

Wm. Excellency Sir
J. F. Cochrane

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REPORT OF THE JUDGES OF THE SUPREME COURT OF NEWFOUNDLAND, TO HIS MAJESTY'S GOVERNMENT, UPON THE JUDICATURE BILL.

Sir.—To the Report of our opinion upon the Judicature and Jurisprudence of this Colony, which we are now about to submit, through your Excellency, to the consideration of Viscount Goderich, we deem it necessary to prefix some observations, in excuse for the delay which has taken place in our compliance with the frequent calls that have been made us for a declaration of our sentiments upon these most interesting subjects; and as an apology for the unsatisfactory manner in which we are at this late hour obliged to perform the truly difficult task that has been assigned to us.

Of all the Countries under his Majesty's Dominion, NEWFOUNDLAND probably opposes the most serious obstacles to the establishment of an efficient Judicature and a rational system of Jurisprudence. Those obstacles proceed from causes of a physical, moral, and political nature; and a brief enumeration of a few principal circumstances, fallen under each of these divisions, will serve to shew the intense force with which collectively they must operate.

The practicability of framing regulations, which are to be enforced within certain local limits, must chiefly depend upon the existing facilities of communication between the several places comprised in those limits; for, unless a tolerably free intercourse can take place between the different parts, separate establishments for each will become indispensably necessary. But the Climate of Newfoundland, where severe frost and snow prevail for a large portion of the year—the deep indentures of her numerous Bays, which render land travelling extremely circuitous and difficult—the state of her population, which, though considerable in the aggregate, is yet scattered, as thinly as the products of the earth, in distant harbours and coves—and the almost total want of roads to connect these settlements with each other—impede and obstruct communication in such a degree, that it would perhaps be more easy and feasible to put all our West India Islands under one Government, and create a Court which should exercise jurisdiction throughout the whole of them, than to contrive a system of Judicature by which the same Judge and ministerial officers should be enabled, without the aid of subordinate District Tribunals, to dispense Justice to all the Inhabitants of this Colony. Great, however, as the impediments to the erection of a good Judicature in this Island resulting from natural causes by themselves are, they are also much aggravated and increased by circumstances connected with the present condition of society here.—As the best, if not the only remedy for those defects in the existing Judicature, which spring from the difficulty of maintaining a due communication between the various settlements, the idea of establishing Courts in as many points as would enable their influence to extend, with suitable energy, to all of them, immediately suggests itself to the mind; but with it must arise the question; how are these Courts to be constituted? And now it is that obstacles proceeding from the state of society begin to present themselves in their full force. It will, we imagine, be readily admitted, that it is preferable for a Community to have no Court rather than a corrupt one: for though it may be strictly true that the worst Government is better than none, yet the same thing cannot be said of Courts, since greater injustice and oppression may certainly be exercised under cover of the Law, badly administered, than could possibly be practised by naked fraud and violence.—The essential requisite to a Court, therefore, is, SOUND INTEGRITY in the person who presides over it: and the necessary security for the existence of this indispensable qualification is, a total absence on the part of the Judge, of all INTEREST in the subject matter submitted to his determination. But whoever, is acquainted with the Out-harbours

of Newfoundland must be sensible, that a single Individual qualified to discharge the judicial functions, even in a Court whose jurisdiction should be in every respect confined and circumscribed, cannot be found in any one of them: for, without stopping to enquire, whether adequate talent and knowledge for such an office can any where be met with, it is abundantly evident, that there is not at this time one person residing in an out-harbour, who would not either directly or indirectly be strongly INTERESTED in the great majority of Cases that would be brought before him as a Judge. If, then, the want of communication between the numerous settlements in this Island does really call for, as we conceive it does, the creation of a number of District Courts, the state of society in those settlements equally requires, that the Judges who shall preside in such Courts shall be brought from some other place; and this we are aware will be attended with an expense which will, we fear, be deemed a powerful, if not an insuperable, objection to such a measure.—Nor can we omit to notice here the increased difficulty, in the way of a satisfactory administration of the Law in this Island, which is more particularly referable to the political views and intentions which the Government long cherished in relation to it. Under the policy that prevailed during a period of many years, it was the avowed and favourite object to prevent the formation of permanent settlements in Newfoundland; and every thing that could be done for the attainment of this object, by parliamentary enactments and Royal Instructions, was accordingly tried by the Legislature and the Government. But, in spite of all regulations of that sort, population gradually arose in the Island; and as persons who had thus planted themselves in opposition to the Law, were not disposed to comply with those rules of it which were designed to deter them from settling here, it naturally followed, that Law and Practice, instead of going hand in hand together, as they ought to do, were in several instances directly opposed to each other. From this conflict numerous questions have sprung which at this distance of time, are by no means of easy solution: and as the British Parliament would not make any Laws for a Community, which it refused to acknowledge as having a legitimate existence, the Members of it were compelled to substitute local usages and customs for written Laws. Of those usages a few have since been confirmed by Parliamentary enactments; others sanctioned it by judicial recognition; and some have become obsolete: but a large proportion of them remain unsettled up to this very hour; and as these constantly mingle themselves, in a variety of ways, in most of the Cases which are brought before the Courts, the Judges are frequently called on to examine them with great care, not only for the sake of distinguishing those which possess the genuine properties of a Custom, from irregularities and abuses of a partial and local nature; but also for the purpose of ascertaining, whether some of them, which might have been very salutary and beneficial in one stage of society, had not ceased to be so—or, indeed, might not have become positively noxious—under a very altered condition of it. The Law of England, too, is to be observed here only in as far as it is applicable to the circumstances of the Colony; and thus a sort of LEGISLATIVE POWER* is blended with the JUDICIAL FUNCTIONS, which renders our Judicature painfully responsible to those who have to carry it into execution and a source of constant disquietude to those who fall under the influence of it.

A review of the several points to which we have thus shortly alluded, will we think, in a great measure, if not wholly, prevent the surprise which must otherwise be felt, that so little progress has yet been made in meliorating the Judicature of this Island, after the frequent attempts to do so that

* The power of choosing some laws out of a large number cannot, as Lord Bacon observes, be distinguished from the power of making Laws.

have been instituted by the Legislature and the Government, assisted by the information and advice of Chief Justices Reeves and Forbes. But if the efforts of men, with whom we have not the vanity and presumption to compare ourselves in any particular, when directed to this object under circumstances that enabled them to dedicate the whole powers of their mind, and their individual attention, to it,* have almost entirely failed of producing any beneficial result, how may we venture to encourage the faintest hope that we shall be able to offer any useful suggestions upon so difficult a subject, in the midst of those official duties which do not permit us to calculate, with any reasonable certainty, upon the enjoyment of a single day free from the interruption of fatiguing and perplexing business?—In the difficulty of the undertaking, as strongly evidenced by the failure of all those who have hitherto engaged in it, we conceive we are indeed furnished with a full excuse for the reluctance with which, we confess, we now enter on it: and upon the harassing nature of those official duties which incessantly occupy our time, and engross our attention we rest our apology for what we are conscious must appear to the Noble Secretary of State to be a most lame and imperfect execution of it.

The Judicature established in this Colony by the 5 Geo. IV., c. 67, seems to us to be exclusively contrived for the use of St. John's, and a few other populous settlements; and for them it may, with some alterations, be rendered sufficiently suitable and proper: but, as a mode of dispensing Justice, and imparting civil protection, to the great multitude of people who are diffused, in small bodies, along the whole margin of the shore, it is certainly more inefficient and perhaps less satisfactory to the Inhabitants of those distant parts, than the NAVAL SURROGATE SYSTEM to which it has succeeded. The visits of the Circuit Judge, are necessarily made at a season of the year when the whole mass of the population is actively engaged in the pursuits of the Fishery—the time of his arrival at any particular place is a matter of the greatest uncertainty—his stay at any harbour is limited to a few days, in order that he may go to as many as he possibly can within the period of a Circuit—and yet, even under this arrangement, he can only call at, comparatively, a small number of them—so that after having been tossed about for some months upon a very terrific coast; exposed to dangers of no trifling magnitude; and exhausted by hardships and sufferings for which his mode of life had furnished no kind of preparation; he at length returns to the seat of Government with a mortifying conviction strongly impressed upon his mind, that the voyage, which has been so fruitful of pain and misery to himself, has been of very little benefit indeed to the Public.—Nor is it, we firmly believe, possible to render the present system of Judicature, by any improvements which it is in its nature susceptible of, duly operative in the generality of the Out Ports, so long as the climate, the roads, and the habits of the people of Newfoundland, shall continue as they now are.—Nothing, therefore, as we have already hinted, short of the establishment of a number of LOCAL COURTS, under the presidency of RESIDENT DISTRICT JUDGES, will, in our opinion, ensure to the remote settlements in this Island the essential blessing of SPEEDY JUSTICE; and though such a plan must be attended with a degree of expense which may possibly occasion the rejection of it, we shall, notwithstanding, give a short sketch, or outline of its principal features; and afterwards venture to suggest a few arguments, drawn from a fair statement of the value of this Colony to the Mother Country, and of its consequent claims, upon her, in answer to any objections that may be argued to our proposition on the score of the expense which must accompany its adoption.

* Both Mr. Reeves and Mr. Forbes were in London, and of course far removed from the interruptions of official duty, when they were called on by the Secretary of State to assist in framing a Judicature Bill for this Colony.

We would, then, very earnestly recommend, that FOUR DISTRICT COURTS of Record shall be erected; one of which shall possess jurisdiction throughout the whole of Conception and Trinity Bays; another in Bonavista Bay, and in all the settlements north of it to Cape John; a third from Bay of Buils, inclusive, to Cape Chapeau Rouge, comprising the whole of St. Mar's and Placentia Bays, with the several Islands contained therein; and the fourth from Cape Chapeau Rouge to Cape Ray.—That to each Courts there shall be attached the undermentioned Officers:

A Judge,
A Deputy-Sheriff, or High Bailiff,
And two Constables:

That the Courts thus constituted, shall move about continually, every year, in a suitable half-decked boat, which will belong to it, from the first of April to the last of October; in the course of which period it will visit every settlement in such a way that there shall not be an Individual in the District who shall not have Justice brought within twelve miles of his door once, at least, in every twelve months.—That the jurisdiction of these Courts shall be altogether of a CIVIL nature; extending to all Suits, whether originating in Tort or Contract, the subject-matter of which shall not exceed the sum of Fifty Pounds Sterling.—That parties shall be brought into Court by Summons: or where the cause of Action shall exceed Fifty Pounds, by Attachment of the Defendant's Goods: the former process issuing gratis, upon the Plaintiff's Affidavit of his belief that he has a just ground of Action; and the latter upon a similar Oath as to the validity of the demand, and upon the payment of a Fee,* calculated always on a scale at the rate of five per cent. on the amount of the Writ.—That the only other Fees to which a Suitor shall be liable, for original process, are, an allowance of 1s. to the constable for the service of the summons on attachment, where the distance is less than a mile from the place in which the Court is held, and an extra shilling for every mile beyond it.—That the proceedings shall be altogether summary; and the determination of the case confined solely to the Judge, (who, for this purpose, shall be authorized to examine witnesses, and even the parties themselves, upon oath), unless either the Plaintiff or Defendant shall desire to refer it to a Jury, or to Arbitration; which may at all times be done by either of them on his advancing three pounds, currency, to be divided equally among twelve Juror, or thirty shillings, currency, to be divided between the three Arbitrators—one of whom shall be nominated by the Plaintiff; another by the Defendant; and the third by the Presiding Judge.—That the extra expense thus attending a trial by Jury, or Arbitration, shall ultimately be borne by that party, upon whom the Judge shall conscientiously conceive that it ought to fall upon a due consideration of the motives which apparently influenced the application for it.—That where a case has not been submitted either to a Jury or to Arbitration, the only costs that can be taxed and allowed by the Judge are—the fee for a writ of attachment; the little allowance for the service of process; a moderate compensation to witnesses for their loss of time; and, in very particular instances, a partial indemnification to an indigent Defendant for any loss or inconvenience, he may have sustained by having been dragged into Court by a litigious Plaintiff who had not even a probable cause of action against him.—That an Appeal from the Judgment of the District Court shall in all cases lie to the Circuit Judge, who, besides this Appellate Jurisdiction, coupled with a power of examining generally into the proceedings and conduct of the District Judge in every part of his duty, shall also possess, during the period of his Circuit, the same Original jurisdiction, both Civil and Criminal, which is now conferred on him by

* The principal motive for coupling a Fee to the Process by attachment, is to defer parties from the use of it, by making it less expensive to them to commence their suits by Summons.

the 5 Geo. IV., c. 67; and shall exercise each jurisdiction in the manner prescribed by the several sections of that Statute.—That notice of Appeal shall be given within two days next after the day on which Judgment shall have been pronounced; and in case it shall be prayed by the party, or parties, who is, or are, directed to pay any sum of money or perform any duty, the District Judge shall direct that the Judgment shall be carried into execution or that the execution thereof shall be suspended, pending the said Appeal, as he may deem most consistent with real and substantial justice; taking care in case he shall direct the Judgment to be carried into execution, that the person or persons in whose favour the same shall be given, shall, before the execution thereof, enter into good and sufficient security, to be approved by the said District Judge, for the due performance of such judgment or Decree as the Circuit Judge shall think fit to make thereon.—That the Judgment of the District Court shall be enforced by attachment and sale of the lands, goods, debts, and effects of the person or persons against whom it shall be made; but that no Process shall in any stage of the proceedings issue from this Court against the person of any individual, except for a contempt of Court committed by him.—That upon all monies which may be levied by the Deputy Sheriff, or High Bailiff, under any writ of execution directed to him, he shall be entitled to charge a poundage, after the rate of 5 per centum upon the full amount of the Judgment, where the sum levied shall be sufficient for the entire satisfaction thereof; or upon the sum levied, where it shall fall short of the full amount of the Judgment; and such poundage shall cover all the charges attending the attachment and sale of any property, and shall also constitute the only remuneration which the Deputy Sheriff, or High Bailiff, shall be entitled to demand, or receive, for his responsibility and trouble.—That the District Judge shall also be a Justice of the Peace; and Custos Rotulorum, of the District in which he acts.—That the Governor, or Acting Governor, shall appoint some principal settlement in each District as the residence of the District Judge during four, or five, months in the winter; and where he, in conjunction with two or more, other Justices of the District, shall hold Courts of Sessions, for the trial of all offences below capital ones, at some convenient time before his departure in the spring on his visit to the other settlements, and again in the autumn very soon after his return to the place of his winter-residence.—That besides the two Courts of Sessions which are to be thus regularly holden every year at the leading settlement in each District, the Governor, or Acting Governor, may also authorize and empower the District Judge, in conjunction with two or more neighbouring Justices of the Peace, to hold, in the course of the summer a like Court of Sessions at such other settlement or settlements in the same District as the Governor or Acting Governor may think proper to appoint.—That the Judge of the District shall also be Judge of the Probate Court, and Registrar of Deeds within the limits of his District; and shall receive, for any services performed by him in either of those capacities, such moderate and reasonable fees as the Chief Judge of the Supreme Court shall direct and authorize.—That one of the Assistant Judges of the Supreme Court shall visit each District once in every two years, (limiting his Circuit for one year to the Northern, and for the succeeding year to the Southern division of the Island,) for the purpose of revising the proceedings and superintending the conduct of the District Judge, of hearing and determining all the cases in which an appeal shall be entered for his decision; and of exercising an original jurisdiction in all questions not cognizable by the District Court.—And lastly that the District Judges shall change their stations regularly at the end of three years, for the sake of preventing those partialities, and which is nearly as bad, the suspicion of them, that are too apt to grow out of local connections and attachments.

We have thus endeavoured to convey a clear idea of the most important parts of that system of Judicature which appears to us to be best adapted to the present state and condition of all the minor settlements in Newfoundland; but, as we are anxious to preserve a uniformity of system throughout the whole Island, so far as a due regard to a difference of circumstances will permit, we shall also suggest some alterations in the Judicature now established in St. John's, with a view of assimilating it as closely as possible to that which we propose for the Out-harbour before we enter on the subject of the *expense* with which the general adoption of our plan will probably be attended.

In order, therefore, to give the Inhabitants of St. John's who may be disposed to avail themselves of it, the same advantage of *cheap and speedy Justice* which the District Courts will afford to the Out-harbour, we would propose, that, during the intervals between the Terms of the Supreme Court one of the Assistant Judges thereof shall preside in a Court which shall be styled the DISTRICT COURT OF ST. JOHN'S, and shall possess precisely the same juris-

diction and power within twelve miles of the Court House in this Town that the other District Courts are invested with, together with a criminal jurisdiction over all crimes below capital ones; and that all the regulations which have been already pointed out as applicable to those Courts should also be enforced in it, with the single exception that no appeal* shall be allowed in any Case where the subject-matter of the Suit does not exceed Fifty Pounds Sterling, and does not directly involve any question of Title to Lands, or by which future rights may be bound. Into this Court all Cases that are now decided by the Justices of the Peace may of course be transferred with great advantage to all the parties concerned; and as all judicial power will thus be taken from the Justices of this District; we conceive that the Police of St. John's will merely require to have two stipendiary Magistrates placed at the head of it, and that a small saving may consequently be made in this branch of the service which may be applied in reduction of the increased expenditure to which the proposed alteration in the system of Judicature will give rise.—We would also suggest, that no Circuit Courts shall at any time be holden in St. John's; but that all Suits and Actions shall be tried there either in the District Court or in the Supreme Court and that, for the purpose of rendering the sittings of the latter quite equal to the discharge of all the business that can be brought before it, there shall be three fixed Terms of it regularly holden every year at these stated periods:—From the 2d Wednesday in January to the 1st Tuesday in March:—From the 3d Wednesday in April to the 1st Tuesday in June:—And from the 1st Wednesday in October to the 2d Tuesday in December. Ample opportunity will thus be given of hearing and determining in this Court all Criminal matters, together with all Civil causes which from their difficulty, or importance, may require a formal and solemn course of trial; whilst the frequent occasional sittings of the District Court, in the intervals between those Terms, will afford an easy access to a Tribunal perfectly suitable to the adjudication of that large bulk of Cases, which, from their subject-matter—the transactions that have given birth to them—and the situation in life of the parties interested—will not admit either of delay or expense in their determination. Another advantage, too, of considerable magnitude, that must result from this arrangement of the Courts, is, that by excluding from the Supreme Court all those Cases which cannot be fairly tried without great deviation from the established course of practice, and even some departure from the strict rule of Law, the proceedings of that Court will soon acquire that order, uniformity and consistency, which it is absolutely impossible they should ever attain to under its present constitution. Still further to promote this essential object, of preserving regularity in the proceedings of the Supreme Court, we deem it extremely advisable, that no Action shall be commenced in it for less than ten pounds sterling, unless the subject of it shall relate to the possession, or title, of Land, or involve some question by which rights in future may be bound.—In other respects the Jurisdiction of the Supreme Court may remain exactly on the footing upon which it is placed by the 5 Geo. IV., c. 67; excepting only, that Actions for the breach or violation of any Law relating to the Trade or Revenue of the British Colonies in America may be brought or prosecuted before the Chief Judge, or one of the Assistant Judges, instead of being brought before all of them, as directed by that Statute; and that the Chief Judge shall be solely empowered to appoint guardians for infants and lunatics throughout the Island, and to grant Administration of the effects of intestates, and probates of will, where the deceased shall have died within twelve miles of the town of St. John's; or, having died in any other part of the Island, shall have left property to the value of ten pounds sterling, in each of two, or more, separate Districts: the grant of Administration, and the probate of wills, being in all other cases committed to the District Judge, who is to be guided, in the exercise of this part of his duty, by such regulations and rules as shall, from time, to time, be prescribed and settled by the Chief Judge, for the sake of maintaining a uniformity of practice in these matters in every District of the Island.

(To be continued.)

* As the Jurisdiction of this Court is confined to suits for sums not exceeding fifty pounds, sterling, the regulation by which the right of Appeal is governed, is precisely the same as the Rule prescribed on that subject in the constitution of the Circuit Courts erected under the 5 Geo. IV., c. 67.

† Under this regulation one of the Assistant Judges of the Supreme Court will be engaged every year on a Circuit for a period of three months, (from the early part of June to the middle of September,) whilst the other will be employed in holding a District Court in St. John's. The duties of the Circuit, and of presiding in the District Court of St. John's, will thus devolve on them alternately for the space of a year; and the Chief Judge will, during the intervals of the Terms of the Supreme Court, give his attention to the business of the Probate Court, and to the other matters which are exclusively confided to his management.

MILITARY TOPOGRAPHY OF OPORTO.

(From the Monthly Magazine.)

The city of Oporto, upon which the eyes of all Europe are at present fixed, is situated near the mouth of the river Douro, and contains about 70,000 inhabitants. It is built on the declivity of a mountain, the height of which is about 35 to 40 toises, and occupies the inclined plane that extends from the summit to the very edge of the water. The Douro is both deep and rapid, and about 300 yards wide. A bridge of boats connects it with the suburb of Villa Nova. The city from its locality, is extremely narrow. A convent, (de Serra), which commands the Faubourgh and the city, occupies a mountain equal in height to that on which Oporto is built. Three routes branch off from the city; one northward, to Broja; a second to Amarante, eastwards, and the third to the southward, through Coimbra, to the capital.

All these are bad, hilly, and rocky, and unfavourable to the evolutions of cavalry and artillery.

Oporto is undefended on the north and east side. On the south it is covered by the Douro, and on the west by the ocean and by the forts constructed at the mouth of the river.

The present line of defence is much more contracted than that occupied by the Portuguese in 1809. It extends from the Seminario to the Torre de Mari on the left.—There are thus a position of 50 pieces of artillery, and some mortar batteries, besides a train of 15 field-pieces, ready to move at a moment's notice. Barricades are erected at the head of each street, defended by a trench externally, with a platform for a gun on the inner side and a breastwork for infantry.—On the Villa Nova side, works have been erected, and the Convent de Serra placed in a posture of defence. Villettes on this side are thrown forward as far as St. Ovidia.—On the other hand, every thing that could cover the advance of an enemy in front of Oporto has been levelled, and the population disarmed.

Vallonga is a small villa, about three leagues from Oporto. Amarante, the headquarters of the Miguelites, is a very strong position; it is a small place, fortified in the ancient manner, but possesses a double *tete de point* from the Tamegan, a small river that disembogues itself into the Douro.

Don Pedro's position, in a military point of view, is extremely critical; for if he only execute a day's march, either to the north or to the south, he leaves Oporto uncovered, and abandons his communications with the sea, by which he draws all his supplies. His only resource would be to ascend the river, and attack the Royalist positions, but they are uncommonly strong, and it took Loison's corps of 7,000 men near an entire month to master them.

If Don Pedro is allowed to take up his winter quarters at Oporto, and to organise his resources for the next campaign, he may yet succeed; though by going to Oporto, instead of making a dash at Lisbon, where his party was in the greatest force, (for without the intimate conviction of the existence of a strong party in his favour, the enterprise was absolutely Quixotic,) he threw all his chances into the scale of his adversary. When we reflect that the success of the liberal cause depends upon the absence of only a single man of head and execution, we look with fearful anxiety to the result.

Legislature of Newfoundland.

HOUSE OF ASSEMBLY,

Thursday, Feb. 28.

The House went into Committee upon the state of the Colony. During the discussion it was announced that the Legislative Council had thrown out the Revenue Bill (which had passed the House of Assembly, and which had been sent up for the concurrence of the Council.) Among the observations which fell from Hon. Members upon so painfully interesting an occasion, we are only enabled to submit those of Mr. KENT:

Never did he rise, since he had the honor of addressing the House, under feelings of greater excitement. He felt that the determination of the Legislative Council in rejecting the Revenue Bill, affected his pride as an individual member of that House—his indignation at the attempt to deprive him of that power inherent in the people and delegated to him, and the integrity of which he was bound to preserve untouched. But he experienced, also, a consolatory feeling:—it was produced in his mind by the glowing indignation that was manifested in the countenance of every Hon. Gentleman, at the un-called-for and unexpected rejection, by the other House, of so essential a measure. He could not follow his colleague Mr. THOMAS, through all his arguments, supported as they were, not only by Acts of Parliament, but by the precedents of all his Majesty's Colonial possessions, precedents sanctioned by all the colonial law authorities (always excepting those of Newfoundland), and approved of by the Board of Trade in London, whose approval could not have been given without mature consideration. It was sufficient for him to say, that these arguments removed from his mind any doubt as to the fallacy of the position assumed by some members of the Legislative Council. When he could not find arguments to justify that position—

one which, in its consequences, if successful, would destroy the vital principle of their constitution, and one which, even though unsuccessful, would materially injure the local revenue of the country,—when he could not find arguments to warrant such an unfortunate mode of procedure, he must of necessity, look to motives. Lord Goderich, in his instructions to the Governor, adverted in no very measured terms, to the general conduct of Colonial Councils. It was in his (the hon. member's) mind, a prophetic admonition. But the pride and self-sufficiency which Lord Goderich saw in their Colonial Lords, and which produced so salutary a warning, sealed up the ears of their Legislative Counsellors. He, (the Hon. member) from the first moment that the intention of His Majesty to cede to them a Local Legislature was officially announced, and when first he learned the constitution of the Legislative Council, fearlessly avowed his want of confidence in the men who would compose it. He saw it would be composed—first, of men, who, from their education or habits in life, were either drilled into obsequiousness of opinion towards the powers that be, or would look on their proceedings with listlessness and inattention; or, secondly, of men of high literary and legal attainments, who heretofore had uncontrolled management in the affairs of the Colony, and who, owing to the absence of a Local Legislature, assumed powers rather Legislative than Executive; and who, when the searching influence of popular power divided with them the honour, blinded by a silly peevishness, would attempt to resist it; or, lastly, of those creatures who crawl into power through the dark and intricate windings of intrigue, and who flattering themselves that their power was become necessary to all order and government, considered that everything which tended to support it was sanctified, and became part of the public interest. In a Council so constituted he could have no confidence; but, much as he dreaded it—bad as were his forebodings—they did not arrive at reality. We, sir, (said the hon. mem.) assembled here as the representatives of the country—the Common's House of Newfoundland, whose peculiar province, by prescriptive right, was to originate money-bills; even the law authorities of the island admitting that, in the exercise of that power we were justified by the precedents of Canada, Nova Scotia, New Brunswick, Prince Edward's Island, and all the West India Islands, and the correctness of that opinion borne out, not only by the sophistries of lawyers, whose trade is to extort from Acts of Parliament every other meaning but the true one, but by the practical opinion of such a man as the Collector of H. M. Customs—not by the opinions of a man, who like Lord Eldon, was continually raising doubts in order to puzzle himself, and impede the public business about their solution, but by a man who carried into effect similar acts enacted by Colonial Parliaments similarly constituted with our own; we, sir, originated such an act, and passed it without a dissentient voice. Report says the Executive was in its favour—the Council reject the Bill—not in committee on its detail, but on the general principle, denying to this House the right of emanating such a measure. If the right were not denied, and if the Bill were rejected on some of the subordinate principles that were brought forward in order to give a keenness to the "Burking one!"—in order to make the knife of the guillotine more ponderous, so that it might, with more velocity, perform the duty of executioner to our constitution; if he saw order to be rejected solely on the ground of expediency—the eternal argument of supporters of things as they are—if it were even to court popularity, by raising a claptrap cry against taxation, which, in order to effect covert purposes, can be the vulgar resort of courtly agitators, as well as humbler demagogues; but no! The rejection of the Revenue Bill was tantamount to the denial, on the part of the Legislative Council, of the power of the House to place an impost on the only available articles from whence a revenue could be derived. Here was an issue, the Legislative Council *versus* the House of Assembly. John Doe *versus* Richard Roe. He impugned the motives that dictated that rejection. He did not do so on mere assumption, he was borne out by the honest confession of one of the party concerned—a confession that breathed such a spirit of hostility to popular rights, as satisfied his mind that when they were on their trial a dispassionate judgment was not given. The greatest men were not free from the weakness of human nature, when under the influence of prejudice, they, with ingenious industry sought out arguments to support what they considered sound views, but what in reality was their own inclination. After a few more remarks, the Hon. Member concluded by giving his cordial assent to the resolution before the House.

CARBONAR STAR.

WEDNESDAY, MARCH 13, 1833.

St. John's Papers to the 8th inst. came to hand last evening, but at too late an hour for us to make copious extracts. They give information that the Council has thrown out the Revenue Bill; thus placing the country in a most painful situation. The House of Assembly has forwarded an address to his Excellency the Governor, requesting his assistance and advice in this exigency. The "LEDGER" further informs us, that the President of the Council has asked for leave of absence which was refused, and that His Honor is awayward enough to take French leave, and to make a regular bolt of it. The Attorney-General, also, is suddenly struck with a particular longing for home and has requested permission to visit it.

We said in our last number, that a man had immediately died from starvation. The person who gave us the information, made an incorrect statement.—The man was ill for days previous to his death.—"Want of food?" (a Medical Gentleman writes us) "was the remote but not the immediate cause of his death." The same gentleman also informs us, "that disease, produced, by want of food, exists to an alarming extent on the North Shore."

We have too much respect for ourselves, to enter into a lengthy exposition of the falsehood and illiberality contained in FOUR columns of the "Mercury" of Friday last. The public are the best judges of the manner in which we have fulfilled our engagements with them, and have given a decision in our favour by supporting us. This, no doubt raised the spleen of "Philo B." who fearing the extinction of that paragon of newspapers, the "Mercury," produced his learned and critical dissertation on the merits of our publication, thinking, by means of it, to save the god of his idolatry from the fate which awaits him, and consign us to

the shades. We thank him for his kindness, and owe him one. We know who the despicable scribbler is, but will not degrade ourselves by making personal allusions to him. We will merely advise him to keep in the walk for which nature intended him, and not insult the good sense of the community, by his endeavours to raise distinctions, which are known only to himself. The penetration of our readers will direct them to one passage, of more than common malice, in which B's lover endeavours to expose us to the dislike of a body of our fellow citizens; but we know them too well to suppose that they cannot see through the thin veil which covers the mean and pitiful designs of this pretended champion. More words we will not waste on him or his production. We have declared that our columns shall never become the vehicle of a party; and we defy "Philo B." or any of his coadjutors, to point out one instance in which they have been made such. In conclusion we have to tell him, if he will write in his own name, so that we may meet him, not as an assassin, but as an unmasked enemy, we shall not be backward in the fight; until he do this, we wish him all the pleasure he can derive from his besotted arrogance. Our time belongs to the public, and must not be expended in a wordy and personal controversy. However we may agree in opinion with our correspondents, on the merits of the "Conversations," it is not our province to answer "Philo B." concerning them.

(To the Editor of the Carbonear Star.)

"Let a man be as dull as an ass,
Or to argument ever so prone,
There are truths which must currently pass
With even a fool or a drone."

Well, Mr. Editor, and what's all this hubbub about? Extraordinary that my letters, (the letters of a youngster) should have produced so large a spark from so dull a substance—though wit is often attempted by the fool, and foolery by the wise. But now, seriously, Mr. Editor, whom do you think this Goliath is? this giant, who has attempted, with one fell stroke of his mighty arm, to annihilate yourself, myself, and Terreneuve? Do you think him the fool attempting wit; or a wise man aping the fool? One or the other he surely is: it matters little which: I will set him down as the fool. But whoever or whatever he is, I will drag him from his den, and expose him to the scorn of the liberal and thinking part of the community. I will exhibit him as he is—the forerunner of discord and disunion in a peaceable community.—(to answer his own ends) the servile adulator of his employer,—and a trad-entee to all from whom he may expect advancement. And is society really come to such a pass, that, if a man express his opinion and argue upon the merits of a scheme for the advancement of the country, some scribbling puppy must step forward to abuse him with the epithet of "the greatest bigot of the age"? By that word, Mr. Editor, there hangs a tale, which, if I were to relate, would make your hair erect itself, as "quills upon the fretful porcupine," and stamp "Philo B." with the name he so liberally applies to others. What most astonishes me is, that a vehicle can be found in which to publish attacks so grossly abusive and so filled with falsehood. Had the abuse contained in the letter of "Philo B." been levelled at me, "The Friend to Independence," it would have fallen harmlessly—but no, this would not have answered the desired end—this would not have exposed you to the suspicions of a large and respectable portion of your supporters—this, in fact, would not have gratified his malignant disposition. His penetration could not discover me, he therefore attacked you, in a manner so congenial to little minds. It must be a pleasing satisfaction to you, Mr. Editor, to feel that his arrows fall as pointless as the shafts of envy at the feet of virtue. Continue in the way you have commenced—turn neither to the right nor to the left, to answer the scurrility of one man, or the arrogant expressions of another; and the consciousness of having acted with rectitude will always cheer you in your labours for the public good. I will not occupy the space of your journal by any remarks on the puny critical attempt of "Philo B." but to shew your readers how extremely competent he is to be a grammatical critic, I will make one extract only, without mutilating the sentence, or commenting on it—"and a repetition of his old joke, about falling asleep over the 'CONVERSATION,' which circumstance, if we may judge from appearances, would by no means be unlikely to happen, had they been the finest production in the universe." Many other blunders, equally glaring, are dispersed through the whole of the four columns.

Every reader of "Philo B's" rambling letter, was no doubt, struck with the extraordinary self-satisfaction evinced by him in stating the results (according to Philo's fiat) which would have followed, if Mr. Power's motion had been acted upon. If this doughty champion would deign to descend, from his pinnacle of wit and learning, and tell us how all the extraordinary things he has named are to be effected by the motion, I may,

probably convince him (if he be not blinded by his prejudices) of the arrogance and stupidity of his "premises." I will copy his own words as my opinion of his reasoning—"it is so ineffably stupid as not to merit the trouble of refutation." This expression is such an excellent knock-me-down to all argument, that I could not forbear quoting it; particularly as coming from so logical a gentleman.—I fancy I see him now, strutting up and down his long domicile—

A loft immense, where rats and mice abound;
Where mews re-echo, and where waves resound.

rubbing his hands and chuckling over the happy thought, which saved him from exhibiting his utter ignorance of the subject in question.

Length, Mr. Editor, seems to be the standard by which "Philo B." judges of the talent of a composition; but I have heard somebody say *somewhere*, that *bravity* is the soul of wit; if that be the case "Philo B's" production is *witless* indeed.

I have now answered "Philo B." and shall take no further notice either of himself or his compositions, unless he come forward with argument instead of abuse. My business is with the "Conversations;" the schemes, for ameliorating the condition of the country, proposed in which, I shall oppose when visionary, and accord with when likely to become of utility.

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

A FRIEND TO INDEPENDENCE,
Carbonear, March 9, 1833.

Non sibi sed patrie.

(To the Editor of the Carbonear Star.)

"beneath their nails
Feathers they feel, and on their faces scales;
Their horny beaks at once each other scare,
Their arms are plum'd, and on their backs they bear
Pied wings, and flutter in the fleeting air,
Chattering the scandal of the woods they fly,
And there continue still their clam'rous cry:
The same their eloquence, as maids, or birds,
Now only noise, and nothing then but words."
Ovid.

A disquisition, for the purpose of proving whether a love of grass, or Philo-bull, contributes most to the production of a calf; would be more curious, than useful. One thing, we know from good authority, that "all flesh is grass." One thing is certain, that in one solitary instance a veritable CALF has produced "Philo-b." I had the pleasure last fall of conversing with an intelligent gentleman, a resident of Prince Edward's Island, on the capabilities, and produce of the soil of that Island. He stated that the soil was good; that wheat was produced there, in abundance, and of a good quality; but, that an early frost, had, last fall, spoiled great numbers of potatoes, before they were taken from the ground: this was, of course, an unusual occurrence; but, on a serious consideration of the subject, it must cause the deepest regret, in the minds of all those who have an interest in the welfare of that beautiful little Island: that, in consequence of the early frost in the fall of 1832, Prince Edward's Island will never again be capable of producing any potatoes.

The people of this Island, will feel severely the effects of that frost, which destroyed many of the Prince Edward's Island potatoes in the fall of 1832, because they will not, for the future, have an opportunity of purchasing large quantities of the Island potatoes, and thereby getting rid of a good deal of surplus cash, that would be carried back to the Island, and used in the producing of cattle, and more potatoes for the Newfoundlanders.

I am, Sir,
Your obdt. Servant,
TERRE-NEUVE.

Carbonear, March 9, 1833.

(To the Editor of the Carbonear Star.)

MR. EDITOR,—In the absence of other more important foreign or domestic subjects, if you think the following few and brief remarks, relative to the bettering of the condition of some classes of the poor of the country, at all worthy public attention, you will oblige me by allowing them to appear in the STAR.—And be it remembered once for all that I do not expect miracles; nor that my remarks are so dressed, that the man who supposes *beside* and *besides* are synonymous may not edify us though another four column essay on their outre appearance; but should the hints which I may drop, attract the notice of those persons for whose perusal they are more particularly designed, the end for which they are written will be attained.

It has been recommended by many, I fear rather too warmly, that this be, in a great measure, turned into an agricultural country; and it has been asserted *I know*, with much more pertinacity than knowledge, that it cannot be bettered at all by agricultural pursuits.—There are few parts of the

Island which I have not visited, during my long residence in it, and many fertile and beautiful spots have I traversed: not containing only a few detached yards of good land, but hundreds, perhaps thousands of acres covered with noble trees, all useful in some way, in the trade and fisheries of the country; and a soil, with scarcely a stone to be found in it, deep, and composed mostly of disorganized vegetable and ligneous substances; and from small casual proofs, which I have witnessed more than once, I can assert capable, with little other trouble than merely clearing away its timber, of producing oats, barley, and various esculents and grasses, in charming and abundant luxury. Now, how many families, poor, and of industrious dispositions, could be employed in the cultivation of those lands, hundreds of sensible and efficient persons, inhabiting miserable huts in the distant small out-coves; where half the year they experience only cold, sickness, and starvation—all the consequences of the impossibility of being engaged in any productive labour—would gladly locate themselves on those excellent lands, if government could extend a little fostering attention and small pecuniary means, to enable them to remove, purchase implements, seeds, and stock, and to subsist until they could send to market the produce of their own exertions.

It is an axiom, that every curtailment of the circulating specie is, in its measure, taking from the community certain profits and benefits, which result from such a medium. Therefore every Dollar sent out of this Country, in the purchase of articles, which could be as cheaply raised in it, is a public injury. What I would recommend is, instead of paying to rival colonies the thousands of pounds, which is every year done, in the purchase of cattle, oats, potatoes, &c. &c. &c. all of which could be produced at home, at less expense, and of far better quality; that gentlemen of capital would extend the means of beneficial employment to those whose hands are tied, and whose exertions are paralyzed by the certainty that the produce of their labour cannot be turned to any personal advantage, *remember, hundreds in this Bay, are on the above account alone, perfectly idle, at least, one third of the year.* Let a scientific person survey the land about Clode Sound, and Goose Bay, in Bonavista Bay only, and he will easily convince every one, whose conviction is worth compassing, that numbers could be beneficially employed on ground as fertile and in sites as favourable for land and water conveyance, as, perhaps, can be found in the same latitude, on this side of the Atlantic.

I trust I have not much intruded on the limits of your paper, nor on the time of the public. I felt, while writing the above, so warm on the subject, from the clearest conviction of its practicability and utility, that I knew not when to stop.

Should you judge these, or any other remarks of mine, worth publication, I may send you another paper or two on the Supplying and Bartering Systems, as they at present exist among us.

I am, Sir,
Your's &c.
A PATRIOT.

Carbonear, March 11, 1833.

Shipping Intelligence.

CARBONEAR.

CLEARER.
March 5.—Brig Beothick, Herder, Portugal; 2,570 qtls. fish.

NOTICES.

DESERTED,

FROM THE SERVICE OF THE SUBSCRIBER,
On Wednesday last,

WILLIAM SHURBEN,
A LAD,

ABOUT FOURTEEN YEARS OF AGE,
A Native of England,

Of dark complexion; and very short in stature: had on, when he left, a suit of blue flannel (nearly new), and a blue cloth cap. This is to give notice, that if any person harbour the said Deserter, he will be prosecuted as the law directs.

DOUGLAS EDWARD GILMOUR.
Carbonear, March 12, 1832.

ALL Persons having Claims on the Estate of the Very Rev. THOMAS EWER, of the City of Dublin, but late of Harbour Grace, Newfoundland, Deceased, 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.

ON SALE

BY

MICHAEL ROWLEY,

16 Puncheons Rum and Molasses
10 Barrels Superior Sugar
10 Chests of Souchong and Congo Teas
20 Barrels Prime Beef
20 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 Lambs'-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, Ensigns, Union Jacks
Parallel Rulers, Norrey'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 Howell, 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.

ADMIRAL COLLINGWOOD.

"Methinks it is a glorious thing
To sail upon the deep;
A thousand sailors under you,
Their watch and ward to keep:

To see your gallant battle-flag
So scornfully unrolled,
As scarcely did the wild wind dare
To stir one crimson fold:

To watch the frigates scattered round,
Like birds upon the wing;
Yet know they only wait your will—
It is a glorious thing.

Our admiral stood on the deck,
And looked upon the sea;
He held the glass in his right hand,
And far and near looked he:

He could not see one hostile ship
Abroad upon the main;
From east to west, from north to south,
It was his own domain.

'Good news is this for Old England,
Forth may her merchants fare;
Thick o'er the sea, no enemy
Will cross the pathway there.

A paleness came upon his cheek,
A shadow to his brow;
Alas! our good Lord Collingwood,
What is it ails him now?

Tears stand within the brave man's eyes,
Each softer pulse is stirred;
It is the sickness of the heart,
Of hope too long deferred.

He's pining for his native seas,
And for his native shore;
All but his honour he would give,
To be at home once more.

He does not know his children's fare;
His wife might pass him by,
He is so altered, did they meet,
With an unconscious eye:

He has been many years at sea,
He's worn with wind and wave;
He asks a little breathing space
Between it and his grave:

He feels his breath come heavily,
His keen eye faint and dim;
It was a weary sacrifice
That England asked of him.

He never saw his home again—
The deep voice of the gun,
The lowering of his battle-flag,
Told when his life was done.

His sailors walked the deck and wept;
Around them howled the gale;
And far away two orphans knelt—
A widow's cheek grew pale.

Amid the many names that light
Our history's blazoned line,
I know not one, brave Collingwood,
That touches me like thine."

LITERATURE.

THE IRISH CHURCH.

From Miss Martineau's "Illustrations of Political Economy."

News reached Mr. Rosso's ears one day, that a strange gentleman was on a visit, at the house of a Protestant in the next parish, who had a field or two in the glen, just advertised for sale. It was immediately conjectured that the gentleman came as a purchaser of this land; but it was not until it had been repeatedly surveyed and measured, that any gossip could ascertain what he meant to do with it. In due time, however, it transpired, that the stranger was a builder and that he was making his estimates, for erecting a church.

Mr. Rosso's measures were immediately taken. He sent to the proper quarters, memorials of the facts, that he and his household, consisting of fifteen persons, were the only Protestants in the parish; that they stood in no need of a church, the neighbouring parish being nearer their dwelling than the field on which the new one was proposed to be erected; and that ecclesiastical burdens already weighed so heavily on a miserably poor population, that it would be absolute ruin to many to tax them further. Moreover, Mr. Rosso sent a pressing invitation to Mr. Orme, the incumbent, to take up his abode with him for a week. Mr. Orme had not appeared in his parish for some years; and there was hope, that what he might now see, would influence him to avert

the dreadful infliction of a church, where there were no church-goers. Mr. Tracey prepared Father Glennly (the Catholic Priest) for friendly intercourse with his heretic brother pastor; and all parties agreed, that if Mr. Orme should prove the reasonable and kind-hearted man he was represented to be, a further appeal should be made to him on the subject of his tithes.

Mr. Orme came, and before he went to rest the first night, was convinced, by ocular demonstration, that his host's dining-room could conveniently contain the entire Protestant population of the parish. The next morning he was seen standing, with the priest, on the ridge which overlooked the glen, and heard to sigh over its aspect of desolation. "Whereabouts would you have your church erected?" quietly asked Father Glennly. "Indeed, I know little more than you," replied the clergyman. "I have not been consulted upon the matter in regular form, and had no idea it had gone so far. I fear it is a job, sir."—"The architect happens to have his hands empty of contracts at present, perhaps," observed the priest; "and the owner of the field may hope to gain a higher price for his land, through the agency of your church, than direct from our poor neighbours. But look round you, and find out, if you can, where the parish is to obtain means to answer such a call upon its resources."—"It is, indeed, a different place from what I once remember it, though it had never much wealth to boast of. When I occasionally lodged here, it was in farm-houses, where there was good food and sufficient clothing, and sometimes a pretty dower for the daughters on their marriage-day. I see no such places now. These hovels are but the ruins of them."—"Too true; and we preserve but the ruins of some of our former practices. Doweries are rare among the brides of this parish. Our old folks are less hopeful, our young ones are less patient than formerly; and marriages are, therefore, rashly entered into, without a provision of any kind."—"I am sorry, very sorry for it, sir. There is more benefit than is, at once, apparent, in the long preparation for the marriage provision. I have heard much ridicule of the old Scotch practice of accumulating a stock of linen for bed and board which could scarcely be consumed in a lifetime; but there was much good in it. Besides the benefit to the parties concerned, the industry and forethought it obliged them to exercise, and the resources it put in their power,—the custom proved an important check upon population. Young people had to wait two or three years before they married; and where this was universally the case it was thought no hardship. Those who thus began their married life, were never known to become paupers. But, sir, from the aspect of this place, I should imagine your entire flock to be paupers, except a tenant or two yonder."—"The land is exhausted, Mr. Orme, and the people are, therefore, poverty-stricken and reckless. There is little encouragement to prudence, while there are superiors to keep a rapacious hand in every man's pocket, and appropriate whatever he may chance to gain beyond that which will support life. We know, such to be the results in Turkey, Mr. Orme, and in other states of despotic government, and why not here?"—"Whom do you point at as these superiors?" inquired Mr. Orme. "Not either of the landlords, surely. And you are free, moreover, from the locust-like devastations of the poor-law system."—"True: but what pauperism leaves, the middlemen consume: and what the middlemen leave, the tithe-proctor consumes. Yonder field, sir, has been let out of tillage, because the tithe devoured the profits. That row of hovels is deserted, because your proctor seized all that rendered them habitable. Their inmates are gone where they may live by plunder, since the law of this district is to plunder or be plundered."—"Plundered!" exclaimed Mr. Orme. "That is a somewhat harsh term, sir."—"Is it an unjust one, Mr. Orme? that is the question. What do these poor people gain in return for the portion of their earnings, wrenched from them in the form of tithes? What does the Protestant church do for the Catholic tithe-payers?"

Mr. Orme could only reply, that the Protestant church was established for the good of the people at large; and that it was the people's own fault if they would not take the advantages of the ministrations of its clergy. He was ready, for one, to do duty as soon as his flock would listen to him; and, in the meanwhile, he conceived he was causing no wrong to any man, by receiving the means of subsistence decreed by law. He would not defend the mode of payment by tithe in any country, or under any circumstances. He saw its evils as an impediment to improvements in agriculture, as an unequal tax, falling the most heavily on the most industrious cultivator; but while payment by tithe was the method appointed by law, he could not allow that its exaction deserved the name of plunder. "With or without law," observed Father Glennly, "it appears to me plunder to force payment for offered services, which are not only declined, but regarded with dislike or contempt: in which light we know the services of the Protestant clergy or justly or unjustly regarded by our

Catholic population. If you, Sir, were a pastor in the Vaudois, and your flock under the dominion of some Catholic power, could you see one deprived of his only blanket, and another of his last loaf of bread, and a third of his sole portion of his field-crop, for the maintenance of a clergy whom they never saw, and not call it plunder, let the law stand as it might? And could you acknowledge your people to be justly charged with disaffection, if they looked with an unfriendly eye on the priestly agent of this robbery, and mutter deep curses against his employer?"

No answer being returned, the priest invited his companion into certain of the dwellings near. "To be looked on with an unfriendly eye?" asked Mr. Orme, smiling bitterly. "To be greeted with deep curses?"—"By no means, sir. I question whether an individual we shall meet will know the pastor of his parish. If you keep your own counsel, you may see things as they are. If you have courage, you may hear by what means your £400 a year has been levied."—"I will, if you will allow me to speak as plainly to you, on your relation to the people, as you have spoken on mine. Will you bear with my rebukes in your turn?"—"I will," replied the priest, "when I have finished my say. Do you conceive it just and merciful to Ireland, that she should support four archbishoprics and eighteen bishoprics, the total number of her Protestants being smaller than in certain single dioceses in England?"—"Certainly not. I have long advocated a reduction of our establishment. I would go so far as to make the four archbishoprics maintain the whole, which would strike off, at once, £100,000 a year from the revenues of the church. I would go farther, sir; and this will, I hope, prove to you, that I am not of the locust-tribe, to which you would assign me. I would commute the tithes for lands, in order to avoid the individual oppression, of which the public complain."

Father Glennly observed, that he did not wonder that the plan of commutation was rising in favour, now that it was found impossible to collect tithes in the old method: but the nation might be found as impracticable respecting one mode of paying tithes as another, and he wished to know what was to be done in case of its disinclining the commutation proposed. "The plan must be enforced," replied Mr. Orme; "and moreover, the arrears must be recovered by the strong arm of the law."—"Whence can they be obtained?" said Father Glennly. "How are they to compel the cottier, who consumes his scanty crop, season by season, to pay the collected tithe-dues of several? I say nothing of the danger to yourselves and your families,—danger to life and property,—of enforcing your claim. I say nothing now of the violence which must attend upon such an effort. I merely ask whence the arrears are to be obtained in an impoverished country?"—"They must be converted into a government debt. By this means the nation will lean the real disposition of the government towards its own ecclesiastical servants, and those who refuse them their lawful rights. By this means the consent of my brethren at large to a commutation of tithes, will be most easily obtained. Yes, the arrears of tithe must be converted into a government debt."—"By this means?" replied the priest, "the burden will be imposed where it is not due. Our cottiers cannot pay; and you would therefore have their richer neighbours discharge their arrears:—a vicarious obligation of a new kind!—No, this will scarcely be tolerated, believe me. You will carry neither of your points; neither the payment of arrears nor commutation; the people have discovered a method of evading the payment entirely. Better waive your claim altogether, Mr. Orme, while there is yet time to do it with a good grace, or you will have the same trouble about your tithe-cattle that multitudes of your brethren have. You will pound them in vain; attempt in vain to sell them; carry them over the sea in vain; and find, too late, that all you have gained is the name of oppressor."

Mr. Orme muttered, that it was a very hard case.—"Who can help it?" inquired the priest. "If the substance-fund was not ample enough to afford tithes when due, in a poor district like this, how should it discharge an accumulation of debt? Here we have many more people, very little more capital, less industry, less forethought than when the debt was contracted. All the constituents of the subsistence-fund have become more or less debased, and yet you would tax it more heavily than ever. You must fail in your object, sir."

"I will learn the truth for myself, instead of taking the assertion of any man whatever," replied Mr. Orme, moving onwards towards a cluster of dwellings, into which he was introduced as a friend, by the priest, and not therefore suspected of being the clergyman of the parish. All that he heard told the same tale; all that he saw confirmed it. The new church was spoken of in terms of execration, in which the parson and the proctor largely shared. One woman told how the wealthy churchman was living far away from his cure, subsisting his dogs on the food snatched from her children's

mouths; and another shewed where her son lay buried, having been smitten with fever, in consequence of his useless over-toil to satisfy the demands of the rapacious agents of the law. Others pointed with moody mirth, to their desolated dwellings, as affording a sign that the legal spoilers were not far off. Others observed, that there would be few conversions to the Protestant faith in the parish, while the clergy snatched the loaves and fishes from the multitude, instead of bestowing them. Yet more exhibited their uncomplaining poverty in their looks and dress, rather than by words; and only gazed round their little tenements in perplexity, at the mention of the dues that must be paid.

Mr. Orme had hitherto been a prejudiced man on the subject of his own rights; but he was open to conviction, and, at length, roused to ascertain the truth of his own case. The architect was seen no more. The field which he had surveyed bore oats instead of a church,—a happy circumstance; since the people were much in want of food for the body; while they had enough of that for the spirit, and of the kind which they preferred, in Mr. Tracey's chapel.

SELECTIONS.

MR. PITT.—"Mr. Pitt went one evening into the late Duchess of Gordon's box at the Opera-house. Not having seen him for some time, she addressed him with her usual blunt familiarity. "Well, Mr. Pitt, do you talk as much nonsense as you did when I last saw you?"—"I know not that," said Mr. Pitt, "but I have certainly not heard so much nonsense since I had last the pleasure of seeing your grace."

WILKES.—A lady, one time, asked Wilkes to take a hand at whist, but he declined in the following terms, "Dear lady, do not ask me, for I am so ignorant, that I cannot distinguish the difference between a king and a knave."

Upon another occasion he displayed his sarcastic humour on royalty, for he said he loved the King (George III.) so much, that he hoped never to see another. In a dispute between Sir Watkin Lewis and himself, the former said, "I'll be your butt no longer."—"With all my heart," said Wilkes, "I never like an empty one—Taylor's Life and Times."

AN ITALIAN ROBBER.—At Rochefort there is a convict, a native of Italy, whose ingenuity in putting travellers under contribution might have furnished the facetious Grimaldi himself with a banditti scene in a pantomime. This hero was, for many years, the Turpin of France, and was much dreaded by travellers. Gasparini, though guilty of many robberies on the highway, had never been accused of wanton cruelty. He, some years ago, undertook alone to stop a diligence as it was passing at nightfall through a wood: here he drew up his forces, which literally consisted, not of bloody-minded robbers, but of half a dozen well-stuffed coats, fixed on poles, with formidable caps, presented arms, and other appendages, well suited to inspire travellers with terror. When the diligence arrived, he ordered the postillion to stop; he then made the conductor and passengers alight, and in a resolute tone, pointing to his supposed companions, whom he had ranged on the skirts of the wood, desired the trunks to be opened, out of which he took what he thought proper. He then said to the trembling travellers—"Don't be alarmed, gentlemen; allow me to take what I require, and depend upon it my troops shall not advance a step further; from them, I assure you, you have nothing to fear." This modern Rolando was sentenced to hard labour for life to the galleys. It appeared, on the trial, that when the gendarmes went to scour the wood, they were not a little surprised to find half a dozen robbers, who appeared determined to stand their ground: they summoned them to surrender, and on receiving no reply, fired a volley and then attacked the *manikins* sword in hand; of course they met with but feeble resistance, and laughed heartily at the joke.—*Goldsmith's Statistics of France.*

LACONIC INVITATION.—Sir Walter Scott.—Upon one occasion the Ettrick Shepherd, with the true waywardness of a poet, took umbrage at Sir Walter Scott from imaginary slight or neglect, and refused, for a long time to speak to him. The worthy baronet knew his man, and said nothing, till Hogg's better feelings re-awakened and induced him to write a long explanatory and apologetic letter. Sir Walter's answer was highly characteristic—"Dear Jamie,—Now that you have come to your senses, come over to your dinner. Your's, Walter Scott."

The most valuable part of every man's education is that which he receives from himself, especially when the active energy of his character makes ample amends for the want of a more finished course of study.—*Penny Magazine.*