

to the country, and to the learned gentleman, who so ably contended for the petitioners, and argued the case in such a manner as a case was never argued at their bar before, if he decided without examining the authorities which he quoted. As to the question whether the Returning Officer was a judicial or ministerial officer, he was willing the other day, when he brought forward his resolution to vote in favour of his being judicial; but from the able arguments, of the learned counsel at the bar, on this point, he wished a little time to enquire more closely into it, and as he was now placed in a different situation, being sworn, and about to give his opinion on oath, he would vote for the postponement.

Mr. Nichol was opposed to any delay; all the arguments were now fresh on their memory, and there could be no time more fit to decide the question; but as the hon. gentlemen of the learned profession wished to consult their books, he would allow them till to-morrow. As to the Returning Officer, he thought he was a mere ministerial officer, acting between the people and this House, and he should have left it to this House to decide judicially. Thursday was too late; he would therefore move the House to adjourn till to-morrow. They heard all the arguments last year on this subject on the trial of Mr. Bidwell, sen.—(Mr. N.) was then of opinion that Americans, born before the Revolutionary war, were natural born subjects, and all the luminous arguments contained in the speech of the Atty. General on that occasion, did not alter his opinion in the least.

Mr. C. Jones was in favor of postponement; there were but a few books on this subject, and every member wished to consult them. He thought the conduct of the Returning Officer on this occasion, was honorable to the candidates, to himself, and the country; as to the Returning Officer having a judicial authority, his mind had been made up on that point; but he confessed, since he heard the arguments of the learned Counsel at the bar, his opinion, in some degree, was shaken; he therefore hoped the House would give sufficient time.

Mr. Burwell thought it wrong for a Returning Officer to assume the authority he did on the present occasion; he would move an amendment to the resolution for the postponement. He then moved that it be Resolved, that certain facts stated in the Petition of Robert Perry, Jun. and others, complaining of the undue election of M. Clark, Esq. being admitted by the sitting member, the said Election is hereby declared void.

Mr. J. Jones hoped the hon. member would not press this motion, when hon. members had declared they were not prepared to vote. The learned Counsel had referred to several in support of his doctrine, and he would wish an opportunity of looking into these cases, as something might, perhaps, induce him to change his mind and opinions. Other gentlemen had declared that their opinions were already shaken by the arguments of the learned Counsel at the bar.—They were sworn to decide properly and correctly, and this was not a common place occurrence. He therefore hoped they would allow time for due consideration.

Mr. M'Lean, as an individual member, was not prepared to give his opinion, and hoped this resolution would not be adopted.

Mr. Rutten said this was a most important question; they were sworn to decide according to evidence and law, and he would never consent to give his vote, till he had a proper opportunity of making up his mind.

Mr. Hagerman was astonished the hon. gentleman (Mr. Burwell) would make such a motion. They were to try the whole question; and the principal point was whether Mr. Bidwell had any right, or was at all competent to oppose a British subject at that election. This was the first point they must decide; but the hon. member who proposed the present Resolution, seemed to do so in order to get rid of the other points. Several members for whose opinions he has the highest respect, were unprepared, and he hoped they would not hurry any man to give his opinion on oath; it was not becoming this grave body to do so.

Mr. Burwell had leave to withdraw his Resolution, and Mr. Baldwin's Resolution for postponing the debate till Thursday next, was put and carried.

Thursday, 13th February.

Mr. J. Jones said he was prepared with some Resolutions, but in order to collect the opinions of the hon. members, he would first state his own judgment on this important question. The House, in the first Resolution, declared, that if the allegations contained in the Petition were true, they would make void the election; he would now vote in a contrary way when called on under oath, he would decide conscientiously. The learned Counsel at the bar supported the Petition on two grounds; First, that the Returning Officer decided wrongly, because the rejected member was not an alien. With respect to this point, he (Mr. Jones) thought there could be little question. By the common law of the land, all persons born out of the King's dominions were aliens, and the rejected candidate was born out of the King's dominions. The learned Counsel at the bar contended that the rejected candidate was qualified by the provisions of 4th Geo. 2d, and 7th Anne, by which he argued that all Americans whose fathers were natural born subjects, were also natural born subjects themselves, and that his father being a natural born subject, the son could not be an alien. It would be absurd to suppose that persons who remained in the United States after the declaration of Independence, who took the oath of abjuration, and held high offices under the State, but who were afterwards compelled to remove from that country, and come into this Province, could be considered as British subjects. If so, every American who took up arms in the late war was liable to a prosecution for treason. The learned Counsel contended that a British natural born subject could not be absolved from his allegiance by his own act.

With respect to this, there were great doubts; but admitting it to be the case, he (Mr. Jones) would show that the father of the rejected candidate was absolved by the concurring voice of the British Legislature. It was said, that a person might be a citizen of the United States, and a British subject at the same time. This might be admitted to a certain amount; a British subject in some cases, may become a citizen of the United States, and enjoy all the rights of a citizen while he remains there, and on his return home be a British subject. A man named Collet, a British born subject, went to the United States after the treaty of '83, and became naturalized; he carried on business with a man named Butler, who was born in

the United States before the treaty of '83.—They traded to the East Indies as American citizens under the treaty of '95. Collet effected an insurance on property sent to the East Indies, and afterwards brought his action for the Insurance. The objection was that he was a British born subject, and not entitled to the provision in the treaty in favour of American citizens. It was decided by the twelve Judges, that he was a British born subject, and also a citizen of the United States.

He did not think the case of Maryatt and Wilson went to support the arguments of the Counsel for the Petitioners.

It was argued that the people of the United States were not absolved from their allegiance by the treaty of '95, nor by the act of '97 agreeing to that treaty; but he contended that the commissioners authorized to make the treaty by act of '82 were authorized also to absolve the people from their allegiance by the following treaty of 83.

(To be continued.)

EUROPE.

From the Paris Moniteur, Feb. 27.

M. MANUEL'S LETTER.—We yesterday received the following letter from M. Manuel:—

"Sir.—The President not having been able to read to the Chamber the letter which I had the honor to write to him, I beg that you will be so good as to publish it in your Journal.

Yours, &c. MANUEL."

February 26.

Mr. President.—The state of irritation in which a part of this Chamber is at present placed, makes me fear that I may not be able to find in this sitting a moment of silence to complete the expression of an opinion which I hope will no longer meet with any honest reprovers, when it is declared as I intended to utter it—as it ought to have been presumed from what I had before said; finally, as you yourself could not without injustice blame, if you had permitted me upon this, as upon a former occasion, to finish the whole phrase.

"The minister pretended to discover a ground for war in the necessity of preventing in Spain the occurrence of those catastrophes which stained the English and French revolutions with blood. I replied that the means which he would adopt, appeared to be precisely those which were best calculated to augment, instead of diminishing the dangers which were supposed to menace an august personage; and in support of my argument, I referred to the events which had led to the overthrow of the Stuarts, and the death of the unfortunate Louis XVI.

"I asked whether it was forgotten that this misfortune in France had been preceded by the armed interference of the Prussians and Austrians, and recalled to recollection, as a fact known to all the world, that it was then that revolutionary France, feeling the necessity of defending herself by new strength (*nouvelles forces*) and energy! . . . Here I was interrupted. If this had not happened, my tenor would have been as follows: "Then revolutionary France, feeling the necessity of defending herself with new forces and energy, set in motion all the masses, roused the popular passions, and thus occasioned dreadful excesses, and a deplorable catastrophe in the midst of noble resistance."

"No person could be more prepared than I was beforehand, to give way to all the prejudices, and even to the violence of a part of the members of this Chamber, whose principles and efforts I have considered it my duty strongly to oppose, because I believe in my soul and conscience, that those principles and efforts compromise at once the interests of the throne and the nation. But I ought not to be deprived, by interruptions and by a tumult, which you even considered inexcusable, of the right of being heard before I am judged. I desire that it may not be permitted to impute to me, even hypocritically, the absurd design of basely insulting, without motive, without interest, the misfortunes of august victims, whose destiny afflicts all generous hearts.—When I shall have spoken, I will brave the judgment of passionate men, and I shall fearlessly wait that of just men.

"I have the honour to be, Mr. President, your very humble servant.

MANUEL."

LONDON, March, 8.

M. Manuel.—The following is the protest of the sixty members of the Chamber of Deputies, against the exclusion of M. Manuel, the reading of which was put to the vote in the sitting of Wednesday, 5th of March, and rejected:—

"We, the undersigned members of the Chamber of Deputies of the departments, declare, with profound grief and indignation, that we feel it to be our duty to proclaim before all France, the illegal act, which, in hostility to the charter, the royal prerogative, and all the principles of representative government, has attacked the integrity of the national representation, and violated, in the person of a Deputy, the guarantees assured to all—the rights of every elector and every French citizen.

"We declare, in the face of our country, that by this act, the Chamber has overstepped its legal pale and the limits of its authority.

"We declare, that the doctrine professed by the Committee which proposed the exclusion of one of our colleagues, and on which that measure is founded, is subversive of all social order and of all justice; that the monstrous confusion of the functions of legislator, accuser, reporter, juror and judge, is an outrage unexampled, except in that trial the remembrance of which has served as a pretext for annulling the powers of M. Manuel.

"That the principles set forth in the report of the Committee, as to the unlimited and retroactive authority of the Chamber, are no other than the anarchical principles which led to the most odious of crimes;

"That the protecting forms with which

the law shields the most obscure person under accusation, and even the *appel nominal*, which on an important occasion can alone guarantee the independence of votes, have been rejected with a frantic and turbulent obstinacy;

"Considering the resolution adopted yesterday, the 3d of March, 1823, against our colleague, as the first movement of a faction desirous of placing itself violently above all forms, and breaking through all the checks imposed on it by our fundamental compact;

"Convinced that this first step is but the prelude to the system which conducts France to an unjust war abroad, in order to consummate the counter-revolution at home, and to invite the foreign occupation of our territory;

"Unwilling to become accomplices of the misfortunes which this faction cannot fail to draw upon our country, we protest against all the illegal and unconstitutional measures lately taken for the exclusion of M. Manuel, Deputy of La Vendee, and against the violence with which he has been torn from the bosom of the Chamber of Deputies."

IRELAND.

THE LATE TRIAL OF THE RIBBONERS.

The report of the late trial published by Mr. Milliken forms a large and handsome octavo volume, of nearly four hundred pages. The anxiety with which it was waited for, made the time necessarily occupied in preparing it, seem long, but now that the Report has appeared, we are really surprised at the celerity with which it has been sent from the Press. The trials of the Ribbonmen, published last winter by Exshaw, were only about one fourth of the length of this, yet five weeks were spent in printing them. The Trial for the Conspiracy has been printed in a fortnight, and published in the most creditable manner.

The following extracts from the speech of the Attorney General will be highly acceptable. They show the candour and manliness with which that learned Gentleman discharged his duty, and they furnish a complete refutation of the calumnies industriously propagated against the distinguished Nobleman at the head of the Government in this country.

MARQUIS WELLESLEY'S GOVERNMENT.

"And upon whom has this violence been committed? I shall not presume to draw the character of the Lord Lieutenant. It is a task which I leave to able hands; but there are some plain and simple truths, which I am in gratitude to him, and in duty to this country, bound to state. I have had frequent communications with that illustrious personage when he was deprived of the valuable assistance of my learned friend and of our excellent Chief Secretary. When this country exhibited a scene of unparalleled atrocity in the South, and when a dark and horrible conspiracy was spreading over the Northern and inland districts: on that occasion he submitted to a labour which the lowest clerk in any of the public offices would think himself oppressed with, to enable him to discharge the important duties of his office, and to contribute to the peace and happiness of this country. This he did at the expense not of comfort only but of health. But he is accused of wishing to put down the Protestants of this country. Nothing was ever more untrue. If you would judge of his principles of action, look to his acts—look to the men on whom he has conferred benefits—look to those whom he has appointed to office—look to him in the dispensation of mercy—and say if you can discover in him any of those principles which have been so unwarrantably imputed to him. For my own part, I can say, that he did me the honour to appoint me to the office I now hold, with a perfect knowledge that, on the great subject which divides the country, my opinions were different from his. Yet he never withheld from me his confidence, or his kindness on that account; nor was the question ever once, in the course of a year that I have been in office, mentioned. If, therefore, any man asserts that the principles of the Marquis Wellesley's Government is to put down one sect to exalt another, the assertion is without foundation. A more perfect and evenhanded impartiality, as far as I have been able to observe, never was displayed."

LOYALTY—THE STATUE.

"Another topic of defence relied on is, that Mr. Forbes is a man of great loyalty and strongly attached to the King; and it is asked, "can you convict a loyal man of any offence?" This is not to be listened to in a court of justice. I admire this loyalty of which so much is said; a loyalty that displays itself by flying into the face of the Sovereign; a loyalty that disturbs and thwarts his government, and which insults his person in that of his representative.

"It is also said, by way of defence, that the Traversers are Orangemen: that the principles of the Orange Institutions are attachment to the King; the support of his government, the protection of innocence, and assisting the magistrates in the due execution of the laws. They have, it is said, sworn to all these things, and therefore they could not possibly be guilty of the outrages imputed to them: that is to say, that though they be proved to have committed them, their oath is to rescue them from punishment, and be their vindication. If I had come forward, and stated as a matter of aggravation, that these men, in addition to their ordinary obligations to the State, their allegiance to their King and the duties which bind man to man, had taken an oath to observe them, would you not have considered that they ought to be visited with exemplary punishment for violating all those obligations together? And what has been the cause, or the supposed cause, of this outrage?—The dressing of the statue of King William. For that the Lord Lieutenant is to be driven from the country. With whose sanction was it done? his Majesty's, and that of all the Cabinet Ministers. And when it is considered, that among them are to be found the names of Eldon, Liverpool, and Peel, can it for a moment be imagined, that that act was dictated by a settled purpose to put down the Protestant interest of this country? Can the great pillars of the constitution be suspected of harbouring such designs? As my sentiments upon the great question which divides this kingdom are known to coincide with those of the Traversers, though divested of that acrimony of feeling which leads to violence of action, I may say, it is wise, it is prudent, to disgust and detach from the cause such as I have named? Or if those exalted personages should be disposed to say, "if you wish your Roman Catholic fellow

subjects to be satisfied with the substantial benefits which they enjoy, leave them in the undisturbed possession of them; if there be other privileges to which you think they cannot properly be admitted, render them at least as comfortable as possible in the enjoyment of those that they have," is it for this petty club in Werburgh-street to dispute their authority? and ought it, instead of deferring to those high characters, attempt to outrage society by violence and tumult?"

AFFAIR OF HONOUR.

A rumour has for some days been in circulation of a duel between two distinguished foreigners. The following is an authentic statement of this affair:— "About two years ago the Neapolitan General Carascosa, announced his determination of calling out Lieutenant-General William Pepe, late Commander of the Neapolitan forces. Very shortly after the arrival in London of General Pepe, he received a letter from General Carascosa, in which, after charging General Pepe with conduct injurious to his reputation, he pointedly avowed his opinion, that military revolutions were in all cases contrary to the principles of honour; that any change in the Government of Naples was unnecessary; and still less in that of Spain. The letter concluded with a challenge in the usual terms. To this letter General Pepe replied, by declaring his opinion, that every free State was indebted for its liberty to military revolution.—That the Spaniards were now a prey to civil anarchy, only because certain individuals, calling themselves Liberals, were, in fact, hostile to the Constitution of the Cortes; that he had employed the authority which his rank and his command had given him at Naples, to resist the despotism of a Government, which, while it rendered the people miserable, was of no actual advantage in the reigning dynasty.—and concluded by accepting his challenge.—On the 20th of February, the Generals met; Count Santa Rosa, Ex-minister of War of Piedmont, attended General Pepe, and M. Brunet, a French gentleman, General Carascosa. The weapons were swords—and the combatants engaged—but at the second pass, General Pepe's sword snapped short near the guard, on which the seconds interfered, and the combat, as is usual in such cases, was deferred.—A second meeting took place on Friday last, a few miles from London, not far from Kew Bridge. On engaging, General Carascosa attacked with great impetuosity, but after several passes on both sides, General Pepe, seizing his adversary's sword with his left hand, disarmed him; and, placing the point of his sword at his breast, had his life in his power. Here the affair would have terminated, but General Carascosa, on recovering his sword, renewed the combat, which was warmly maintained, until he was finally disabled by a thrust from General Pepe in the right shoulder. General Pepe, on seeing his adversary incapable of further defence declined availing himself of his advantage, and thus the duel terminated.—Sun, March 6.

To the Editor of the Journal of Commerce.

Sir.—An Order of the day, inserted in the Moniteur, and signed Polissard, Quarter Master and Colonel of the 4th Legion, affirms, that the institution of the National Guard calls for a particular character of devotion "without limits towards the Government." It belonged to a National Guard of '89 to raise up this assertion. The National Guard was instituted for the purpose of obtaining and maintaining liberty, equality, and legal order. After having placed the country in a situation of establishing a government of her choice, the Guard guaranteed the independence of France, as she would have done since, if the powers, which succeeded in 1814 and 1815, had been willing to trust to the national army; as the country would, I hope, this day, and even spontaneously, if the powers of Pelnitz and of Laybach were again to invade our territory. Born a enemy of despotism, aristocracy and anarchy, the guard has defended the instituted authorities of the nation—she has protected persons, properties, and opinions—she wished that the opponents of the Revolution should be doubly vanquished, both by the energy of the French people, and by their generosity. She would have had the happiness of saving Louis XVI, if the privileged faction, within and without, had allowed him to be saved once more by the Patriots. One of the most joyful sensations I ever experienced in my life, was to find in the memorable sitting of the 4th March, those sentiments which created the national guard of '89, which have manifested themselves in several after circumstances, which took place during two invasions of the capital, and of which the national guard of 1823, by the noble example of M. Mercier and his worthy comrades, has a late, honorable and patriotic testimony. LA FAYETTE.

MISCELLANEOUS.

A poor cavalry corporal being condemned to die, wrote the following letter to his wife the day before he expected to suffer, thinking it would come to hand the day after execution.

"Dear Wife.—Hoping you are in good health, as I am at this present writing: this is to let you know that yesterday, between the hours of eleven and twelve, I was hanged, drawn and quartered. I died very penitently, and every body thought my case very hard.

Remember me kindly to my poor fatherless children. Your's till death, W. B."

It so happened, that this honest fellow was relieved by a party of his friends; and had the satisfaction to see all the rebels hanged who had been his enemies.—A circumstance must not be omitted which exposed him to railway his whole life after. Before the arrival of the next post which would have set all things clear, his wife was married to a second husband, who lived in the peaceable possession of her; and the corporal, who was a man of plain understanding, did not care to stir up the matter, as knowing she had the news of his death under his own

hand, which she might have produced on that occasion.—Charleston Gazette.

Many have supposed Dandyism to be a folly of modern date. By reference, however, to the works of the Simple Cobler of Agawam, it will be found that the tribe existed in our sister city of Boston, more than a century ago. With some quaintness and evident indignation, the honest cobbler thus describes the dandy of that day:—"I look at him as the very gizzard of a trifle, the product of a quarter of a cypher, the epitome of nothing, fitter to be kicked, (if he were of a kickable substance,) than either honored or humoured."

It is stated in a Liverpool Gazette, that any person who may swallow a pin or the bone of a fish, will find almost instant relief by taking four grains of tartar emetic dissolved in warm water, and immediately after the whites of six eggs.—The coagulated mass will not remain on the stomach more than two or three minutes. So effectual is this remedy that it has been known to remove no less than twenty at once.

The common fluency of speech in many men, and most women, is owing to a scarcity of words; for whoever is a master of language, and has a mind full of ideas, will be apt in speaking to hesitate upon the choice of the words; whereas common speakers have one set of ideas, and one set of words to clothe them in; and these are always ready at the mouth; so people come faster out of the church when it is almost empty, than when a crowd is at the door.

Early Rising.—"The morning of every day is the beginning of every man's life. One of your greatest errors—for I know you well, and do not mean to flatter you—one of your greatest errors is, that you do not seize upon these beginnings of your life as early as you might do. You lived yesterday, indeed, to a good old age, and died last night after the powers of your mind were entirely exhausted.—But I must remind you, my friend, that you have spent the greater part of the youth of this day in the state of the dead. The great business of your life was up before you; you have been running after it this whole afternoon, and I am afraid you will never overtake it till old age overtakes you."—Gessner.

A doctor in Scotland was employed by a poor man, to attend to his wife who was dangerously ill. The doctor gave a hint amounting to a suspicion, that he would not be paid. I have, says the man, five pounds, and if, says he to the doctor, you kill or cure, you shall have it. The woman died under the doctor's hands; and after a reasonable time, he called for his five pounds. The man asked the doctor if he killed his wife? "No." "Did you cure her?" "No." "Then said the poor man, you have no legal demand, and turned upon his heel.

FOREIGN INTELLIGENCE.

From the Daily Advertiser of April 22.

LATEST FROM SPAIN.

By the arrival last evening of the schooner Tamworth, Capt Harmor in 34 days from Cadiz, we received a file of papers to the 15th of March inclusive, which contains Madrid dates of the 8th.

At the session of the Cortes on the 5th, a deputation was sent to the King with a reply to his speech. This reply is too long to permit our translating it at this late hour, but we have selected passages, which contain the most important of its sentiments.

"The unheard of pretension of dictating laws to independent nations, if not resisted, will draw in its train the ruin and dissolution of the states of Europe; and an endless war of extermination, will reduce this cultivated country to the barbarism of Asia. Your Majesty has replied with dignity to the notes of the powers; and the Cortes have only to subscribe to your just reflections on the conduct of his most Christian M. and to agree that it would be unreasonable to reply to errors so anti-social, and indecorous in the Constitutional King of Spain to make an apology for our just cause, in opposition to malice and hypocrisy. They assure your Majesty that the energy, the reason and the constancy of the Cortes will be the best reply to the speech of the most Christian King.

The Cortes, Sir, will never forget the profound reflection of your Majesty; reason and justice will not be less valiant than the genius of oppression and servitude. Those principles shall be our model, and being convinced of the firm and magnanimous character of our honorable nation, incapable of bearing injustice or infamy, jealous of its rights, and fond of the glory and great deeds which have always distinguished it; they doubt not that as they bore up to the throne with such constancy and such sacrifices, against the terrible legions, the ablest captains, and the military genius of the wonderful man, who terrified for a time the rest of Europe, they shall know how to defend in the same manner, and with the same courage and patriotism, the honour and dignity of your Majesty, and the independence, the rights and the glory of the nation.

If this nation performed such prodigies, while deprived of the aid and co-operation of your Majesty, what will it not be capable of doing when intimately united with its monarch, favoured by the Constitution of 1812, and with your Majesty disposed to contribute with all your power to realize its hopes.—The liberty of your Majesty, your security, and that of the Government, are above all things indispensable to such co-operation.—The Cortes have taken all the steps for a removal to the place you and your government shall select."

This address was delivered to the King, who signified his approbation, though his health continued very feeble; and preparations were immediately made for conveying him to Seville in litter.

A few unimportant victories are mentioned over the factious troops.

Madrid, March 8.—Exchange on London, 36 3/4 a 37. Paris 16 and 4.

During the discussions on the 3d, the members speak of the situation of the country as most critical. The nation, says one, is in the very crater of a volcano; moments are precious, a conspiracy, like that at Na-