of it, and that the indorsement was made by him at the very time he made up the account. He was sure that it was not made at any time after the year 1792. (The second marked B. was then shown to him,) and he swore that he verily believed it to be the other Receipt referred to in the above mentioned *Item* of the account current; that the date which the Receipt A. now bears "21 July

1802" was not upon that paper when he made up the account; but the Receipt was at that time signed by Mr. Grant. He does not recollect whether there was, or was not another date; but if there was a date, it certainly was not the date which it now bears.

The Witnesses here read the indorsement, viz:

"Receipts on account for rent: *See Roc fields*."

£ 25
20 16

£ 45 16

and added that it was in his own hand writing, that the Prisoner was present when he made out the account current, and that it was the only one he ever made for the Prisoner against Mr. Grant. *Cross Examined by Mr. Ker*. He had been long in the habit of doing business for Mr. Grant, almost ever since he had been in the Country. The Prisoner had rented the Mills of St. Roc from Mr. Grant, for 12 years; and had made many payments. The *Item* in the account current, alludes to two Receipts; he did not know whether the Prisoner paid the money or not, at that time. The Receipts were in his (the Prisoner's) possession. He could swear, there were but the two Receipts; but he could not say that there might not have been room enough upon the same paper, to write two Receipts. In the course of business, it was very possible that he might have indorsed other Receipts in the same way; but he did not recollect to have indorsed any other. It was at the time of making up the account, that he made the indorsement. He could not say at what time the money was paid, except from an entry in Mr. Grant's Cash Book, which, he, the Witness, did not make. He received the Receipts from the Prisoner at the time of making up the account; and can swear to three or four of the words in the indorsement: they are very legible; the figures are also very legible. There is no date to the indorsement. He said he did know the hand-writing in which the date to the Receipt was written; but that it was not Mr. Grant's hand-writing, with which he was well acquainted.

William Grant, Esquire, was next called and sworn.

Mr. Ker and Mr. Stuart, for the Prisoner, objected to Mr. Grant's being examined: they argued that he was not a legal Witness; that he was charged in the indictment, to be the person whom the Prisoner intended to defraud, and was therefore interested; that it was settled that the person whose name is charged to be forged, is not an admissible Witness to prove the forgery. In support of which,

they relied on the cases of *Rex vs. Dodd*; LEACH, C. C. 187. *Rex vs. Akehurst*, *ib.* 178. *Rex vs. Newland* *ib.* 350. *Rex vs. Thornton*, *ib.* 723. *Rex vs. Ruffel*, *ib.* 10.

The *Attorney General*, in answer, admitted the general principle, that *the person whose name is charged to be forged*, is not an admissible Witness; but he contended, that this was not the case with Mr. Grant, he said he did not produce him to prove, that his name had been forged; on the contrary, he admitted the signature to be his own: and therefore, Mr. Grant was not within the letter of the cases cited. He stood upon the common ground, and the inquiry as had been settled in *Abraham's quit tam*, *vs. Bunn* 4. *Burr.* 2254. and in *Bell vs. Harwood*, 3. *Term. Repts.* 308. was, whether the Witness was under the bias of interest or influence, or in other words, whether the objection should go to his competency or to his credit. In the case of *Rex vs. Whiting*, SALK. 283, where the defendant by some slight, got his mother-in-law's hand to a note for £100. instead of £5, it had indeed been ruled by *Holt. Ch. Just.* that the mother-in-law (who as in the present case admitted her signature) could not be a Witness; but this case was no longer held to be law in *Rex vs. Bray*, (HILARY 1786) Lord Hardwicke shook its authority, and it was afterwards overuled by Lee Ch. Justice in *Rex vs. Broughton* 2 *STR.* 1229. and by Lord Mansfield in *Abraham's vs. Bunn*: so that these were cases which by doing away the principle on which alone Mr. Grant could be refused, had virtually decided that he ought to be heard. He had no direct interest, for the Receipt had been withdrawn from the files of the K. - B. as soon as the "*Inscription en faux*," was made; and could not be again used in that action. There was therefore no more than the bare pos-

sibility of his being liable to another action, which was not sufficient to make him incompetent, whatever effect it might have upon his credit; for which, he cited. *Carter vs. Pearce*, 1. *Term. Repts.* 163. He contended further that Mr. Grant ought to be heard from the necessity of his testimony, which frequently happened in Criminal cases. He cited in support of this principle: *Leach Hawk.* vol. 4. p. 443. *Rex vs. McCarty*, Salk. 286. *Rex vs. Fox*. *Str.* 652. and *Rex vs. Moise Strange*, 595, where the defendant was indicted for tearing a note, and the prosecutor was admitted to prove the fact, though it was objected, that he was swearing to set up his own demand. He further urged the Propriety of admitting Mr. Grant's testimony, because the action which had been pending in Court was then compromised, and concluded by stating, that Juries were the proper judges of facts, of Witnesses, their testimony and conduct; that the whole tenor of modern decisions tended to restore to them this right; and that, in the spirit of this idea, Lord Mansfield had declared in the case of *Abraham's and Bunn*; "that where the matter was doubtful the Witness should be heard, and the objection go to his credit only."

Mr. Stuart argued in reply, that in the cases cited by Mr. Ker. The persons whose names had been forged had been declared to be incompetent witnesses upon the ground of interest. They were interested, because it would be for their advantage if the instrument should be declared a forgery; that Mr. Grant was in like manner interested in the present question, for it mattered not whether he was called to prove that he never signed the receipt, or that it was altered after he did sign it; If it was declared to be a forgery on either of those principles, the advantage to him was the same.

The Court said, that an objection might go either generally to a witness so as to exclude him from being examined at all, or to particular questions; he might be a competent witness on certain points and not upon others, that they should adopt this distinction in the present instance, and admit Mr. Grant as a Witness; for they could not consider him, as wholly incompetent; that they would not however, suffer him to be examined touching the receipt charged in the Indictment, for as to that he would swear in discharge of himself; that there was no release, and that the compromise of the action against Miller was admitted to be conditional. They remarked that in the case of Francis Parr, (L. C. C. 487.) Isaac Hart, whom the Prisoner had personated, and whose signature he had forged upon the dividend book of the 3 per cent Consols at the Bank, and upon the dividend Warrant was admitted to prove, that he was the proprietor of the Stock, the amount of it, and that the sum of £58 10. was due to him for half a year's interest thereon.

Mr. Grant was then examined, he said he was Plaintiff in a cause pending in the Court of King's Bench in February Term last, wherein the Prisoner was Defendant; that cause was not settled in that Term. He had agreed with Mr. Stuart, Counsel for the Prisoner, to receive a certain sum in lieu of that for which the suit was brought. He had agreed to take £105, part of which he had received and had given a conditional Receipt. The £105 did not form the whole of his demand. The Signator to the Receipt A. was his hand-writing. He had received money from the Prisoner on the 14th June 1802. The amount which was carried to the Prisoner's credit was £19. which sum, was composed partly of money and partly in certain all-wares made him. That this sum of £19 was the balance of certain accounts current between him and the Prisoner, so that an interest might possibly be inferred. He had no recollection of having received from the Prisoner any money since the 14th June 1802, except what he had mentioned to have received, largely by the hands of Mr. Stuart. Cross Examined by Mr. Ker. He said he did not wish to answer in any other way than as he had done, but if forced to answer positively, he must say

that he did not receive any money from the Prisoner after the 14th June 1802. Here the evidence for the prosecution closed.

The Prisoner upon his Defence said, that there was no proof against him. That he was conscious of his innocence. He hoped the Jury would look into the circumstances, and particularly consider through how many hands the Receipt had passed. He had some evidence to produce in his favor, and should first call, Thomas Miller.

Thomas Miller being sworn, said, that He was at the house of his brother the Prisoner at the Bar, in the month of August or September last; and he recollected that Mr. Grant came there on Horse-back, that he stopped and asked the Prisoner when he would settle with him, who replied, he was willing to settle upon reasonable terms at any time. Mr. Grant said the same, and desired the Prisoner to make out his account current. The Prisoner replied it was already made, and went into the house and brought it to Mr. Grant, who examined it, and said that he did not think he had received so much money as was there stated; upon which, the Prisoner went in, and brought the Receipts to Mr. Grant, who compared them with the account, and said that he found them right to the cash account, adding that there was about £130 which he had received in cash for Rent. That he the Witness found close by at that time, and he thought he saw the Receipt A. amongst them; it was amongst them as far as he could recollect; he was pretty sure of it. Mr. Grant said, upon looking at the account and receipts; that he found every thing right, except some Items for drawing Saus. That Mr. Grant and the Prisoner conversed for some time together, when words went very high, and Mr. Grant said, he had better settle amicably with him, or "By God he would ruin him and his family." Cross Examined by the Atty. Gl. he said he did not recollect how many receipts there were—but one was dated 21 July, 1802; the other 1st August 1802. He could not say what were the dates of the others. He recollected these because they were the largest sums, and from what was afterwards said, but he could not say what that was which was afterwards said. He looked at the dates at the time and since when Mr. Grant brought his action against the Prisoner; there was some mention made of a Receipt of the 14th June. He could not say for what sum that Receipt was given. ("The Receipt of 14th June 1802 shown to him") he recollected to have seen that paper; and then after a little reflection said that he was not sure, but was sure he remembered the other two. That a man was not obliged to take notice of every thing. He thought he was certain of the date of the Receipt A. in

was July 1802, and that it was for rent due the 1st of May of the by going year—there were several smaller Receipts—that of August 1802 was also for the Rent of the Fields and Mill at St. Roc. He could not say upon which of them there was an indorsement, nor upon which of them there was another name besides Mr. Grant's. He did not recollect upon which of them there was a time indorsed. He did not look at the back of the Receipts. He could not tell upon which of them there were black lines, nor whether there were black lines upon either of them; he took particular notice of the two Receipts A. and B. because the dates on each of them was in a different handwriting from the rest. That nobody remarked this difference but himself, Mr. Grant did not mention it; does not recollect what was said at the subsequent conversation, it was sufficient however to make him again examine the Receipts; he looked at them when Mr. Grant stood opposite to the Prisoner's house; there was he believed some body then present but he could not say who; it was not the subsequent conversation which induced him to look at the Receipts A. and B. He could not say what coloured horse, Mr. Grant rode; he never took particular notice of any Gentleman's dress, and could not say what Mr. Grant's was, nor what time of the day it was; he recollects the date of one of the Receipts, 1st August, 1802, but was not sure about the other, believed it to be 21st July, 1802, or some time thereabouts. He thought his Brother's son was the witness to the Receipt of 21st July, and that the same person witnessed the other; he did not understand the question; but he did not know, that any body had witnessed them, unless it was his Brother's son.†

Geo. Allsopp Esq. and the Revd. Mr. Spark, were then examined, they said they had known the Prisoner for many years, they had always considered him as an honest man, and believed his general character to be such.

Here the evidence on the part of the Prisoner was closed.

Mr. Stuart then addressed the Court stating, that he had a point of Law to urge upon the Indictment; it was upon the second Count which charged that the Prisoner had uttered a forged receipt. He trusted that the Court would not suffer the Jury to exercise their judgment upon this Count, because it was evident that in Law there had been no uttering whatever. The Receipt had been fyled it

was true, but as soon as the Prisoner had been called upon by the first proceeding in the "*Inscription en faux*," to say whether he meant to make use of that Receipt, he had unequivocally declared that he had no intention whatever of making any use of it.

The *Attorney General* said, that the argument which he had just heard, attempted to support a monstrous proposition, it amounted to this, a man may go every length in the crime of forgery, he may take every step in his power to defraud, he may knowingly fyle a forged receipt in a Court of Justice with a view if possible to obtain a judgment in his favor against the person whom he intends to defraud, and when all is discovered, he shall be exonerated and held to be an innocent man, because he then says that he has no intention to make any further use of his forged receipt. To support the second Count it was not necessary that Mr. Grant should have been actually defrauded, if the Prisoner intended to defraud him, it was enough; and of such an intention, the deliberate act of fyling the receipt, was sufficient evidence until it was rebutted by other proof. If the crime of uttering a forged paper was capable of aggravation, it was so in this case: the conduct of the Prisoner, was an attempt to pervert the course of Justice, and to make his Majesty's Court of King's Bench, an assistant in the accomplishment of a fraud.

Mr. Ker in reply, said, that the first step in an "*Inscription en faux*" was meant to prevent, the act of an Attorney from prejudicing his Client: a man might give to his Attorney a number of papers, and he improvidently might fyle one which his Client had no intention to fyle. The first step in an "*Inscription en faux*" was therefore, to call on the Client personally, to know whether the paper was fyled by his order or not; and

† The Receipt was not witnessed at all.

whether he intended to make use of it and, if he says that he never had any such intention and immediately withdraws it, which was the conduct of the Prisoner, the fying can only be considered as a mistake in the Attorney.

The *Chief Justice* said that this objection could not prevail: if what Mr. Ker had urged, was in this instance the fact, it ought to have been proved; the Evidence was now before the Jury, and they must decide upon it. At the same time, he should not do justice to the Prisoner's Counsel, if he did not say that the objection was extremely ingenious. The learned Judge, then stated to the Jury, that the altering as well as the making of a false writing, was forgery, and there could be no doubt that adding a date to a receipt and making it thereby import, that it was made ten years after it was made, in fact, with an intention to defraud an Individual, amounted to forgery; but there was no evidence he said in the present case to shew by whom the alteration was made upon the Receipt in question; that such an alteration had been made no man who looked at the paper could deny; but that there was nothing which the Jury had heard in evidence, from whence the slightest presumption could be raised against the Prisoner, there was nothing to shew that he had either forged, or caused to be forged, or had assisted in the forging of the Receipt charged in the Indictment: he therefore directed them to lay the first Count of the Indictment aside, and to confine their inquiry wholly to the second Count.

The charge in that Count was for uttering a forged receipt for money, knowing it to be forged. The substance of the evidence, was (if the witnesses were to be credited) that this receipt was given by Mr. Grant in 1792, that it was then in the prisoner's possession, was charged by him against

Mr. Grant, and credited by the latter; and from hence it was inferred that it could not of course have been made in 1802; and that the prisoner, must have known it: and therefore, if he uttered it, that he uttered it knowing it to be false and forged. As to the uttering, the Court he said, had already declared that they had no doubt, that the fying of the receipt was an uttering in law, and to enable the Jury to say whether it had been uttered knowingly, and with an intention to defraud Mr. Grant, he should lay before them the evidence which had been given.

[Here the learned Judge recapitulated the evidence with comments upon those parts which particularly affected the prisoner, either in his favor or against him.]

He concluded, by observing that as it was evident that the receipt charged had been uttered by the Prisoner, their inquiry was reduced to two points 1st, whether the prisoner had uttered it knowing it to be forged; and 2dly whether he had so uttered it with intention to defraud *William Grant*; and if they were satisfied that these two points were against the Prisoner, they would find a verdict of Guilty; but on the other hand, if they were not satisfied on these points, they would say that he was, not Guilty. If the scale was equally balanced, they certainly should incline to the side of mercy, for said the learned Judge, it happens often "That what in private is sufficient to convince us that a man is guilty of a crime, will not satisfy the oath, or support the conviction, of a Jury."

The Jury after retiring for an hour, returned with their verdict "Not Guilty."

* * * The unexpected length of this Trial and other circumstances connected therewith, have prevented this number from being published at the usual time.

MISCELLANEOUS ARTICLES.

It is with real pleasure we publish the following address of the EDITOR of the PORT FOLIO to the Patrons of that paper: the sentiments which it expresses cannot be foreign to any honest and independant mind, however discouraged by the comparative inferiority of its powers with those of Mr DENNIE. This Gentleman has indeed followed on a straight path; though placed in the center of Democratic misrule, in a country where genius and learning "hide their diminished heads" before the imposing aspect of pounds shillings and pence and political intrigue, he has been the steadfast advocate of sound Religious, moral, and political principles, and correct literature: If he has not met with that encouragement which his learning and genius deserve, the fault is not with him.

To Patrons.

"Our friends are notified that the third volume of the Port Folio, will be conducted with augmented vigour, and the Editor will omit no practicable exertion to exhibit the useful and brilliant. From a variety of sinister circumstances, which it would be impertinent to detail to the public, but which were wholly without our controul, this paper has been grievously checked in its progress. It has disappointed the most reasonable expectation; it has *deferred the hope* of the Editor; it has mocked punctuality; and has often forfeited the favour, even of the most benignant. For an evil so disgraceful to reputation, and so ruinous to interest, it has been our care to provide a remedy.

"Engaged in a task of singular delicacy, and of constant toil, the Editor *dares not* promise that this paper shall always please; and he is the more diffident of the future, when, with unaffected modesty, and with

genuine self-abasement, he reflects upon the negligencies and the imperfections of the past. His cautious abstinence from a rash vow to the public is augmented, when he considers the uncertainty of the morrow, and the fragility of his health. To a man of letters, striving for the approbation of the good and wise, no obstacle is more formidable, than that inequality of spirits, and that valetudinary habit, which are, alas! the concomitants and a curse of a studious life. When Labour has spread the canvass, and Fancy, with her brightest colours, has drawn the boldest outline, Sickness with her Lassitude, and Melancholy with her Phantoms, will sometimes rush in, and deface the picture.

The specious splendour of promise too often dazzles, with a false lustre, not only him, who credulously believes, but him who rashly stipulates. The Editor, therefore, shuns a florid description of his hopes, and concisely states his resolutions to *persevere* in well intended *efforts* to diffuse the radiance of MORAL, POLITICAL and LITERARY TRUTH.—May he be permitted to add, that neither health impaired, nor spirits saddened; neither the wild uproar of malignant Jacobinism, nor the rude clash of conflicting factions, shall induce him to *falter* in the path of his public duty. In these discordant days, when many of the best and wisest men disagree, concerning the most essential truths, it were equally presumptuous and vain to expect that any public paper could be perused with universal complacency. *In many things, we offend all*, was the frank confession of a learned apostle, who thoroughly understood the condition of humanity. The Editor, even if like a fool and a dastard, he strove to ape the Vicar of Bray, and with the pliancy of a reptile, and a *creeping thing*, to turn and wind, according to every flexure of his path, could not produce a wi-

der benevolence, nor would his paper gain an ampler approbation. To temporize, even with a Titus Pomponius Atticus, is weak; and to apostatize with many a modern patriot, is criminal. The Editor must have permission to decide for himself, what mode may be most expedient to inform or amuse the public. If he sometimes trespass upon the ground of any *sect*, or in the freehold of any peculiar opinion, he solemnly assures his readers, that he never means, wantonly, to afflict any worthy bosom, or unsettle any sober head. At a time, when liberty is a good deal taken of, perhaps he may be excused, if he catch something of the general indocility. It might not be surprizing if he *lengthened his chain a link or two*, and in an age of relaxed discipline*, gave trifling indulgence to his own notions.

In POLITICS, it is expected by all, who indulgently peruse this paper, and who know the character of its conductor, that he will be steadfast, frank, and decided; contemptuously careless of vulgar popularity, but anxiously ambitious of a nobler approbation. With a just respect for public opinion, he claims and asserts a liberal independence of sentiment, and the right of public speech, with de-

* Burke.

† At an early age, the attention of the Editor fastened upon a liberal speech, pronounced by Earl Mansfield in the House of Lords, 1770, on the bill for the further preventing delays of justice, by reason of privilege of parliament. As the impression made on the Editor's mind, by that admirable oration was deep and durable; as its sentiments, not less generous than just, have influenced and overruled his conduct; as he prides himself in acting according to the very SPIRIT of the ensuing doctrine, he will quote it at length; and only add that, in language incomparably finer, than any we could employ, Earl Mansfield has virtually made the apology, spoken the genuine thoughts, and described the inflexible humour of the Editor.

“I come now to speak upon what, indeed, I would have gladly avoided, had I not been particularly pointed at.

“It has been said that I too am running the race of popularity. If by popularity be meant, that applause bestowed by posterity on good actions, I have long been struggling in this race; to

cent freedom. In the palpable darkness of the most gloomy time, he will *struggle* to proceed *straight forward*, by the sober light of that fixed star, EXPERIENCE, and suffer not a *step* to be misled by the glaring flambeau of the *new* philosophy.

In LITERATURE, it is the constant aim of the Editor to nurture, with fervent kindness, every ORIGINAL production of merit IN HIS OWN COUNTRY; to foster genius; to awaken art; to incite to the study of the ancients, and to emulate their model; to exhibit examples of pure and undissed English; to discourage the Gallic idiom; and to guard carefully against that disgusting innovation, which would degrade the language of literature to the carelessness of Provincial dialect, or colloquial barbarism.

It only remains to add, that all, who are inclined to support this paper, may rely upon its appearance, with periodical precision. It shall be punctually sent, on an early day, to distant subscribers; and by anticipating the publication of a moiety of the copies, our friends, in most of the great towns in the U. States may read it nearly as soon, as it is distributed in Philadelphia.

to what purpose, all trying time can alone determine. But if that mushroom popularity be meant, that is raised without merit, and lost without a crime, the assertion is erroneous. There is not a single action of my life, where the popularity of the times ever had the smallest influence on my determinations. I thank God, I have a more permanent and steady rule for my conduct, the dictates of my own breast. Those, who have forgone that pleasing adviser, and given up their mind to the slavery of every popular impulse I sincerely pity. I pity them still more, if their vanity leads them to mistake the shouts of a mob for the trumpet of Fame. Experience might inform them, that many, who have been saluted with the huzzas of a crowd, one day, have received their execrations, the next; and many, who by the popularity of their times, have been held up as spotless patriots, have, nevertheless, when Truth has triumphed over Delusion, appeared upon the historian's page, the assassins of liberty. I foreswear all ambition of present popularity, that echo of folly, and that shadow of renown.”

Correspondents must address their lucubrations, and Subscribers their orders to "The Editor of the Port Folio, No. 25, north Second-street, Philadelphia." Gentlemen, either willing, or weary in the support of this paper, will please to apprise the Editor of their intentions, as soon as possible.

* * Orders for the PORT FOLIO will also be received at the Printing-Office Quebec. The subscription is FIVE DOLLARS per annum, in advance.

Culture du Chanvre. Cette culture paroît avoir très-bien réussi dans le Haut-Canada. Nous croyons que l'état suivant du travail, des dépenses et du profit de la culture de douze arpents de terre en Chanvre, peut être regardé comme véritable; et nous prions des personnes qui peuvent nous fournir des états de leurs expériences dans cette Province, de nous les faire parvenir. C'est par la publicité de pareils détails, et par l'exemple de personnes éclairées et patriotiques qu'on parviendra à former un objet de sortie capable de suppléer au manque de la sortie du Bled; lorsqu'il arrivera, soit par les mauvaises récoltes, ou par le peu de demande qu'on en fera en Europe; manque, qu'il est probable, qu'on éprouvera sous peu d'une manière très sensible.

Toutes les personnes éclairées conviendront de la nécessité d'une sortie des produits du pays, au moins égale à l'entrée des pays étrangers; sans cela il est évident, que le pays seroit bientôt épuisé. Ils conviendront aussi, qu'il est plus profitable pour le bien-général du pays que la sortie soient des produits de l'agriculture. Le Chanvre est le seul objet de cette nature qui s'offre: la demande en sera toujours constante, et le prix toujours considérable en Europe. Ces considérations doivent être suffisantes pour exciter les personnes qui désirent l'avantage du pays à faire des es-

sais, et mettre leurs voisins en état d'en faire, en les aidant de leurs connoissances. Ce seroit, en même tems, une satisfaction pour eux-mêmes s'ils tenoient un compte exacte des frais et profits de leurs expériences: en le transmettant pour être rendus publics, il donneroit lieu aux autres d'en profiter.

"Mr. Frederick Arnold et son fils Christian, commencerent le premier de Mai à labourer douze arpents de terre pour le chanvre, par sillons éloignés de dix-huit pouces, et ils m'ont fourni un détail de leur travail comme suit, savoir:

9	jours d'ouvrage, un homme et deux chevaux,	pour labourer.
3	do.	un homme et une paire de bœufs, pour herser.
4	do.	trois hommes, avec deux chevaux, pour semer.
5½	do.	trois hommes, pour cercler et arracher le chanvre.
11	do.	un homme pour couper le chanvre portant graine.
12	do.	un homme, pour battre et vanner la graine.

La graine de chanvre nettoyée et propre à être vendue, a produit, 146 minots.

"Mr. Arnold dit qu'il espere, que le produit des douze arpents ci-dessus mentionnés sera de cinq tonneaux de chanvre net.

"Voici comme sera le compte, en aloulant une piastre par jour pour chaque homme, et une piastre par jour pour chaque paire de chevaux ou de bœufs.

Compte du Chanvre.		Dr. Contra.	Avr.
		Piastrs.	Piastrs.
Pour 93 jours de travail, pour les hommes et animaux,	93	Par 146 minots de graine à 12/6	365
Pour rouir et brayer le chanvre, et le préparer pour le marché, à raison de 54 piastrs par tonneaux, sur cinq tonneaux,	270	Par 5 tonneaux de Chanvre à 200 piastrs seulement,	1000
		Par le prix accordé par la Prov. sur cinq tonneaux,	125
		Piastrs	1490
			365
Bal. au pro. du Cul.	112		
			1470

Il paroît ici une somme de 1127 piaftres de profit fur la culture de douze arpents de chanvre.

The News. The Cape of Good Hope has been preserved in poffeffion of his Majesty, by a concurrence of circumstances, equally fortunate and unexpected. In the late accounts from London, it was pofitively faid that the Cape had been delivered up to the Dutch, before the arrival of the packet, which had been difpatched with orders to retain it.

Accounts have however been received at Baltimore, by a vefſel direct from the Cape, and by another arrived from the Eaſt Indies at New York, which touched at St. Helen's the 25 January, where ſhe received the intelligence by a packet arrived there in eight days from the Cape, that the place was *not* delivered up. Though General Dundas offered to put the Dutch Governor in poffeffion on the 20th December, the latter deſerred it to the 1ſt January: on the 31ſt of the ſame month, the King's troops amounting to 1600 men had embarked, leaving only a guard to take care of the works, till the arrival of the Dutch troops which were landing to the number of 2500 men in the neighbourhood: in the night, a packet arrived from England, with orders to General Dundas to retain poffeffion of the place. The General relanded his troops, early in the morning, marched them up to the works with fixed bayonets, and prevented the Dutch from entering the place. Certain ſtipulations were after entered into between the Dutch Governor and General Dundas: ſo that the Britiſh flag remained flying on the forts at the departure of the veſſel arrived at Baltimore. Such is a brief narrative of the event, as related in the American papers. The Baltimore Federal Gazette, in which the account was firſt

published, promiſed to publiſh the ſtipulations between General Dundas and the Dutch Governor in the next number of that paper. We may therefore, upon a view of all the circumſtances, pronounce this intelligence, in ſubſtance, authentic.

Thus, at a time when the Government of France ſets the treaty of peace and the whole public law of Europe at defiance; at a time when the reſtleſs ſpirit of that Government threatens to drive us into a new war, as ſoon as it ſhould have repeated the advantage of the treaty of peace, we find three of our moſt important of our conqueſts, (*the Cape, Malta, and a hold in Egypt*) conſidering the views of France againſt our Indian dominions, preſerved by the vigilance of his Majesty's Government and ſpirited conduct of his troops, as pledges for the good faith of France. With theſe places in our poſſeſſion, ſhould we ultimately be forced to meet the enemy in the field, or on the ocean, we ſhould ſoon fight to conquer, not regain what we had loſt by treachery: for it is more than probable, that one campaign would reſtore all that we have yielded up, and we would enter into the war with freſh vigour, while the enemy would have to renew it with little proſpect of advantage.

The retaining poſſeſſion of theſe places, far from tending to approximate the renewal of war ſets it ſtill farther at a diſtance: for notwithstanding the haughty conduct of the French Government on the continent, and its rant in the *Moniteur*, an unſucceſſful war with England would effect its total overthrow. It will now threaten, it will negotiate, it will intrigue and calumniate; it will hold the people of France and Europe in ſuſpenſe; but it will avoid a war, without it can ſee a probability of beginning it with ſome important blow.

Another article of intelligence brought by the last Burlington mail, and which may be considered as of some importance, is the declaration of war by the Dey of Algiers against France. We are at a loss to account for this falling out between the Dey and his Consular Majesty, after the many expressions of attachment and esteem which so lately past between them otherwise than by the frail nature of common friendship in general :

" Friends now fast sworn
Whose double bosoms seem to wear one heart,
——— who twine as it were in love
Un-parable, shall within this hour,
On a dissension of a doit, break out
In bitter enmity."

Perhaps, indeed, the Dey, but very wisely not till after the French fleet was gone, got affronted at the formidable escort with which Bonaparte's *Messenger of Peace*, was escorted; or perhaps, the good Dey has grown jealous at the attempts of his Consular Brother, to outstrip him in the enjoyment of absolute power.

It is a trite observation, but which often proves true, that misfortune seldom comes single: so we find the Hero of Jaffa, is to retain for the present, the title of Consular Majesty. The title of "Emperor of the Gauls" would not take with the Sovereign People. The word Emperor, conveys to their unlettered minds the idea of sovereignty: now, how to reconcile this idea of sovereignty in one man and hereditary succession in his family, with that same sovereignty guaranteed to them, by Bonaparte himself, put their minds on the rack. Hence arose their doubts; and all the address of the Great Consul himself, and his small Consuls, of his Counsellors of State, his Senators, his Legislatures, his Tribunes, his Prefects, his Judges, his Institute and his Priests, his legi-

ons of honour and his legions of dishonour, and the whole band of his worthy friends, who have fattened on the plunder or who are stained with the blood of the Revolution, could not drive this doubt out of their heads. To risk much *for a name*, would have been foolish for the Hero of Jaffa.* The project was therefore withdrawn, without having been publicly proposed in the Senate, and laid by till a fitter occasion should offer. In the mean time, whenever they stand in need of it, Bonaparte is to convince them, by the same sort of argument which produced such an instantaneous effect on the Council of Five Hundred, and of which he was long found them to be the most susceptible, that the difference between Emperor and Consul is merely in the name.

PRICE OF STOCKS &c.

LONDON, *Jan.* 27. 3 p. cent, red. 7½
1-4. 3 p. ct. cons. 706-8.
WHEAT 47s. a 54 & 60.

POETRY.

Mr. Neilson,

Parcourant ma Sucrerie Lundi dernier le 11e du courant, je fus surpris tout-à-coup de voir une de mes Erables taillé dans la forme d'un homme, tenant dans une de ses mains les vers ci-inclus, je vous assure que je suis tout-à-fait étonné, surtout quand j'apprends le nom de deux intimes amis. Ainsi Monsieur je n'hésite pas une seule minute de vous les communiquer, et si vous les jugez propres à insérer dans votre Régistre, vous obligerez infiniment
UN-PAYSAN.

VERS.

Vous êtes étonnés mes amis, je le gage,
Qu'un homme dans les bois tristement confiné,
Depuis longtems à se taire obstiné
Emprunte des neuf sœurs le sublime langage.
Du marbre qu'amina jadis Pigmalion
Mille auteurs ont chanté l'étonnante aventure,
La miéane est au-dessus, sans-nulle exception;
Et doit être transmise à la race future,
L'Amour n'a point de part à mon enchantement :
Il fait par mon état bannir le Dieu charmant.
Il est pour m'animer un moyen plus hennête,
Je dois à l'Amitié mon être et mon encens ;
Des Nymphes de ces bois, les fréquens tête à tête,
M'ani-

* We shall give the reader some account of the murder in cold blood of 5000 men by this same Hero of Jaffa, from Sir Robert Wilson's history of the British expedition to Egypt.

M'animent, donnent à mes sens
 Le pouvoir de former les plus tendres accens ;
 S..... et C..... ; font la métamorphose
 Dirai-je par quel art ; c'est pour moi lettre close,
 Je les vois et je les entends,
 Parcourant quelquefois des sentiers différens,
 De l'amitié chanter les charmes,
 Avec tant de grâces et des sons si touchans,
 Que je crois que l'Amour a de moins faibles armes
 Pour s'emparer des cœurs des rebelles Amans.
 L'amitié peut donc seule animer mon argile,
 A croire un tel prodige on sera difficile ;
 Mais s'il fut autrefois opéré par l'Amour
 Sachez, mes chers amis, qu'en cet heureux séjour,
 A l'amitié tout miracle est facile.

[Communicated for insertion by a Subscriber.]

The two following appeared in the Star, in 1795, and were said to be taken from a collection of pieces, in Prose and Verse, (by Shakspeare, Anna Hathaway, &c.) discovered about that time in Wales.

TO THE YERLESS ANNA THE MAGNET OF MY AFFECTIONS.

Not that my native fields I leave,
 Swells in mine eye the anguish'd tear,
 Or bids with sighs my sorrow heave ;
 A wife man's country's every where.

Not that I thus am rudely torn,
 Far from the Muses haunt I love ;
 With manly mind this might be borne ;
 Elsewhere the Muse might friendly prove.

Bur ah ! with thine my vital thread
 So close is twisted, that to part
 From thee, or 'er the bridal bed,
 Was scarcely taisted, breaks my heart.

Oh ! would the fatal siter's steel,
 Be stretched to cut her work in twain,
 Witheld ; which defines me to feel,
 That life thus lengthened is but pain.

But yet awhile her fears be laid,
 For dying, I would fain recline
 On Anna's breast, and there be laid,
 Where Anna's dust might bed with mine.

VERSES TO ANNA HATHAWAY.

Is there in Heaven aught more rare
 Than, thou, sweet nymph of Avon, fair,
 Is there on Earth a man more true
 Than Willy Shakspeare is to you !

Tho' sickle fortune prove unkind,
 Still doth she leave her wealth behind,
 She ne'er the heart can form anew,
 Nor make thy Willy's heart untrue.

Tho' age with wither'd hand doth strike
 The form inoft fair, the face most bright,
 Still doth she leave untouched and true,
 Thy Willy's love and friendship too.

Tho' death, with never failing blow,
 Doth man and babe alike bring low,
 Yet doth he take nought but his due,
 And strikes not Willy's heart still true.

Since then, nor Fortune, Death, nor Age,
 Can faithful Willy's love assuage,
 Then do I live and die for you
 Your Willy sincere and most true.

EPIGRAMS.

On a Regiment sent to Oxford, and a present of Books to Cambridge, by King George the First. 1715.

BY DR. TRAPP.

The King observing, with judicious eyes,
 The state of both his Universities,
 To one he sent a regiment ; for why ?
 That learned body wanted loyalty ;
 To th' other he sent books, as well discerning
 How much that loyal bo'ly wanted learning*.

* These lines were once repeated to Sir William Browne, who, with extraordinary quickness, answered,

The King to Oxford sent his troop of horse,
 For Tories own no argument but force.
 With equal care to Cambridge books he sent,
 For Whigs allow no force but argument.

EPIGRAMME.

CERTAIN ivrogne, après maint long repas,
 Tomba malade. Un docteur galénique
 Fut appelé. Je trouve ici deux cas,
 Fièvre assurante, et soif plus que cynique.
 Or Hippocras, tient pour méthode unique
 Qu'il faut guérir la soif premierement.
 Lors le sieveux lui dit: Maître Clément,
 Ce premier point n'est le plus nécessaire :
 Guérissez moi ma fièvre seulement ;
 Et pour ma soif, ce fera mon affaire.

METEOROLOGICAL TABLE, APRIL 1803.

Days.	M's Age.	Weather.	Wds	Barometer.		Thermo.	
				Inches.		Degrees.	
				M.	A.	M.	A.
10		fine		29.6	29.6	31	45
11		hazy		29.3	29.3	42	53
12		fine		29.5	29.5	35	47
13		rain		29.4	29.4	41	40
14	E	fine		29.6	29.6	42	44
15		snow	E	29.7	29.7	30	33
16		bleak	E	29.3	29.7	31	35

☉ N. Moon. ☽ 1st. ♀ 2nd. ☉ P. Moon. ☾ 1st ☽ 2.