

charges of deliberate falsehood on the part of the committee, with personal attacks on individual members. The feelings under which that letter was written may have been such, as would be natural to any gentleman who found himself charged with what he believed to be false, but being written and published, the House could not allow it to pass unnoticed. They accordingly brought Mr. B. to the bar, and on his own confession of the authorship, with one dissenting voice, ordered him to be committed to prison.

On his reaching the door of the Province Building he expressed his determination not to go with the officers unless forced, as he considered the warrant illegal, and a crowd having collected, a rescue, without any violence or confusion, immediately took place.

A case which occurred in the Bahamas has been cited, to prove that the colonial legislatures do not possess the power to commit persons to prison, and as it has already misled some and may mislead others, we think it necessary to state briefly what the powers of parliament are in this respect. The House of Commons has the right to commit persons to prison, whether their own members or otherwise, without any interference from any other tribunal; it has no power to take cognizance of offences other than those that may affect its own authority, but of those it is the sole judge. It never inflicts any punishment but imprisonment, and that only during the continuance of the session; and if it desires any punishment for criminal offences, by which life or property is to be affected, it must petition the King, and hand the delinquent over to the Courts of justice. This power would, on a first view, appear dangerous and unlimited, but the fine balance of the constitution has prepared a remedy. If His Majesty conceives that Parliament make use of their power to oppress, or unnecessarily injure his subjects, it becomes his duty to express his sense of such conduct by an immediate dissolution. That the whole power of Parliament, as regards commitments, does extend to the colonies, there can be no doubt. It is a fundamental principle of the existence of those assemblies—the Crown can neither take it away, nor the Courts of law interfere with it. In the case of Mr. Wylie in the Bahamas, the Judges of the General Court interfered illegally, and His Majesty dissolved the Assembly, not because he denied the power of the House to punish the Attorney General, but because he believed the commitment was oppressive. As a further proof that the Colonial Assemblies have this power, we might refer to the case of Mr. Oliphant at Jamaica, in which it was fully recognized; we therefore cannot but regret that Mr. Barry should have conceived himself justified in resisting the execution of the Speaker's warrant. The street is not a place to decide a point of law, and although we can make every allowance for the excited feelings of friendship, and for the manly and honorable impulses by which men, and our own countrymen in particular, are led to take sides with the weakest, and to resist power which they consider is abused, we do sincerely lament, that in this case the feelings of upright and honorable men should have triumphed over their reason.

The scenes which followed it would be most unjust to lay to the charge of Mr. Barry; by himself and his real friends we know they are condemned, and if possible would have been prevented. For the honor and reputation of Nova-Scotia—for the credit of the community in which we live, we wish they had never occurred. Messrs. Dickson, Smith, Freeman, Stewart, Crow, Morton, Oxley, McKinnon and others, who were engaged to dine at Government House, were hooted and hissed along the streets, pelted with snow, mud, stones, and other missiles, and assailed by every opprobrious expression that could be vented by a heedless and unthinking rabble. Some Gentlemen had to take refuge in private houses. Mr. Smith had his head severely cut, and even Mr. Poole, the father of the House, and an old man of 80, was not suffered to escape. Investigations have since been going on, both by the Assembly and the Magistrates, in order to detect those who were concerned. It is a deep stain on the Capital that any part of its inhabitants should so far have lost sight of what was due to public decency and decorum, as to insult and abuse the Representatives of the Province. Men may differ in opinion with the Representatives—may condemn their conduct and their measures—but there are legitimate channels through which their censures can be conveyed; the press is the tribunal by which they are to be tried, and their punishment should be awarded at the Hustings. That no portion of the people of this Province may ever again be roused to a similar disregard of order, we think every well regulated mind in Nova Scotia will heartily

pray. On Monday morning Mr. B. gave himself up to the Officers, and has since been kept in close confinement, and on the same day a resolution was passed for his expulsion.

We have been forced, in order to give our readers even a general view of this question, to extend our remarks to a length that we did not anticipate. For the present we shall leave the subject, having fulfilled a duty which we owe to ourselves and to the Province, by the expression of our deliberate and impartial opinions.—*Novascotian*.

SUPREME COURT.

APRIL 30.

Mr. Justice Haliburton, in his charge to the Grand Jury, on Tuesday, told them, that although it appeared by the Sheriff's Calendar, that no Prisoners were in custody whose cases required any particular instructions from the Court, yet he regretted that it was not in his power to congratulate them at the commencement of this term, as he had done the last, upon the orderly and peaceable state of the community.

The disgraceful scenes which took place on Saturday evening, when a prisoner, in custody of the Sergeant at Arms of the House of Assembly, had been rescued from that Officer, and the outrages committed upon the Members of that House, after they left the Province Building, called loudly for the serious investigation of the Grand Inquest of the Country.

It was not the province of the Court or of the Jury to enter into the merits of the case between the House of Assembly and one of its Members; whether they had exerted their power discreetly or indiscreetly could not be enquired into here; the only question the Jury had to consider was, whether the Party, who, it appeared by the examination of the Officers of the House, had been forcibly taken out of their custody, had been legally placed in it; for if the commitment was illegal, and the Officers were not authorized by law to detain him, then the rescue was not criminal; and the Grand Jury could not indict the Persons who effected it.

The Court, however, had no hesitation in declaring that the person who was stated to have been rescued, was in the legal custody of the Officers. The question had been brought seriously before them, at Chambers, upon an application for a Habeas Corpus, and they had decided, upon consideration, that the House of Assembly must be invested with sufficient power over its own Members, to commit those who were guilty of contempt, or disobedience of the rules which they had adopted for the preservation of order and decorum in their debates. The warrant in this case stated that the party had been guilty of such contempt, and two of the Judges of this Court had refused to liberate him, as they deemed that he was legally in custody. They now pronounced the same laws from the Bench that they had delivered at Chambers. Such powers are incident to all superior Courts and legislative Bodies; they could not perform their duties unless they possessed them; they are no privileges conferred upon them to increase their power and dignity, but they are inherent rights, essential to their existence, and to the due discharge of their respective functions.

The rescue of a Prisoner legally committed, is deemed so great an offence in the eye of the Law, that to rescue a Prisoner guilty of high-treason constitutes the crime of high-treason in the person making the rescue, and in like manner to rescue a Prisoner committed for felony, makes the rescuer a felon. In other cases it is a serious misdemeanour. His Honor then explained to the Jury the nature of the evidence which they should require before they found a Bill for a rescue, and afterwards turned their attention to the riotous conduct of the mob towards the Members, which he said could not be too severely reprobated. He did not know whether the Crown Lawyers had procured sufficient evidence to enable them to proceed against any of the persons concerned, for a riot, or to indict them for the assault upon the individuals. The transaction itself would admit of either course, if the guilty persons could be discovered; such outrages committed upon the members of the Legislature struck at the very foundations of society, they were most disgraceful to the community. He was sure that all friends to decency and to order participated in these sentiments; the respectability of the characters of those who compose the Grand Jury was a sufficient pledge for the diligent discharge of their duty upon the occasion, and he had no doubt that they would pro-

ceed upon the investigation with an equal regard to the liberality of the subject, the dignity of the laws, and the preservation of the Public Peace.

General Articles.

CONSTANTINOPLE, Jan. 9.

Propositions have been made, for a long time, to the Porte, in order to arrange the affairs of Greece, and to recall the intervention of the British and French Ambassadors. The arrival of a French agent who has been presented by the Dutch Minister to the Reis Effendi, appears to have opened, at last, the true channel.

The Porte has received a declaration from the three Powers who have taken Greece under their protection, reduced truly to narrow limits. It is said that the Sultan has acceded to this declaration, and is not far from consenting to enter into a formal negotiation on the subject, provided it takes place at Constantinople. He always refused sending a Turkish Commission out of the city, and the Reis Effendi has explained himself about it in a peremptory manner. The party for peace, however, flatter themselves to have obtained a great success, and it is thought that, if the Powers will take upon themselves the sending of Plenipotentiaries to Constantinople, they may bring about a durable peace. The arrival of a Russian cartel has given to these pacific rumours a new consistence, it is said it is the bearer of proposals from the Emperor Nicholas, to enter into negotiations with the Porte, and that they have been sent to the Reis Effendi by the Danish Minister.

Although we know nothing positive in this respect, there is but little doubt entertained that they are relative to a cessation of hostilities, and that they profit by this occasion to treat about the exchange of prisoners.

Fire at York Minster.—Jonathan Martin is fully committed to take his trial for having wilfully set fire to York Minster. After depositions of the witnesses had been taken, he made the following confession in the most cool and collected manner possible: "I set fire to the Minster in consequence of two remarkable dreams. I dreamt that one stood by me with a bow and a sheaf of arrows, and he shot one through the Minster door. I said I want to try to shoot, and he presented me the bow. I took an arrow from the bow and shot, but the arrow hit the flag and I lost it. I also dreamed that a large thick cloud came over the Minster, and extended to my lodgings. From these things, I thought that I was to set fire to the Minster. I took them things away with me, for fear somebody else should be blamed. I cut off the fringe and tassels from the pulpit and the Bishop's throne, or what you call it, for I do not know the names, as witness against me, to show that I had done it myself."—He delivered this explanation, in a tone and manner which seemed to bespeak the absence of all feeling on the subject. After it had been reduced to writing and read over to him, he with the utmost readiness pointed out a trifling deviation from his statement, saying, "That's wrong, Sir." Upon suggesting his correction, and the altered document being read, he said "That is all right," and on being asked to come to the table to sign it he did so with great firmness. The several witnesses were then bound in their own recognizances to prosecute and give evidence, and Martin was committed to the city gaol.

The temper of the United States Government towards Great-Britain is expected to become of a more conciliatory tone under the Administration of General Jackson.—Whatever may be the opinion of the world as to the character of the President himself, he may acquire lasting honor and respect for his administration, by a series of wise and temperate measures. There is every disposition on the British side to preserve the most perfect state of harmony and friendly feeling. We are happy to see, stated, on the other hand, that Mr. Tazewell, who wrote a pamphlet on the Colonial question, decidedly favourable to the British view of it, has been appointed Minister at the Court of Saint James. From this a mutual good understanding may be anticipated. The vaporing of Mr. Lawrence, on the Boundary question, has had no effect on either side of the Atlantic; and we trust this exciting and truly important object will be speedily and honorably adjusted.