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The Debates in the Legislative Council and
House of Assembly.

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sioner, till Thursday next, MOSES PICKARD.

NORTH-EAST BOUNDARY.
(From the *Agusta Age*, December 5.)

We notice a well written article in the
Bangor Democrat, of the 25th November,
upon the Resolution introduced into the Se-
nate of the Extra Session, by Mr. Blake, of
Penobscot, for opening a road from the Fort
Fairfield to the St. John and &c. We should
be glad to copy it, if we had room, but we
give an extract from Mr. Blake's remarks up-
on the Resolution, further illustrative of
the subject:

"By a reference to the map," said Mr.
Blake "senators will see the location of the
proposed road, and can then perhaps better
judge of its expediency. The route, as is
perceived, is from Fort Fairfield to the south
bank of the St. John, a distance of about
eighteen miles. It is a continuation of the
road from Houlton till it intersects the route
of travel from the Provinces, north, thus af-
fording a communication by the way of the
Military, or the Aroostook roads to the Cana-
das.

"The advantage of the road will be, in the
first place, that it will open an interesting
portion of the State for settlement—a portion
that would soon pay annually in taxes to-
wards the expenses of government altogether
more than the interest upon the cost of the
road. And in the second place, that the mo-
ment the road is made, a population attached
to American institutions, will at once rush
into the valley of the St. John, and set them-
selves down in the fertile country upon its
southern bank and there build up the same
evidences of the American title to the coun-
try, that now exist upon the banks of the St.
Croix or the Penobscot, beautiful villages
and populous towns; and thus far, if no far-
ther, set at rest the question of possession at
least, of that portion of our State claimed by
the British.

"But my main object in introducing this
Resolution is an ulterior one; it has refer-
ence to the carrying out the Resolve of Janu-
ary, 1839, and the protection of the timber
upon the public lands in the part of the State.
The timber upon the Aroostook River is now
protected by the boom near its mouth at Fort
Fairfield, and the timber upon the St. John
above the mouth of Fish River, protected by
the works there. But the timber—an im-
mense amount—that will come down the
Madawaska, Green, Rapid, and other Rivers
that empty into the St. John upon its north
side, between the mouth of Fish River and
the mouth of the Aroostook, as well as the
small amount upon the south side of the St.
John, between these two points, may now be
cut with impunity and floated down the
St. John to market, without any power of
hindrance on our part. Now rumour says,
and I fear with more than its customary ve-
racity, that preparations are being made in
the Provinces, for extensive operations in
this quarter the coming season, and my ob-
ject is to prepare to prevent these high-hand-
ed depredations, if attempted. It is to open
this avenue to the St. John, so that we can
have it in our power at any time to throw in-
to that quarter strength enough, either to
wrest the timber from the hands of the tres-
passers and stop it in its passage, or to des-
troy where cut. And with this power in our
hands and our determination to use it, if oc-
casion require, being made known, we need
apprehend no danger of further depredations
upon the public lands—trespassing would at
once cease north of the St. John in the same
way it has south of it, upon the Aroostook and
Fish Rivers.

"And it seems to me Mr. President, that
this measure in this view alone, as provid-
ing a means of access to our public lands,
and thereby enabling us to guard and protect
them from depredation, independent of any
other consideration, entitles it to the approv-
al of the Senate. But, Sir, while I would
pass this resolution for this reason, the pro-
tection of the public lands; I would also pass
it for the sake of opening a fertile country to
settlement. I would pass it that our posses-
sion up the St. John at least might be open,
visible and notorious. I would pass it, too,
as a link to the chain of State action, that the
signs of the times but too clearly indicate we
may find it necessary to throw around our
territory if we should preserve its integrity.
I would pass it, then, as a matter of protec-
tion and as a matter of policy."

From the *London Spectator*.

THE HORSE GUARDS QUESTION.

The proceedings and sentence of the Court-
martial on Captain Reynolds afford an instruc-
tive illustration of the manner in which justice
is administered and discipline enforced in the
British Army. It might be made an irresistible
argument for enquiry into the condition and or-
ganization of the Army with a view to place it
on a better footing. But the opportunity will
be lost. Sir William Molesworth or some other
Independent Member may move in the House
of Commons next session; but indolence and
private solicitations will render the bulk of that
Honorable House impervious to argument, un-
less the mover be backed by an unequivocal ex-
pression of public feeling. Of this we see at
present little prospect.

The public at large is indulging in its favour-
able amusement—a fit of enthusiasm. It is his-
sing Lord Cardigan out of the theatre, and giv-
ing three cheers for Captain Reynolds. This is
so far good as it shows a healthy state of public
sentiment—a love of fair play and a hatred of
oppression. But what good will it do? Will it
take from the Horse Guards and high-grade offi-
cers the power of wantonly outraging the feel-
ings of subordinates, and of denying them jus-
tice? Will it furnish subordinates with the
means of obtaining fair play in future? Again,
are these hootings and plaudits creditable to the
utterers of them, so long as the matter ends
there? Such noisy ebullitions of feeling are
indulged in by many for the mere pleasure of
exercising their most sweet voices; by the rest,
with a self-lauding reflection, How good we
are to feel these sympathies and antipathies—
as far as in them lies, to procure equal-handed
justice in the present case and security for its
impartial distribution in time coming, they are
merely indulging themselves with an agreeable
sensation—practising a kind of refined selfish-
ness. Nor can we compliment the press so far
as to say that it has evinced more judgment in
its manner of treating this question than the ge-
neral public. The *Morning Chronicle*, along
with the majority of the journals, is railing at
Lords Hill and Cardigan, and puffing subscrip-
tions and demonstrations in favour of Captain
Reynolds. The *Times*, on the other hand, ad-
mitting that Captain Reynolds has been harshly
dealt with, argues that Lord Cardigan ought to
be allowed "the opportunity of relieving the
regiment of his presence by a quasi voluntary
act,"—in other words, that justice ought to be
done, but to be done quietly. We dissent from
both parties, and for the following reasons.

In the first place, as to the *Morning Chro-
nicle's* plan—(we refer to the journal merely as
the shortest way of denoting the class of opini-
ons it represents)—We think public "demon-
strations" in favour of Captain Reynolds sheer
humbug, and calculated to do harm. What
in the proceedings of the Court-martial was cal-
culated to excite indignation was, first, the
stopping of the accused's evidence in extenua-
tion; second, the browbeating given in the
"General Orders" to his witnesses to character.
These two acts were a part of a system, delib-
erately acted upon by the Horse Guards, tend-
ing to perpetuate injustice in the Army, and by jus-
tifying feelings of insubordination (we hope ci-
vilians may venture to use such language) to
destroy discipline. Injustice has been perpetrat-
ed in the Cardigan case by this system—to look
no further. Captain Reynolds, the minor offend-
er, has been disproportionately punished; and
Lord Cardigan, the greater offender, escapes
with an oblique or implied reprimand. Cap-
tain Reynolds is entitled so far to sympathy and
to assistance, but it does not necessarily follow,
that he is entitled to the apotheosis of a martyr.
Did Captain Reynolds try any legitimate way
of obtaining redress before he wrote his second
letter? Is that letter one which under any cir-
cumstances a very high-minded, justly-feeling
man could have written? We do not speak of
bitterness of the letter—we could tolerate even
more of that quality—but of the kind of taunts
used by Captain Reynolds as indicating his ha-
bitual character of thought and sentiment. The
sneer at Lord Cardigan regarding the Canterbu-
ry transaction is bad, considering that Captain
Reynolds himself was one of the officers screen-
ed on that occasion by Lord Cardigan. It is
worse when we consider that it proves Captain
Reynolds to participate in the feelings towards
united civilians for which Lord Cardigan was
on that occasion so justly blamed. Captain
Reynolds, like every man, is entitled to fair
play, but he is not exactly the man to make a
public idol of. Besides we so far agree with
the *Times*, that we think we have the very ideal
of a hero, this is not the way to insure justice
at all—that is, to adjust the counterpoising
claims of general discipline and individual rights.

Now as to the *Times*. It has vindicated itself
from the charge of partiality, by sternly and
publicly reprimanding Lord Cardigan at the
head of his regiment, and has, in language not
to be mistaken, advised him to restore unani-
mity to that regiment by voluntary retirement
from the service; that "more satisfactory tes-
timony than that actually borne to the general
conduct and character of Captain Reynolds it
would be impossible to be granted, that when the present
excitement has passed over, that evidence will
have its weight"; and that "to bring the Lieu-
tenant-Colonel of Prince Albert's Hussars to a
Court-martial, and to expose to the public eye
many more chapters of the same lamentable his-
tory which has recently filled our own columns
and those of our contemporaries, is surely no
desirable matter."—From this whole body of
doctrine we dissent, as radically unsound.

Lord Hill has not vindicated himself from the
charge of partiality. He has confirmed the
Court-martial's denial of justice by refusing to
hear evidence in extenuation, he has deprived
the less guilty party of a valuable pecuniary in-
terest, and of what must be more valuable in
interest; and he has only given the more guilty
party a hint to resign, which may or may not be
taken according as the individual in question is
more or less thin-skinned. Then as to the hint
that if Captain Reynolds wait till the present
excitement subsides he may be reinstated, it is
to be remarked, that either Captain Reynolds
has received justice, or he has not: in the for-
mer case, there is nothing more to be said—in
the latter, he ought to be righted. Reinstating
him as a favour, is tantamount to a declaration
that he has suffered no wrong. This mode of
proceeding would be unfair even as regarded
himself; it is incalculably mischievous as form-
ing a precedent in conformity to which the
whole Army will in future be governed. Last-
ly, the "implore pace" of the paragraph, beg-
ging that the public will "no further seek the
merits to disclose" of the mess into which
"Prince Albert's Own" has been brought, is
inadmissible. Either Lord Cardigan has acted
rightly, or he has acted wrongly: if rightly,
let him keep his command—if not, let him be
displaced. Forcing him by underhanded means
to resign, is adopting a course more likely to do
injustice than justice. Let the same measure,
not that has been dealt to the subordinate, but
that is asked for him, be dealt to the commander.
The regiment is declared by the highest author-
ity in the Army not to be in a condition to face
the enemy: let inquiry be made as to who is in
fault, and punish the guilty. Nothing short of
this can be of any avail. Had Lord Hill, or any
other of our virtually irresponsible Bureaucrats
been pleading his own cause, he could not
have painted in more glowing colours than the
Times has done the superior eligibility of hug-
ger-mugger and maneuvering, over plain,
straight-forward, public, even-handed justice.

Finally, the question, as concern the public,
is not whether Lord Cardigan and Captain Rey-
nolds have or have not met with their deserts;
but whether the British Army is to be kept in
an effective condition, by being organized in
such a manner as to afford to all—high grade
and low-grade, non-commissioned officer and
private—a guarantee for equal justice.

THE DUKE OF WELLINGTON AND THE PENINSULAR OFFICERS.

We owe the following letters to the Naval &
Military Gazette. It appears that on the 1st of
January this year, a memorial was forwarded to
the Duke of Wellington, dated from the "Juni-
or United Service Club," and coming from "a
remnant of the captains and subalterns who
fought under his grace in the peninsular cam-
paigns."

"It has long been (they say) a source of
deep mortification to us, and to our relatives
and friends, that whilst the youngest boys, who
had the good fortune to be present at your
Grace's crowning victory of Waterloo, were de-
corated, we, who fought in Spain and Portugal
and the south of France, for three, four, and
six campaigns, under your own eye and direc-
tion, have never received any mark of our coun-
try's approbation.

"So keenly do some of us feel on this subject
that an old Peninsular campaigner, and one not
unknown to your Grace, (though in no ways
connected with this humble and respectful ad-
dress,) said to one of us some time since, 'If I
could only get some badge to show that I had
fought my country's battles, I would then go
with ecstasy to my grave!'"

"In Russia the most honorable badge is the
ribbon of St. George, black and yellow, and on
it letters, showing the number of years the
wearer has served. Thus might not something
similar be given for our humble but devoted ser-
vices? The prize-lists would show who ought
to get these badges.

"We therefore confidently trust that your
Grace will pardon us for this great intrusion;
and hoping that some favour will be shown us
through the powerful intercession of your Grace
on the occasion of the royal marriage.

"We are, with the greatest respect, your
Grace's devoted followers,

"A REMNANT OF THE CAPTAINS AND
SUBALTERN OF THE PENINSULA."

The following is his Grace's reply:—

Strathfieldsaye, Jan. 7, 1840.
"Gentlemen,—I have received the memorial
which you have sent me, and the printed paper
referred to therein.

"You and I do not consider in the same light
the situation in which I have stood in relation
to the army—to yourselves as its officers, and to
the government; and that in which I stand at
present, in relation to the same parties. I was
the Commander-in-Chief of the army, and it
was my duty faithfully to report the services of
its officers, whether as an army or as individu-
als, to the Secretary of State, to be laid before
the Sovereign, and to my superior officer as well
as yours, the Commander-in-Chief of the army.

"It was the duty of the Government to settle
whether any and what reward should be confer-
red upon those whose services and merits were
reported by me, whether in the way of hono-
rary distinction or otherwise. It was no part
of my duty to interfere in such discussions, unless
my opinion was required.

"I was frequently commanded by the Sover-
eign to recommend corps, battalions, and indi-
vidual officers, upon which and whom honorary
distinctions, and upon the latter of whom brevet
rank should be conferred. I have received simi-
lar commands in respect to distinctions for in-
dividuals from the Sovereigns in alliance with
our sovereign, whose armies were likewise un-
der my command.

"I obeyed these orders, and performed all
these duties, to the best of my judgment, ac-
cording to the intention of the Sovereign. But
excepting when thus ordered, I have not con-
sidered it any part of my duty to interfere in
such matters.

"I stood in precisely the same relation to-
wards the army of which I was the Commander
in Chief in the Netherlands and France, and to-
wards the Government: and I invariably acted
accordingly.

"My relations with you ceased in 1814;
with the army which I had the honor to com-
mand in the Netherlands and in France, in the
years 1815-19.

"I recommended various individuals for their
services in the army, in the Netherlands and
France, in the year 1815, when so required. I
likewise recommended many for honorary dis-

tinctions from the Sovereigns in alliance with
our sovereign, when so required by those illus-
trious personages. But I never interfered in
such affairs till required.

"I have since been called upon by authority
at different times to state my opinion upon indi-
vidual claims, and I have answered the call to
the best of my judgment.

"After the death of his late Royal Highness
the Duke of York, I was appointed Commander-
in-Chief of the army. There was no question
at the time of a desire that the honorary rewards
of the army should be revised.

"I resigned the office of Commander-in-Chief
early in 1828, by desire of my colleagues in of-
fice; and from that time forward I have never
interfered in any military affair whatever, un-
less my opinion or assistance was required, by
the General commanding the army in chief, by
the Sovereign, or by the Ministers of the Sover-
eign.

"In the year 1830 I retired from political of-
fice, and, excepting for a short period in 1834
and 1835, when I was called upon by the late
King William IV. to give him any assistance in
the formation of an Administration, I have had
neither patronage, power, nor relation with those
who had.

"That is the position and relation in which I
stand towards the army and towards the Gov-
ernment of the country at the present moment.

"I have been the Commander-in-Chief of
many armies; I am not the Commander-in-Chief
of the British army. I cannot, I must not, in-
terfere in the duties of that officer, unless my op-
inions or assistance should be required.

"I have neither influence nor power to en-
able me to interfere upon any question with the
Government; above all, not upon one which
must have been considered and decided from
twenty to twenty-five years ago by the Govern-
ment of those days.

"Under these circumstances, I lament that
you should have applied to me. I had no pow-
er over those questions, as I have shown, in
those distant days; I can have none now. If
you think yourselves aggrieved, the usual chan-
nel of the General commanding the army is open
to you, and is the one which you should follow
if you should think proper to lay before the Gov-
ernment your appeal.

"I must decline to interfere in any manner,
until my opinion is required by authority.

"I have the honor to be, gentlemen, your
most obedient humble servant,

(Signed,) "WELLINGTON."

"To the Officers who have sent a Mem-
orial and printed Paper to Field-Mar-
shal the Duke of Wellington, calling
themselves a Remnant of the Captains
and Subalterns of the Peninsula.

"TO HIS GRACE FIELD-MARSHAL THE
DUKE OF WELLINGTON, K. G.

"Junior United Service Club, Feb. 6, 1840.

"May it please your Grace,—We have the
honor of acknowledging the receipt of a com-
munication from your Grace, in reply to a me-
morial from us regarding a decoration for our
Peninsular campaigns. We thank your Grace
most sincerely for your kindness and condescen-
sion in replying to our memorial, and for point-
ing out to us that if we wish redress, the pro-
per channel is that of the General commanding-
in-chief. We would make use of that channel,
without troubling your Grace further on this oc-
casion, but we think that the best way of pro-
ceeding will be this—to solicit your Grace to
have the goodness to forward to Lord Hill our
first letter to you, if it is still in existence, with
or without your recommendation of it to the no-
tice of the General commanding-in-chief. We
beg you will not trouble yourself by answering
this communication; and hoping that you will
kindly excuse us for thus intruding ourselves on
you, we are, with the greatest respect, your
Grace's most obedient and humble servants,

"A REMNANT OF THE CAPTAINS AND
SUBALTERN OF THE PENINSULA."

To this the Duke returned a short answer,
still declining to interfere, unless called on by
authority for his advice or assistance; and added,
"You may make what use you please of my
letter."

IRELAND.

The following is from the charge of Mr.
Schoales to the Grand Jury at the Sessions
Court, at Borrisin-Ossory, Queen's County, in
October last:

"But, whatever may have been the original
motives or designs of establishing these societies
let us hope that that now their capability of pro-
ducing good has been clearly manifested, they will
not be perverted to purposes of evil. That they
have accomplished good, is unquestionable: the
fightings and riots, the disturbances and out-
rages which formerly took place at markets and
at fairs, and which were a proverbial disgrace
to this country, and which undoubtedly, arose
out of the habits of intemperance which then
prevailed among the lower orders, are now
scarcely ever heard of—they have almost, if not
quite, ceased. That the present state of the
community in this respect manifests a great moral
improvement in the habits of the people is
clear; and if this change has been brought about
as it is generally supposed to have been, by the
instrumentality of these societies, it is to be
wished that their beneficial influence may be
further extended."

From the *Halifax Morning Post*.

MR. RUSSELL'S CONCERT.

It is long since we experienced such a mu-
sical treat as we were favored with at Mason
Hall on Tuesday night. Mr. Russell's first
appearance was an auspicious one, and
throughout the whole of his performance he
rose higher and higher in the favor of his
audience. The Grand Overture which open-
ed the Concert, was a splendid piece of com-
posing. It was performed by Mr. Russell
himself on the Piano Forte, out of which he
drew more music than perhaps it ever gave
birth to before. The first song of "Come
love to roam o'er the dark sea foam," was,
to our ear, a little faulty—the words "o'er the
dark sea," being cut too short to comport in
expression with the rest of the song. Every
fault here, however, was fully compensated
for by the fine song of "the Brave Old Oak,"
which followed, and in which Mr. R. had an
opportunity of displaying those deep, rich,
bass tones, for which his voice is distinguished:
his pronunciation of the word *Midnight*
we never heard any thing to equal. In the
descriptive song "Wind of the winter Night,
whence comest thou," the vivid picture which

was drawn of Winter's drear approach and
ice-bound territory was so distinct and stri-
king, (perhaps more completely so on ac-
count of that season being present with us,)
that the song drew down the most rapturous
applause. Of this song, we have procured a
copy and here insert it:—

THE WIND OF THE WINTER NIGHT.

Words by Charles McKay—Music by Mr. H.
Russell.

Wind of the Winter Night! whence comest
thou?
And whither, oh whither art wandering now?
Sad, sad is thy voice on the desolate moor,
And mournful, oh mournful, thy howl at my
door.

Say, where hast thou been, on thy cloud lifted
car,
Say, what hast thou seen in thy roamings afar,
What sorrow impels thee, thou boisterous blast,
Thus to mourn and complain as thou journeyest
past?

I have been where the snow on the pale moun-
tain peak,
Would have frozen the blood on the ruddiest
cheek,
And for many a dismal and desolate day,
No beam of the sunshine has brightened my
way.

I have come from the deep, where the storm in
its wrath,
Spread havoc and death on its pitiless path,
Where the billows rose up as the lightning
flew by,
And burst its arm on the dim-colored sky.

And I saw a frail vessel all torn by the wave,
Drawn down with her crew to her fathomless
grave,
And I heard the loud crash of the hull as I
passed,
And the flap of her sail and the crash of her
mast.

But it smote on my ear like the tocsin of death,
As she struggled and strove with the waters for
breath,
'Tis her requiem I tune, as I howl through the
sky,
And repeat of the fury that caused her to die.

This song was loudly *encored*, and Mr.
Russell instantly re-appeared; but instead of
giving a repeat, sang "Why don't the men
propose, Mama," (not in the bills) amid roars
of laughter, and to the infinite gratification of
all present,—the ladies in particular. This
deviation told much for Mr. Russell's resour-
ces, in cases of emergency, and for his vocal
power which could please an audience in
the midst of disappointment at not having
been favored with the *encore*. "The Ivy
Green," was distinguished for just modula-
tion, and "The Old Arm Chair," must have
brought to the recollection of all present a
feeling of veneration for some old contribu-
tor to domestic comfort, which had passed
down from generation to generation, and
would oft raise an expression to the lips,
similar to the real English exclamation:—

"I love it, I love it, and who shall dare
To chide me for loving that old arm chair."

"The Maniac" was a harrowing description.
The audience listened to Mr. Russell's per-
sonification of the unfortunate and then ra-
ving man with breathless attention. We
thought it his master piece; at all events it
was enthusiastically *encored*, when Mr. R.
came forward and gave a humorous Yankee
song which dispelled the gloom consequent
on the previous one.

The second part we must pass over rather
hastily—merely mentioning the most striking
peculiarities we noticed. The first, as pleas-
ing as unexpected, in "The Old Bell," was
a most perfect imitation of the deep, undu-
lating, prolonged and dying sound which a
bell yields after being struck. "Woodman
spare that tree" was sung with much pathos,
and in "Stand to your Guns," was presented
a most vivid picture of the excitement and
horrors of a sea fight. It was *encored* and
succeeded as before by a Comic Song. "Let
us be Gay," was a highly humorous speci-
men of laughing and singing together. Mr.
Russell concluded with a fourth volunteer,
and parted for the evening with a highly gra-
tified audience, announcing that his second
concert would take place on Friday next.

To be appreciated, Mr. Russell's singing
must be heard, and we advise all who have a
taste for vocal music, to go and hear him at
once. In Halifax, Mr. R.'s style of singing
and cultivated musical talents, place him we
believe high above all who have preceded
him. A long residence in Italy, the advan-
tages derived by him from having been the
companion of the celebrated Rossini, have
conferred upon him a perfection which it
would be difficult to surpass. We trust Mr.
Russell's success here will be of such a na-
ture as to enable him to carry with him else-
where, (and we understand that he intends
shortly to proceed to Europe,) such a grate-
ful sense of the manner in which his talents
are here appreciated that other gentlemen of
distinguished talent, may be induced to visit
us instead of limiting their tours to the United
States as heretofore—for instance the cele-
brated Braham now in the United States, and
whose praises are brought to us by every ves-
sel and every Mail which brings a newspaper
from Boston.

Mr. Russell's audience on Tuesday even-
ing was numerous and respectable. We an-
ticipate that of Friday evening will be an
overflowing one, as it is understood that
Lord and Lady Falkland who have most
kindly and liberally extended their patron-
age to him, will be present at the perform-
ance of that evening. Mr. Russell appears
well worthy of the distinction thus conferred
on him.

The steamship *Britannia* arrived on Thurs-
day morning last from Boston, bringing six-
ty-three passengers, of whom eighteen re-
mained here, and forty-five proceeded to
Liverpool. Having obtained twenty-three
passengers here, making the whole number
for Liverpool sixty-eight, she started between
4 and 5 o'clock in the afternoon.—Recorder