THE UPPER CANADA HERALD.

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THE HERALD

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WILL BE PERFORMED AT THE HERALD OFFICE.

CHARGE

Of His Lordship the Chief Justice to the Grand Jury At the opening of the Home District Assizes.

[CONCLUDED.]

Before this Act was passed, you will remember, that if any inhabitant of this Province, desired to know with certainty, what criminal accusation could affect his life, he must in the first place, have examined carefully, all the British Statutes passed before the 17th September, 1792; because these were all adopted by our Legislature in a body, and made to form part of our criminal code. He must in the next place, have examined the British Statutes, passed since 1792; because as the British Parliament retained the power of making laws relating to crimes and punishments, which should apply in any part of the King's dominions, it is impossible to determine by any other means than an actual search into the Statute book, whether they have exercised that power or not, and in what cases. He must then have looked carefully over our Provincial Statutes, which now fill a volume of considerable bulk, and by which it will be found, that our Legislature have created some capital offences to be added to those adopted from the English Law.—And after he had made these researches which would have required no little time and labor, the investigation would not have been complete until some accurate compilation, of good authority, of the criminal law generally had been referred to, for the purpose of ascertaining whether there were not some offences which, at common law, were capital, independently of any Statute.

In passing the Act to which I am now calling your attention, the Legislature have taken upon themselves the responsibility of this extensive search: they have expressly declared what offences shall hereafter be punished with death, and having specified these particularly, they have gone out to provide "that all persons who may hereafter be duly convicted of any offence not specified in this Act, and which before the passing thereof, was punishable in this Province with death, with or without the benefit of clergy, shall be liable to" certain other punishments which the Act particularly describes.

Thus, for the purpose of ascertaining what offences are capital in this Province, the reference will now be made to this Statute of moderate length, which being in our own Statute book, is easily and generally accessible.

And it is evidently for the purpose of fulfilling this object of the Statute the more completely, that the offences mentioned in the 14th section, were particularly noticed. Those are offences which the British Parliament have made capital in all the Colonies, and they are merely recited in this Statute, with a declaration that they are not to be affected by any thing contained in it. They are thus plainly spread to view, for the information of the people of this country, and are not left as heretofore, to be looked for in the British Statutes at large, where they might but too easily escape observation. In the same manner, and no doubt for the same purposes, the provisions of the Statute passed in the Reign of George I, commonly called the Riot Act, and the provisions, with some alterations, of the Statute, 25 George II, respecting the passing sentence upon persons convicted of Murder, are transferred from the British Statute book, and made in effect part of this Act, in order that all may readily have knowledge of enactments so important in their nature. The latter are inserted as being expressly enacted by our Legislature, the former are merely recited as being a part of our criminal law by adoption, which this act is not intended to interfere with: the effect as to both, is to place them distinctly under view, in order that all persons concerned, may have recourse to them.

Nevertheless, it is to be borne in mind that the Imperial Parliament will still retain the power of creating other capital offences in this, as in all other portions of the King's dominions, and in this manner, the catalogue contained in this Statute may be added to, by a power beyond our own control; but this is inevitable; and in point of fact, I imagine the list of capital offences, is by no means likely to be varied by any such Act—for I am not aware that the British Parliament has made any offence capital in the Colonies, or at least in this Colony, since we received our Constitution; or that there is now any British Statute in force, which has been passed within the last sixty years, under which the punishment of death can be inflicted in this Province otherwise than from our voluntary adoption of the criminal law of England.

The first effect of this new Statute, the presenting all capital offences in one view, is one in which the general convenience, and the safety of individuals are consulted by an improved arrangement merely.

But the second, and most important effect of the Statute, is to make a very extensive change in our criminal law, by reducing greatly the number of capital offences.—And to this I now proceed to call your attention.

According to this Statute, the only offences to be hereafter punished with death in this Province are the following:

Compassing or imagining the death of the King.

Levying War against the King.

Adhering to the King's enemies.

Murder.

Rescuing any person committed for Murder, or found guilty of Murder.

Rape.

Abusing a female child under the age of ten years.

Unnatural crimes.

Robbery.

Robbing the mail of letters.

Burglary.

Arson.

Such offences against the Riot Act as are capital in England.

Burning or otherwise destroying His Majesty's Ships, Arsenals, Magazines, or Naval or military stores.

Officers or Soldiers in the army, holding correspondence with rebels or enemies, without licence from the King, or their Commanding Officer.

These two last mentioned offences, being made capital expressly by British Acts of Parliament, which are binding here, and in all other parts of the King's dominions.

Accessories before the fact, that is persons who command, counsel, abet or procure the commission of any of these crimes, are in conformity to the general principle of law, made liable also by this Statute to Capital punishment.

For all other offences, which before the passing of this statute, were punishable with death, other punishments are expressly provided; so that it is in these specified cases, and in these only, that sentence of death can be passed. If there should be, however, any cases not specified in this Act, in which offences are made capital in this Colony, or in the Colonies or Dominions of the Crown generally, by the express words, or by the constitutional construction of any British Act of Parliament, which the Legislature has not adverted to, such British Statute must, of course, have its legal effect.

It may be interesting to you to learn the extent to which capital punishment has thus been abolished by the Legislature, and I will therefore enumerate the crimes for which under our general adoption of the criminal law of England, the offender must, before this statute have been sentenced to death, not stopping to give the several offences their proper technical character in the terms used in the Statutes, which would be tedious and not taking upon myself to assure you that there may not be some inconsiderable error or omission in the statement. Many of these offences it is to be remembered are not now capital in England, a more lenient punishment having been substituted by recent Statutes; but being capital in England in the year 1792, they remained so in this Province until the passing of the act of last Session.

Compassing the death of the King.

Levying war against the King in his realm.

Adhering to the King's enemies.

Slaying the Chancellor, Treasurer, or Justices of the Bench of assize being in the discharge of their duties.

Counterfeiting the King's Great or Privy Seal.

Counterfeiting the King's Money.

Counterfeiting the money of other countries made current by the Crown.

Clipping or washing any money of the Realm, or any money of other countries made current by Proclamation.

Impairing, diminishing, scaling or lightning the money of the Realm for sake of gain.

Impairing, diminishing, scaling, or lightning the money of other countries made current by Proclamation.

Any Smith, Engraver, Founder, &c. not employed in His Majesty's Mint making any die, puncheon, stamp, mould, &c. for making any gold or siver coin current in this Kingdom.

Any Smith, Engraver, &c. not employed in the mint &c. making or mending any edging-tool or instrument for making money, or cutting engine for cutting round blanks.

Buying or selling, or having in possession without sufficient excuse, any puncheon matrix, stamp, die, or tool used in coining.

Conveying out of His Majesty's mint any puncheon, die, stamp or engine used for coining.

Persons not employed in the mint marking on the edges any of the current coin, or any diminished or counterfeit coin.

Coloring, gilding, or casing over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin resembling the current coin of the Realm.

Gilding or coloring silver blanks of a fit size to be coined into pieces resembling the current gold coin.

To wash, gild, or colour a shilling or six pence, or alter one so as to make it resemble a guinea or half guinea.

Filing, washing, or altering half pennies, or farthings so as to make them resemble shillings or six pences.

Bringing into the realm counterfeit coin resembling foreign coins made current in the realm.

Maintaining or defending the authority, or jurisdiction of the Bishop of Rome in this realm by writing or preaching, for the second offence, (High Treason.)

Putting in use any bull or instrument of absolution obtained from the see of Rome.

Withdrawing a subject from his allegiance in order to make him obedient to the see of Rome, or to any foreign power.

Advisedly maintaining and affirming any thing contrary to the succession of the Crown established by the Act of settlement.

Soldiers corresponding with rebels, or enemies without licence of the King, or of their General commanding.

Uttering counterfeit money—for the third offence—or committing a second of the kind within ten days.

Entering into the military service of the French King without licence.

Persons having custody of the King's armour, ordnance, or munition of war embezzling or purloining the same.

Burning ships, or naval arsenals, or naval or military stores.

Sodomy.

Demolishing any Church or Chapel.

Murder.

House-stealing.

Stealing sheep, or other cattle.

Killing sheep or cattle with intent to steal the carcase.

Stealing cloth from tenter grounds.

Stealing cotton, linnen, &c. from bleaching grounds.

Stealing goods to 40s. value in any ship, barge, or lighter in a river or harbor.

Stealing goods to the value of 40 shillings on any wharf or quay.

Stealing a pump from a ship in distress.

Stealing from a vessel wrecked or in distress.

Stealing letters from any post bag, or post office.

Robbing any person.

Robbing a church or Chapel.

Robbing in a dwelling house the owner, his wife, children, or servants being put in fear.

Robbing the dwelling house by breaking into the house though no one be put in fear.

Robbing in a booth or tent, the owner his wife, children or servants being within the same, though not put in fear.

Breaking into a dwelling house by day or night any person being therein and put in fear.

Stealing in a dwelling house, any person being therein and put in fear.

Stealing goods in any dwelling house or out-house belonging thereto, to the value of 5s. in the day time, though no person be therein.

Stealing privately from the person.

Stealing in any church or chapel.

Stealing privately in a shop to the value of five shillings.

Burglary.

Arson.

Rape.

Abduction of an heiress.

Forging any Register of Marriage.

Destroying any Register Book of Marriages.

Publishing a forged Marriage Register as true.

Clerks or carriers of the Post Office embezzling, or destroying letters.

Destroying Trees planted for shade or ornament.

Returning from transportation.

Robbing a rabbit warren armed and disguised.

Persons armed and disguised entering any park or inclosure, and hunting, wounding, or killing deer.

Forcibly rescuing any person in custody for such offence.

Persons armed and disguised stealing fish out of a river or pond.

Rescuing any person in custody for such offence.

Falsely personating bail, or persons acknowledging fines, recoveries, deeds enrolled, statutes, recognizances, or judgments.

Taking reward on pretence of helping persons to recover stolen goods, (capital in those cases in which the previous larceny would be capital.)

Rescuing a person committed for murder, or convicted of murder, or going to, or during execution.

Persons (three or more) armed, assisting in exporting goods prohibited to be exported.

Or in landing or removing unaccustomed goods.

Or in rescuing them after seizure.

Or in relanding goods exported upon debenture.

Or in rescuing them after seizure.

Or in rescuing a person apprehended for any offence made felony by a Revenue act.

Or preventing the apprehension of such person.

Or being disguised while passing with smuggled goods.

Or wounding any officer of customs going on board of any vessel, or when on board.

Persons on shore or in a vessel or boat, maliciously shooting at any vessel or boat belonging to His Majesty's navy, or in the service of the customs within any harbour.

Forging letters of Attorney to transfer stock.

Falsely personating the ownerof stock.

Forging letter of attorney or will of a seaman.

Uttering such forged letter of attorney or will.

Forging any deed, will, testament, bond, note or receipt.

Uttering or publishing the same as true.

Forging the acceptance of a bill of Exchange.

Forging any accountable receipt.

Uttering either of these forged.

Sending threatening letters demanding money.

Rescuing any person lawfully in custody for such offence.

Sending letters threatening to kill; or to burn house, barn, &c. though no money be demanded.

Rescuing person in custody for such offence.

Not dispersing in obedience to the Riot Act.

Persons riotously assembled pulling down any house, church or other buildings enumerated.

Hindering or hurting the person making proclamation under the Riot Act.

Maliciously destroying any lock, sluice or floodgate on any navigable river erected by authority of Parliament.

Rescuing any person in custody for that offence.

Maliciously breaking down the bank of any river whereby any lands shall be overflowed or damaged.

Killing or maiming cattle.

Rescuing persons committed for such offence.

Burning any stack of corn, straw, hay, or wood.

Rescuing any person committed for such offence.

Cutting hop binds in any hop plantation.

Wilfully setting on fire any mine or pit of coal.

Breaking into any house, shop, cellar, &c. with intent to cut, steal or destroy any linen yarn, or cloth, or the tools or looms.

Cutting or destroying linen goods while bleaching.

Breaking into any house, &c. to cut or destroy any woolen goods, or the looms, machines, &c.

Cutting or destroying any woolen goods in the loom.

Destroying tools used in making such goods.

The same two offences as to velvet, or silk, or cotton.

Maiming any person of malice aforethought with intent to disfigure him.

Maliciously shooting at any person.

Rescuing any person in custody for that offence.

Persons convicted of assault with intent to rob, breaking gaol or escaping before transportation.

Any officer or mariner of a ship wilfully casting her away, or destroying her.

Falsely personating an out pensioner of Greenwich Hospital, (an offence which under present circumstances may possibly be committed in this Province.)

We have to add to these several capital offences created by our own Statutes, viz:

Uttering base Coin, a second time.

Removing Monuments placed at the angles of Townships.

Forging Government Debentures, and

Uttering them knowing them to be forged.

In this long catalogue, there may be some two or three offences, respecting which it may be made a question whether the Statutes creating them, must not, from the subject matter, be taken to extend throughout the King's dominions, although they are not so expressed; and there may be a very few others, of which it may be doubted, whether the particular offence described in them can, in the nature of things, be committed out of England. With those qualifications however, we have a list of 126 Capital offences, that is offences expressly made punishable with death, without benefit of Clergy, of which all are now abolished, except, those specified in our recent Statute.

And when it is considered moreover, that some of these offences, particularly the crimes of Forgery and false personating, are by various Statutes, subdivided into many specifications, which are severally made capital;—that many crimes not capital when committed by any person for the first time, are made Capital in the case of a second, or sometimes of a third offence; and also, that of the immense number of Felonies no appearing in this list, because they are what are called clergyable Felonies; each night in any particular case, become in fact, a Capital Felony, by reason that the offender had been once before allowed his Clergy. When these things, I say, are considered in addition, it will be found that the number of capital offences actually abolished must far exceed the whole number I have particularly enumerated, so that I doubt not we may safely say that capital punishment has been taken away in more than 150 cases.

I should be performing a task by no means disagreeable to myself, and I dare say, the exposition would not be uninteresting to you, if I were to compare the footing upon which the criminal law is now placed in this Province with its present state in England, since the many Acts which have been recently passed, mitigating the severity of punishment. Neither would it be uninteresting to examine what offences continue to be retained as Capital offences in other countries, or colonies, in America, and to advert to the arguments upon which the total abolition of capital punishment, not excepting even the case of murder, has been recently urged in the Legislation of a neighboring State; but these inquiries, or any other of a speculative kind, are apart from the strict line of our duty. We are met here to bear our several parts in the administration of the law as it is; and it is important that we should confine ourselves to that duty. The care of amending the law, rests with the Legislature. It is for us to carry their Acts into effect, not presuming to censure them for doing too much, nor stopping to inquire whether they might have done more.

I will, therefore, leave this subject, having thus simply placed before you the actual extent of the change; first, however, taking this occasion to remark, that while the law stood upon its former footing, as to the severity of punishment which it permitted, it has been so carried into effect in this Province, that our criminal law, as it has been actually administered, will be found not to have been undeserving of that character for lenity, which in this sense has been conceded to the criminal law of England, by the most enlightened men of all countries. I mean that the innocent have found here the same protection in the independence, patience and humanity of juries, and speaking of my predecessors, I trust I may add, without indelicacy—in the impartiality of the Judge—while on the other hand, the guilty have found the same refuge in the merciful interposition of the Crown, and have not actually paid the dreadful forfeit of life, except for crimes which it is still deemed necessary and justifiable to punish with death.

You are well aware, that there have been in this Province for Horse stealing, and for other crimes, a great number of capital convictions; but, speaking from what I can recollect, and from what I remember to have heard, I believe I may say, that the number of cases in which sentence of death has been actually executed, has not exceeded forty, in the forty years which have elapsed, since this Province had a separate government. Of this number which I do not speak of as small, (and indeed I immagine it is something over-stated,) eight were executed for high treason, committed during the latewar, and the others were, with but very few exceptions, persons convicted of murder. I can call to mind indeed at present, no other exceptions than one, about thirty-five years since, for stealing from the dwelling house—another executed in this town for forgery about the same period, and another for an aggravated offence of Arson, committed in the District of London, nearly twenty years ago. Since that period, I think none have been executed, but those convicted of murder.

This retrospect may appear to you neither unsatisfactory nor uninteresting at this particular time, when we are about to enter upon the administration of a system of criminal law, more lenient in the letter, and therefore more congenial to the feelings of those whose duty it is to enforce it.

The secondary punishments which the court is now at liberty to inflict will be rendered, I trust, fully effectual at no distant day by the completion of that design for establishing a Penetentiary, which the legislature has finally decided upon, and of which the execution has been entrusted to able hands.

If I had not already trespassed for an unusual time upon your attention, I should gladly take this opportunity of adverting to other acts of the legislature which make convenient provisions for the bailing, commitment, removal, and trial of prisoners; for apprehending and delivering up to justice fugitive offenders from other countries; and for abolishing corruption of blood upon attainder, except in the case of high treason. So far as any of the provisions contained in these statutes are to be acted upon by Magistrates and other officers concerned in administering justice, I trust no difficulty will be found in carrying them into effect. If any points in them serve to occasion doubts in practice. I shall take another occasion of adverting to them, for the information of such members of any future Grand Jury as may be in the commission of the peace.

The case in the calendar of prisoners committed for trial at this assizes, which I alluded to as requiring some particular explanation for your guidance, is the charge against Peter Soules for manslaughter. It is termed manslaughter in the calendar, because it is for that offence only, and not for murder that the prisoner was committed by the Coroner. Having had judicially before me the inquisition returned by the Jury and the evidence on which it was founded, upon an application which was made to me to admit the prisoner to bail, I have acquired such a knowledge of the circumstances as enables me to state to you that he is charged with causing the death of a woman, by negligently driving against her on the highway.

A case of a similar description was tried in this district not very long ago, and as I desire not to say any thing to you at present in relation to the particular circumstances of this case, I will merely repeat to you the remarks which I thought it proper to make to the Grand Jury upon the occasion I refer to, and will state as I then stated, that we have all of us had too frequent opportunities of observing how heedlessly and wantonly life is endangered by the furious driving of thoughtless or intemperate persons upon the public highway; but this is not the occasion to dwell upon this description of misconduct, because this particular case must first be dispassionately determined, and if, upon the evidence before you, the death shall not seem to have proceeded from an abuse which is but too common in this country, the prisoner should of course not suffer from the indignation which the misconduct of others in such cases as I have alluded to is calculated to excite. If the death of the unfortunate woman who suffered in this instance shall appear to you to have arisen from an accident, such as due caution would not have guarded against, and if the prisoner was doing nothing unlawful at the time, then he should be discharged from the indictment altogether. If on the other hand, the death was occasioned by this act, and if that act proceeded from a want of ordinary care, but there was nothing in his conduct indicating either malice towards the deceased, or a cruel or wanton disregard of her life, then the offence would amount to manslaughter. But if, unhappily, it should seem to you that the act was wilful; (notwithstanding it could not, in the nature of things, have been provoked) that it arose from a heedless, reckless disposition, under the impulse of which the prisoner disregarded the injury likely to be inflicted by his rash and improper conduct; if these should appear to be the circumstances of this case, then it would be proper that you should place the prisoner on his trial for murder. By the court and petit jury the circumstances would be more minutely and scrupulously weighed upon the trial; and it is proper that you should present the charge in that shape, if you really think it doubtful, upon the evidence, whether the prisoner's conduct does not deserve such a construction. The safety of human life forbids us to look otherwise than with the most rigid scrutiny into every act that has occasioned the violent death of a fellow being;—when that scrutiny has been completed, if a doubt remains, it is always thrown into the scale of mercy.

I will now detain you no longer, gentlemen, except to request that you will make the usual examination into the state of the gaol, and the manner in which the prisoners, civil and criminal, are kept. If your enquiries should enable you to suggest any thing which can properly be done to diminish the evils of imprisonment, I shall be happy to do whatever may be in my power towards its accomplishment.

VARIETIES.

From the New England Weekly Review.

Something Marvellous.—We have been told the following story, which savours so much of the marvellous, that we cannot believe it, and should not publish, were not the sources from which we derived it entitled to high credit. Our readers shall have it precisely as it came to our ears.

There is a girl in Saybrook about eleven years of age, who, from the many specimens she has given, is thought to be endowed with some extraordinary gift of speech.—At certain irregular times, when the impulse is upon her, she breaks out into powerful, connected and finished exhortations and discourses, generally on religious topics. The first discourse which she is known to have uttered, and the only one upon that subject, was on intemperance. It is said to have been remarkable for the clearness, precision and elegance of language, the cogency and eloquence of its thought, and the impressive manner in which it was pronounced. Since that time she has delivered herself of nothing on intemperance. The premonitory symptom of her *impromptus* is usually a fit of stupor. As soon as she comes out of that, she rises, closes her eyes, and perfectly abstracted from every thing about her, commences by repeating a hymn, which sometimes is original and of the highest order of poetry. She then gives out a text, naming the chapter and verse, and proceeds to deliver a sermon always conspicuous for its sound argument, its logical and connected sequences, and its rich and appealing sentiments, while its construction is grammatical, its expressions eloquent and pure.

What especially astonishes the hearers, is the fact, that when the inspiration has gone, she recollects not a word of what she has been saying, and if told the chapter and verse of her text, and the number of her hymn, she knows not how or where to find them. Her parents reside in New Haven, and are poor miserable, ignorant, and intemperate people; and her education has been so much neglected, that she reads with the greatest difficulty.—What is more marvellous still, she discovers hardly an ordinary degree of intelectual capacity, except when the *improvisator* possesses her. Several physicians have examined her both when in and out of her lunatics, and as yet have found no marks of disease or insanity. During the delivery of her speeches, she is cool, collected and mild, and her pulse always regular.

We think this case will match the campbell's of Scotland, who, on stated occasions are said to speak in strange and unknown tongues, and by their followers are believed to be inspired by the Holy! Spirit. The lovers of strange and incredible things, will do well to visit this young preacher, provided they put credit to the above relation.

RIGHTS OF TRAVELLERS.

A case of interest to all who have occasion to travel, (and few there are in this country who have not,) was decided at Harrisburgh, Pa. on the 17th inst. It was an action brought for the recovery of damages by John Bolton against Colder and Wilson, stage proprietors. The facts appear to have been these.

The stage from Reading to Harrisburg, belonging to Colder and Wilson, on its way to the latter place, stopped at Kuhn's Tavern on the 4th of February, 1832, the object of which was to give the horses drink. While standing there, John Bolton passed in the same direction, in a dearborn waggon. The stage overtook the waggon, about half a mile from the same place.—Bolton took the left of the road, and approached the bank as near as was safe for him. The stage proceeded on at its usual speed, and without turning to right or left—caught the hind wheel of the dearborn, upset it, and broke the thigh of Mr. Bolton, and left him entangled in such a way that he must have perished, had not the passengers, at some distance prevailed on the driver to stop, when they went back and relievdd him, by righting the waggon, placing Bolton in it, and one of them driving it to town. Bolton lay some weeks under the doctor's hands—endured great suffering—is yet a cripple, and in all probability will remain so all his days.

Upon these facts a verdict was rendered in favor of the plaintiff for $1200 damages and costs.

From this decision an appeal has been taken to the Supreme Court; but if it is confirmed, (as we hope it may be) it establishes regulations, not generally known but which it is important the public should know.—They are these:

That the stage has no rights upon a public road, superior to any other vehicle. That in meeting each other, all carriages are bound to keep to the right—but that no carriage is bound to give any part of the road for another to pass it at a swifter gait—that is, that a waggon, or cart, or dearborn, or gig, or sulkey, is not bound by law to turn aside, to let a swifter vehicle pass, which may happen to overtake it. So that a swifter carriage if it sees its way clear, may pass a slower one, on either side, but must be responsible for damages—nor can it, by right, force the one before it to turn out. And a driver is identified in law, as the owner, and the proprietor of a stage—is as such responsible for the acts of his driving it himself.—[Com. Ad.]

ANECDOTE OF THE REV. ROBERT HALL.

This celebrated preacher, though in his general manners retiring and rather unsocial than otherwise, and withal a little irritable, was easy and playful in his intercourse with such persons as had the privilege of his friendship, and when among them affected no extraordinary gravity.—On one occasion he was rebuked by a fellow preacher more precise than himself, for the vivacity of his conversation—"Brother Hall, I am surprised at your being so trivolous after delivering so serious a discourse." "Brother," was the retort, "I keep my nonsense for the fireside, while you publish yours from the pulpit."

A Fault of a Preacher.—At an association in olden time when it was customary to use even more "plainness of speech" than is usual at the present day, an elder preacher prayed thus, respecting a young and zealous brother—"Have an eye O Lord, upon thy servant Osborn, thou knowest his faults, thou knowest he *will* take a beetle to knock down a fly, when a feather would answer just as well."

A clergyman not quite a hundred miles from Edinburgh, preached a most edifying discourse on "Come and draw water out of the wells of salvatian, without money and without price." On the following week some of his parishioners took the liberty of drawing water from a very fine spring well in the parson's garden, at which the learned divine was not a little nettled. Being reminded by the intruder of his text and sermon, the reverend gentleman replied,—"You may draw as much water as you like from the wells of salvation, but if you come here again, and take my water, I'll send a bullet through you."

For the Commercial Advertiser.

SPRING.

The dark days of winter have fled o'er the mountain
and Spring cometh gaily with dance and with song;
She hath wak'd from their slumber the ice-enchain'd fountains,
And they murmur her praises while stealing along.

The violet has risen from her dark gloomy bed,
To greet the bright guest, and green leaves are fast springing;
The primrose is trying to raise her sweet head,
And the birds a glad welcome are joyously singing.

I hail thee, O Spring! as the Herald of Heav'n,
If thus thou art fair, while our world is accurs'd—
What may we not hope when our sins are forgiven,
And our hearts made as pure as created at first.

C. B. E.

From Neilson's Gazette.

Mr. Editor,—You write much in favor of "Our Sovereign and Loyalty," oblige some of your readers by inserting this extract from 5 Vol. Westminster Review, page 79:

"Let us however take the following definition of Loyalty certainly as favourable and objectionable a one as can well be given." "A peculiar sentiment of reverence and attachment towards a Sovereign, alike distinguishable from the stupid devotion of eastern slaves and from the abstract respect with which free citizens regard their Chief Magistrate. A powerful feeling which can make the bravest man put up with slights and ill treatment at the hands of their Sovereign, or call forth all the energies of disinterested exertion for one whom they never saw and in whose character there was nothing to esteem.

[Hallam, Middle Ages, Vol. p. 228.]

Public Record Office Reference:- C.O. 47/57

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