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THE BRITISH-AMERICAN REGISTER.

QUEBEC, SATURDAY, 2d JULY, 1802.

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To the Editor of the British American Register.

SIR,

In number 23, you published an Epitome of that part of the Law of England, which treats of Public Wrongs: I now request (you to publish that which treats of the Rights of Persons.

A. E.

Of the RIGHTS of PERSONS.

SECT. I. Of the absolute rights of individuals.

(1) THE objects of the *Law* of England are, 1 *Rights*, 2 *Wrongs*.

(2) *Rights* are the rights of *persons*, or the rights of *things*.

(3) The rights of *persons* are such as concern, and are annexed to, the persons of men: and, when the person to whom they are due is regarded, they are called (simply) *rights*; but, when we consider the person from whom they are due, they are then denominated *duties*.

(4) *Persons* are either *natural*, that is, such as are formed by nature; or *artificial*, that is, created by human policy, as bodies politic or *corporations*.

(5) The rights of *natural* persons are, 1. *Absolute*, or such as belong to individuals. 2. *Relative*, or such as regard members of society.

(6) The *absolute rights of individuals*, regarded by the municipal laws (which pay no attention to *duties* of the absolute kind,) compose what is called political or civil *liberty*.

(7) Political or civil *liberty* is the natural liberty of mankind, so far restrained by human laws as is necessary for the good of society.

(8) The absolute rights or civil liberties of Englishmen, as frequently declared in parliament, are principally three; the right of *personal security*, of *personal liberty*, and of *private property*.

(9) The right of *personal security* consists in the legal enjoyment of life, limb, body, health, and reputation.

(10) The right of *personal liberty* consists in the free power of locomotion, without illegal restraint or banishment.

(11) The right of *private property* consists in every man's free use and disposal of his own lawful acquisitions, without injury or illegal diminution.

(12) Besides these three *primary* rights, there are others which are *secondary* and subordinate; *viz.* (to preserve the former from unlawful attacks.) 1. The constitution and power of parliaments; 2. The limitation of the king's prerogative;—And (to vindicate them when actually violated) 3. The regular administration of public justice; 4. The

right of petitioning for redress of grievances; 5. The right of having and using arms for self-defence.

SECT. II. *Of the parliament.*

(1) THE *relations* of persons are, 1. *Public.* 2. *Private.* The *public* relations are those of *magistrates* and *people.* *Magistrates* are *superior* or *subordinate.* And of *supreme* magistrates, in England, the *parliament* is the *supreme legislative,* the *king* the *supreme executive.*

(2.) *Parliaments,* in some shape, are of as high antiquity as the Saxon government in this island; and have subsisted, in their present form, at least five hundred years.

(3) The parliament is assembled by the king's writs, and its sitting must not be intermitted above three years.

(4) Its constituent parts are the king's majesty, the lords (spiritual and temporal, and the commons represented by their members: each of which parts has a negative, or necessary, voice in making laws.

(5) With regard to the *general* law of parliament, its power is absolute; each house is the judge of its own privileges; and all the members of either house are intitled to the privilege of speech, of person, of their domestics, and of their lands and goods.

(6) The *peculiar* privileges of the lords (besides their judicial capacity), are to hunt in the king's forests; to be attended by the sages of the law; to make proxies; to enter protests; and to regulate the election of the 16 peers of North-Britain.

(7.) The *peculiar* privileges of the

commons are to frame taxes for the subject; and to determine the merits of their own elections, with regard to the qualifications of the electors and elected, and the proceedings at elections themselves.

(8) Bills are usually twice read in each house, committed, engrossed, and then read a third time; and when they have obtained the concurrence of both houses, and received the royal assent, they become *acts* of parliament.

(9) The houses may adjourn themselves; but the king only can prorogue the parliament.

(10) Parliaments are dissolved, 1. At the king's will. 2. By the demise of the crown, that is, within six months after. 3. By length of time, or having sat for the space of seven years.

SECT. III. *Of the king and his title.*

(1) THE *supreme executive* power of this kingdom is lodged in a single person; the king or queen.

(2) This royal person may be considered with regard to, 1. His title. 2. His royal family. 3. His councils. 4. His duties. 5. His prerogative. 6. His revenue.

(3) With regard to his *title*; the crown of England, by the positive constitution of the kingdom, hath ever been descendible, and so continues.

(4) The crown is descendible in a course peculiar to itself.

(5) This course of descent is subject to limitation by parliament.

(6) Notwithstanding such limita-

tions, the crown retains its descendible quality, and becomes hereditary in the prince to whom it is limited.

(7) King Egbert, King Canute, and King William I. have been successively constituted the common stocks, or ancestors, of this descent.

(8) At the revolution the convention of estates, or representative body of the nation, declared, that the misconduct of King James II. amounted to an abdication of the government, and that the throne was thereby *vacant*.

(9) In consequence of this vacancy, and from a regard to the ancient line, the convention appointed the next Protestant heirs of the blood royal of King Charles I. to fill the vacant throne, in the old order of succession; with a temporary exception, or preference, to the person of King William III.

(10) On the impending failure of the Protestant line of King Charles I. (whereby the throne might again have become vacant) the king and parliament extended the settlement of the crown to the Protestant line of King James I. viz. to the Princess Sophia of Hanover, and the heirs of her body, being Protestants: And she is now the common stock, from whom the heirs of the crown must descend.

SECT. IV. *Of the king's royal family.*

(1) THE king's royal family consists, first, of the *queen*: who is regnant, consort, or dowager.

(2) The *queen consort* is a public person, and hath many personal prerogatives and distinct revenues.

(3) The Prince and Princess of

Wales, and the Princess-royal, are peculiarly regarded by the law.

(4) The other princes of the blood royal are only intitled to precedence.

SECT. V. *Of the councils belonging to the king.*

(1) THE *king's councils* are, 1. The *parliament*. 2. The great council of *peers*. 3. The *judges*, for matters of law. 4. The *privy council*.

(2) In *privy-counsellors* may be considered, 1. Their creation. 2. Their qualifications. 3. Their duties. 4. Their powers. 5. Their privileges. 6. Their dissolution.

SECT. VI. *Of the king's duties.*

(1) THE *king's duties* are to govern his people according to law, to execute judgment in mercy, and to maintain the established religion. These are his part of the original contract between himself and the people; founded in the nature of society, and expressed in his oath at the coronation.

SECT. VII. *Of the king's prerogative.*

(1) PREROGATIVE is that special power and pre-eminence which the king hath above other persons, and out of the ordinary course of law, in right of his regal dignity.

(2) Such *prerogatives* are either *direct*, or *incidental*. The *incidental's*, arising out of other matters, are considered as they arise: We now treat only of the *direct*.

(3) The *direct* prerogatives regard, 1. The *king's dignity*, or royal character; 2. His *authority*, or regal power; 3. His *revenue*, or royal income.

(4) The *king's dignity* consists in the legal attributes of, 1. Personal sovereignty. 2. Absolute perfection. 3. Political perpetuity.

(5) In the *king's authority*, or regal power, consists the executive part of government.

(6) In *foreign concerns*, the *king*, as the representative of the nation, has the right or *prerogative*. 1. Of sending and receiving ambassadors. 2. Of making treaties. 3. Of proclaiming war or peace. 4. Of issuing reprisals. 5. Of granting safe conducts.

(7) In *domestic affairs*, the *king* is, first, a constituent part of the supreme legislative power; hath a negative upon all new laws; and is bound by no statute, unless specially named therein.

(8) He is also considered as the general of the kingdom, and may raise fleets and armies, build forts, appoint havens, erect beacons, prohibit the exportation of arms and ammunition, and confine his subjects within the realm, or recall them from foreign parts.

(9) The *king* is also the fountain of justice, and general conservator of the peace; and therefore may erect courts (wherein he hath a legal ubiquity), prosecute offenders, pardon crimes, and issue proclamations.

(10) He is likewise the fountain of honour, of office, and of privilege.

(11) He is also the arbiter of *domestic commerce*; (not of *foreign*, which is regulated by the law of *merchants*;) and is therefore entitled to the erection of public marts, the regulation of weights and measures,

and the coinage or legitimation of money.

(12) The *king* is, lastly, the supreme head of the church; and, as such, convenes, regulates, and dissolves synods, nominates bishops, and receives appeals in all ecclesiastical causes.

SECT. VIII. *Of the king's revenue.*

(1) The *king's revenue* is either *ordinary* or *extraordinary*. And the *ordinary* is, 1. *Ecclesiastical*. 2. *Temporal*.

(1) The *king's ecclesiastical revenue* consists in, 1. The custody of the temporalities of vacant bishoprics. 2. Corodies and pensions. 3. Extraparochial tithes. 4. The first fruits and tenths of benefices.

(3) The *king's ordinary temporal revenue* consists in, 1. The demesne lands of the crown. 2. The hereditary excise; being part of the consideration for the purchase of his feudal profits, and the prerogatives of purveyance and pre-emption. 3. An annual sum issuing from the duty on wine-licences; being the residue of the same consideration. 4. His forests. 5. His courts of justice. 6. Royal fish. 7. Wrecks, and things jetam, stowam, and ligan. 8. Royal mines. 9. Treasure trove. 10. Waifs. 11. Estrays. 12. Forfeitures for offences, and deadlands. 13. Escheats of lands. 14. Custody of idiots and lunatics.

(4) The *king's extraordinary revenue* consists in aids, subsidies, and supplies, granted him by the commons in parliament.

(5) Heretofore these were usually raised by grants of the (nominal) *tenth* or *fifteenth* part of the movea-

bles in every township; or by scutages, hidages, and talliages; which were succeeded by *subsidies* assessed upon individuals, with respect to their lands and goods.

(6) A new system of taxation took place about the time of the revolution: our modern taxes are therefore, 1. *Annual*. 2. *Perpetual*.

(7) The *annual taxes* are, 1. The land-tax, or the ancient subsidy raised upon a new assessment. 2. The malt-tax, being an annual excise on malt, mum, cyder, and perry.

(8) The *perpetual taxes* are, 1. The customs, or tonnage and poundage of all merchandise exported or imported. 2. The excise duty, or inland imposition on a great variety of commodities. 3. The salt duty, excise on salt. 4. The post-office, or duty for the carriage of letters. 5. The stamp duty on paper, parchment &c. 6. The duty on houses and windows. 7. The duty on licences for hackney coaches and chairs, 8. The duty on offices and pensions.

(9) Part of this revenue is applied to pay the interest of the national debt till the principal is discharged by parliament.

(10) The produce of these several taxes were originally separate and *specific funds*, to answer *specific loans* upon their respective credits; but are now consolidated by parliament into three principal funds, the *aggregate, general*, and *South-sea* funds, to answer *all* the debts of the nation: the public faith being also superadded, to supply deficiencies, and strengthen the security of the whole.

(11) The surplusses of these funds, after paying the interest of the national debt, are carried together, and

denominated the *sinking fund*: which unless otherwise appropriated by parliament, is annually to be applied towards paying off some part of the principal.

(12) But, previous to this, the *aggregate fund* is now charged with an annual sum for the *civil list*; which is the immediate proper revenue of the crown, settled by parliament on the king at his accession, for defraying the charges of civil government.

SECT. IX. Of subordinate magistrates.

(1) SUBORDINATE magistrates, of the most general use and authority, are, 1. *Sheriffs*. 2. *Coroners*. 3. *Justices*. 4. *Constables*. 5. *Surveyors* of the *highways*. 6. *Overseers* of the *poor*.

(2) The *Sheriff* is the keeper of each county, annually nominated in due form by the king; and is (within his county) a judge, a conservator of the peace, a ministerial officer, and the king's bailiff.

(3) *Coroners* are permanent officers of the crown in each county, elected by the freeholders; whose office it is to make inquiry concerning the death of the king's subjects, and certain revenues of the crown; and also, in particular cases, to supply the office of sheriff.

(4) *Justices of the peace* are magistrates in each county, statutely qualified, and commissioned by the king's majesty: with authority to conserve the peace; to hear and determine felonies, and other misdemeanors; and to do many other acts committed to their charge by particular statutes.

(5) *Constables* are officers of hun-

dreds and townships appointed at the lect, and empowered to preserve the peace, to keep watch and ward, and to apprehend offenders.

(6) *Surveyors* of the *highways* are officers appointed annually in every parish; to remove annoyances in, and to direct the reparation of, the public-roads.

(7) *Overseers* of the *poor* are officers appointed annually in every parish; to relieve such impotent, and employ such sturdy poor, as are *settled* in each parish,—by birth,—by parentage,—by marriage,—or by 40 days residence; accompanied with, 1. Notice. 2. Renting a tenement of ten pounds annual value. 3. Paying their assessed taxations. 4. Serving an annual office. 5. Hiring and service for a year. 6. Apprenticeship for seven years. 7. Having a sufficient estate in the parish.

SECT. X. *Of the people, whether aliens, denizens, or natives.*

(1) *THE people* are either *aliens*, that is, born out of the dominions, or allegiance, of the crown of Great Britain; or *natives*, that is, born within it.

(2) Allegiance is the duty of all subjects; being the reciprocal tie of the people to the prince, in return for the protection he affords them; and, in *natives*, this duty of allegiance is natural and perpetual; in *aliens*, is local and temporary only.

(3) The rights of *natives* are also natural and perpetual: those of *aliens* local and temporary only; unless they be made denizens by the king, or naturalised by parliament.

SECT. XI. *Of the clergy.*

(1) *THE people*, whether aliens,

denizens, or natives, are also either *clergy*, that is, all persons in holy orders, or in ecclesiastical offices; or *laity*, which comprehends the rest of the nation.

(2) *The clerical part* of the nation, thus defined, are, 1. Archbishops and bishops; who are elected by their several chapters, at the nomination of the crown, and afterwards confirmed and consecrated by each other. 2. Deans and chapters. 3. Arch-deacons. 4. Rural deans. 5. Parsons (under which are included appropriators) and vicars; to whom they are generally requisite, holy orders, presentation, institution, and induction. 6. Curates. To which may be added, 7. Church-wardens. 8. Parish-clerks and sextons.

SECT. XII. *Of the civil state.*

(1) *THE laity* are divisible into three states; *civil*, *military*, and *maritime*.

(2) *The civil state* (which includes all the nation, except the clergy, the army, and the navy, and many individuals among them also), may be divided into the *nobility* and the *commonalty*.

(3) *The nobility* are dukes, marquises, earls, viscounts, and barons. These had anciently duties annexed to their respective honours: they are created either by writ, that is, by summons to parliament; or by the king's letters patent, that is, by royal grant: and they enjoy many privileges exclusive of their senatorial capacity.

(4) *The commonalty* consists of knights of the garter, knights bannerets, baronets, knights of the bath, knights bachelors, esquires, gentle-

men, yeomen, tradesmen, artificers, and labourers.

SECT. XIII. *Of the military and maritime states.*

(1) THE *military* state, by the standing constitutional law, consists of the militia of each county, raised from among the people by lot, officered by the principal landholders, and commanded by the lord lieutenant.

(2) The more disciplined occasional troops of the kingdom are kept on foot only from year to year by parliament; and, during that period, are governed by martial law, or arbitrary articles of war, formed at the pleasure of the crown.

(3) The *maritime* state consists of the officers and mariners of the British navy; who are governed by express and permanent laws, or the articles of the navy, established by act of parliament.

SECT. XIV. *Of master and Servant.*

(1) THE *private*, economical, relations of persons are those of 1. *Master and servant.* 2. *Husband and wife.* 3. *Parent and child,* 4. *Guardian and ward.*

(2) The first relation may subsist between a *master* and four species of *servants*; (for slavery is unknown to our laws); viz. 1. Menial servants; who are *hired.* 2. Apprentices; who are *bound* by indentures. 3. Labourers; who are *casually employed.* 4. Stewards, bailiffs, and factors; who are rather in a *ministerial* state.

(3) From this relation result divers powers to the master, and emoluments to the servant.

(4) The master hath a property in the service of his servant; and must be answerable for such acts as the servant does by his express, or implied command.

SECT XV. *Of Husband and Wife.*

(1) THE second private relation is that of *marriage*; which includes the reciprocal rights and duties of *husband* and *wife.*

(2) *Marriage* is duly contracted between persons. 1. Consenting: 2. Free from canonical impediments, which make it *voidable*: 3. Free also from the civil impediments,—of prior marriage,—of want of age,—of non consent of parent or guardians, where requisite—and of want of reason; either of which make it totally *void.* And it must be celebrated by a clergyman in due form and place.

(3) *Marriage* is dissolved, 1. By death. 2. By divorce in the spiritual court; not *a mensa et thero* only, but *a vinculo matrimonii*, for canonical cause existing previous to the contract. 3. By act of parliament, as for adultery.

(4) By marriage the husband and wife become one person in law; which unity is the principal foundation of their respective rights, duties, and disabilities.

SECT. XVI. *Of parent and child.*

(1) THE third, and most universal private relation, is that of *parent* and *child.*

(2) *Children* are, 1. *Legitimate*; being those who are born in lawful wedlock, or within a competent time after. 2. *Bastards*, being those who are not so.

(3) The duties of parents to *legitimate* children are, 1. Maintenance. 2. Protection. 3. Education.

(4) The power of parents consists principally in correction, and consent to marriage. Both may after death be delegated by will to a guardian; and the former also, living the parent, to a tutor or master.

(5) The duties of *legitimate* children to parents are obedience, protection, and maintenance.

(6) The duty of parents to *bastards* is only that of maintenance.

(7) The rights of a *bastard* are such only as he can acquire; for he is incapable of inheriting any thing.

SECT. XVII. *Of guardian and ward.*

(1) THE fourth private relation is that of *guardian* and *ward*, which is plainly derived from the last; these being, during the continuance of their relation, reciprocally subject to the same rights and duties.

(2) *Guardians* are of divers sorts: 1. Guardians by nature, or the parents. 2. Guardians for nurture, assigned by the ecclesiastical courts. 3. Guardians in *locage*, assigned by the common law. 4. Guardians by statute, assigned by the father's will. All subject to the superintendance of the court of chancery.

(3) *Full* age in male or female for all purposes is the age of 21 years (different ages being allowed for different purposes); till which age the person is an *infant*.

(4) An *infant*, in respect of his tender years, hath various privileges, and various disabilities, in law;

chiefly with regard to suits, crimes, estates, and contracts.

SECT. XVIII. *Of corporations.*

(1) BODIES politic, or *corporations*, which are *artificial* persons, are established for preserving in perpetual succession certain rights; which, being conferred on *natural* persons only, would fail in process of time.

(2) Corporations are, 1. *Aggregate*, consisting of many members. 2. *Sele* consisting of one person only.

(3) Corporations are also either *spiritual*, erected to perpetuate the rights of the church: or *lay*. And the lay are, 1. *Civil*; erected for many temporal purposes. 2. *Eleemosynary*; erected to perpetuate the charity of the founder.

(4) Corporations are usually erected and named by virtue of the king's royal charter; but may be created by act of parliament.

(5) The powers incident to all corporations are, 1. To maintain perpetual succession. 2. To act in their corporate capacity like an individual. 3. To hold lands, subject to the statutes of mortmain. 4. To have a common seal. 5. To make by-laws. Which last power, in spiritual or eleemosynary corporations, may be executed by the king or the founder.

(6) The duty of corporations is to answer the ends of their institution.

(7) To enforce this duty, all corporations may be *visited*: spiritual corporations by the ordinary; lay corporations by the founder, or his representatives: viz. the civil by the king (who is the *fundator incipiens* of all) represented in his court of king's

bench; the eleemosynary by the endower (who is the *fundator perficiens* of such), or by his heirs or assigns.

- (8) Corporations may be dissolved,
 1. By act of parliament. 2. By the natural death of all their members.
 3. By surrender of their franchises.
 4. By forfeiture of their charter.

To the Editor of the British American Register.

SIR,

IN your Register for the 11th June, you have given your Readers an Epitome of the criminal Laws of England, extracted from the Encyclopedia Britannica by your correspondent A. E. By way of Preface he observes that we have the happiness to live under these Laws, with a few exceptions created by local circumstances.—Now Mr. Editor it will be highly gratifying to your Readers and particularly to me, to be informed what are these local circumstances which have obtained exceptions, and in what manner these exceptions operate, whether by the means of Positive Law, or the Courtesy of sufferance.

Arundo.

[The following luminous expositions of the interests of Great-Britain in her connexions with foreign nations, is extracted from Mr. Mackintosh's defence of Mr. Peltier. It is an able answer to the assertions of the writers of the French Government who represent the interests of Great-Britain as in opposition to the interests of all the Continental Powers.]

But it is not on these general grounds, Gentlemen of the Jury, that I earnestly impress on your attention the importance of maintaining a free discussion of foreign affairs. There are circumstances in the

history of this country in all times which shew how tender our ancestors were of the liberty of discussion on this subject. These circumstances arise from the peculiarity of our relations with the continent. Ever since England happily renounced all views of aggrandizement on the continent, we have had no interest in its situation but that of national safety and commercial prosperity. National safety in regard to continental powers depends upon nothing but on the uniform observance of the rules of justice—that is, in other words, on their regard to the sacredness of ancient boundaries, and their respect for ancient possessions. The interest we have in continental affairs is an interest that the rules of justice should be observed, so that no state by encroachment and by aggrandizement rise on the ruin of our neighbours, so as to be formidable to ourselves.—As to our commercial prosperity, it depends essentially on peace and tranquility; for whatever foolish, and absurd men may pretend, no war can be gainful to a commercial nation. Our interest depends upon the tranquility of other nations; for whatever vulgar politicians may stupidly assert, nothing can be more fatal to an industrious people than poverty and misery among neighbours; for it is clear that as it is for the benefit of a tradesman that his customers should be opulent, so it is advantageous for a manufacturing nation to be surrounded by wealthy neighbours. Indeed, among other causes, the great commercial prosperity of this country may be ascribed to the general improvement of society in Europe, to the diffusion of wealth, and to the increased ability of consumption. Our commercial prosperity accompanied the prosperity of other nations. It received nourishment from the general prosperity, and repaid it

from its own.—Every inch of land that was cultivated on the banks of the Mississippi, or in the wilds of Siberia, gave a new impulse to our prosperity, because it presented new sources of wealth, new abilities for consumption, new demands for objects of enjoyment, that is for that luxury against which civil declaimers have inveighed so much, and which, notwithstanding their clamorous lamentations has only kept pace with the improvement of the human species and is the measure of their progress in knowledge and in happiness.

Our national interest, therefore, in the affairs of the Continent, embraces these two points, to prevent the dangerous aggrandizement of any power, and to promote the general tranquillity of Europe. It must, therefore, be highly advantageous for this country to promote a bold examination of the conduct of Foreign Powers, and to excite a jealousy of their ambitious projects. The effect of this vigilant jealousy, and manly spirit of inquiry, is to animate and prepare the minds of men to resist an attack which they know is meditated against them. As was said by a great man of antiquity (Cicero) concerning himself, that no person was an enemy to the Republic, without at the same time being an enemy to him, so no state nor sovereign can be the general enemy of Europe, without being in a particular manner the enemy of England. The history of past times affords so clear an illustration of this truth, that whenever we find the ambitious and the unjust conspiring to disturb the repose and to attack the rights of their neighbours, they are compelled to announce their intention by manifesting their hatred to a country whose interest is the conservation and protection of all. This brave and generous nation, therefore, has ever been the first mark

against which the attacks of the ambitious have been directed. We have been stationed in the front of the battle. Thus our ancestors always encouraged instead of repressing, that spirit of proud indignation against injustice, that sense of wrong which, when Europe was menaced, was likely to supply the only resources by which danger could be repelled. Our ancestors, though they never felt, they inspired fear; but disdaining the selfishness of looking only to their local and immediate interests, superior to the pusillanimous sentiment of crouching to the ambitious or trembling at the frowns of powerful neighbours, they shewed a perspective fear, that wise discernment of danger which is not the parent of cowardice, but which leads to precaution. Our ancestors knew well that if danger was abroad it was only to be repelled or prevented by energy at home. They knew that no great enterprises, no national efforts, can succeed, unless seconded by a hearty zeal on the part of the people at large. Therefore they wished to see the country prepared for any extremity by putting on the armour of power and indignation against those who were to become their enemies. I need not tell you, Gentlemen of the Jury, that without public spirit fleets and armies are nothing. Public spirit is a thing very distant from courage, and without it courage is useless. No nation ever perished for want of personal courage; but many have perished for want of public spirit; that spirit which unites all private personal courage; gives it a livelier sense and a common direction. In this country varied as it is in every scale, of rank, of mind, of information and character, public spirit depends in a great measure on the energies of the popular parts of the nation. It depends on that manly pride, that that sense of dignity which even the

lowest person in this community has of himself, and the share he has in the public cause, and often in the exercise of the most important political rights. This spirit then must arise, and be directed in no small degree by public discussion, because every man finds the appeal made to understanding, and feels himself called upon to exercise his judgment. If then there be a disposition to examine with freedom, and to expose with boldness the designs of powerful and ambitious neighbours, to check that disposition by undue severity of punishment, would be to check that public spirit on which national vigour depends—it would be to break down our best bulwarks, and to disarm that force by which public danger must be repelled. These, Gentlemen, are no new principles. They are found old fashioned English sentiments, founded upon an acquaintance with English interests and with English history.

MELANGES.

Il vient de paroître à Paris, un poëme didactique, intitulé LE POTAGER. Ce poëme fortant, par son titre et par les talents poétiques qu'il annonce, de la classe des ouvrages en vers qui ont été publiés depuis long-temps à Paris, nous en donnons quelques fragmens.

Avec de l'esprit on peut embellir quelques détails d'un jardin potager ; il faut encore du talent pour en faire un poëme didactique ; car il ne s'agit pas moins que de triompher à la fois de la langue et du sujet. D'ailleurs, l'antiquité fournit peu d'imitations à la muse légumière. Les jardins d'Alcinoüs si vantés, celui où le vieux Laërte ensevelissoit sa douleur dans l'absence d'un fils chéri, ne consistoient qu'en vignobles et en vergers. Tous

ces guerriers antiques se nourrissoient fort peu de légumes, ils préféroient les dos succulens des porcs et des génisses qu'ils immoloient eux-mêmes ; et des captifs broyoient pour leurs festins héroïques, le froment doré, la force de l'homme. Le jardinage fut à Rome dans une plus haute estime ; il étoit l'amusement favori de ses héros et de ses sages. On voit même des familles patriciennes qui ne dédaignoient pas de tirer leurs noms des herbages qu'ils cultivoient de leurs mains. C'est ainsi que les Valériens reçurent le surnom de Lutatiens, d'une espèce de laitue plus belle et plus rare, qui croissoit dans leurs jardins. Les noms des Fabius, des Cicéron, &c. ont encore une origine semblable ; et cependant Virgile, après avoir chanté tous les travaux de la maison rustique, n'a plus de voix pour les jardins. Il le regrette, et les vers admirables où il exprime ses regrets, laissent douter s'il se seroit arrêté long-temps au potager. Peut-être qu'il n'a été distingué, et qu'il n'a été formé un jardin à part, que chez les nations modernes. Sous ce rapport, il appartenoit au Virgile François d'en décrire les richesses, et d'en diriger la culture ; mais un tel sujet a pour lui peu d'attrait : il est charmé par de plus riantes perspectives, le bruit des cascades l'interrompt au milieu de ses leçons, et les bosquets de ses jardins Anglois lui dérobent la vue de l'humble potager.

M. Lalanne vient réparer cet oubli et venger cet affront ; mais c'est avec le ton aimable et modeste d'un disciple qui fait apprécier ses maîtres.

Au Virgil François, à celui des Romains
Il dérobe les fleurs qui tombent de leurs mains.

Il y avoit en général deux excès à redouter dans une composition de ce genre, où le stile doit être le premier mérite : la trivialité des mots, et la trop grande recherche des tournures. A la vérité, l'auteur avoit sous les yeux

des modèles qui ont trouvé la perfection entre ces deux excès. Par eux, la poésie s'est enrichie de tours et d'expressions qui nomment avec honneur les détails les plus communs de la vie rustique. La muse Française s'est d'abord étonnée de sa hardiesse et de ses ressources, et maintenant elle approuve toutes les violences heureuses que l'on pourra faire à la superbe délicatesse de cette langue. Toutefois cet artifice d'expression ne se réduit pas à un simple jeu d'esprit, mais demande encore tout l'instinct du poète : son apparente facilité en a trompé plusieurs, et c'est ce qui ajoute à la gloire du petit nombre qui a réussi.

L'auteur sera compté dans ce petit nombre. Il a prouvé, dans cet essai, qu'il savoit unir la précision à l'élégance, et les jeux de l'imagination à la fidélité des détails. Nous en donnerons pour exemple le passage où il décrit la culture de l'asperge. Le mérite en est également sensible pour le poète et pour le jardinier.

N'attend, que le terrain à vos plans destiné,
Soit en larges ravins par ce fer sillonné ;
De terreux dans les fonds, une couche étendue,
Doit remplacer la terre aux deux bords suspendue.
En espaces égaux, il faut, dans les chemins,
Couvrir, en les pressant; les touffes aux cent mains.
Filiçans chevalier, innombrables racines,
Le germe y dort, s'enterre et sort de ces ruines ;
A peine le soleil a fait vingt fois son tour,
L'asperge impatiente arrive et voit le jour,
Peuple de mille jets les longues avenues,
Et fait jaillir l'essor de ses tiges menues.
Reçoivent leur jeunesse ; attendez tout du tems :
L'aïer n'y doit toucher qu'au troisième printems,
Alors qu'avec lenteur la tève vigoureuse
A bûir a nourri la plante savoureuse.
Lorsque, vers son déclin, de ses chaumes flétris,
La nature à l'Automne a cédé les débris,
Sur vos chers nourrissons la terre, chaque année,
Au lieu dont elle sort doit être ramené.
Autre tems, autres soins. Au mois où le Relier,
Jadis ouvroit l'année, et marchoit le premier,
Pour briser la saison à l'Hiver les enferre,
Et à bêcher, sur vos plans, doit renouer la terre ;
Le germe, à peine éclos, en tiges s'est dressé :
On le voit croître, il croît. Le sol est hérissé
Tel, autrefois, d'un champ peuplé rent la surface,
Les guerriers dont Cadmus enseigna la race, &c.

Les détails suivans étoient bien plus ingrats ; mais l'expression poétique

est fidèle à l'auteur, dans les endroits même qui en paroissent les moins susceptibles.

Tout-fois, résistant à votre impatience,
N'allez pas au hazard répandre la semence.
C'est peu qu'en un terrain le fer soit enfoncé,
Le meilleur sol languit s'il n'est point engraisé.
Avez vous pour domaine une argile tenace ?
Les fels de la brebis en divisent la masse.
N'avez vous qu'une arène et qu'un sable léger ?
Ne l'abandonnez pas ; on peut le corriger.
Que l'humide lièvre où s'étend le génier,
De ses sucs onctueux le mouille et le nourrisse ;
Couvrez le sol d'argile et de sable mêlé
Du chaume que la nuit les courriers ont soulé.

On a remarqué que le potager étoit plutôt un sujet d'épisode dans un poème sur les jardins, que le sujet d'un poème particulier. Cette critique n'est pas sans fondement, mais pourtant on suit avec plaisir le poète dans ses travaux champêtres, on l'écoute avec intérêt, et l'on oublie volontiers les bornes de son enclos et l'aspect monotone de ses plattes-bandes.

Quelques lecteurs, cependant, pourrout le trouver un peu trop rigoureux dans ses lois somptuaires sur le potager.

Il proscrit de son enclos

Le vain luxe de Flore,
L'oranger fastueux, la tulipe inodore.

La tulipe, au front de neige éblouissant,
Le narcisse amoureux, de pâleur languissant,
Tout ce vain appareil de l'orgueil et du faste,
Humilieroit ses choux d'un insultant contraste.

Il se contente d'un cabinet de lauriers, d'un berceau de pampre, et de quelques fleurs de choix. Mais pourquoi n'admet-il pas les abeilles dans son potager ? Elles auroient exigé plus de fleurs et d'ombrages.

On regrette d'autant plus que le jeune poète se soit interdit plusieurs détails gracieux, qu'il étoit fait pour y réussir. Le morceau suivent, par exemple, n'est-il pas plein de charme et de facilité ?

C'est peu de l'abondance, autour de vos demeures
 Tout doit vous égayer, même le cours des heures.
 Pourquoi donc à mes yeux offrir cet instrument,
 Qui, du jour fugitif, m'avertit tristement ;
 L'interprète muet, colonne où l'ombre agile
 Marque les pas du tems sur l'ardoise immobile ?
 Que tout vive et respire au doux séjour des champs ;
 Une horloge champêtre y doit régler le tems.
 Voyez vers le soleil, la jalouse Clytie,
 Tourner incessamment la tête appéfantie ;
 Le dieu qui la trahit, le dieu qu'elle aime encor,
 A peine a déployé son étincelle d'or ;
 La nymphe, à cet aspect, pour cacher son outrage,
 De honte et de douleur a baissé son visage ;
 Et cadran naturel, du travail matinal
 Au jardinier a-t-elle donné le signal ;
 Et lorsque de ses feux déjà loin de leur source,
 Le soleil, enflammant le milieu de sa course,
 Tient au plus haut des airs la balance du jour ;
 Que Clytie abattue en vain languit d'amour,
 Alors des simples mets que vous avez fait naître,
 Il est tems de couvrir votre table champêtre ;
 Mais pour revoir l'héris, sur son char moins ar-
 dent,
 Plus bas se hâte enfin d'atteindre l'occident :
 La nymphe, dont le front lentement se relève,
 Semble le suivre au bord où sa course s'achève ;
 Fermez alors, termes vos jardins, vos vergers ;
 C'est pendant du repos et des songes légers.

et portant au bras un panier rempli de petites provisions qu'elle venoit d'acheter à la halle, fut cette Mme. . . . que j'avois quelque fois rencontrée dans le monde, et qui y étoit distinguée par son amabilité, la considération dont son mari jouissoit, une figure assez agréable et une réputation irréprochable.

Après avoir marché quelque temps en gardant un silence qui paroissoit l'embarrasser autant qu'il me sembloit difficile de le rompre, j'osai de lui dire que, sans avoir l'honneur de la connoître, et conséquemment sans avoir le droit de m'informer de ses malheurs, j'osois espérer cependant qu'elle me pardonneroit de lui dire combien je souffrois de voir la veuve de M. . . . dans cette déplorable situation.

Mme. . . . leva les yeux au ciel, et, du coin de son tablier qu'elle tenoit à la main, se couvrant un peu le visage, elle me dit en soupirant : je ne suis pas la veuve de M. . . ., je suis la cuisinière de sa femme.

Ah ! mon Dieu ! m'écriai-je, qu'est-ce que tout cela signifie ?—Il m'avoit abandonné, reprit-elle, il s'étoit marié. Et moi, sans ressources, sans pain, sans courage, sans fierté, j'ai accepté la proposition qu'il m'a faite d'être la cuisinière de sa nouvelle femme.

M. . . . a perdu presque toute sa fortune, et je suis aujourd'hui la seule servante dans une maison où j'étois autrefois maîtresse. Si la conduite de M. . . . le déshonore, si celle de sa femme à mon égard la couvre de honte, l'humiliation attachée au malheur qu'on ne supporte pas avec fierté, m'a tellement avilie à mes propres yeux, que je commence à m'habituer aux détails pénibles de ma situation actuelle, et d'un aussi révoltant intéri-

Poëte.—*Mœurs du Jour.*—Mais non, je ne me trompe pas ; c'est bien Mme. . . . que j'ai l'honneur de saluer.—Oui, Monsieur, c'est elle ; mais ce n'est plus moi.—Et elle baissa les yeux ; une larme coula sur son visage pâle : sa main trembla en s'appuyant sur mon bras. Je la regardai, et son vêtement annonçoit tant d'événemens malheureux, un changement d'état et de fortune, si subit et si triste, que je n'osois à cet égard, lui montrer aucune curiosité : la pitié même ne doit pas être indiscrète. Cependant ses premiers mots me revenant toujours à la pensée : "C'est elle, mais ce n'est plus moi." Je pensai qu'elle avoit perdu son mari et sa fortune. Cependant, se faire cuisinière ! car tout annonçoit que tel étoit son état actuel ; cela me paroissoit inconcevable. Je ne pouvois me figurer que cette femme que je voyois avec un mouchoir de couleur, assez sile, et fort négligemment noué sur la tête, une camisole de laine bleue, une jupe de même étoffe, un tablier de cuisine,

eur de maison. Cependant, qu'ils font horribles, honteux ! que votre imagination vous les présente ; quant à moi, je ne dois pas les raconter, je ne fais plus en rougir.

Dans ce moment nous arrivions près de sa maison. Je vis à la fenêtre M. . . . et sa femme, qui se retirèrent avec précipitation, lorsqu'ils m'aperçurent. Je saluai Me. . . je la quittai sans lui répondre un seul mot.

NOUVELLES.

Extrait du Globe, Papier de Londres, du 14 Mai.

Mr. Lyell, messager, arriva au Bureau du Lord Hawkesbury vers une heure et demie, et un peu après deux heures, le Lord Maire fut à la Bourse, et délivra la communication suivante du Lord Hawkesbury :

“ *Downing S. 14 Mai, 1803.*

“ Je crois ne devoir perdre aucun tems pour informer votre Seigneurie, que Lyell, le Messager, vient d'arriver de Paris, avec des dépêches du Lord Whitworth ; par lesquelles il paroît que sa Seigneurie a reçu son passeport Jeudi au soir, et étoit sur le point de quitter Paris lorsque le messager en partit.

“ J'ai l'hon. d'être,

“ MILORD,

“ De votre Seigneurie

“ Le très humble et obéiss. serv.

“ HAWKESBURY.”

“ *Au très Hon. LORD MAIRE.*

Avant cette communication les fonds étoient tombés aussi bas que 60 La communication ne fut pas plutôt faite, qu'ils monterent à 63. On ne peut rendre compte de cette hausse que par l'espoir où on étoit que le Lord Whitworth, n'ayant pas absolu-

ment laissé Paris, il restoit encore une petite chance qu'il y fut détenu. Cependant ils commencèrent peu de tems après à montrer des symptômes de dépression.

Sa Seigneurie avoit reçu les ordres de quitter Paris la semaine précédente, mais il fut retardé par une requisition du gouvernement François, afin de donner le tems de recevoir une réponse à de nouvelles propositions qu'il avoit envoyées à Londres. La réponse du gouvernement de Sa Majesté fut reçue à Paris le 10e. et sa Seigneurie, comme il paroît par la communication du Lord Maire, partit le jour suivant.

La Chambre des Communes étoit ajournée à Lundi le 16, lorsque les papiers touchant la négociation devoit être mis devant le Parlement ; mais on supposoit généralement que Malthe étoit le point principal de discussion.

Durant les deux semaines précédentes, la presse des matelots et les préparations guerrières furent poursuivies avec une activité sans exemple, et le plus grand succès. Le Lord Cornwallis doit commander dans la manche, le Lord Keith dans la mer du Nord, et le Lord Nelson dans la Méditerranée. Il paroît que les mêmes efforts ont eu lieu chez les François. On faisoit marcher journellement de gros corps de troupes dans la Hollande, la Suisse et l'Italie.

LATEST FOREIGN NEWS.

The master of the Brig *Durcheller*, arrived yesterday afternoon, in eighteen days from Caplin Bay, Newfoundland, reports, that just before he sailed, Mr. Carter of the Custom House had arrived in seven hours from St. John's, with intelligence of the arrival of a vessel at Trinity in fifteen days from London, which brought accounts of the differences between Great-Britain and France having been amicably adjusted. We give this report, in substance, as it was obtained from the mouth of the master.

A brig which sailed from Greenock the 18th May also came up last evening; she brought a Greenock Advertiser of the 17th, which contains in a postscript, the intelligence of the departure of Lord Whitworth from Paris, and a report copied from the London papers, that Bonaparte has refused the great question of Peace or War to the Councils. The following extract of a private letter from London, is then inserted:

" Lord Whitworth is arrived. The Councils of France have declared unanimously for War; therefore War is inevitable."

" Council-Office, Whitehall, }
14th May, 1803. }

TO SUBSCRIBERS.

THE present number completes the first half year of the Register, and the term of subscription. The work has been patronized in a manner so liberal, that the publisher has only to regret that its merit has not been equal to the patronage. The experience of the past six months, has convinced him, that he cannot depend on sufficient assistance to enable him to continue the publication weekly: It will therefore, hereafter, be confined to original productions, and papers immediately interesting to British America, and published occasionally, when a stock of materials sufficient to make up a number shall have been received; it will then be delivered to such of the present subscribers as do not signify their intentions to the contrary, at the present price, payable on demand.

This mode of publication, it is hoped, will partly answer the end for which the work was undertaken; and those who are disposed to cultivate literature or convey their sentiments to the public on any interesting topic, with a view to the general good, will still find an appropriate vehicle for their writings; and at the same time have the advantage, if the present Subscribers continue their patronage, of an extensive circulation.

Those Gentlemen who have already communicated the fruit of their

studies, or interesting papers to the public through the medium of this paper, are respectfully and earnestly requested to continue their useful labors.

The Index and Title page of the present volume, will shortly be delivered to the Subscribers.

The Subscription money will be received at the Printing-Office, Quebec, at Mr. Sill's, Three-Rivers, at Mr. Brown's, Montreal, and Mr. Bennett's, York, Upper-Canada.

AUX SOUSCRIPTEURS.

Le présent Numéro complète la première demié année du Régistre et le terme de la Souscription. L'ouvrage a été favorisé d'une manière si libérale, qu'il ne reste à l'Imprimeur qu'à regretter que son mérite n'ait pas égalé la faveur qu'il a reçue. L'expérience des six derniers mois l'a convaincu, qu'il ne peut compter sur une aide suffisante pour le mettre en état de donner une publication hebdomadaire: c'est pourquoi, il se bornera à l'avenir aux productions originelles, et à des papiers qui intéressent immédiatement l'Amérique Britannique, qu'il publiera de tems à autre lorsqu'il y aura un fonds de matériaux assez considérable pour former un Numéro. La feuille sera délivrée à ceux des présents Souscripteurs qui n'auront point signifié leur intention au contraire, sur le pied du prix actuel, payable à demande.

Il est à espérer que ce mode de publication répondra en partie au but proposé lorsqu'on a entrepris cet ouvrage; et ceux qui sont disposés à cultiver la littérature, ou à communiquer leurs idées au public sur aucun sujet intéressant, dans une vue d'un bien public, trouveront encore un véhicule approprié pour leurs écrits; ils auront en outre, si les souscripteurs

actuels continuent leur protection, l'avantage d'une circulation étendue.

Les Messieurs qui ont déjà communiqué au Public, par la voie de ce papier, le fruit de leurs études, ou des papiers intéressants, sont très respectueusement et instamment priés de continuer leurs travaux utiles.

L'Index et la page du Titre du présent volume, seront délivrés sous peu aux Souscripteurs.

L'argent de la souscription sera reçu à l'Imprimerie à Québec, chez Mr. Sills aux Trois Rivières, chez Mr. Brown, à Montréal, et Mr. Bennett, à York, dans le Haut-Canada.

POETRY.

ODE TO FOLLY.

Hail, Goddess of the vacant eye!
To whom my earliest vows were paid,
Whose prattling hush'd my infant cry,
As on thy lap supinely laid
I saw thee shake in sportive mood
Thy tinkling bells and antick hood,
Source of the sweets that never cloy,
Folly, indulgent Parent, hail!
Thine are the charming draughts of joy
That childhood's ruby lips regale:
Thy hands with flowers the goblet crown,
And pour th' ingredients all thy own.
No fiery spirits enter there
To rouse the tingling nerves to pain,
Thy belmy cups, unbought with care,
Swim lightly o'er the tender brain;
Bland as the milky streams they flow,
Nor leave the pungent dregs of woe.
Gay partner of the school boy band,
Who cha.m'd the starting tear away,
What tho' beneath the pedant's hand
My flaxen head devoted lay,
Oft were my truant footsteps seen
In thy brisk gambols on the green.
Too soon those moments danced away;
My years to manhood onward drew,
And as my heart began to play,
My listless limbs more languid grew:
For now a thorn disturb'd my rest,
The wish for something unpossessed.
At length with wonted palinnes tired,
Aside the boyish gawd I threw,
But when with expectations fired

I to the world's wide circle flew,
I look'd around with simple stare,
And found thee in broad features there:
There saw thee high in regal seat,
Thy crowded, clamorous orgies hold,
With bounding hands thy cymbals beat,
And wide thy tawdry flag unfold;
Whilt' thy gay motley liveries shone,
On myriads that begit thy throne.
The devious path sweet pow'r I join'd,
Thro' fancied fields of bliss we stray'd,
A thousand wonders we design'd,
A thousand idle pranks we play'd;
Now grasp'd at glory's quivering ray,
And now in Chioe's chains we lay.
But Folly why prolong my verse
To sing the laughter-loving age,
Or what avails it to rehearse
Thy triumphs on the youthful Stage,
Where Wisdom, if she claims a place,
Sits ever with an awkward grace?
For now, e'en now, in riper years,
Smit with thy many-coloured vest,
Oft I renounce my cautious fears,
And clasp thee to my thoughtless breast;
Enough that in *Presumption's* mien
Beneath my roof thou ne'er art seen.
That as my harmless course I run,
The world thro' candid lights I view,
And still with generous Pity I hun
The moody, moping, serious crew;
Since what they fondly, vainly prize,
Is ever, ever to be Wise.

MARCHE'S.

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METEOROLOGICAL TABLE, JUNE 1803.

Days.	M's Age.	Weather.	Wds	Barometer.		Thermo.	
				Inches.	Degrees.	M.	A.
26)	cloudy		29.5	29.5	60	75
27		fine		29.3	29.3	66	76
28		thun. sh.w		29.3	29.3	66	76
29		fine		29.4	29.4	61	82
30		fine		29.4	29.4	78	86
1		showers	E	29.3	29.3	67	55
2		fine		29.4		60	

☉ N. Moon. ☽ 1st. Quar. ☉ F. Moon. ☾ last 2.