

the publications but according to Lord Kenyon the Jury should put the best, and lean to the side of mercy. One construction might be, that it was intended to put this amount into his own private pocket—the other to expend it in repairs. This formerly would have appeared a large sum; but when contrasted with what had been expended since the time of Sir Archibald Campbell, it would have been a good arrangement. Sir John Harvey was no where accused of a design to put money into his own pocket. Mr Taylor's accounts must undergo the supervision of the Assembly, and whatever was voted for supplies must be expended by that gentleman. The last paragraph conveyed a wish that his Excellency might be removed to a better government. There are few governors but would wish the same; and there was no harm in saying that if a better offered his Excellency would accept it. The concluding paragraph therefore showed no invidious feeling against the Lieut. Governor; and the entire article only evinced a desire to expose a mischievous system of legislation. The Jury were called upon to say there existed malicious motives; and he would ask, if as intelligent men they could place such a construction; and if they had any doubts on their minds, they should lean to the side of mercy.—In all criminal cases a Jury should lean to that side. But for expressions such as those alluded to should the defendant be incarcerated, and doomed to see his future prospects blighted and destroyed.—Could they believe the publication would have the effect to produce sedition in the Province? He was satisfied, as he said before, that it would never have been heard of, had not Sir John been compelled to direct the Crown officers to prosecute, in pursuance of the vote of the Legislature. But thank God, the people of this Province live under a constitution which will not permit their liberties to be affected, except during its sitting, by a resolution of the Legislature, without the intervention of a Jury. The law says, whatever may be the condition of the persons—however elevated or however humble, yet, he must be considered as innocent until twelve of his peers shall say to the contrary. The Queen herself is subservient to those laws, according to which she is sworn to govern the realm; and no person can be convicted without trial under them. Thus it is the defendant appeared before the court that day.—If he would have been committed by the House, he would have been incarcerated long since; but he relied with confidence upon the protection of the laws; but he Mr S. felt satisfied when the Jury retired to their room, and took all the circumstances into consideration, that they must acquit the defendant; particularly as the other side had left the Jury to draw no very favourable conclusion by refusing to allow the documents to be produced.—In fact nothing could justify them in finding against the defendant. If the publication were true, the action ought not to have been brought; and if it were erroneous, unless the publisher were actuated by malicious motives, he should be acquitted.

Before concluding, the learned gentleman said he would remark that the defendant is only the Printer; and it must be proved to the satisfaction of the Jury, that he published the article in the County of York. Seeing the opposition arrayed against him, he Mr S. felt it his duty to take exceptions, and reserve points, that his client might the benefit of such a course both then and hereafter. He mentioned this, as his learned friends might say he had made fictitious objections. The proof that had been adduced he considered as insufficient; but the learned Judge who was trying the case, thought there was enough to send it to the Jury. He felt it was unnecessary to make any farther remarks; he would merely remind them that the defendant is the printer of the Chronicle; and they could not believe that he was a young man, who would be actuated by the malignant motives that were attributed. They could not view him in the light represented by the counsel on the other side, whose duty it was if possible to have him convicted. But he did not fear the effect of the arguments that might be adduced, or that the Jury would be misled by sophistry. The learned gentleman then apologised for having taken up so much of the time of the Jury; but as it was his duty to state the law of the case, and bring under their notice most fully the recognised liberty of the press; he felt that he should stand excused. He thanked them for the attention they had paid, and was satisfied they would take the same view of the subject as himself. The Counsel on the other side, he said, would doubtless make much of what fell from Mr Whetmore, who did not understand the question that was put to him; and who said he considered the object of the publication was to implicate the Lieut. Governor; at the same time he said he could not form an opinion without having the accounts before him. If there had not been an excessive expenditure the accounts would have been produced; and his not being permitted to have the accounts to refer to, evinced a desire to prevent the truth from appearing, which it was the object of the publication to elicit, as well as to show the profligate manner in which public monies were expended.

BRITISH JOURNALS.

From the London Examiner.

SENTENCE OF THE COURT MARTIAL ON CAPTAIN REYNOLDS.

The sentence of the Court Martial on

Captain Reynolds has astonished us; we had seen injustice prepen in the constitution of the Court, and we were accordingly prepared for severity in the sentence, but not for the excess of severity that marks the sentence.—Captain Reynolds is cashiered, and the witnesses in his favour are reprimanded. And this sentence has been approved by the Crown from which we might have expected—we did expect—a just consideration mitigating the severity of the Court. The Court Martial is not satisfied with cashiering Captain Reynolds, its wrath boils over on the witnesses. If the witnesses had implied what is attributed to them, yet monstrous would be the doctrine asserted, that there no bounds to subordination, that an officer is to submit to any insult or outrage that can be offered to him. Such a rule would extinguish all gentlemanly, all manly feeling in the Army, and would reduce the British soldier to something lower than the beasts of the field. The worm turns when trodden on; but the British officer, we are told, is not to have the privilege of the worm; he may be trodden on, his nose pulled, his face spat on, his wife or sister insulted before his face by his superior, and he is to submit like a stock or stone. Captain Reynolds is now professionally ruined—whether the ruin extends beyond his professional hopes and interests, involving as it does, the loss of £6,000, the value of his commission, we are not informed, but if he happen not to possess other means of support the sentence must reduce him to beggary. But what of that? In this case there is no noble family concerned, whose distresses Lord Hill could not endure to behold, and the good natured Commander in Chief will see with bland composure the ruin of an officer who has nothing to plead for him but his own merits in fifteen years of faultless service. The Court Martial which censured Lord Brudenell went much further in its designation of his conduct. But Lord Cardigan was not cashiered—he was merely put on half-pay, and fortified by the hooped petticoat of a Court kinswoman, he was speedily reinstated, Lord Hill's tender heart being unable to bear the distress of the noble family. There is no hooped petticoats in Captain Reynold's family, and we shall mark, in the different fate that awaits him the causes of favour and prejudice that operate on the amiable Lord Hill and his prompters at the Horse Guards—prompters we say, for the Commander-in-Chief is but an instrument in the hands of Lord Fitzroy Somerset and Sir John Macdonald.

Committunt eadem diverso crimina fato ille cruce præmium sceleris tulit, hic diadema.

says the satirist; but in the comparison before us the offences are not of the same day, and the graver is passed to preferment under the coronet—the lighter sentenced to ruin! Twenty Cardigans would destroy the whole British army, by chasing from it every officer of merit whose spirit was not tame enough to submit to the last insults rather than transgress the rules of subordination. Lord Cardigan is now happy, having got rid of the seventh and last captain within a little more than a year.

From the London Spectator.

LORD HOLLAND.

There was something extremely loveable about Lord Holland. There was great kindness of heart, and easy good-humoured playfulness in social intercourse, and refined taste in art and literature, and toleration for all opinions, and superiority to mere conventionality. He was an effective public speaker, for his heart was in his words. Yet, with all his generous sympathies, and natural talents, and literary acquisitions, what has Lord Holland done for the cause of good government? His day of honour was while he was in opposition; and even then he was but a subordinate member of his party—following the lead of men far less talented and trustworthy than himself. Since he came into office, he has been—nothing. The Opposition Peer was an intrepid advocate of civil and religious liberty; the Chancellor of the Duchy of Lancaster was—a silent member of a time-serving Cabinet. Nor was this the effect of age or illness; for on the rare occasions of late years when he has made a public appearance, it was evident that the old fire was warm within him—that the mind was apprehensive and vigorous as in its best days. That Lord Holland has been and done no more, was partly the result of natural constitution, partly of habits which his social position led him to contract. He was by nature predisposed to enjoy elegant literary indolence—to take pleasure in allowing his mind to range through the realms of thought, without tasking it to the formation of definite opinions—to relish conversational argument, in which pleasure from the mere exercise of the faculties is sought, and not the attainment of knowledge or the accomplishment of an end. Mere dilettantism could not enable a man to attain the position in society necessary to satisfy the cravings of a mind like Lord Holland's, nor could mere rank; but the two combined are sufficient

for that purpose, and finding himself, with no greater exertion than was required for his own pleasure, placed in the social position best calculated to contribute to his enjoyment, he had nothing to prompt him to acquire those habits of continuous labour that brace the faculties and make the man. Lord Holland was in the highest and purest sense of the word a philosopher after the fashion of Epicurus. For his own happiness, he, perhaps, judged wisely in not cherishing a higher ambition. Shrinking, like all Whigs, from clear definitions in politics—regulating his political conduct by the vague guidance of sympathy—averse to labour and the dry details of business—and thus enabled to play tricks with his own better judgment when called upon to censure party lapses from principle—he encouraged, by his example, a laxity of opinion, which, though comparatively innocuous in happily-constituted natures like his own, corrupts ordinary minds. His unbounded tolerance made it easy for him to bear with the shortcomings and delinquencies of his party. He shrugged his shoulders at their meanness, and let them pass. Thus he taught others to do the same. Holland House and its seductive society have tamed more 'impracticable' politicians—have in other words undermined more political virtue—than any other existing engine. The 'educated Radical' there found a Whig nobleman free from conventional cant; and, without being asked to tolerate his associates for his virtues, he half unconsciously found himself doing it. He was enervated—neutralized—by the insidious atmosphere of the Holland House reunions. It was the very Armida's bower of politics.

London Morning Chronicle.

THE SOULT AND GUIZOT CABINET.

From the very first there were few difficulties, neither Marshal Soult nor M. Guizot making any, and the King not offering any opposition to their demand of continuing warlike preparations no less actively than M. Thiers. The determination of M. Thiers was to raise 150,000 men from the class of 1841, and at the same time to decree the prolongation of the period of service, so that the soldiers who might have quitted the army in 1841 should be still retained under arms. Soult and Guizot insist on doing, or having the faculty of doing, the same thing. The King says he never resisted any wish of M. Thiers to accomplish this. All he objected to was the putting this foremost in the royal speech; for the Chambers, being bound to reply, would feel it their duty to reply in a tone still more warlike, the tone of Parliament being always more warm and more void of diplomatic meekness than that of either ministry or crown. The warlike note, thus seconded by the King, re-echoed more strongly by the Chambers, would have roused the country beyond what the necessities of the moment demanded. Such was the objection of the King to M. Thiers' proposed speech. Messrs. Soult and Guizot consent to be silent as to their intentions in the royal speech, though not consenting to abate any of their warlike tendencies.

London Post.

If M. Thiers had remained minister, the government would have been of the party which is interested in preserving the error and delusion of the French people, concerning the policy of England and her allies. But we entertain the hope, and almost the confidence, that the new government in France will do all it can to remove the wrong impression which has so much affected a great many even of the well disposed in France. For this the first grand step is to tell the truth frankly and fully, and in an authoritative manner. Believing, as we do, that nothing injurious or offensive to the French nation was intended by the Treaty of the 15th of July, or is likely to arise from that Treaty being carried into effect, we also believe this will sufficiently appear, if the whole affair be related with honesty and simplicity. That we could not expect while M. Thiers was Minister for Foreign Affairs. Upon the supposition that M. Guizot will have his place, we are very sanguine in our hope that a fair representation will be made of the matters in dispute between France and the allied powers.

European News.

BY THE CALEDONIA.

From English Papers to the 4th November.

It is our melancholy duty to-day to announce the death of Admiral Fleming, Governor of Greenwich Hospital, which took place last night, at Leamington, between five and six o'clock. The admiral had been for some time slightly indisposed, and on Tuesday last he left Greenwich for Leamington, in hopes that the change of air would be of service towards his recovery. Here, however, he was attacked by influenza, we believe,

which, acting on a debilitated frame, caused the afflicting event we have stated.

Address of the Spanish Ministry to the People of Spain.—Appointed Ministers of the Crown at the proposal of the Duke de la Victoria, we presented ourselves to her Majesty, to commence our duties. We expected nothing less than that a programme would be demanded from us; events render it necessary that Europe should know the bases upon which it is founded. These bases were that her Majesty would give a manifesto in which responsibility of Ministers for the past would be insisted on; that a promise should be made that in future the constitution would be respected and fulfilled religiously; and that in the new era commencing in Spain, the natural consequences of that constitution would not be obstructed or neutralized by the sinister influences of either natives or foreigners. The dissolution of the Cortes, and convocation of a new one, preceded by the election of provincial deputations, although not strictly in conformity with the conditions assigned by the constitution, the suspension of the municipal law until revised, supporting ourselves in the unconstitutional nature of that law; the preservation of the Juntas till the assembling of the Cortes, with an auxiliary character only, and without exercising any authority in matters of government, deferring to the next Cortes the decision of political questions which had been started, and especially that of the Regency, assuring her Majesty, that it was very possible that the opinion entertained on this subject might change in the interval, if during this time guarantees equal to these proposed to be obtained by coregents were given—these, we say were the wants which we considered called for by circumstances.

The document by which these bases were proposed having been read to her Majesty by the Minister of the Interior in our presence, her Majesty, without having made any objection to what was stated, required us to take the oaths of office, which we did without hesitation, because we had more than sufficient reasons to believe that the measures we laid before her Majesty would be accepted. But great was our surprise, upon hearing her Majesty immediately after object to them all, and assert her firm and decided intention of resigning the Regency. The provisional Regency has been established, and the Spanish people most rest satisfied that for the short time which the provisional regency has to last, it is ready to sacrifice itself for the security of the public happiness and liberties, and prepared to satisfy wishes which have been so worthy and imposingly manifested by the nation.—Duke de la Victoria, Joaquin Maria Ferrer, Alvarez Gomez, Pedro Chacon, Muncel Cortina, Joaquin de Frias.—Valencia, Oct. 13, 1840.

Louis Philippe and M. Thiers.—Paris correspondent gives the following curious statement:—Some days since a strong article directed against Louis Philippe appeared in the Courrier Francais. By some means the original manuscript has been found, and the corrections thereon have been ascertained to be in the handwriting of M. Thiers. The document has been shown to Louis Philippe.

Loss of the Phoenix Steam-ship.—The splendid vessel, a trader between Harwich and London, and one of the most admired boats on the water for her fair proportions, was on Sunday last run down by the Britannia steam-ship, a similar trader, and was immediately sunk by the collision in thirty-five fathoms of water. The passengers were all fortunately saved by the crew of the surviving vessel, but the amount of property lost, about 50,000*l.*, including the value of the boat, is so enormous, and the event altogether is of so serious a kind, that we give an account somewhat longer than we usually devote to intelligence of this description. The report of Captain Lefort, commander of the Phoenix, is of course the most authentic relation, and we give it nearly in his own words:—Sunday, Oct. 28, 1840.—The Phoenix left London at a quarter past nine, with a cargo of tallow and other goods? About a quarter past eight, near the point of Dungeness we saw several lights of fishing-boats, and we steered in a manner to avoid them. A few minutes after nine we perceived the light of a vessel on the starboard bow, that is to say, to the windward of us. Orders were given to deep her way immediately, so as to give it as wide a berth as possible, and I personally repeated the order to continue to keep away, not wishing to pass a vessel so close in the night. We soon made out to be a steam-vessel on her larboard tack, but instead of luffing by keeping her