

"I was in Ireland previous to, and during the rebellion in that country in 1798 -- I acted as a Magistrate. -- Being unconnected with the country, and unbiassed by party -- as well as in command of a body of troops -- the horrors of which rebellion I need not now detail: house divided against house, the father against the son, son against the father; and amongst all those who appeared as leaders, who at any time were taken up and brought before me, I never remember examining one, who was not devoid of religion, or at least of all religious and moral habits.

"Although, thank God! the same results are not to be apprehended here, yet a few bad and irreligious men with the same evil intentions may destroy the peace and happiness of a whole community.

"When my Royal Master did me the honour of appointing me to the government of this Colony, from that moment I felt myself identified with this People. I can most solemnly call my God to witness, that I arrived here with the purest sentiments of philanthropy. I wished to be their Father -- their Protector: But it was equally my duty to restrain the bad as to protect the good. It has been said, I know, that I am prejudiced against this People: It is a base aspersion. -- Can any honest native of these Islands lay his hand upon his heart, and say I have oppressed him? -- On the contrary, the men whose misconduct I have most strongly marked, are strangers here, are of my own country: And I do call upon those who may be led astray, to consider well the characters of their leaders: whether they are men of good principles and religious habits: and what their aim and intention may be; and whether to some the beautiful speech in Milton, which the angel Gabriel addresses to Satan, may not aptly be applied, where the arch angel says --

And thou sly hypocrite! who now would'st seem Patron of liberty -- who, more than thou, Once fawn'd, and cring'd, and servilely adored!

"But even if they have a good opinion of some of their leaders, still let them duly weigh whether they are guided by their passions than by sound judgement, in attempting to put down that power which is intended to be and is the best protection to all -- the Supreme protecting power of the Executive -- the Head of the Government. There is no man who is ignorant of the proper means of redress, if really oppressed; Redress is open to all; and the Governor is as amenable for his conduct as the poorest subject.

"The King according to his Prerogative, for the benefit of the whole, by the British Constitution, is as Judge Blackstone says, "Not only chief, but sole Magistrate, "all others acting in due subordination to him." -- The Representative of the Sovereign is placed so here; but as Judge Blackstone goes on to say, "Society cannot be maintained, and of course can exert no protection without obedience to some Sovereign Power; and obedience is only "an empty name, if every individual has a "right to decide how far he himself shall "obey."

"Under every consideration of climate, soil and situation, together with the powerful superintending protection, of the Parent State, it may be fairly said of this People -- *O, fortunates nimium, sua si bona norint.* Happy indeed if they would only compare their own state, almost exempt from any tax, with the situation of most of the inhabitants of Europe, suffering by long and bloody wars, and of necessity overwhelmed with taxes. But if the People of this Colony will continue to listen to and be led astray by turbulent men and wily demagogues, who are only studying their own base interests, I fear I speak with a prophetic spirit, and it may be well applied here, when I say, *Quos Deus vult perdere, prius dementat.*

"Previous to going into the Pleadings on the cases before the Court -- (and where in I request to be interrupted, if I should misquote or misinterpret any thing the learned Counsel may have stated on either side) -- as a duty I owe to my Sovereign for admitting so much extraneous matter, not in my opinion connected with the cases, and unnecessarily, if not in some parts indecently discussing the Powers of the King, and of his Representative -- I shall shortly state my reasons for not interfering. In the first place, I was most anxious that I should not hereafter be told I had interrupted either Council in supporting the cause of their res-

pective Clients; Secondly, so far was I from wishing any concealment of my own acts, the more they came to light the higher I should stand, the more fully correct I should appear -- which will be still further elucidated by certain Criminal Prosecutions which I have reason to believe will be adopted at the ensuing Assizes, on the merits of which I shall therefore make no remark.

"As to my own proceedings I stand firm; and shall conclude previous to going into the pleadings by a reference to my own motto, which through life I have ever had in view; -- *Murus aeneus conscientia sana.*"

[His Excellency here commented upon the Pleadings, at considerable length in a manner which from its frequent reference to Acts of Parliament and other Authorities, and from not having in our possession full and authentic notes at present we cannot follow with any satisfactory clearness and precision. * *]

"Upon the whole of these cases, I have first to declare, that the Governor has the power to commit, when he may see occasion; and if, (as comes out in the Pleadings,) the Judge in the Court below did declare, "that the Governor had no such power," he was much in error. If he further declared, that "if any stranger or chance person landing in these Islands, had as much power to commit as the Governor," it was ill judged, if not indecent; and must have tended to produce an undue influence in the present ferment of the public mind. I think it necessary also to declare that the Ecclesiastical Law is and must be in force in this Colony, as far as regards our Established Churches and the Clergy appointed thereto; that I am specially directed to maintain the same, and to take care that none but orthodox Clergy be permitted to perform service therein; and that they shall always be one of the Vestry in their respective Parishes.

"It is impossible to shut our eyes and ears to all that appears in the Public Prints and otherwise.

"It has been reported, that the Judge in the Court below asserted, "the Ecclesiastical Law was not in force in this Colony." I mention these points thus publicly to enable that Judge to contradict, (if untrue) such gross aspersions: -- If true he has indeed much to answer for.

"As to the declaration that "the Constable was not acting as such;" if really so asserted, I have no hesitation in saying, it is absolutely incomprehensible, and unintelligible.

"On the whole of the Counsel's Pleadings, even for the Defendants, the conclusion must be admitted, that the Governor has the power to commit, -- and it would be too much to require a Constable to be the judge when the Governor is correct or not; He must in that case be possessed of as much legal knowledge, and as many legal books as the learned Counsel -- or he must gallop over the country in search of legal advice whilst the Government waited his pleasure.

"If he did hesitate he would more probably consult the book most in use, and most readily at hand (BURNS) as to Parish Officers and Constables; and he there would be more fully confirmed in the opinion, that his proceedings were correct.

"I shall conclude with quoting the opinion of Chief Justice Abbot, on a recent trial expressed in more beautiful language than any other I can use.

"In speaking of still more enlightened men than Constables can be supposed to be, (Justices of the Peace in England,) the learned Judge said, --

"The question has always been, not whether the act done might upon full and mature investigation, be found strictly right, but from what motive it had proceeded; whether from a dishonest, oppressive or corrupt motive, under which description fear and favour may generally be included -- or, from mistake or error. In the former case alone they have become the objects of punishment. To punish as a criminal any person who in the gratuitous exercise of a public trust, may have fallen into error or mistake, belongs only to the despotic ruler of an enslaved people, and is wholly abhorrent to the justice of this kingdom."

"I have only now to declare the unanimous judgment of this Court that in the two cases of John Atkins Plaintiff in Error, vs. Samuel Basham Defendant -- and John Atkins, Plaintiff, vs. James Till Defendant.

"The judgment of the Court below is reversed."

FURTHER PARTICULARS OF THE LOSS OF THE SHIP ALBION, &c.

CORK, APRIL 27.

The Albion, whose loss at Garretstown Bay was first mentioned in our paper of Tuesday, was one of the finest class of ships between Liverpool and New-York, and was of 500 tons burthen. -- We have since learned some further particulars, by which it appears her loss was attended with circumstances of a peculiarly afflicting nature. She had lived out the tremendous gale of the entire day on Sunday, and Capt. Williams cons led his passengers, at 8 o'clock in the evening, with the hope of being able to reach Liverpool on the day but one after, which cheering expectation induced almost all the passengers, particularly the females, to retire to rest; in some short time, however, a violent squall came on, which in a moment carried away the masts, and there being no possibility of disengaging them from the rigging, they incumbered the hull so that she became unmanageable, and drifted at the mercy of the waves till the lighthouse at Oldhead was discovered, the wreck still nearing in, when the captain told the sad news to the passengers that there was no longer any hope, and soon after she struck. From thenceforward all was distress and confusion. The vessel soon went to pieces, and of the crew and passengers only six of the former and one of the latter saved.

The mate is among the preserved, and that preservation was almost miraculous. He was thrown on a cliff by a wave and had succeeded in climbing to the top of it when another took him off. He was then thrown back again and was more fortunate; but his appearance bespeaks the sufferings he endured from the beating of his body against the rocks. He is dreadfully bruised.

Several of the bodies have been washed ashore, & Jacob Mark, Esq. the American Consul at this port, having repaired to the scene where the wreck took place, immediately on learning the melancholy intelligence, has done every thing befitting his situation and a man of humanity under the circumstances. He has provided coffins for the bodies, and caused them to be interred with their respective names affixed, having first had the mate to point them out in order that if the families of any of them should wish hereafter to have the bodies removed, they may be enabled to do so.

Mr. Mark's conduct is in every respect most praiseworthy, and he has taken measures for the protection of every thing that has been washed ashore, as well as for securing any thing that may yet be recovered. Among the property already found is a box of specie; and among the bodies washed ashore is that of the French lady; she was extremely beautiful.

A great number of bills drawn by the British officers in America on Greenwood and Cox, army agents in London, and on other persons in England, have been also washed ashore. Mr. Mark's activity and vigilance have been successful in securing whatever has been saved. Mr. Gibbons, the agent for Lloyd's at Kinsale, has been unwearied in his attentions; and whatever the mansion of Mr. Rochfort, of Garretstown, could contribute for the relief of the survivors, has been bounteously administered. It is distressing to be obliged to add to this melancholy event, that on Wednesday a boat from Courtmasherry, belonging, we learn, to a person of the name of Kingston, in which were eight men, in endeavoring to save a piece of the wreck, was upset, and of the eight, seven were drowned.

The names of the passengers by the vessel are as follows: --

Gen. Count Lefebvre Desnouets and nephew, of Paris; Mr. Lemercier, New-Orleans; Mrs. Garnier and Son, New-York; Mrs. Pye, do.; Miss Powell, Canada; Major Gough, of the British Army; Wm. Proctor, New-York; W. H. Dwight, Boston; G. W. Raymon; Mr. Bending; Philo-time Delpha, Bordeaux; Victor Melissent, Paris; G. Hide Clerk and lady, Albany; Col. Prevost, Alexander M. Fisher, of Yale College; G. Hill, John Gore, North Carolina; Wm. Overhart, Pennsylvania, and A. A. B. Converse and N. Ross, both from Troy; besides two Ladies from Philadelphia, whose names are not mentioned.

Steerage Passengers -- Mrs. Mary Brewster; Mr. Hirst; Mr. Morrison; Stephen Chase.

Major Gough's watch and seals have been picked up, and a small gold watch was found in Colonel Prevost's job. These articles Mr. Mark has in his possession. The box of specie, of which we have spoken, contains coins, foreign and English to the value of £5000. It is addressed to "T. U. & Co. care of C. Hughes, Liverpool." The bills found are to an immense amount, on London, Paris, and the different parts of the Continent -- Mr. Marks speaks in terms of great praise of the exertions of Mr. Pratt, receiver of Kinsale, and of Mr. John Parcell, a confidential steward of Mr. Rochfort.

Valuable Town Lots, in Frederickton, for Sale.

To be Sold at Public Auction, in Frederickton, on Monday the 8th day of July next, on the Premises,

EIGHT VALUABLE BUILDING LOTS, eligibly situated in the centre of the Town of Frederickton, fronting on King, Regent, and Brunswick Streets.

The title to the said Lots will be a grant from the Crown to the respective Purchasers; and the conditions of sale are as follows: -- 10 per cent. to be paid down, (to be forfeited if the Purchaser retracts), 40 per cent. in twelve months, and the residue in two years with interest. Good personal security will be required.

By order of the Court of General Sessions of the Peace for the County of York.

H. G. CLOPPER,
Deputy Clerk.

13th June, 1822.

FOR Sale, a Valuable Tract of Land in the Township of Maugeville and County of Sunbury, known and distinguished by Lots No. 50, 51, and 52, and the Northern half of Lot No. 53, containing about 1750 Acres. The situation and quality of said Land is equal to any in the Township. There is on the Premises a good Barn and comfortable Dwelling-house together with two rights and a half on the Oromocto Island.

Also, Lots No. 59, and 60, in the Town of Frederickton, adjoining the Property of Andrew Phair, Esquire. The terms of payment will be liberal.

For further particulars enquire of Wm. Taylor, Esquire, Frederickton, or Andrew S. Ritchie, Esquire, St. John.

Should the above property not be sold before the 14th day of September, it will on that day, at 12 o'clock, be offered at Public Auction, by Wm. Taylor, Esq. at the house of Mr. Ebenezer Avery.

St. John, 18th June, 1822.

MARK NEEDHAM, has imported by the Willington, from London; the Hannah, and Jesse, from Liverpool; and the Ann Grant, from Greenock, an Assortment of Merchandise, among which are -- Loaf Sugar, Teas, Candles, Soap, Cheese, Porter, Brandy, Geneva, Paints and Oil, Nails, Glass, China, Glassware and Crockery, Ladies' Kid, Morocco, and Seal Skin Shoes and Boots, of a superior quality, Cottons, Muslins, Selampores, Homespuns, Calicoes, with a number of articles too tedious to mention -- all of which will be sold low for Cash, good Furs, or such Country Produce as may be wanted.

Persons who have not paid their balances to the end of last year, he cannot advance further credit; and those who have no means at present to make payments for sums due previous to the Spring of 1820, he earnestly requests to call and renew their Notes, with security if required, without delay; and all those who may take goods from him on approved credit, must punctually pay every six months (in July and January) or their credit will be stopped, as punctual payments must be made both in Britain and Saint John, otherwise goods cannot be obtained.

Frederickton, 11th June, 1822.

JAMES TAYLOR, Sen. & Co. have received per the Willington, from London, and the Ann Grant, from Greenock, a part of their Spring supply of Goods, consisting of Muslins, Cambricks, Ginghams, Handkerchiefs, Steam Loom Shirtings, White Calico, Scotch Homespuns, Russia Drill, Sheetings, Ribbons, Ladies and Gentlemen's Shoes, Hats, Hardware, Tinware, Glassware, Loaf Sugar, Cognac Brandy, Hollands Gih, &c. all of which will be sold very low for cash or short credit.

Frederickton, 10th June, 1822.

THE Subscriber returns thanks to the Public in general, for their liberal encouragement since his residence in this place, and begs leave to inform them, that he has on hand a very general assortment of Saddlery, Harness, Boot and Shoe Materials, with a general assortment of Grocery and Dry Goods; and having made such arrangements with his friends in Great Britain as will enable him for the future to sell at very reduced prices for Cash, Bills of Exchange, Furs, or Country Produce.

JAMES WILLOX.

N.B. -- Payment of all accounts will be expected for the future at the end of every three months from the opening of the same, or interest must be paid.

WANTED a smart Boy, who can be well recommended, as an Apprentice to the Saddle and Harness Business.

Frederickton, 4th June, 1822.

DISSOLUTION OF CO PARTNERSHIP

NOTICE is hereby given, that the business heretofore carried on under the firm of JOHN NESMITH, & Co. is dissolved in consequence of the decease of JAMES DAVIDSON, one the partners of said concern, and that no business will be transacted under the aforesaid firm from this date, except for the purpose of winding up the affairs of the said concern. Those persons having demands against said firm, are desired to present their accounts for immediate payment, and all persons indebted to said concern are desired to make payment without delay to JOHN NESMITH, who is fully authorized to receive and pay all debts due to and by the said concern.

JOHN NESMITH
WILLIAM KIDSTON, junr. } Surviving
by his Attorney } Partners
JOHN NESMITH
Miramichi, 22d May, 1822. } gms