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No. 10.

REPORT OF HIS MAJESTY'S ATTORNEY-GENERAL OF NEWFOUNDLAND, ON THE JUDICATURE LAWS OF THAT COLONY.

(concluded.)

But no *itinerant* courts could, I conceive, be instituted on any footing adequate to meet the exigencies of the inhabitants of the scattered settlements, which are of an imperative character and daily occurrence, throughout the Island.

I refer to the wilful absences, neglects and desertions of fishermen and other servants during the period of the fishing season, from the 1st of May till the end of October; when the remedy, to be available for any efficient purpose, must be at hand, and its administration *immediate and certain*.

If the provisions under the Fishery Act 5 Geo. IV., c. 51, were more perfect than they are found to be, they would yield, I believe, very inadequate relief, except in St. John's, for want of efficient courts to enforce their observance.

The penalty inflicted under the 11th section of this act, on wilful absence and negligence of servants employed in the fisheries, when such misconduct (commonly the offspring of that prevalent vice, drunkenness) deprives the employer of his servant's labour for a less period of time than fourteen days, by no means meets the evils such cases involve. In the process of the fishery there is a division of labour; and among the servants of a planter, one man is a Boat's-master, another goes master of a Bait-skiff (to catch bait for all the boats' crews), a third master of the Cod-sein skiff; one man is Master-of-Voyage (superintending the process of curing the fish), another is Header, another Splitter, and another Salter. Each one is hired for his *peculiar department*; and the absence of any one of whom, if but for a week, or even three days in the prime or successful crisis of the season, might cause the ruin of the planter's voyage. The fishermen are commonly engaged, some at wages for the season, and others as *Sharemen*, to have in lieu of wages in money half the fish they may catch, free, and cured by the planter, who provides all with Diet, and at whose peril the fish must be well attended to. The absence of a Boat's-master, or even an inferior servant, will detain a boat and crew idle in port, at the height of the season, when fish only abounds. The absence of a Header, Splitter, or Salter, may delay the curing of the fish, which several boats have caught, until it is damaged or even spoiled, which a few hours delay in hot weather, will effect. The planter then not only loses all the benefit of his own fish, but must also reimburse the value of the loss the sharemen may incur by the neglect of the planter's servant.

To afford practical remedy to the hirer or employer, I am of opinion that, on his making oath before a Justice of the Peace of the refusal of any such servant to work, or of his wilful absence from, or neglect of, his employment, the Magistrate should forthwith issue his warrant for the apprehension of such servant, and if he be found in default, immediately assess the damage he should pay as the penalty of his disobedience, together with costs; either party having the right of appeal to the Justices in Sessions, or other superior District Court.—And if the servant should obdurate refuse to work, the Magistrate to commit him to gaol until the next sitting of the Court of Sessions of the Peace, without bail or main-prize, unless the servant give good and sufficient, as well for his appearance, as for the payment of any fine, penalty, or damages, that the said Court of Sessions or other Superior Court may award against him; and on conviction, and on failure of such payment of damages, &c., such servant to be committed to prison for three months, &c., as in 11th section of 5th Geo. IV., c. 51.—As the law at present stands, a refractory servant may, at the small expense to himself of £3 or £4 exercise his malice or vengeance upon his employer, and work his damage to the extent of £50 or £100, nay, even to the ruin of his voyage, in some cases. Or, un-

der the influence of laziness, drunkenness, or ill-will, he may deliberately, and in face of his employer at any time (not having then been 14 days absent from his duty) put himself on board a vessel, and depart to another and distant part of the Island, or even quit the Colony; while his employers' hands are tied up, because he cannot obtain a warrant against his servant until he have been 14 days wilfully absent. It is very material also to remark, that it is the *services* of the servant that the employer especially, and commonly, *indispensably* needs; for it would indeed be a *rare case* to occur wherein the planter would be able, in the midst of the fishery, to procure at any price a person to replace the desertion of any principal hand in the fishery.*

I have been the more particular in my endeavour to elucidate the defects of the existing laws, and their administration in reference to the numerous out-port inhabitants especially, because, from my own observation, as well as from my frequent intercourse with that class of persons, I am convinced that the inhabitants of the out-ports generally have been influenced mainly, if not altogether, by the evils I have pointed out in the latter preceding pages, to join with the people of St. John's in their application to his Majesty's Government for the institution of a Local Legislative Assembly.

I now beg to offer a few observations on the particular provisions of the Judicature Law, the 1st, 2d, and 3d sections of which have, alone, any immediate relation to criminal justice; and upon which I have already made some observations. I consider it necessary only to remark further, that if it shall be found that the English criminal law has not been heretofore applicable generally to this Colony, and is not yet so under the judicature law, I am not able to suggest any other adequate remedy to supply what is defective, than by selecting, digesting, and passing a code of criminal laws especially for this Colony; or, by a declaratory law, at once make the English criminal law generally the law of Newfoundland.

The skill and labour which the first suggestion involves, and the delay and expense incident to that mode, combine to render such a course questionable; and I am the more of opinion that the latter would be the better mode, for two reasons.—First, because the English criminal code has been recently greatly modified and ameliorated; and, secondly, because a large portion of the inhabitants of this Island are European British born, and the residue almost wholly, the immediate descendants of such; and are therefore familiarized, for the most part, with British laws and customs. Further, a great and important principle is also involved in this consideration, which embraces alike the administration of civil no less than criminal justice; that the more closely the jurisprudence of the Colony is assimilated with that of the Mother Country, the greater will be the uniformity and correctness of decision found in its courts. Judges will have before them the rules of Westminster Hall, and the public will rest better satisfied when decisions are founded upon principles that may be traced to such authority:—all local customs and usages, which length of time has sanctioned as being part of the peculiar common-law of the Colony, the principles of English law will recognize and uphold. Before I quit this branch of my subject, I beg to suggest that the statute 7 and 8 Geo. IV., c. 30, relative to malicious mischiefs, appears to me to be, for the most part, peculiarly applicable to this Colony; and I may with confidence say, stands prominent among its *desiderata*. I would here also beg to suggest the utility and expediency, in cases of minor felonies and misdemeanours, wherein Judges have the power by the law of England to sentence culprits

* Great inconvenience is also experienced in consequence of Justices of the Peace not having jurisdiction in matters respecting the contracts of service between masters or hirers, and journeymen, apprentices, and menial servants. The jurisdiction of such Magistrates being limited to the contracts and hiring of seamen and servants employed in the fisheries.

to transportation for seven years, or to hard labour in the hulks, &c. or to houses of correction or penitentiaries (of which there are none in Newfoundland), or to whipping; that the Court, before which such offenders shall be convicted, may substitute the punishment of hard labour on the public works, or public highways or roads, or in the harbours or ports of the Island, with power to the gaolers or other officers to use, under the direction of any two Justices of the Peace, fetters or other necessary means for the proper security of such prisoners convict.

Concluded in last page.

BIOGRAPHY.

MOHAMMED ALI,
 PASHA OF EGYPT.

(concluded.)

As it belongs not to this narrative to record even incidentally the events of the war to which we have just referred, we shall conclude this chapter with a brief outline of the character of that remarkable person who at present fills the viceregal throne of Egypt, and whose genius seems destined to accomplish a greater change on the condition of that country than has been effected by conquest or revolution since the days of Alexander the Great.

Perhaps the actions of this ruler are the best expression of his views and feelings, and might alone be appealed to as a proof of an elevated and aspiring mind, still clouded indeed with some of the darkest shades of his original barbarism, and not unfrequently impelled by the force of passions which are never allowed to disturb the tranquillity of civilized life. He is now about 60 years of age, rather short in stature, with a high forehead and aquiline nose, and altogether possessing an expression of countenance, which shews him to be no ordinary man. His dress is usually very plain; the only expense which he allows himself in matters connected with his person being lavished upon his arms, some of which are studded with diamonds. Like Bonaparte, his outward appearance seems to have changed considerably with the progress of his years; for although, when between thirty and forty, he was described by a British traveller as "of a slender make, sallow complexion, and under the middle size," he is reported by the latest visitors to have become "thick-set," and somewhat full in the figure.

"On our arrival being announced," says an author whom we have already quoted, "we were immediately ushered into his presence, and found him sitting on the corner of the divan, surrounded by his officers and men, who were standing at a respectable distance. He received us sitting, but in the most gracious manner, and placed the Earl of Belmore and Mr. Salt upon his left hand, and his Lordship's two sons and myself at the top of the room on his right.—The interpreter stood, as well as the officers and soldiers, who remained in the room during the whole time of the visit. He began the conversation by welcoming us to Cairo, and prayed that God might preserve us, and grant us prosperity. He then inquired of the noble traveller how long he had been from England, and what was the object of his journey to Egypt; to all which he received satisfactory answers. His highness next adverted to the prospect before him, the Nile, the grain-covered fields, the Pyramids of Djizeh, the bright sun, and the cloudless sky, and remarked, with a certain triumphant humour on his lip, that England offered no such prospect to the eye of the spectator."

He was told that the scenery of England was very fine. "How can that be, he shortly rejoined, seeing you are steeped in rain and fog three quarters of the year.—He next turned the conversation to Mr. Leslie's elegant experiment of freezing water in the vacuum of an air-pump; which he had never seen but admired prodigiously in description, and seemed to anticipate with great satisfaction a glass of lemonade and iced water for himself and friends, as the

happiest result of the discovery. Talking of his Lordship's intended voyage up the Nile, he politely offered to render every possible facility; cautioning him at the same time to keep a sharp look out among the Arabs, who, he believed, would not take any thing from him or his party by violence, but would certainly steal if they found an opportunity of doing it without the risk of detection. He then related a number of anecdotes, touching the petty larcenies of that most thievish race; some of which were by no means without contrivance or dexterity. But the one which seemed to amuse both himself and his friends the most, was that of a traveller, who, when eating his dinner, laid down his spoon to reach for a piece of bread, and by the time he brought back his hand the spoon was away; the knife and fork soon shared the same fate; and the unfortunate stranger was at length reduced to the sad necessity of tearing his meat, and lifting it with his fingers and thumb like the Arabs themselves. Many persons were near, but no one saw the theft committed; and all search for the recovery of the property was in vain.—We now took leave of the viceroi, leaving him in the greatest good humour; he said we might go every where, and see every thing we wished, and that he hoped to have the pleasure of seeing us again."

In reference to the freezing experiment, we may mention that Mohammed Ali, very soon after the visit now described, obtained from England, through Mr. Salt, the requisite apparatus. The machine on its arrival was conveyed to his palace, and some Nile water was procured for the purpose. He hung over the whole operation with intense curiosity; and when, after several disappointments, a piece of real ice was produced, he took it eagerly in his hand, and danced round the room for joy like a child, and then ran into the harem to show it to his wives.

No one has attempted to conceal that there is in the temper of Mohammed Ali, intermingled with many good qualities, a deep tincture of barbarism and fierceness. Impatient of opposition, and even of delay, he occasionally gives himself up to the most violent bursts of passion; and in such moments there is hardly any cruelty which he will not perpetrate or command. For instance, some time ago he had ordered that the dollar should pass for a fixed number of piasters, and it was mentioned in his presence that the rate was not strictly followed. His highness expressed some doubt of the fact, when the head interpreter carelessly observed that a Jew broker, whom he named, had a few days before exchanged dollars for him at the rate asserted.—"Let him be hanged immediately," exclaimed the pasha! The interpreter, an old and favourite servant, threw himself at his sovereign's feet, deprecating his own folly, and imploring pardon for the wretched culprit. But all intercession was in vain; the viceroi said his orders must not be disregarded, and the unfortunate Jew was instantly led to his death.

We find proofs of a similar sally at Djidda, where he appears to have used his own hands to inflict a punishment which he thought it inexpedient to remit. Hoseny Aga, the agent for the East India Company, resident in that town, was, says a recent traveller, a remarkably fine-looking man, displaying an air of dignity mixed with hauteur; handsomely clad, too, though the heavy folds of his muslin turban were studiously drawn over his right eye to conceal the loss of it,—for Mohammed Ali one day in a fit of rage pulled it out! Yet these men are friends,—great friends just at present, and will remain so as long as it may be convenient and agreeable to both parties to consider each other in that light.

But the master of Egypt is not at all times so ferocious. For example, when Mrs. Lushington was at Alexandria, intelligence was brought to him that a small fort at the entrance of the harbour had been taken possession of by certain Franks, and that the Turks belonging to it had been made prisoners. Some consternation prevailed among his people; but instead of being au-

ery he laughed heartily, and swearing by his two eyes,—his favourite oath,—that they must be English sailors, he directed his interpreter to write to their captain, to order his men on board ship again. Upon inquiry it proved as the pasha had anticipated; the men had landed, got drunk, and crowned their liberty by seizing on the fort, and confining the unfortunate Turks, who, indolently smoking their pipes, never could have anticipated such an attack in time of profound peace. He evinced equal self-command, and still more magnanimity, when he first heard of the event which destroyed his infant navy and humbled his power. We allude to the battle of Navarino. He had not finished the perusal of the unwelcome despatches, when he desired a European consul to assure his countrymen and all the other Franks that they should not be molested, and that they might pursue their wonted occupations in perfect security.

Among the ships lying in the harbour was the wreck of one of the pasha's own vessels. The captain had committed some crime which was represented by his crew to the viceroy, who ordered him immediately on shore to answer his accusers. Knowing his guilt he pretended sickness, till a second message from the same quarter left him no alternative; and unable longer to evade his fate, he sent all his crew ashore, and calling to an old and faithful servant, the only person on board, he bade him jump out of the port into the sea; at the same time, having loaded two pistols, he fired into the magazine, and flew up the ship and himself together. When the story was related to the pasha, he said, "These are Frank customs; this is dying like an Englishman!"

There is something characteristic in the following notice by Sir F. Henniker, who remarks, that the pasha appeared to him to have a vulgar low-born face, but a commanding intelligent eye. "He received us in the court-yard, seated on a sofa, and wearing a pipe, dressed like a private individual, as Turks of real consequence generally are, excepting on gala days. The viceroy and myself sat down on the sofa with him. Pipes are not offered except to equals; coffee served up,—no sugar, even though the pasha himself has a manufactory of that article,—the attendants ordered to withdraw; no pride, no affectation, even though the pasha is an upstart. Remained nearly an hour discoursing on English horses, military force, the emerald mines at Cusseir, his son's victory over the Wahabees, and his expected triumphal entry."

It is generally stated, that since Mohammed Ali has felt himself secure in the pashalic he has ceased to be cruel. Seldom now does he take away life, and never with torture; and if his subordinate officers were as well disposed as himself, the people, notwithstanding the oppressive taxes, would feel their property more secure. One instance of his prompt justice excited much astonishment; although a slower and more regular method would not, it is probable, in a nation so completely disorganised, have produced an equal effect. A chief who had not been accustomed to the government of the viceroy, punished one of his own servants with death. He was called before Mohammed, who asked him by what authority he had committed this outrage. He thought it enough to urge in his defence that the man was his own servant. True, retorted the pasha, but he was my subject; and, in the same breath, passed sentence that the culprit should be immediately beheaded,—an effectual warning to the rest of the grandees present. This act of severity has saved the lives of many of the Arabs, who, in former times, were sacrificed by their Turkish masters on the most trifling pretences.

In short Mohammed is, well spoken of by most European travellers, though in general they estimate his character by too high a standard,—the principles and habits of their own countries. There is only one author whose impression was, rather unfavourable:—"I sat in the divan," says he, "with my eyes fixed on him; I wanted to examine the countenance of a man who had realised in our day one of those scenes in history which, when we have perused it, always compels us to lay down the book and recover ourselves. There he sat,—a quick eye, features common, nose bad, a grizzled beard, looking much more than fifty, and having the worn complexion of that period of life. They tell you he is not sanguinary; men grow tired of shedding blood as well as of other pleasures; but if the cutting off a head would drop gold in his coffers, he would not be slow to give the signal. His laugh has nothing in it of nature; how can it have? I hear it now,—a hard, sharp laugh, such as that with which strong heartless men would divide booty torn from the feeble. I leave him to his admirers."

"In the usages of the table," says Mr. Carne, "he is still an Osmanli; knives, forks, and other useful appendages, never make their appearance at his meals. About five years ago some English travellers were graciously received by him, and pressingly invited to dine. But not even in compliance with the taste of his guests would he depart from his own habits; for, wishing to show a noble lady particular attention, he

took a large piece of meat in his hand, and politely placed it before her. Perfectly dismayed at the compliment, and the sight of the savoury morsel which rested on her plate, she turned to her companion, who was more used to oriental manners, and earnestly asked what she was to do. "Eat it to be sure," was the reply. She looked at the pasha; his fine dark eye seemed to rest on her with a most kind and complacent expression; and there was no help for it but to follow the excellent advice given her by her more experienced friend."

That Mohammed Ali is a despot, and even in some respects a barbarian, cannot be denied; but there is, notwithstanding, in all his institutions so much of wisdom and patriotism that he unquestionably deserves to occupy a high place among those adventurers who have so well profited by revolutions as to place themselves on a throne.—His ambition, though dishonoured by the means which he has occasionally found it necessary to adopt, is, upon the whole, of the right kind, and has all along been directed to the promotion of the national welfare rather than to his own personal aggrandizement. If he has dyed his hands in blood, it has been in that of the worst enemies of Egypt; and if he has in numerous cases had recourse to arbitrary government, his object, it must be acknowledged, has ever been the security and improvement of the distracted country over which it has been his lot to preside.

Council.

Monday, Feb. 11.

The House, on motion of the Attorney-General, resolved itself into a committee for the further consideration of the Gunpowder Bill, Mr. Secretary Crowley in the chair.

The House having resumed, the Chairman reported that several amendments had been made in the Bill, which was then read a third time, and passed.

The Bill was afterwards sent down to the House of Assembly for their concurrence in the amendments which had been made.

Wednesday, Feb. 13.

A message was brought up from the House of Assembly by the Clerk, requesting a conference on the amendments made by the Council on the Gunpowder Bill.

The messenger having withdrawn a debate arose as to the time and place when and where the conference should and by whom it should be conducted, when it was, on the motion of the Attorney-General, decided that an answer should be sent by the Clerk of the Council to the Assembly, stating that the request for a conference had been acceded to, and that two managers should be named to meet those appointed on the part of the Assembly, in the Committee Room of the latter House at half-past one.

The Attorney-General and Mr. Secretary Crowley were then appointed to manage the conference.

On their return they reported that they had met the members deputed by the Assembly to conduct the conference, who stated that they had not come prepared to make known in writing, the objections which that House had to the amendments of the Council, but were instructed to discuss the propriety thereof. This being objected to as contrary to custom, the conference was adjourned.

Adjourned at 5 o'clock.

Thursday, Feb. 14.

On the motion of the hon. the Collector of the Customs, the House resolved itself into a Committee on the Quarantine Bill; Mr. Secretary Crowley in the chair.

His hon. the President addressed the Council in a short but comprehensive speech, in which he adverted to the great difficulty from the peculiar situation of this Colony, of legislating for it by anticipation; and stated that he was strongly impressed with the conviction that it would have been far better to have so framed a Bill as to empower the Governor and Council to make such rules and regulations for the performance of Quarantine and the prevention of infectious diseases as circumstances may seem to require.—Experience had proved that the regulations which had been enforced here and throughout the island in the course of the past year, even though they had not the authority of law, were, with some few exceptions, found to be amply efficient. A short bill, therefore, to the effect he had mentioned, was in his opinion, all that was necessary; but as the bill now before the committee appeared to have been formed according to the acts of the Parent State and to those of the neighbouring province of Nova Scotia, he trusted it would be found fully to effect the important object the Legislature had in view. He should therefore offer no opposition.—*Ledger.*

Miscellaneous.

It is rather a curious circumstance, that the first subject given over by the anatomical bill, should be the body of the well-known woman, who went by the name of Lady Barrymore.

The Duke of Orleans, in making an inspection of one of the hospitals of Paris recognized, in one of the wards, a soldier who had greatly distinguished himself in Napoleon's campaigns. "My brave fellow," said his Royal Highness, approaching and taking him by the hand, "I hope to hear, shortly of your recovery. The country cannot spare the services of ——" "My Lord," interrupted the veteran, "when I was at Jaffa, sick of the plague, the Emperor condescended to take me by the hand, but he did not wear gloves."

LONDON, Decem^r 27.—At length the answer of the King of Holland, respecting the surrender of the two forts on the Scheldt, has been received by express from Brussels and Antwerp, and his determined obstinacy is still preponderant. He has refused, and at the same time sacrifices the brave General Chasse, and the garrison of the citadel of Antwerp, with the other several forts, to the number of 7,000 men, to be sent prisoners of war to France. The question now is, what is to be done next? Can England and France, the two great maritime Powers of Europe, suffer the boasting Dutch to prevent them from trading with the port of Antwerp by closing the Scheldt against their commerce? We have no doubt, that in a short time, the Dutchmen will be put to the test; some cargoes consigned in English or French bottoms, to houses at Antwerp, will attempt the passage to the Scheldt; then we shall ascertain if his Majesty the King of Holland, will dare insult their flags, by detaining them, or firing upon them from the forts still in the Dutch power on the Scheldt. If it so happen, England and France must force the free navigation of the Scheldt, in the first instance, by the capture of Flushing; that accomplished it will not be a very difficult task to put the Dutch squadron and her flotilla, in the Scheldt *hors de combat*, or perhaps, on the approach of our fleet, and that of the French, they will make use of the same expedient as they have done with their gun-boats at Antwerp,—set their ships on fire; at all events, sooner or later they must strike their flag.

The French army will conform to the Convention and cross the Belgian frontiers; but we are well persuaded, that should his Dutch Majesty take advantage of their absence, and attack the Belgians, the French army will be ready in a few hours' notice to march into Belgium again, according to the private treaty and alliance between Leopold and the King of the French. Indeed, we are again on the eve of some important events; and until Holland has laid down her arms, England and France must have a watchful eye on the north of Europe.

We have just heard a report that after the French have evacuated Belgium, French negotiations will take place with Holland for a final settlement of peace.

CARBONAR STAB.

WEDNESDAY, MARCH 6, 1833.

NOTICES TO CORRESPONDENTS.—"AMICUS ASTRIS" Communication is inadmissible. It is too liberal. He ought not to visit the faults of the few on the many.

We would willingly comply with the request of "A YOUNGSTER," but if he will turn to one of our early numbers, he will perceive that his real signature is necessary to insure the admission of his communication. Should he favour us with his name, we would thank him to say, whether we are to insert his Letter verbatim.

In our last number it will be observed that the Hon. the Comptroller of the Customs gave notice of his intention to bring a Bill into the Council, for the establishment of Savings Banks in the Island. Much as we admire Savings Banks, we must say, we prefer to them Benefit Societies: the latter being far more extensive in their operations, and more beneficial to that class of society, for whose more immediate advantage they are both established. In elucidation of the position we have taken up, we will state the objects of each, and the manner in which the Societies may be made of superior utility to the Banks.

Friendly or Benefit Societies are establishments, formed chiefly by the working classes, for mutual assurance against certain contingencies, such as sickness, fire, old age, &c. the affairs of which are managed by themselves. Savings Banks are establishments for the reception of deposits of the savings of the working classes, payable to the depositors with certain interest; the affairs of which are conducted by that class of men who can manage them, without feeling the loss of that which to a labouring man is his wealth—time. These establishments resemble each other, only as they tend to the benefit of the same class of society; but, in all other respects, they are dissimilar in their construction, purpose, and result; and it becomes a question of considerable importance

to the persons who are the particular objects of these institutions, which of the two they should strive to get incorporated. In the Savings Banks the advantage is clear and defined; they can deposit their spare earnings, to be increased by interest, which, upon any emergency, they can receive from the Bank; but, it must be observed, that if this emergency happen to a depositor soon after the commencement of savings, the Banks will stand him in little stead; if, however, a person be able to continue his deposits—always putting in and never taking out—in the course of years, a good sum will accumulate, to support him, when age incapacitates to work, rendering him independent of the world; and the assistance he derives from it will be unlogged by the jealous interference of others—it is his own money he is using, he will therefore use it with satisfaction, as the produce of his own labour. On the other hand, Benefit Societies have advantages that Savings Banks have not; they give almost immediate relief, in case of sickness, accident, &c., giving the sufferer the means of support, until he is enabled to procure his own subsistence. There are, nevertheless, disadvantages under which the (Benefit Societies) generally labour, but which may be easily remedied; did they but possess the same patronage and encouragement Savings Banks have met with, there would be little hesitation in making a choice between them. Benefit Societies (we speak of those in the Mother countries) have been unfairly treated; they have been abused in all their forms; the uncertainty—the delusion—the public-house meetings—the imprudent plans—in short, all the imperfections and vices, which had generated from the neglect of the higher-classes, were arrayed against the unfortunate Societies by the wealthy patrons of the Banks. The new institutions were encouraged at the expense of the old; the fabric was attempted to be raised where stood the formidable remains of the older building; but prudence suggested another site; and the rugged edifice still shelters its proper objects, while its rival, though reared professedly to protect the mechanic and the labourer, has been converted to the use of others. Far be it from us to infer, that the supporters of the Savings Banks, proposed to be established in this Island, will endeavour to overthrow the Benefit Societies at present existing here, as was the case in the Mother country—we must merely be understood, with reference to the establishment of institutions for the advantage of the labouring classes, that we should prefer seeing a bill introduced into the House, for the incorporation of Benefit Societies, (convinced as we are of their superior utility) to one for the establishment of Savings Banks; or that, simultaneously with that for the erection of Savings Banks, one for the incorporation of Benefit Societies, should be introduced, placing each on the same footing, and we fear not the results. But to proceed with the comparison.

Benefit Societies have always been left to themselves; the members were driven to public-houses, in which to hold their meetings—landlords were their treasurers, interested only as far as they themselves were advantaged; one of the standing rules of these Societies specifying that a certain quantity of liquor should be drunk every night of meeting, and that a dinner should be indulged in once a year; thus, instead of the deposits being applied to their real objects, they were dwindled away to the advantage of the publican, and encouragement of intemperance.

Let us now turn to the Savings Banks—school-rooms, chapels, and proper offices were selected, in which to hold meetings; and transact business—honorary subscribers came forward to their support—house-keepers and parish officers formed their committees, members of parliament their trustees; and noblemen their patrons; and then, with all the disadvantages of neglect, &c., on the one hand, and the benefit of extensive patronage on the other, the two institutions have been, and are still, compared to shew the superiority of Savings Banks over Benefit Societies.

The best friends of the working classes will always entreat them to provide against the manifold wants of sickness and old age, by means of respectable and well-conducted Benefit Societies; to those who have anything to spare, after their payments to the Society, a Savings Bank may be useful; the wants of old age having been secured by their Club, the mechanic and labourer, through the medium of the Bank, may be able to add comforts; but no individual either befriends his neighbour or his country, by enjoining a reliance upon individual savings, as a security against casualty, which may overtake a man in an hour, and, in a few months, sweep away the savings of a whole life—of what use, in such a case, would the Savings Bank be to him? Comparatively, none! We hope, therefore, that some one of our legislators, a friend to the labourer and mechanic, (the sources of all wealth) will introduce a bill into the House, for the Incorporation of Benefit Societies, upon the same footing as Savings Banks may be placed. It is not our wish to sacrifice one of these at the expense of the other,

but that they may go hand in hand to the advantage of those they are instituted to benefit. We, ourselves, know of a Benefit Society, conducted under the same description of patronage as the Savings Banks, which has been found of incalculable benefit to the county in which it was established. It embraces all the advantages of the Banks, and many others—extending its assistance to both men, women, and children. Could not such a Society be formed in most of the Districts of this Island?

If the old *Potato Woman's* communication, in the "Mercury" of last week, had been worthy, we should have answered it; as it is, we content ourselves with saying, that the composition is as mean and despicable as the disposition which dictated it—is as a rotten *Nut*—all filthy.

On the 26th ulto., the Store of Mr. Vandenhoff, Western Bay, was entered by thieves, who deliberately drew off the contents of a Molasses Puncheon, by the light of three brands, which they left on the Store floor. They also carried away two quintals of Fish. A reward has been offered for the detection of the rogues, but without effect. The frightful state of destitution, in which the inhabitants of many parts of the North Shore of this Bay are, was no doubt the cause of this depredation. We hope soon to hear that relief has been forwarded by the government, as we believe it even more necessary there, than in the places where it has been rendered. A man a short time since died at Adam's Cove, of absolute starvation, leaving a wife and ten children without food sufficient for one meal. The man had gone into the woods, and on his return exhausted, sat down on the bench near the fire, and heaved his last. Private subscriptions have been entered into here, to relieve the sufferers; but unless the government interfere, we expect to hear of the constant recurrence of what we stated above. Never was interference so much needed as at present, and we hope it will not be withheld.

The average temperature for the month of February, was 17d. 30m. the highest observed point, was 38d. at 2 p. m. on the 19th and the lowest 7d. below zero, on the night of the 13th.

The proceedings of the House of Assembly, since our last report, are not of a sufficient definite character to render their publication necessary. The House has, for some time past, been chiefly occupied in Committee upon the Judicature, Revenue, and other Bills, to which, in this early stage, it was of some consequence that it should direct much of its attention.

The Revenue Bill has undergone its third reading in the House of Assembly, and has been sent up to the Council.—*Public Ledger*, Feb. 22.

Non sibi sed patriæ.

(To the Editor of the *Carbonear Star*.)

Sir,—The doughty author of the conversational twattle published in the last three numbers of the Harbour Grace "Mercury," and entitled "*Conversations on Newfoundland*," having, without ceremony, disposed of the agricultural capabilities of this Island; and having, I suppose, had some misgivings as to the prudence of a step, that would leave one hundred thousand people to depend for their subsistence altogether on the fickle waters of the ocean; has in his last dialogue, given a remedy, for all the evils of his non-agricultural scheme, by resolving, that, with the force of his common sense, practical information, and earnest recommendation to the Legislature for the establishment of a *Scientific Colonial School*; he will make this a great manufacturing country; and as a substitute for the loss of all the Potatoes, Turnips, Carrots, Oats, Cattle, Butter, Milk, &c. he will teach the people the way to make *Soap and Leather* Well; let us see, Soap, and Leather; Tallow and Hide. What better method could be adopted to procure these two articles, than the cultivation of the land? Say nothing of cultivation for this purpose, in many instances the mere fencing would do. Witness the hundred of acres, of natural grass, produced every year on Cape Freels and Bowen's Mead; in the bottom of St. Mary's Bay; and many other well known places. Old B— says that Oil and Hides are cheaply and easily procured from the bosom of the country: if he had said, that Tallow and Hides could be procured from thence; I would agree with him. But, I see his object would be to turn the Cod and Seal Oil as well as the Blubber into *Soap*! It would indeed be *Soap*; softer than that which he gets from his friend W—. The people would have a great deal of Soap, but, for such Soap, made from Oil and Blubber, what Merchant would give Bread and Flour? Oh! but there is the Soda, and Potass, in the making of which, are to be constantly,

and profitably employed; the hundreds of men women and children; much in the same way, as they are in *Scotland*: Parkes says, "Most of the peasantry in the Shetland Isles, and in the Highlands of Scotland are supported by collecting sea-weeds, and burning them into Kelp. Many of the wretched inhabitants of those dreary regions have nothing to depend upon for subsistence, but a miserable pittance, which they acquire in this employment." On the first view of this question, I thought that the making of Kelp would be a good employment for some of the people of this country; not for the purpose of making Soap, but as an article of commerce; but on a more mature consideration, I have abandoned the idea; and for these reasons, that, Pearlash or Potass is worth, but about 3s. 6d. 4/ cwt. in England; chiefly in consequence of Soda being procured by chemical means from common salt (muriate of Soda); and, that the large quantity of sea-weed, that it would require to produce one hundred weight of Soda, would be more beneficially and profitably employed, as a manure for the land.

The manufacture of Hides to any extent in this country; must be preceded by the tillage of the land, for the purpose of pasturage. Seal Skins, are at present, too good an article of commerce, to be sacrificed to any theoretical speculation: they can be exchanged for their full value, as a raw material in the States for Bread and Flour, and in Great Britain for manufactured Leather, such as could not be produced in this country; retarded as the process would be, by the prevalence of frost; and doubtful as it is, that a sufficient quantity of tannin could be procured without importation.

If good tannin could be procured here; it would be better employed in improving the marketable quality of some of our coloured Fish Oils. Parkes says—"Tan has been employed with success in purifying the common Fish and Vegetable Oils. If any of these oils be boiled with tan, the tan will combine with the substance that occasions their colour and smell, and this latter being thus rendered *insoluble*, will precipitate." As a counterbail to the non-agricultural—Leather and Soap manufacturing scheme; I would strongly recommend the institution of an Agricultural Society, which patronised, and supported by the Colonial Legislature, would encourage the production and improvement of Cattle, and agricultural produce, by giving premiums for the best produced specimens; would circulate cheap tracts containing simplified instructions on the most approved principles of Tillage, and rearing of Cattle; would encourage for the present, the most extensive cultivation of Potatoes, and Oats. The former article, well known to contain Starch, could when abundant, be by a simple process, converted into Sugar, from sugar into Spirits. Although the two latter articles are luxuries, yet the manufacture of them, having a tendency to increase the cultivation of the soil, would be more beneficial than the manufacture of Soap, that could be better done without. Flax having been produced on the soil of this country, is a proof that the cultivation of it might be extended, and would give beneficial employment to the people. Any of these things, extending the cultivation, consequently ameliorating the climate, would be a more certain resource than a dependence on the fisheries, for the manufacture of Oil Soap, and Seal Skin Leather, would fail with the fisheries, and leave the people destitute. Lime, as well as sea-weed, if applied to the soil, would facilitate its tillage; the latter article is a manure well known to the people of this country, who seek after it with avidity, and sometimes fight on the sea side for the possession of it. The former, if it could be found of a good quality for agricultural purposes, would be a wonderful auxiliary to tillage; as has been proved by the very general use of it, of late years, in Scotland, on land that was otherwise barren and unproductive.

I am, Sir,
Your obt. Servant,
TERRE-NEUVE.
Carbonear, March 1, 1833.

(To the Editor of the *Carbonear Star*.)

MR. EDITOR,—As I promised in my last, I will now make some remarks on the illiberal condemnation passed on this country by the author of the "*Conversations*," in the "*Mercury*" of Friday last. I have no doubt but that the readers of your paper (particularly those who claim this island as the land of their birth), must view, with indignation, the remarks, which place it on a level with that of the Esquimaux—which condemns it to a worse sterility than is the lot even of the northern parts of Europe. Even these, by culture—by the growth of that, which this country is known to be capable of producing, give the means of subsistence to their inhabitants, which, by the Conversationist, are denied to this. The soil of this country is known to be capable of producing, in great perfection, oats, barley, turnips, potatoes, and even flax; yet great quantities of the four first named, are imported, annually, to meet the wants of a population, which wants could be sup-

plied on the spot by industry, if it were fostered and encouraged by the government of the country, instead of being checked, by the high price of land, which is more even than is demanded for the most fertile forest lands in Canada.

Will Mr. B., or any one else, be hardy enough to advance, that the articles of produce, which I have named, as capable of being brought to perfection in this country, can be imported (of equal quality) as cheaply as they can be grown here? I should think not. Then, if such be the case, and there be not a sufficiency of these articles grown, to meet the wants of the population, it behoves a wise legislature, to give every encouragement to that art, which, when the unceremonious means of living, obtained from the deep fall, the inhabitants of the country may not be reduced to that wretched state, which, even now, many are known to be in, at our very doors.

With the circumstance of the precarious situation in which the Island was placed, in the early part of the winter, before his eyes, I am at a loss to comprehend the object of Mr. B's cold-blooded recommendation to the legislature, not to foster agriculture. But it is useless to follow him further in his silly, self-conceited arguments. They must meet with the treatment they merit—ridicule.

While writing the above, the third dialogue came to hand, in which, I perceive, the manufacture of soap and leather recommended as a substitute for agriculture; the idea which it gave me was, that he himself was a dealer in leather wares, and his wife a large consumer of soap, from the earnestness which he displayed in arguing upon the advantage likely to arise, by the employment of the people in making those articles.

I remain, Mr. Editor,
Your's, &c.

A FRIEND TO INDEPENDENCE.
Carbonear, March 4, 1833.

DIED.

On Friday evening last, Sarah, wife of Mr. Henry Dean, of Freshwater, near this place, aged 29 years.

Yesterday, much regretted, Sarah, wife of Mr. William Bennett, Merchant, of this place.

NOTICES.

ALL Persons having Claims on the Estate of the Very Rev. THOMAS LEWIS, of the City of Dublin, but late of Harbour Grace, Newfoundland, Decedent, are requested to present the same to the Subscribers, duly attested; and all Persons indebted to the said Estate, are desired to make immediate payment to

MICHAEL A. FLEMING,
DENNIS MACKIN,
THOMAS FOLEY.

Executors.

Harbour Grace, Feb. 27, 1833.

THE Subscriber begs to inform the Inhabitants of CARBONEAR, BRIGUS, and their vicinities, that he has on hand a large and general assortment of Goods, which will be sold on

VERY MODERATE TERMS
CONSISTING OF

- Blue, Black, Brown, Olive, Drab, Broad and Forest Cloths
- Pilot Cloths, Blankets, Flannels
- Serges, Stuffs, Plaids, Shalloons
- Painting Cloths, Peruvian Cloths
- Printed Chintz and Furniture Cottons
- White and Grey Cottons
- Shirting-Cotton and Shirting
- Nankinets, Blue and Pink Stripe
- Nankin, coloured, Cotton Bed-Tick
- Marseilles Quilts and Counterpanes
- Coloured Counterpanes, Cotton Balls
- Tapes, Pins, Needles, Silk Tabinett
- Gros de Naples, Norwich Grape
- Spotted, Book, Mull, and Checked Muslins
- Lining Sarsnetts, Table-cloths, Carpets
- Carpeting, Suspensers, Combs
- Silk and Cotton Shawls, Room Paper
- Hats of excellent quality
- Cotton Check, Moleskins, and a variety of other Goods
- Congo, Souchong, and Green Teas
- Scap, Raisins, Butter, Bread
- Beef, Pork, Rum, and Molasses

ALSO,

TO LET,

BY THE SUBSCRIBER,

(On Building Leases, for 20 Years),
TWO Plots of Ground, (adjoining his Premises in Carbonear), each 25 feet front, and extending back to the Water-side.

THOMAS GAMBLE,

(Executor of the late W. H. Scott.)

Carbonear, Jan. 2, 1833.

ON SALE

BY

MICHAEL ROWLEY,

- 16 Puncheons Rum and Molasses
- 19 Barrels Superior Sugar
- 10 Chests of Souchong and Congo Teas
- 20 Barrels Prime Beef
- 2) Firkins Prime Butter
- 3 Cwt. Starch
- 5 Cwt. Leaf Tobacco

With a General Assortment of

SHOP GOODS

CONSISTING OF

- Blue Half-Cloths, Blanketings
- Flannels, Serges, Stuffs, Printed Cottons
- Calicoes, Muslins, Lace, Edging
- Moleskin, Fustians, Feather Beds
- Men's Lamb's-wool and Yarn Hose
- Blanketing Drawers
- Men's Blue and White Flannel and Cotton Shirts
- Carpenters' Tools, Coopers' Tools
- Horse Collars
- Whip, Cross-cut, and Hand Saws
- Metal Fountains, and Boilers
- Quadrants, Charts, Eastings, Union Jacks
- Parallel Rulers, Norey's Epitome
- Gunter's Scales
- Sealers' Sculpting Knives
- Gun Locks, Gun Lock Vices
- Deck Boots
- Men's Women's and Children's Shoes
- Shingle and assorted Nails, from 1 1/2 to 8 Inches
- Superfine Blue Cloth Jackets, Trowsers and Vests
- Castor Oil, Honey, Bermuda Arrow-root.

The above Articles, will be sold reasonable for CASH.

Carbonear, Jan. 16, 1833.

BY

COLLINGS & LEGG

- 50 Barrels American Flour
- 50 Barrels American Beef
- 30 Firkins Prime Butter
- 50 Boxes Raisins
- And a general assortment of Dry Goods, Groceries, &c.

Carbonear, Jan. 9, 1833.

TO LET,

On Building Leases, for a Term of Years,

A Piece of LAND, the Property of the Subscriber, extending from the House of Mr. Joseph Parsons, on the East, to the House of Mrs. Ann Joyce, on the West, and running back from the South Side of the Street, to the Subscriber's House.

MARY TAYLOR,

Widow.

Carbonear, Feb. 13, 1833.

NOTICES.

Dissolution of Co-partnership.

NOTICE is hereby given, that the Co-partnership heretofore existing between the Subscribers, under the Firm of PROWSE and JAQUES, Carbonear, Newfoundland, is this day, by mutual consent, dissolved. All Debts owing to and from the said Concern, will be received and paid by the undersigned GEORGE EDWARD JAQUES. Witness our Hands, at Carbonear, this 31st Day of December, 1832.

SAMUEL PROWSE, Jun.
GEORGE EDWARD JAQUES.

THE Business hitherto carried on in this Town, under the Firm of PROWSE and JAQUES, will be continued by the Subscriber, from this date, in his own Name.

GEORGE EDWARD JAQUES.

Carbonear, Dec. 31, 1832.

BLANKS of every description for sale at the Office of this Paper.

POETRY.

BALLAD.

Once, on a cloudless summer-day,
Beneath a mantling vine I lay,
When Cupid came by chance that way,
And aimed at me an arrow.

He laid the dart upon the bow,
And drew the horn and sinew so—
And said, "my friend, you soon will know,
How keenly stings my arrow."

His cheek was gay, his eye was bright,—
And shot a piercing, bitter light—
He drew the nerve all tense and tight,
And then let fly his arrow.

The bow twanged sharp, and with a bound
At once its mark the weapon found;
I tingled with the fiery wound
Of that soul-kindling arrow.

He flapped his wings, away he flew,
And turning backward looked me through,
And slyly laughed, as forth I drew
The heart-encrimsoned arrow.

I felt my blood like lava glow,
I writhed, and twined, and wrestled so,
As madmen in their dying throes—
I broke and cursed the arrow.

It is indeed a cruel thing,
When early youth is on the wing,
To feel, and keenly feel the sting
Of such a poisoned arrow.

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16th Section. I am of opinion that attachment of the goods or other property of a debtor should be allowed in cases where the debt sworn to is of the amount of £5. Such was the provision under the act 49 Geo. III., c. 27, and I have never heard any reason alleged against such rule, which I consider a good one for this Colony, where arrest of the person is seldom resorted to, and only in cases of absconding debtors or imputed fraud.

17th Section. The provisions contained in this section, and in his Majesty's Charter, for the admission of Barristers, have, under the construction of the Judges, and the practice that has been pursued, not given satisfaction to the parties admitted to practice in the courts, whose acquirements are, as might be expected, of varied degrees. Some of the gentlemen are of long standing (from ten to twenty years); but the Judges consider that the provisions of the charter authorized them to admit and enrol as barristers, &c., *de facto*, no persons but such as have been previously admitted barristers at law, or advocates, &c. in Great Britain or Ireland. I do not consider that such a rule meets the fair merits and reasonable claims of several parties, or that it has a tendency to promote the respectability of the Bar, by exciting laudable emulation, and enabling the Judges to distinguish those whose integrity, skill, and diligence they might deem worthy to mark by those public testimonials usually conferred.

18th Section. Labrador Court. The coast of Labrador has comparatively but few resident inhabitants, and those scattered along a considerable extent. There are several mercantile houses in England, and also in St. John's who occupy permanent establishments there; and from St. John's and the ports of Conception Bay, now that the French occupy the "French Shore," as it is called, running from Cape John, northward, numerous vessels, with fishing crews, repair to their respective fishing-rooms, or stations, about the first week of June in every year, and pursue their occupations on that coast, returning in October to their homes, with the fruits of their voyage—cod-fish, oil, salmon, and some furs and skins, caught by British winter-crews, or furriers, or bartered from Esquimaux or other native tribes.—The inhabitants and frequenters of this coast need, during a period of three or four months of the summer, the same species of protection, in respect to its fisheries, that is required for the distant outport-settlements of Newfoundland, which the present Labrador Court, as it is now constituted, cannot, I conceive, administer.

The act of 51 Geo. III., c. 45, recited in this section, is a misrecital. The 49 Geo. III., c. 27, re-annexed the Labrador to the Government of Newfoundland.

Section 23. Proceedings under insolvency, I am of opinion, require, in all their fundamental and leading details, to be prescribed, so as to render them more regular and efficacious in their administration. And I consider that it would be an improvement in this department of the Colonial law, if

two-thirds in number and value of the creditors were required to assent to the insolvent's being certified by the Court, instead of one-half of the creditors, as required under the existing provisions of the act. In Newfoundland, the law is leniently administered, and I have never known a body of creditors, or any number of them, combining to oppress an insolvent debtor.

Section 25. This section involves a point which, of late years, has given rise to the expression of divers opinions, viz.—*Privileged claims of Debt*. When Newfoundland was altogether, or for the most part, a transitory fishery, carried on by ships, then these distinctions, growing out of maritime law, were well applied. But, I conceive that, as the principal reasons on which they were originally founded, no longer prevail as a general rule under the altered mode of trade, that it would benefit the community at large, to abrogate privileged debts and claims of this sort altogether, as well in respect to fishermen and other servants in the fishery, as to the merchant or current supplier.

I have reflected much on this point, and my long experience in the Colony has, I think, enabled me to estimate justly the degree of good and evil produced by the law as it now exists, during the course of the last twenty years. And my opinion is, that these distinctions have been productive of more evil than good. Their abrogation would leave untouched any priority of claim, or election of parties to sue, which seamen, as such, possess under the maritime law of England.—Fishermen and other fishing servants, doubting the character or responsibility of the hirer, would have the election of hiring on the shares (in lieu of wages); and good masters and good servants would acquire a better and more just station than that now held under the present rule; and so also would it prove with the honest and industrious planter. The bad or dubious among each class would find the necessity of reformation; or at least have a strong incitement to retrieve and sustain character and confidence; and I am persuaded that it would diminish greatly the frauds but too frequently practised, but difficult to detect, of collusive claims contrived between dishonest planters and their servants.

Independent of those considerations, the frequent embarrassments growing out of all deviations from general principles of law, so numerous, and often recurring in this Colony, would be obviated by making, where it is found possible, the Colonial law uniform with, and dependant on, the general law of England.

If it should be deemed proper to make the change here suggested, I think that it ought to have a prospective operation, so as not to commence until the termination of one clear fishing season, or year, after the termination of that year in which such new law may be made, in order that the people, who are to be affected by it, may be prepared to incur the change with as little prejudice as possible to subsisting contracts.

Section 27. Registration of *Deeds and Wills*. On these subjects there is a considerable feeling of dissatisfaction throughout the public mind; and, on the whole, I conceive not without reason.

First, because, under the *very general* provisions of this law, leases and agreement for leases at *rack-rent* are required to be registered, which, in public opinion, is deemed unnecessary and uncalled for.

And, secondly, that the fees are, in some instances, so high, that they assume the character of a tax, and doubly so in some cases of wills and administrations.

Thirdly, that the party executing a deed, is required to appear before the registrar of the district, at his office, within the district where the property may be situated, to acknowledge the same within six months. In great numbers of instances this is found to be *impracticable*, for want of facilities of communication or conveyance, unless procured at a cost that would very commonly exceed the value of the property conveyed or charged; for, in general, the communications between one out-port and another (except Conception Bay and a few other instances) are merely accidental and casual. All the principal settlements have intercourse, more or less, with St. John's; and I am of opinion that an acknowledgment by the party executing, before any magistrate there, or in the neighbourhood of the party's residence, might suffice as to the actual execution of the deed, &c.

Section 34. Licences to retailers of spirituous liquors, &c. I consider this to be a wholesome regulation: and I am not aware that it could be put on a more useful footing, or that, at present, any change could be effected for the better. But, least of all, could I advise, that masters, or hirers, or suppliers in the fishery, should be allowed to supply, on sale, by retail, *small quantities to their servants, &c., without license*; for the utility of the law would thereby be greatly impaired. The retailing of spirits, wines, &c., yields great profit. Hirers and employ-

ers of servants in the fishery, would often (especially among the lower orders) gratify the propensity of their servants for drink, for the sake of profit by its sale; the servant would become drunk, and the hirer would impute neglects to him, and mulct his wages, although such hirer had virtually been the cause of such neglect.

If a small portion of spirits, &c. be (as is by some said to be) really necessary to fishermen, &c. it is easy for hirers and employers, who always diet their servants, to make a moderate and proper portion of liquor, an article of allowance in the diet of servants and pay them wages in proportion.

Section 35. His Majesty may grant Charters of Incorporation, &c.

This is a provision that I regret having hitherto failed to become available; although, at one period solicited by many. But I am of opinion that it might yet be rendered of benefit. I have already submitted my suggestions on this head, in a report which I made in April, 1831, to his Excellency the Governor, on the "Policy and Expediency of granting to Newfoundland a Local Assembly." And after an anxious consideration of the subject, I feel a strong persuasion that even now that the call for a Local Legislative Assembly is become more general the public at large might, by what appears to me to be moderate concession, be made satisfied without resorting to such uncertain experiments.

1st.—By granting to St. John's and two or three other of the more populous settlements, the charter contemplated by this section, together also with the appropriation of the license tax paid by retail spirit-sellers and of the rents arising out of the once public ships' rooms, in each location respectively, as may be deemed expedient; in aid of such funds as might, and would, I think, be willingly paid, by small assessments on the inhabitants (landlords and tenants).

2dly.—By the appointment of a *practical efficient Council*, in aid of the Local Government, as well to advise on the propriety and expediency of important measures, as in the expenditure of the colonial revenues, under such limitations as may be found expedient.

I feel it my duty to state to his Majesty's Government, that there has been, for some time, a feeling of discontentment festering in the public mind of the inhabitants of St. John's particularly, in reference to matters connected with these suggestions; and which in my opinion, can be allayed only by some measure of pacification, tending to produce such effects as these concessions seem calculated to promote. And, concurrently with the opinion which I ventured to submit in my report of April last, I still believe that, if some such course as this, which I have again taken the liberty to submit, had led the way, when the present Judicature Law, and His Majesty's Charter were first promulgated, very few voices would have been raised in the cry for *Local Legislation*.

It is now become of urgent importance to consider what system can be devised, so as to place within the reach of the inhabitants of the out-ports, the administration of that portion of criminal and civil judicature, which His Majesty's Government may consider suitable and requisite to their condition.

The present system of Circuit Courts is no longer considered as delusion: it is found to be, to a wide extent, a total failure; and I am unable to discover how, *of itself*, it might be modified or directed, so as to suffice throughout so wide a range of coast. Nor can I conceive any plan can be devised whereby general itinerant Courts could be made available for the every-day demands of justice; unless upon such a scale as would involve an enormous expense in conveyance now that numerous ships of war are no longer required to cruise on these coasts for other purposes. The settlements are all situated on coasts, which, throughout the island, run along numerous and deeply indented bays, so that if even roads were made to a partial extent, but at great expense, they could conduct but for a small space. I am reduced to believe, that none other than *sedentary* Courts can answer a sufficient and permanent purpose, and that in the end they will be found the least expense, although a greater number may be required. Chief Justice Reeves, in his evidence, as before referred to, speaking of the necessities of the people then resident at Harbor Grace, says, "I should recommend that, in the absence of the Chief Justice and Surrogates, there should be some Court for the recovery of debts to any amount, and for the determining of causes of any sort or kind; and that there should be an appeal from such Court to the Supreme Court at St. John's."

At this time the Court of Session of Justices of the Peace, had jurisdiction at Harbor Grace, &c. in criminal matters, and also fishermen's wages. What Harbor Grace forty years ago then was, relatively to St. John's, several other places are now become.

Whatever description of Courts may be established, I would earnestly recommend the liberal allowance of appeal to the Superior Court, on reasonable conditions of security, to be given either by the party appellant, and against whom judgment may be

given, or by the party who may obtain it, if the Court should consider (in cases of poverty or litigious appeal) that the amount, for which judgment may have been given ought to be paid.

I am of opinion that ten district courts would be requisite; but I consider that several of them would be required to hold an occasional sitting, for a fortnight at some other than their ordinary location within their respective district. The locations I would designate are, Harbor Grace, Trinity, Bonavista, Twillingate, Bay Bulls, Ferryland, St. Mary's, Placentia, Burin, and Fortune Bay.*

Such Court might be held by one Judge, or such Judge might be joined with two of the Justices of Sessions of the Peace of any location, and constitute a court of general civil and limited criminal jurisdiction. The latter plan might be found a means of improving the knowledge and utility of the Courts of Sessions of Justices of the Peace, by inculcating among the magistracy, a greater regularity of proceeding, than has been usually incident to such courts; and would, moreover, add to the weight of their respectability and influence as magistrates, where their discretion proved correspondent to the same effect. It might be expedient, that such District Judge should not preside two years in succession in the same district, in order that he might not become obnoxious to the imputation of bias or favour, arising out of any particular personal connexions or prejudices.

I had proposed to myself to enter further into the details of the formation of these Courts, both in the event of their adoption on the plan of their having one sole Judge for each Court, leaving to Justices of the Peace and their Courts of Sessions, a limited jurisdiction also,—and in the plan above suggested, of two Justices of the Sessions being associated with such Judge, to form a Court. But I am not now able to continue further, for I am sensible that the occasion for transmitting this report is become urgent, and the only opportunity for its conveyance, that will occur for some time to come, is at hand. Anxiously desirous to render this, as an exposition, practically useful to those on whom may devolve the charge of new-modelling the judiciary system of this colony, I proposed to myself, in the outset, a wider range of examination and discussion than, amid the discharge of my every-day duties of office, I have been able to fill up.

The matter-of-fact data, relating to the character and incidents of the country, and the condition and necessities of the inhabitants, together with the outline, which I have endeavoured to trace, of the progression of the jurisprudence and judiciary systems that have been given to the colony, are, I consider, materials of importance, and such as will, I trust, be found useful.—I am sensible that, in treating these subjects, my observations may, in some instances, be liable to be considered too diffuse, and in others, perhaps, prolix. As respects the opinions which I have ventured to express, they are submitted, with diffidence, on many points; and all I can say is, they are the best I have been able to furnish.

(Signed) JAMES SIMMS,

H. M. Attorney-General of Newfoundland.

St. John's, Newfoundland, }
February, 1832. }

* It must always be borne in mind, that a respectable unpaid Magistracy cannot be supplied in Newfoundland as in England—both intelligence and wealth are wanting.

Persons of education are nowhere to be found among the settlers, whose intelligence, in their several degrees, is limited to a knowledge of their own business, or pursuits in trade; and out of these none can be selected as Justices of the Peace or Magistrates, to decide in civil causes between master and servant, but such as would be obnoxious to that exception of all others to be avoided, *interest in the questions at issue*; and which, in the act 6 Geo. IV., c. 129, is, by special provision in the last section, guarded against in matters relating to the "combination of workmen and others." Persons engaged in trade cannot afford to give up their time to the public gratuitously in the discharge of magisterial duties; and when they have, in some instances, undertaken to do so, there is too much reason to believe that the inducement has been mainly the benefit and convenience derived thereby to the party himself in his business. While the selection of magistrates is made from the people in trade, no civil causes ought, in strict propriety, to be subject to their decision; and all such had much better be determined by the one District Judge; and the Justices of the Peace, if associated with him at all, be associated with him in the trial of public criminal offences only.

In England bankruptcy is a ground of immediate removal of a J. P. from his office; but in Newfoundland, insolvency has been no bar to the appointment; and this practice, against all propriety, I conceive, has descended to the present day, although it has been often publicly reprobated, and, as I consider, with great reason, for an insolvent magistrate, surrounded by his creditors, is not a subject of pleasing contemplation.

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