

(Original.)

Sweet vale of Clyde—a long, farewell,  
I seek for pleasure here in vain :  
While strong remembrance lives to tell,  
Of those I ne'er can meet again.

Why fate didst thou impel me here  
To feel affliction so severe,  
To drink the dregs of grief and know,  
The worst that life has to bestow.

While far away in foreign climes,  
I spent my quiet night and days,  
The hills of passage seven times  
Came visiting my native braes.

Each time they from the winter fled,  
A loving friend went to the dead ;  
I mourn the woeful change, to see  
Them gone, that could give joy to me.

And seven times by flowery Clyde,  
The blushing rose and lily pale,  
Have raised their heads in blooming pride,  
Since last I left its verdant vale.

Each time they faded—as the tomb  
Received a sister, in her bloom ;  
While mournful tidings of despair  
Have pierced my soul and rankle there.

Yet still the rose on Mary's cheek  
Is blushing fair in beauty's prime,  
The lily on her brow so meek,  
Has never felt the touch of time.

But O ! thou dearest never join  
Thy fortunes with a fate like mine,  
Who would not rather bear alone  
A thousand woes—than share thee one.

Farewell to scenes forever dear,  
'Tho' they be scenes that make me mourn  
The woe and ruin witnessed here,  
Will exile me ne'er to return.

For joy is gone, and friendship's dead,  
The treasures of my heart are fled,  
And I depart depressed with woe ;  
Regardless how, or where I go.

I'll seek some solitary shore,  
Where gloomy forests wave around ;  
Where winter half the year doth roar,  
And keeps in ice the water's bound.

Where chilling fog's incessant hing,  
And blight the beauties of the spring,  
Where Summer wears a burning sky,  
And Autumn's howling tempest's fly.

There will I paint you scenes of youth,  
And dream of pleasures tasted here ;  
Fond fancy shall my sorrows soothe,  
And make my sufferings less severe.

Till recollection mount her throne,  
To tell my hopes and joys are gone,  
Then I may sigh, or shed a tear,  
Where there are none to see or hear.

ENGLAND.

LONDON, April 20.—His Majesty may be considered to be rather better than when the first Bulletin of the state of his health was issued; certainly not worse; neither of the physicians were in attendance on the King during yesterday.

Sir Henry Hallford left the Palace shortly before eight o'clock, and returned to town. Sir Matthew Tierney remained at the Palace about an hour and a half after the departure of Sir Henry, when Sir Matthew also took his leave on his return to town.

Sir Henry Hallford returned to the Palace soon after seven o'clock yesterday evening. Sir Matthew Tierney was not expected to return to the Palace last night.

Copies of the Bulletin were sent to the Duke of Clarence, at Bushby Park, and the other branches of the Royal Family, in the course of the morning.

The Duke of Wellington came to town on Sunday evening, from his residence at Strathfieldsay.

Summonses were issued yesterday morning to the Cabinet Ministers, to attend a Cabinet Council.—Messengers were despatched to those of the Ministers who were out of town.

The Spanish Minister had a long conference with the Duke of Wellington yesterday at the Treasury.—*Morning Herald.*

LIVERPOOL, April 26.—The following bulletin of the state of His Majesty's health was issued on Saturday last. It will be read with pleasure, as it removes all apprehension of the immediate demise of our gracious Monarch.

"The King has passed two good nights, and continues better."  
(Signed) "HENRY HALFORD."  
EMBEZZLEMENT.—We understand that a clerk only 48 years of age, in a German house in Broad street has absconded with money of his employers to the amount, it is said, of £5,000, and, it is supposed, has escaped on board the *Cambria*, which sailed from Portsmouth on Thursday morning, for New York. He has taken with him a female, a child, and a livery-servant, the latter having been stationed at Portsmouth upwards of a week to make the necessary arrangements for the flight. Mr. Gates, the solicitor, has gone in pursuit of him, but

with slight hope of success.—*Continued.*—The following have been stated to be the new ecclesiastical arrangements consequent on the death of the late Bishop of St. Asaph:—The Bishop of St. Asaph and Bishop of Gloucester to that of Exeter; the Dean of Peterborough, Dr. Monk, receives the Bishopric of Gloucester; Dr. Chandler is to be Dean of Chester; and the Rev. J. R. Jeff, (tutor to Prince George of Cumberland,) and Dr. Bull, are to be the

Canons of Christ Church.—*London World.*  
At the late Warwickshire assizes, sentence of death was passed upon and recorded against 69 persons.  
We had no idea of the extreme heat of the weather lately, until we read the following in the Hampshire Chronicle:—“The intense heat of the weather on Saturday, the 27th March, was such as will never be remembered by the oldest persons living.”  
“The accounts from Hayling Island, Bognor, Little Hampton, Worthing, &c. speak of it as most extraordinary. In Chichester several thermometers ranged at 102! and at 70 in the shade. Candles in the chandlers’ shops and stores dripped considerably.”  
**WIDOWS’ PENSIONS.**—It is said that the question whether officers’ widows should continue to enjoy pensions after marrying again, is now under consideration of government. It is urged that the practice is, in fact, rewarding one man for the services performed by another.

Between one and two o'clock yesterday morning a fire broke out in the house of Mr. Grant, a baker, of No. 81, Fetter-lane, Holborn, which from the time of night, and the nature of the premises, struck the greatest terror throughout the whole neighbourhood. The fire, from all accounts, broke out in the lower part of the front of Mr. Grant's house, which in a few minutes after its first discovery by the watchman burst forth with great fury at the shop doors and windows, to the imminent danger of the lives of no less than eighteen or twenty human beings, who, including Mr. Grant's family, inhabited the house. It was most distressing to see the inmates in their night clothes only, at the different upper windows, screaming for assistance. Ladders were procured as soon as possible, by which some escaped with little injury. Others, seven or eight in number, threw themselves out of the windows, and two of them were carried in a dreadful state, to the hospital; one of whom, a female, died at St. Bartholomew's about six o'clock yesterday morning. The fire next communicated to the house of Mr. Wright, the eating-house-keeper, No. 83, which, as well as Mr. Grant's and Mr. Smith the grocer's, of No. 85, (all built of wood) were on fire at the same time. The families and lodgers of Mr. Wright and Mr. Smith had time to save themselves, without sustaining any injury; but we are sorry to say that an elderly lady, named Ewins, about eighty years of age, who had also lodged in Mr. Grant's house for nearly thirty years, perished in the flames as well as an infant about four years old. Their bodies were dug out of the ruins about 11 o'clock yesterday, and carried in a shell to the house of Mr. Russell, the undertaker, in Fetter-lane.

FROM THE UNITED SERVICE JOURNAL,  
*Sir Howard Douglas in reply to the Quarterly Review on Breaking the Line.*

The statement which, in justice to my father's memory and services, I was induced to publish respecting the actual share he had in the decisive operation of breaking the enemy's line, in the battle of the 12th April 1792, and which was published in full in the eleventh Number of your very excellent Journal, has elicited an article in the last number of the Quarterly Review. On this article, written with all the ability which characterizes the contributors to that distinguished publication, I trust you will permit me to make a few observations.

The writer endeavours to impugn the evidence of eye-witnesses, who attest the fact, as stated by Admiral Ekins, in his Naval Battles, that the operation was neither premeditated nor predetermined but was suggested and urged by my Father, "on the spur of the moment."

It is said to be surmised that the information upon which Admiral Ekins has made this statement was derived from some of my Father's house. I think it right, in the first place, to declare, that the account given in the Naval Battles did not proceed from any of Sir Charles Douglas's family, to all of whom the Admiral is personally unknown, and who were utterly ignorant of such a work, until some time after it was published. It appears to have been drawn up on authentic information, from every accessible source, excepting myself and every other member of my Father's family; but it entirely corresponds with the knowledge and belief which the family of Sir Charles Douglas has ever entertained on the subject.

I am persuaded that this material circumstance has not been rightly understood by the reviewer. nor does he appear to have been aware that common report, original and still prevalent belief and conviction, all concur in assigning to my Father, what I know to be a fact, the credit of having suggested the decisive manoeuvre at the important moment, and that this was the impression & belief generally entertained in this respect, immediately after the action of 1805. It is my statement from being the revival of an old dispute, which had been suffered to remain dormant for seven and forty years, as the reviewer states, and from being accompanied by any new assertion, it was expressly written in reply to assertions by which others had revived the old dispute, and to support what had already been advanced by an intelligent and impartial historian, (Admiral Ekins;) and instead of altering the current of belief; to confirm impressions that were general and are still prevalent, but which others have attempted to deny or discredit.

I do not at all admit that the ingenious criticisms of the review, shake, in the least degree, the clear and circumstantial account of Sir Charles Dashwood, supported by the evidence of Sir Joseph Yorke; but as I am enabled to supply, in the most ample manner, additional testimony to meet the deficiency of which the reviewer complains, it is my intention to do so, at what I may consider a proper time.

Sir Joseph Yorke's testimony, it must be remarked, is not given on recollection; it is taken from notes made at the time, and lately extracted from a book, in which his mother entered, with her own hand, all her son's communications. These notes, of which I deemed the extracts I gave page 58 Naval Gunners, to be quite sufficient, agree in every particular with Sir Charles Dashwood's testimony, even to the fact of Sir George Rowood's going into the stern-gallery at Sir George's mansion, by Father's suggestion; and Sir Joseph now corroborates, on the same collection, the statement of the other side-deck, by declaring that what is stated by Sir Charles Dashwood in his letter, as to the suggestion having been made and urged by my father, is correct, and "corroborates, what it fell to his (Sir Joseph Yorke's) lot to see and hear," and which he noted at the time. The error respecting the time of breaking the line must be a mistake made on copying the minute. This is obvious, for the hour was no doubt taken from the ship's journal or log at the time.

The part of Sir Joseph York's notes which it is endeavourd to ridicule, respecting the Formidable's bow having been seen from the Barfleur to open through the enemy's line, and as to the crew of the Barfleur having thereupon cheered, was written after communication with officers of the latter ship respecting the action, and is perfectly consistent and easily understood. It is not said that the cheers were *heard*, but that they were *given*; and in the position in which the Barfleur, was at that time, the Formidable, on emerging from the smoke in which she was enveloped whilst engaging to leeward, reached a situation in which she must have become visible.

With respect to what is stated in Mr. Cumberland's Memoirs, I was not ignorant of that work, and the anecdote therein related is one of the circumstances to which I adverted, in what I state at page xxxvii. upon the subject of my Father's delicacy in waving the question, when pressed or committimentally verbally upon it. As there was no medium course between actually *claiming*, and tacitly disclaiming the merit, this anecdote proves nothing more than I have already mentioned; and you, Mr. Editor, have put this in a very proper light in the thirteenth Number of your Journal. In reply to Mr. Cumberland's gossip, as to my Father having objected to the manoeuvre, which he is proved on the contrary to have suggested, I have to remark that, as by the reviewers own showing, Mr. Cumberland appears to have confounded the Admiral and the Captain of the fleet in one part of his account, so he is entirely mistaken as to the party objecting. I shall have occasion, perhaps, to revert to this part of the subject hereafter; but in the mean time I think it right to declare, that though my Father declined to be complimented verbally, and in society, of the particular service he had rendered, in the case in question, and was extremely cautious to whom he avowed it, yet he did communicate to

confidentially to his family and some of his friends, and received and carefully preserved congratulatory letters from some of the latter, for having "pointed out so masterly a stroke" as that by which De Grasse was conquered.

I am sorry the reviewer has taken my angry feelings; of their existence I am unconscious, and to any such I concede *nothing*. But I may express my deep and sincere regret, that the family of Sir George Rodney, or of Mr. Clark, should feel *pain* from the manner in which I have expressed myself; or complain that I should have availed myself of the evidence necessary to establish the claim which I have found it my bounden duty to make, in reply to what has been asserted, and in consequence of no denial or answer having been given by others.

The writer of the article admits that some conversation between the Admiral and Sir Charles Dumas may have passed on the subject of breaking the line, and that it was not inconsistent with the duty or situation of the captain of the fleet to have offered the suggestion that was acted upon. How, then, can it be considered derogatory to Sir George Rodney to have received it? The manner of making it was necessarily urgent; but Sir Charles Dumas expressly describes it to have been made respectfully, and renewed "quietly," coolly, and even persuasively. The acquiescence of Sir George Rodney proved to be that of a great mind; and his going into the stern or quarter-gallery, upon giving his sanction to the manœuvre, so far from being to withdraw from the quarter-deck, in the signification attempted to be attached to it by Sir Charles Dumas's statement, was only to move to what in action, is, in fact, the after part of the quarter-deck; a station, in which he was perhaps, most exposed to the enemy's fire, which he was about to pass, close on the starboard hand, and from which he could best observe his own ships, which, undisturbed by signal, were only led by the course and example of the *Formidable*, actually deviating from *line a head*, the signal for which (*so urgent was the moment*), was not hoisted down till the *Formidable* had passed through the enemy's line! In my statement I have strongly and sincerely expressed admiration for Sir George Rodney's true greatness of mind, in adopting the advice of the Captain of the fleet, and in determining gallantry with which he carried that suggestion into effect. My words are, "upon farther consideration Sir George Rodney determined most gallantly, and with true greatness of mind to adopt the advice of the Captain of the fleet, upon which the *Formidable* pushed through the line, &c. &c." I feel that the reviewer has done me injustice, in suppressing this very material passage. I claim for my Father, that he did his duty in offering and urging the advice he gave, whilst I give to the gallant Admiral the credit of adopting it, and the chief merit and

The satisfaction which I shall ever retain in the consciousness of having discharged properly this filial duty, will, I own, be always tinged with regret, that it may touch, in a contrary sense, the feelings of others: and it is therefore, due to myself to explain why I did not come forward sooner, and why I should move now.

Until near thirty years after the battle in question, when I succeeded to the title, this obligation did not descend to me, nor was I in possession of any of my Father's papers. At that late day it *did* become a question whether I should come forward; and I was much urged, by those whom I most loved, and to whom I owed implicit obedience, to do so. But though I then resisted their injunctions, I solemnly engaged that, should the time ever come, when the question would be, not whether Sir George Rodney or my Father, had convinced and adopted the operation by which that victory was gained, but whether it would have been gained at all, had it not been for another, I would explain and prove all the real circumstances of that eventful day. If any one doubt that the question had come to this, let him read the introduction, by a Naval Officer, to Mr. Clark's Essay on Naval Tactics; Playfair's Memoirs; and what is stated at page 237, Volume V. of Sir Walter Scott's Life of Napoleon Buonaparte, in which my esteemed and much-valued friend, who is utterly incapable of stating any thing that he did not believe to be true, has asserted that, "whatever professional jealousy may allege to the contrary, Mr. Clark taught British seamen how to understand and use their own force;" and, in fact, that it is to the genius of Mr. Clark that the country is indebted, for the decisive

These are assertions, either of which would justify me in coming forward, as I have done; but when superadded to these, I *know* my name has been lent to his grave with a spirit unimpaired and mortified by neglect, for splendid, unrequited services,—services which consisted, and even as conducting the business of day, and so much difficultly, unpromoted enterprise, and of so much glory, a victory so signal in its immediate effects (the saving of Jamaica,) so important in its general consequences, (retrieving our naval affairs and advancing the character of our service,) taken even in these lights, the services of Sir Charles Douglas on that great occasion were deserving of some reward. It is insinuated that being but a Captain, the thanks of Parliament were sufficient. It should have been recollected, that being *Captain of a Fleet*, he ranked with the flag-officers. He was classed with them accordingly in the thanks of Parliament. *They* were rewarded by honorary distinctions, *while* he was excepted. Whatever may now be said, my Father's own Commander-in-Chief, Sir George Rodney himself, did not deem the thanks of Parliament and the Admiralty letter, sufficient; for in a letter, dated

Montague, of Bermudas, Aug. 8th, 1752, congratulating my Father on those honours which the reviewer deems to have been sufficient, his Lordship significantly admits them to be *insufficient*, by charging himself with "procuring what further my Father might most desire; thus admitting that there were claims over and above those that had been publicly acknowledged. Yet nothing was done! My Father was a Baronet at the time of the action; and neither a red ribbon, nor any thing else, was conferred, to mark the service; and, by the Government, of his services; and, I repeat, my Father went to his grave, with a spirit mortified and wounded by these neglects. Of this he left proof; and I should be dead to all feeling, if this together with what I have already stated, did not move me to act as I have done. Let me not be misunderstood.—It may be suspected by some persons, that I have some selfish object in view. I will own that I have an object at heart, and one which I confidently believe will be accomplished through my filial exertions. Any honours that may now be considered to have been due to my parent, can in no other way be made acceptable to me, than by being "stored on his urn; and if I should succeed in raising the grateful sentiments of the country towards my Father's memory, for services which, taken in any light, may fairly be deemed not to have been properly requited, I shall have gained my only object.

Finally, as nothing but my conceding to Lord Rodney the credit of having conceived and directed, in a timely manner, the decisive operation, will, appears, satisfy those who now dispute my Father's claim, I have only still to lament, that a paramount duty will continue to lay me under the necessity of refuting such a pretension; and to this part of the subject my forthcoming statement shall be more particularly devoted.

I am very sensible that the evidence of a son, in such a case as this, should be received with extreme caution: and that, whilst the reviewer may honourably

my motives, he acts rightly, if, believing the other the injured person, he lean towards that side. But whilst I am responsible for having brought forward names and evidence which I had full permission to use in any way, I think it will be perceived I am in direct evidence in the case. I am the advocate of my Father's cause, and the guardian of his fame; and as such I arrange and adduce the testimony of persons still living, much of which was noted at the time; and I avail myself of this, with other documentary evidence, for my Father's sake, firmly believing that *he is the injured person*. It is well said that the reputation of a public man is public property, and should be defended accordingly: but this is true, not as to any particular man, but with respect to all public men; and to refuse to do justice to one, is to whom public report, and an able and independent professional historian, after proper research, and upon ample proof, have assigned a degree of posthumous merit, which circumstances had partially obscured whilst living, because this would take from another that to which he was not entitled, would be to control the truth of history; and to commit the very error which the reviewer has so properly condemned.

I feel conscious that I have done my duty; and that I have done it in a way neither heedless nor reckless of the feelings of others. Whether by my exertions my Father's name may continue to stand on the page of history, in this particular, as I wish it may, and think it ought to appear, will be for the historian to determine; but so far as my own reputation is concerned, as a man of no obduracy of feeling, nor inconsiderateness of conduct, I hope I may rely on the grounds upon which I proceed, being considered so strong, as at least to justify me in showing proof to the biographer and to the historian, of what I believe to be true, as firmly as I do my own existence.

And am, Mr. Editor,

Your very obedient servant,  
HOWARD DOUGLAS.

—♦♦♦—  
**FRANCE**

From the *Paris Advertiser* of April 11.—His Royal Highness Prince Leopold of Saxe Coburg paid his respects yesterday to the King and Royal Family, at the Palace of the Tuileries.

The *Journal du Commerce* states that no dissolution of the Chambers will take place—that Ministers are alarmed by the accounts they received from the departments—that, in fact, the reports made by the Prefects are such as would not encourage Ministers in their present system. The most accredited opinion, therefore, now is, that Ministers will present themselves again before the Chambers, and even anticipate the period of their convocation, by accompanying them for the 1st of August next.

**SPAIN.**

It is reported that, in consequence of a letter from the Duke of Wellington to the King of Spain, the Council of that Kingdom has taken into consideration the expediency of recognising the South American States, under certain conditions. The Government has directed M. Francois Arango, of the Havannah, to revise the Black Code—a measure which has long since been imperatively called

for.

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**TURKEY.**  
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SALONICA, MARCH 4.  
(Private Correspondence.)

We now enjoy the greatest tranquility. The calm is perfect, but it is not perhaps that kind of lethargy which precedes the convulsions of nature? The Turks throw up to Heaven their hoggard eyes and their hands, agitated by convulsive movements, as they dolefully pronounce the name of Allah. They say that their Sultan is a renegade, who has just been baptized in secret; that he has betrayed the faith of his ancestors, and is now nothing but the *kaid* [sicutanon] of the Emperor Nicholas. They complain of his having debased the Ottoman sabre of his being tributary to Russia. They pretend that he has concluded a secret treaty with the latter power, in order to be maintained on the throne in spite of every thing. The vagabond Dervises, and the Ulemas, foment and increase the public rumours, and stir the provinces to rebellion by their discourses. Notwithstanding all this the Sultan continues to pursue his course of reform: and it is certain that he will cease to wear the turban as soon as he can possibly do it. Will the cause of humanity gain by this revolution? It seems probable; for the pure ceism which must result from the religion of Mohomet, were it divested of all its superstitions, would undoubtedly change the character of the Turks, who, then looking upon the other nations as brothers, who enlist once for all under the banners of civilization. Constantinople may therefore become a great centre of light and knowledge. In that case, fanaticism must be banished from it, a very necessary result, though it interesting by persecution. Let the Turks howl and preach; their vociferations will evaporate in the air if Mahomed speaks prudently. He may do what he likes in his private life, but must temper with circumspection his conduct towards the provinces of his empire. He ought to begin by seizing the property of the Mahometan clergy and by keeping in his pay all those who live on the mosques—he must enlist in his regiments or embark in his ships all the parasite species of (ofias and monks, who live in the *tekas* [Convents], and give themselves up to the most infamous vices, in fine, he must become Padishah and Musli like Peter the great. But it is objected that Asia is in fermentation, and the state of Europe is alarming. We allow that crisis is imminent—however, as the Osmanlis are inclined to ease and slothfulness, advantage may be taken of this common weakness of the Orientals, in order to regenerate

rate them without any commotion.

BUEHAREST, March 18.

The Divan of Wallachia has sent a deputation to the Russian General, Baron Geismar, in order to offer to him the expression of the gratitude of the inhabitants, to whom he rendered eminent services whilst he commanded a division of the army on the frontiers, and in the country itself. The deputation has made him a present of a sabre adorned with diamonds, and worth 40,000 rees which the Boyars of the Province had ordered for the General.

The peasantry of Greece are a fine body of people, who have lost their value by the ignorance or oppression which threw them into the hands of the primates or *capitani*. The only "virtue extant" is among them; let education give them power to act upward; by their opinions on the corrupt slaves of the higher ranks—let a school for elementary instruction be established in every district, and let society be regenerated by stirring the soil about its deepest roots. A college, university, or national institution may then be formed, and Athens once more see the wisdom of her ancient philosophers mingled with the discoveries of later times, adorning the Lyceum or the Academy. But the first call of the government is to attend to the physical wants of the nation, and the repair of the calamities of the late revolution, and the adjustment of affairs which have grown out of a change of masters and system. The *pluimtum civile bella* of Greece for several years have left vestiges which could only be imprinted by barbarians. The towns are ruins; the fields are waste; trade has been destroyed; capital has never been created, or at least does not exist; agriculture is deserted; the people of whole districts, having fled from their homes,

huddled together in places of asylum far from their houses and property ; the army is without pay ; the finances without order—the courts without judges, and the laws without authority. Nothing but the most laborious communications can take place between one district and another. There is not a carriage road, and scarcely a bridge in the whole country. The lands which the Turks have left, and the value of which remains to be adjusted, by a commission, must be distributed. The peasantry must be located on their new grounds, freed from the influence of the chieftains, and placed under the dominion of law. If Prince Leopold accomplish the half of the task here set before him, he will lay the foundation of the best kind of fame among his cotemporary sovereigns. Though he has not been able by arms to contribute to the independence of his adopted country, he will become the honored instrument of giving that independence its chief value, and thus earn that higher praise which God bestows on the framers of wise institutions above the author of even patriotic victories, in his comparison between the ancient legislators and the military chiefs of the two celebrated states which are now merged in the dominions, or placed under the sway

**WEST INDIES.**

**PRIVILEGES of COLONIAL ASSEMBLIES.**  
Charge of the Chief Justice of Dominica to the  
Jury, in an Action against the Speaker of the As-  
sembly for a Rescue.

Chief Justice Jameson—Three days have been devoted to the argument of this case, and the greater part of that time has been occupied by the defendant in showing to the Court and the Jury what are the powers and privileges of the House of Commons, and why it necessarily follows that all those privileges are vested in the House of Assembly. With all respect for the learned defendant, I conceive, that his labour and research have upon the present occasion, been rather extensive than deep ; and that a great portion of the matter which has been urged in argument, may be classed under the one or the other of these two heads, viz :—Cases which are of authority, but do not apply to the present question, and cases which do apply, but are of no authority. Under the latter head, I fear I must rank the whole of those vast extracts, which have been read from the proceedings of the House of Assembly of Jamaica.

A great deal of learning has been called in aid to prove that this Court cannot interfere with the privileges of the House of Assembly, and unnecessarily, as I think; for it appears to me, that this case may be decided without, in the remotest degree affecting one existing privilege of that house, for admitting such absence of right to interfere with such privileges as the House of Assembly really possesses, this Court has clearly jurisdiction in the present case, because those acts cannot be founded on any legitimate privilege, which are subversive of the proceedings of the Court of Justice—which violate the rights of the subject, under the law of the land.

The whole of the defendant's argument upon this point is founded upon a supposed unerring analogy between the House of Commons and the House of Assembly,—and for argument's sake it may be granted. Though the analogy upon examination fails in almost every point, it may for present purposes be admitted that all the powers and privileges of that branch of the Imperial Parliament are vested in the House of Assembly of Dominica; still come to the same conclusion, because by the *Laws* of England the only mode of getting rid of an execution is either by payment of the debt, or doing what shall be accepted for payment, or by having the writ superseded by a court of law. There is no possibility of setting aside a legal process but by a legal process.

With respect to the argument of the acts done by the House of Commons, and as a necessary consequence, the acts done by the House of Assembly, not being examinable by any Court of Justice. I am convinced that this doctrine may be carried to an extreme which becomes an absurdity, even when applied to the House of Commons itself. The Acts of the House of Commons, or of the Speaker as their instrument, are examinable by Courts of Law so far as to satisfy the Courts that such acts are within the scope of the Speaker's authority, and the jurisdiction of the House. *If prima facie* they be so, the Courts of Law cannot interfere—but if they be manifestly acts not within the jurisdiction of the House—violations of the Law of the Land—they are cognizable by the Courts of justice. Lord Ellenborough even when asserting the paramount jurisdiction of the House of Commons to commit for contempt, nevertheless expressly admits, that if upon the return it should appear that a commitment were for some matter which could not by any reasonable intendment be considered as a contempt but as a ground of commitment *palpably and evidently arbitrary and unjust, and contrary to every principle of Public Law*,—that in the case of such a commitment, the Judges would look at it and act upon it as Justice might require. Lord Chief Justice Holt, too, says, "that the authority of Parliament from the law, and as it is circumscribed by law, so it may be exceeded; and if they do exceed those legal bounds and authorities, their acts are wrongful, and cannot be justified any more than the

Here then is clearly recognised by two judges, who rank among the greatest of English Lawyers, the right, not indeed of interfering with acts within the jurisdiction of the House of Commons, but of examining whether such facts come really within the jurisdiction or not; and if they do not, then, in the words of Lord Ellenborough, "of acting upon

men as justice may require."

So far, I have reasoned upon the supposition that the House of Assembly is co-equal with the House of Commons; but when I seriously look at the difference between the House of Commons on the one hand—that mighty body, self-existent, unchangeable in its nature and form, except by an act to which itself must be a consenting party—one of three branches of the Supreme Legislature of the Empire—and the reason of the necessity of their possessing such powers, which, in the hands of such men as constitute that body—the collective intellect of a great nation—never can be dangerous to the liberty of the subject;—and, on the other hand,—as the subordinate legislature of a small and thinly peopled colony—a legislature which keeps its ground like a tenant at will during the pleasure of its superior, which a single sentence from the Supreme Parliament would annihilate—unable, too, as I am to discover by what reason they should possess greater power than is claimed by the House of Commons—and greater power they must have, before they can overrule the proceedings of the King's Court, and set aside his Writ of Execution. When I reflect, further, that in the event of a greater decline in the population of the Colony, the House of Assembly may, at some future period, be filled with men the very opposite of those who ought to fill them, ignorant of the law, self-willed, and insolent in proportion to that ignorance; and how dangerous to the liberty of the subject in such hands, would be an uncontrollable unexamined power.—I am still further inclined to doubt whether it was ever consistent with reason or the intention of the Crown, that such a body, liable to such changes, should possess

The learned defendant has read from the Com-