

THE BRITISH WHIG,

AND GENERAL ADVERTISER FOR THE MIDLAND DISTRICT.

PUBLISHED SEMI-WEEKLY,

OPIFER PER ORBEM DICOR.

BY E. J. BARKER, M. D.

VOL. IV.

KINGSTON, U. C. WEDNESDAY, OCTOBER 14, 1835.

NO. 21.

THE BRITISH WHIG,
A SEMI-WEEKLY JOURNAL, devoted to Commercial and Political information, is published every Tuesday and Friday by Dr. Barker, Editor and Proprietor, at his Office in King Street next door to the Commercial Hotel.

TERMS.—For the BRITISH WHIG, seventeen shillings and sixpence per annum if paid in advance, or within three months from the receipt of the first number; and one pound, if collected at the end of the year, exclusive of postage.

No subscription received for less than six months, and no paper discontinued until all arrears are paid up, except at the option of the Publisher.

Advertisements.—Six lines and under 2s. 6d. first insertion, and 7d. each subsequent insertion. Ten lines and under 3s. 4d. first insertion, and 10d. each subsequent insertion. Above ten lines, 4d. per line for the first insertion, and 1d. per line for every subsequent insertion.

Advertisements without written directions are inserted till forbid, and charged accordingly. Orders for discontinuing advertisements to be in writing.
Produce of every kind received in payment.
No letters taken in, except from Agents, unless POST PAID.

Letter Press Printing
Executed with neatness and despatch, upon terms unprecedently low in Upper Canada.

* All work to be paid for within three months after execution.
Kingston, Aug. 1835.

THE SUBSCRIBER
ANNOUNCES to his friends and the Public, that he has removed to those very extensive premises in Front Street, next to the building formerly occupied by the Commercial Bank, where he offers for sale a very extensive and general assortment of

BRITISH AND FOREIGN
STAPLE & FANCY DRY GOODS,

As well as the following Groceries, &c. viz.

- 100 Chests Tea, various sorts,
- 20 Hhds. refined Sugar,
- 20 " Muscovado do.
- 50 Kegs Plug Tobacco,
- 20 Boxes Cavendish do.
- Macebony and Rappcey Stuffs,
- Paint and Cod Oil,
- Saltpetre, Fig Blue and Starch,
- White and colored Paints and Black Lead,
- Mustard in Jars,
- Spermaceti Candles,
- Tallow Candles, Spermaceti wick. (new article),
- Liverpool and Montreal SOAP,
- Flour and Oats,
- Olive Oil, in hhd. and pipes,
- Mackerel and Herrings.

LIQUORS.
30 Hhds. Cognac Brandy, rich flavor & strong proof, Oudry, Dupuy & Co. and other favorite Brands.

Bordeaux Brandy,
Schiedam, Geneva and Hamburg Gin,
Punches Jamaica Spirits, proof 1 to 2,
Upper Canada Whisky.

WINE & SPIRITS.
Quarter Cases of old Madeira, approved Vintages, Blackburn & Oliviero & Co.'s Brand.

Xeres Sherry,
London Particular Tenerife, and the most extensive and general assortment of RED and WHITE WINES, worthy the attention of Country Merchants and Tavern Keepers.

BOTTLED WINES.
East India Madeira,
Brown and Gold Sherry,
Genuine Old Port,
Sparkling Champagne, Jollie's Brand.

PORTER.
Hibbert's and Dunbar's Brown Stout,
In pints and Quarts.

Cases of Schiedam Gin.

STOVES.
100 2's to 3 feet Stoves,
Cooking Stoves,
200 Boxes Window Glass, various sizes,
Shovels, Cut and Wrought Nails,
Boxer 1 C & 1 X Tin.

Occasionally deserving the notice of the Public, and the advantages of the wharves and premises he occupies for the general purposes of trade and the terms upon which his stock is always laid in, through his friends in Montreal enable him to sell as low as the Montreal prices.

Advances will be made upon all consignment of produce for sale here, or for shipment to his friends at Montreal. The charges will be found moderate.

THOMAS MACNIDER,
Kingston, August 22, 1835. 71c.

SALE OF

CLERGY RESERVES

IN THE

EASTERN DISTRICT.

Commissioner of Crown Lands' Office,
Toronto, 31st August, 1835.

NOTICE is hereby given that the undermentioned Clergy Reserves in the Eastern District, will be offered for sale by Public Auction, at the Court House in the Town of Cornwall, on Friday the 23rd day of October next, at 10 o'clock a. m. at the upset price of 10s. Currency per acre, upon condition of actual Settlement. The terms of payment will be one-tenth of the purchase down, and the remainder in 9 equal annual instalments, with interest upon each instalment as it becomes due.

TOWNSHIP OF ROXBOROUGH.

1st Con. Lot No. 33
2 " " 33
5 " " 7
6 " " 33
7 " " 79 11 13 15 17 19 21 23 25
26 28 30 32 34 36 38.
8 " " 5 7 9 11 Rear 1's 12 and 13
14 15 16 17 20 22 24 26
28 30 32. 34 36 38.

TOWNSHIP OF FINCH.

3d Con. Lot No. 2 16
4 " " 3 10
5 " " 2 16
6 " " 3 17
7 " " 2 19
8 " " 22
9 " " 2
10 " " 3 10 22
11 " " 2
12 " " 3

TOWNSHIP OF KEUQUON.

9th Con. Lot No. 20

TOWNSHIP OF OSNABURCK.

9th " " No. 1.

PEPER ROBINSON,
Commissioner of Crown Lands.

Editors of Papers throughout the Province will please to insert the above until the day of sale.

PROSPECTUS FOR PUBLISHING A

COPPER-PLATE MAP

OF THE MIDLAND DISTRICT.

The Subscriber proposes, should sufficient encouragement be given, to publish a Map of the Midland District, including one range of Townships in the Newcastle District, on a scale of 150 Chains to an Inch; exhibiting all the Mail Roads, Cross Roads, Rivers, Rivulets, Lakes, Churches, Meeting Houses, Saw Mills, Grist Mills, Towns, Villages, Wharves, Steam Boat Landings, &c. &c. by Lot, Concession and Township.

The undersigned, being about to build a Copper-plate Printing Press, is determined to Print, Publish, Varnish, and Mount, the proposed Map in his own Township, and therefore looks to a generous and enterprising public for patronage and support.

The Map will be nearly 3 by 4 feet; it will embrace four Ranges of Townships, from the Bay of Quinte back, and will be executed in a style equal to the author's Map of Prince Edward. It will be published on a Copper engraving, Coloured, Varnished, Mounted on Rollers, and delivered to Subscribers at four dollars per copy, payable on delivery.

P. V. ELMORE.
Hallowell, September, 1835.

White & Black Smithing

and Farriery.

The Subscriber hereby gives notice that the above business will be continued by him, in all its various branches, at the Old Stand, Head of Store St. lately occupied by Bradt & Forsyth, where he hopes for a continuance of patronage.

ROBERT FORSYTH.
Kingston, August 27th, 1835. 8-1m

RAGS! RAGS! RAGS!!!

THE highest price in Cash paid for Rags at this Office.

British Whig Office, Kingston, July 21, 1835.

Leicester Rags.

THE Subscriber will expose for sale, at the next Kingston Court, a quantity of Leicester Rags imported by him from England last Fall.

Wm. HOLDITCH.
East Loughboro', Sept. 12, 1835.

CHAUDIERE BRIDGE.

Ordinance Office,
Bytown, Sept. 17, 1835.

SEALED Tenders will be received at the above Office, on or before the 6th October next, at twelve o'clock at noon, for leasing the Chaudiere Bridge, for one year.

The rate to be stated in Halifax Currency, and two responsible securities will be required for the due performance of the agreement. 15

SHORTLY WILL BE PUBLISHED AT TORONTO,

(BY THE AUTHOR OF THE PROVINCIAL JUSTICE.)

AN ABRIDGEMENT OF THE TOWNSHIP LAWS;

INCLUDING the Highway and Assessment Acts, the Court of Requests Act, and the new Township Meeting Act, with original appropriate forms for the use of the Commissioners. The line fence Act, and several other popular and interesting matters relative to the townships, with a treatise on the law of Landlord and Tenant, and Distress for Rent, &c. forms of Notices to quit; Leases; Distressing Warrants, &c. and the Law and Office of Constables, with free instructions for the performance of the duties of the office.

The object of this publication being to place within the reach of the humblest means, and in a cheap form, a familiar view of the above popular and important branches of the Law.

* Editors who advertised the Provincial Justice, are requested to insert this on the same terms.

Toronto, Sept. 12, 1835.

DISSOLUTION OF PARTNERSHIP.

THE Co-partnership, heretofore existing between the Undersigned, has been this day dissolved, by mutual consent. All debts due the late Firm are hereby directed to be paid to James Thomson, who will also settle all just demands.

JAMES THOMSON.
JOHN RIDDELL.

Kingston, Sept. 18th 1835. 14

NOTICE.

THE Subscriber returns his thanks to his friends and the public, for the support that his late partner and himself have received since their commencement in business, and begs leave to acquaint them, that he intends to continue the Baking Business in all its branches, at the Old Stand in Quarry Street.

JAMES THOMSON.
Kingston, Sept. 18th 1835. 14

LAKE ONTARIO.

THE FAST SAILING STEAM PACKET

ST. GEORGE,

Lieut. HARPER, R. N. Commander,

Will leave Kingston for Toronto as follows:

UPWARDS.

September.—Thursday 24 and Tuesday 29.

October.—Saturday 3, Thursday 8, Tuesday 13, Saturday 17, Thursday 22, Tuesday 27, and Saturday 31.

November.—Thursday 5 and Tuesday 10.

Touching at Oswego, Cobourg and Fort Hope, wind and weather permitting.

DOWNWARDS.

Will leave Toronto for Kingston,

September.—Saturday 27.

October.—Thursday 1, Monday 5, Saturday 10, Thursday 15, Monday 19, Saturday 24, and Thursday 29.

November.—Monday 2, Saturday 7, Thursday 12.

Touching at Port Hope and Cobourg.
Passengers leaving Toronto by the above Boat will always meet a Boat at Kingston which runs in connexion with the Montreal line of Stages.
All Freight payable on delivery.
Kingston, 21st September, 1835.

Commissioner of Crown Lands' Office,
Toronto, 26th September, 1835.

NOTICE IS HEREBY GIVEN,

THAT the undermentioned Clergy Reserves,

IN THE

TOWNSHIP OF SEYMOUR,

IN THE

NEWCASTLE DISTRICT,

will be offered for Sale by Public Auction at the Ferry House Tavern, in that Township, on Thursday the 15th day of October next, at 10 o'clock a. m. at the upset price of 12s 6d. currency per acre, and upon condition of actual settlement.

The terms of payment will be one-tenth of the purchase money down, and the remainder in nine equal annual instalments, with interest upon each instalment as it becomes due.

Lot No. 3, in the 4th Concession.

" " 17, in the 8th "

" " 16, in the 9th "

" " 10, in the 12th "

19 PETER ROBERTSON.

PROSPECTUS of a Weekly Newspaper, to be issued at Montreal, the first Number to appear on Saturday the 17th October next, 1835, and to be entitled THE TRUE BRITON and MONTREAL CONSTITUTIONAL ADVOCATE.

"FOR GOD, THE KING, AND THE PEOPLE."

WHEN we take into consideration the number of newspapers published within this city, and throughout this and the sister Provinces, little ground we confess, appears to be left for our present undertaking. Yet the incessant emigration to our shores, and the increased and increasing population of Montreal and the country at large, seem in some degree to warrant the present essay, and to call forth the exertion of our humble abilities to the arduous duties of the press.

Although we do not flatter ourselves that we shall be able to compete with many of our brethren in exhibiting to the merchant the details he requires to conduct his speculations in a successful issue, or to guide him in those his more important projects, yet we feel confident that the "True Briton," under the Agriculturalist.

It is our intention to give our readers a more extensive view of the state of our country, and to present a more complete and accurate view of the progress of our various departments, and to give our readers a more complete and accurate view of the progress of our various departments, and to give our readers a more complete and accurate view of the progress of our various departments.

In politics, as the title we have selected sufficiently indicates, we are Constitutionalists.

Some travelling and observation have wrought in us the conviction that under the British constitution those inestimable ingredients in our happiness, "Civil and Religious Liberty," are no where better secured and enjoyed than in Great Britain and her Colonies; and under this conviction, we shall sedulously endeavor to maintain their permanency within this and the sister provinces.

But in making this confession of our political faith, we wish to be perfectly understood; and pledge our reputation and honor that public abuses of any and every kind shall have our unqualified reprobation.

In religion we are Episcopalians. Attached by principle and habit to the doctrines of the Established Church of England and to the decent propriety of its Rites, we shall zealously, yet temperately support and defend its tenets and temporalities whenever they may be assailed on the one hand, or neglected on the other.

While, however, we assert these points, we desire to remain in peace with all men. We have lived long enough to bear witness to the truth of our Savior's declaration, that "God maketh the Sun to rise on the evil and on the good, and sendeth his rain on the just and the unjust." In using this quotation, we do not advocate lukewarmness in the faith in which we were brought up; but because we sincerely believe it is not given to man to pronounce that his own form of profession bears the evidence of a superior truth.

We, therefore, cheerfully grant to others what we claim for ourselves, liberty of conscience, and shall on all occasions that require its exercise, uphold the maxim of "Unity in things needful, and Charity in all," as indispensably necessary to the welfare of the community in which we live.

As our constant end and aim will be to present a miscellany that shall, as far as possible, meet the wishes of all classes of our readers, we intend to insert copious extracts from the late English, Irish, and Scotch newspapers, as well as whatever may be interesting to our Naval and Military readers; and as we shall also form a careful and extensive summary of events that have occurred in the British American Provinces, and in the United States, we presume to hope our publication will not be deemed an unacceptable offering to the friends of our subscribers residing in the United Kingdom.

To our fellow-countrymen residing in the Upper Province, the events now in progress in Lower Canada, cannot fail to impart a deep and anxious interest. It may, without fear of contradiction, be asserted, that the proceedings of the Commissioners now in Quebec, for the adjustment of the affairs of this Province, concern the inhabitants of that Province equally with ourselves. We shall therefore endeavor to make "The True Briton," a faithful record of the proceedings of his Majesty's Commissioners, and shall spare no means within our reach to accomplish that object.

As our publication will be delayed, during the Summer months at least, until after the arrival of the Southern Mail, its pages will consequently contain the latest intelligence from Europe, which may have arrived by the New-York packets.

As we intend to appropriate three columns out of the twenty-four of which our paper will be composed to advertisements, we trust the circumstance of our being one day in the week in advance of most of our contemporaries, will insure to us the patronage of our mercantile friends.

The brief space of a prospectus precludes a more extended announcement or illustration of our views; we shall therefore merely add, that our efforts will at all times be directed to effect the maintenance of the civil and religious rights of our fellow-countrymen; and to maintain inviolate the great principles of the constitution under which we have the happiness to live.

The True Briton will be printed with new Long Primer, on good paper, and in twenty-four columns. Subscription in the city, two dollars; out of the city (if by Post) three dollars per annum. To be paid in advance. Communications and Advertisements, are requested to be directed "True Briton" Office, 21st St. James' Street, opposite the residence of Dr. H. Jones. If by mail, to be post paid.

Mooreau, Sept. 8, 1835.

LAKE ONTARIO.

THE NEW STEAM BOAT

COMMODORE BARRIE,

Capt. JAMES SINCLAIR,
Propelled by two Low Pressure Engines,

Will, for the remainder of the season, run as follows:

GOING UP

Leave Kingston, Mondays 4 o'clock, afternoon,

" Rochester, Tuesdays, 9 " evening,

" Cobourg and Port Hope, Wednesdays, 8 o'clock, morning,

" Toronto, Wednesdays 5 " afternoon,

" Niagara, Thursdays, 7 " morning, for Hamilton.

COMING DOWN.

Leave Hamilton, Thursdays, 5 o'clock, evening,

" Toronto, Fridays, 7 " morning,

" Port Hope and Cobourg, Fridays, 8 o'clock evening,

" Rochester, Saturday, 12 " noon, for Kingston,
Kingston, September 14, 1835.

BANK NOTICE.

THE Board of Directors of the Farmers' Joint Stock Banking Company, hereby give notice, that upon Friday the 15th day of October next, they will commence Discounting Notes at the Office of the Company in Toronto, and thereafter upon all succeeding Fridays continue the same until further notice. Notes offered for discount must be put in the day before, under cover to the Manager.

Toronto, Sept. 28th, 1835. 18c

MISCELLANY.

CIRCUMSTANTIAL EVIDENCE—A MURDER.

The public road, which passed close by Mr. Moynihan's gate, was the same by which the Judges of Assize were accustomed to travel on their way to the western towns. It happened one evening (so goes the tale) that one of those personages who was about to open a commission in Trelaw, was overtaken by nightfall in the neighborhood of Tippecanoe Hill. He there saw a inn within the distance of several miles, and the Judge and Mr. Moynihan were well acquainted, the former determined to pass the night at the house of his friend, and resume his journey on the following morning. Accordingly, he directed his coachman to drive through the avenue gate, and was received with a ready welcome at the open door. Mr. Thomas Moynihan, notwithstanding those weaknesses which we have seen, and a certain violence of temper, which was at times uncontrollable, was yet in many things a man of a reflective and solemn turn of mind. Much of his attention has been given occasionally to the nature of human law and the extent of its power over human life and liberty. It was his opinion that in most Governments too little regard was shown to human life; and there was one point in particular which moved his horror. This was the ease with which circumstantial evidence was received in British Courts of Justice on questions of a capital nature. Such convictions, taking into account the many occasions on which the innocence of the culprit had subsequently been manifested in time to redeem his reputation but not to save his life, appeared to him in the light of so many formal and deliberate murders. On the present occasion, as the Judge and he were sitting quietly together by the fire-side after dinner, he could not resist the opportunity of introducing his favorite topic. He found, as he expected, his learned guest entirely of the other way of thinking. The Judge said that it was true circumstantial evidence might sometimes be merely spacious, and undoubtedly in such cases it was wrong to convict; but that there were circumstances which were fully as demonstrative of the guilt or innocence of the accused as the most direct and certain testimony could be.

Mr. Moynihan contented himself with saying that perhaps the time might yet arrive when he would have an opportunity of furnishing his Lordship with a case in point.

On the following day the Judge continued his route, and Mr. Moynihan resumed his customary occupations. He still continued to reflect much upon the injustice of depriving a fellow creature of life when there was even a possibility of his innocence. Even if there were cases, as he doubted not there might be some, in which circumstantial evidence might amount to certainty, he was yet convinced that no such strength of testimony was required in the great number of instances in which conviction had taken place. The more he thought upon it, the more he became assured of the correctness of his own views; and only longed for an opportunity of converting the Judge to his opinion. In a few mornings afterwards he was preparing to take breakfast at an early hour, when Rick Lillis entered the parlor to say, with a countenance agast with horror, that some countrymen without had taken a murderer, and wanted that Mr. Moynihan (who was a Justice of the Peace) should commit him to the county gaol. Mr. Moynihan seemed deeply struck at the intelligence. It seemed as if he even felt a nearer interest in the case owing to his recent controversy with the Judge. "Let them wait outside," said he, "until I have done breakfast, and I will hear them." In a short time after he ordered the men to be summoned into the office, where he usually took his examinations. Three countrymen entered, conducting a fourth, who by his terrified countenance, his disordered appearance, and some reddish stains upon his garments, was evidently the person accused. One of the others held a pitchfork, the handle of which was dabbled with blood. Mr. Moynihan, who knew the man perfectly well as one of his own laborers, and of the most peaceable characters in the country, seemed much concerned at beholding him in such a situation, but determined to give the fullest hearing to all the parties. "Place your Worship," said the eldest of the three accusers, "this boy an' my son Ned were at work together yesterday, an' they had some words comin' home, which nobody then took much notice of. But this morning it so happened that I went to work in your Honor's piatee garden agreeable to orders. It was early, an' I expected to be first upon the ground, which I knew to be plashin' to your Honor, but I was overtaken on the road by these two neighbors; so the three of us went on together with our spades in our hands. When we came into the field it was just the duck o'dawn. 'Stop,' says this man to me, don't you hear groanin'?' 'I hard something,' says I; 'but I made nothing of it, thinkin' it was the wind.' 'Tis not the wind,' says he, 'but some one that has a bad hurt, an' there they are!'

Sure enough at that minute we seen this boy here thryin' to make off with this pitchfork here—n his hand, but we pinned him. Little I knew what use he was after puttin' it to. I wish I had no more to tell—it's dear I aimed your Worship's piatee. We found my poor boy a dead corpse in the furrow, an' there's the villyan that done it." The two other witnesses being examined, corroborated in all its circumstances the evidence given by the first. Having patiently heard all they had to say, and finding that that they had not detected the man in the very act, Mr. Moynehan seemed desirous to dismiss the case. It was true, he said, that they had found the man on the spot, and with the bloody weapon in his hand, and with his hands on the dead body. This and his precipitate flight when seen, and the disagreement of the preceding evening, were strong circumstances; yet they did not amount to actual evidence of guilt, and he called on the prisoner for his explanation. The unhappy man turned pale and red alternately, and trembled as if his doom had been already fixed. He acknowledged the dispute, and indeed all the circumstances deposed by his accusers, yet he attested Heaven that he was wholly guiltless. "I went into the field," said he, "to my work, an' I found the corpse before me in the furrow, an' the pitchfork lyn a near it, an' while I was feelin' him to see had he any life, an' examinin' the spade, these people come upon me. I run, because I was afeard they'd say 'twas I done it, an' I took the pitchfork with me in my flight." Mr. Moynehan, who seemed affected in the strongest manner by the poor fellow's anxiety, was so far from judging him guilty, that he peremptorily refused to issue a warrant of committal, and used all his influence to dissuade the friends of the deceased from proceeding further against the prisoner. To this, however, they would by no means listen. They conveyed the accused before another magistrate, who committed him to gaol without hesitation.

The day of trial came, and Mr. Moynehan happened to be one of the Jury. The evidence was the same as before—the Judge his old acquaintance. To the whole Court, except to Mr. Moynehan, the testimony seemed conclusive. He, however, would not listen to the thought of a conviction. The arguments of his eleven fellow-jurors were vain—he would not subscribe to their verdict. The foreman made his report to the Judge, who reproached Mr. Moynehan severely with his obstinacy. The latter, however, was not to be moved, and the issue was (as the rumor goes) that the Jury were kished, and the prisoner set at liberty. When the Judge had returned to his lodgings, he could not avoid reflecting on the extraordinary character of this man, who had thus, to gratify a favorite theory, let a murderer loose upon society, and set up his own solitary judgment against the unanimous conviction of a crowded court. So deeply did it prey upon his mind, that he sent for Mr. Moynehan, in order that they might exchange some quiet conversation upon the subject. The latter readily attended on his summons. "My Lord," said Mr. Moynehan, with a serious air, on hearing the cause of the Judge's message, "you may remember a conversation which we had some time since on the subject of substantial evidence?" "Perfectly well," replied the Judge. "I told your Lordship then," said Mr. Moynehan, "that the time might yet arrive when I should have an opportunity of making you a convert to my own opinion." "That time, Mr. M. is certainly yet to come for I never knew a case so clearly against you, as that which we have tried to-day. May I request to know your reasons for such extraordinary perseverance—to give it no harsher name?" "My reasons are at your Lordship's service," answered Mr. Moynehan, "provided that I have your solemn word of honor not to divulge them during my own lifetime." The Judge, without hesitation, gave him the promise he desired. "I admit my Lord," said Mr. Moynehan, "that this case had all the strength of circumstantial testimony, which you considered necessary; but I could not in conscience convict the prisoner, for I AM MYSELF the slayer of the deceased." The Judge started back in horror. "Yes," said he, "it happened on that morning that I was in the field before any of my workmen. The deceased was the first who made his appearance, and I rebuked him for his neglect. Being a man of hot temper, he answered me with more than equal civility, and then he commenced with me. I struck him—he returned the blow—I held the pitchfork in my hand, and with one blow more I felled him to the earth. I fled in terror, and in less than one hour after the prisoner was brought before me. Judge whether I had not reason to be constant in my verdict of acquittal." The Judge kept his promise; but from that day forward he was much more cautious in receiving circumstantial evidence on a capital charge.

A new cavern has been discovered in that subterranean wonder, Kingston Cave, Mitchellstown, Ireland, which in extent and magnificence far surpasses any hitherto explored, being an English mile in length, about three perches in breadth, and varying from 30 to 40 feet in height. It is called the O'Callaghan Cave, the Hon. C. O'Callaghan, eldest son of Lord Lisimore, being the first visitor who entered it.

One hundred members of the Temperance Society, in St. Nicholas' parish, Cork, drank tea together on Tuesday night. The total number of members in Cork is 877.

FOURTEEN DINNER