

nessed at Brentor, &c., solemnly protesting my belief in Tresilian's innocence. "It is false!" shrieked a shrill voice from the gallery, which I knew to be Mother Eyres'. Again there was a great sensation in the court, and again was there search made for the beldam, but in vain—she was effectually concealed or disguised. The grave-digger was then brought forward, but he swore he knew nothing about the affair, and that I had stated what was not true! The Counsel for the Crown then requested that I might be recalled, when I was obliged to submit to a rigid cross-examination. However, as I continually told the same story my evidence remained unshaken, until the following conversation took place:—

Counsel: You say that you would know this Miriam, whom it is supposed was accessory to the murder, wherever you saw her? Now, sir, have you seen her since the night on which the murder was committed?

Witness: I have.

Counsel: How many times?

Witness: On one occasion only.

Counsel: Will you have the goodness to inform the court when or where you saw her last?

Here was a pozer! Tresilian had buried his face in his hands, but I could perceive by the convulsive twitchings of his arms that he trembled excessively. I glanced at the turnkey and saw that he was deadly pale. He made me an almost imperceptible sign, but it was sufficient, and I replied firmly, "that, sir, is a question I cannot answer."

The councillor then turned to the Judge, saying with a sneer, "You perceive, my lord, that this *voluntary* witness tells a rambling story just so far as suits his own purposes, but becomes contumacious the moment he is cross-examined!"

The Judge, after charging me in vain to answer such questions as were put to me, gave me into custody. He then delivered his charge to the Jury. In summing up the evidence he dwelt upon Tresilian's prepossessing appearance, but at the same time he cautioned them from being biased by the circumstance, but charged them to decide according to the evidence given. He recounted the evidence of Bill Jones, and contrasted it with mine, admitting that the character of the witness on behalf of the Crown was infamous, while mine had hitherto been unimpeachable. Yet he thought they were bound to receive his evidence and reject mine, for his was, to say the least, *plausible*, and bore upon its face the appearance of truth; whilst mine was contradictory, involving, if true, the whole case in a mystery which he confessed was to him unfathomable.—He admitted that Jones would have been tried for his life had he not criminated another person, still the evidence of an *accessory* was by law always admissible against the *principal*, when he could not otherwise be convicted. But, he argued, if doubts should arise in their minds respecting the evidence of Jones, they should on the other hand recollect that I was a voluntary witness, who had come forward at the latest moment, when the case seemed desperate—that I was the uncle of the young lady to whom it appeared the prisoner was engaged, and although it was not probable that I should desire to see the marriage consummated if I believed the prisoner to be guilty, yet, as I had once considered him as my nephew, it was very possible for me to entertain for him sentiments of *pity*, which, if I did not induce me to assist a criminal in eluding justice, might materially affect my judgment. Another thing affecting the evidence I had given was my contumacy; I had described the manner in which Miriam had taken the life of the person I accused of the murder, and yet, though I had acknowledged that I had seen the girl since, I refused to inform the court when or where; although every one of them must perceive that, were my story true, she was a most essential witness. This contumacy, he repeated, must deprive me of any credit I might otherwise have been entitled to. There was another circumstance to which he would call their attention: My evidence did not criminate Jones any farther than that he was an accessory after the deed was done; now it appeared to him that if my story were true Jones would have corroborated a part of it at least, for as, according to my version, the murderer was dead, there could be no motive for concealment—in fact it would have been more credible to have stated that the real murderer had been killed in a conflict with a girl, and to have produced his body—which could easily have been done—than to charge it upon Tresilian, when it could not have been foreseen by Jones—if his evidence were false—whether or not the fabrication would be borne out by circumstances, or whether the prisoner might not have proven an *alibi*. In conclusion he warned them that if any doubts rested on their minds they should give the prisoner the advantage of them, but according to his view of the case they must find a verdict of guilty.

The jury retired, and profound silence rested on the audience, interrupted at intervals by the whispering of some untimely jest, followed by a half-suppressed laugh, among the junior members of the bar. In about half an hour the jury returned, and in reply to the inquiry, "Are you all agreed?" they answered in the affirmative. Then came the final interrogation, "What is your verdict?" Every person in the court was breathless with anxiety, when the foreman answered, in a voice tremulous with emotion, "Guilty, my lord!" At this dread moment I cast my eyes upon the prisoner, but he neither evinced cowardice nor guilt—he stood firm and undaunted, although a saddened expression stole

most imperceptibly over his features. The learned Judge then arose, and in a most impressive manner passed sentence of death upon the prisoner. He was then removed from the bar, and the people began to murmur and converse in groups, rising very generally to leave the Court House. But before the officers had effected the removal of the prisoner, a tall figure raised her arms aloft in the gallery, and exclaimed—"Thus shall be fulfilled the predictions of the Witch of Brentor!" "Seize the hag!" was shouted from all parts of the hall—by the Judge, the lawyers and the people. The officers once more rushed towards the spot, but again were they doomed to disappointment—she had vanished.

[END OF THE SEVENTH CHAPTER.]

The *Loyalist*.

FREDERICTON, (N. B.), THURSDAY, JULY 4, 1844.

LORD STANLEY AND RESPONSIBLE GOVERNMENT.

Our last paper contained Lord Stanley's Speech in reply to Mr. Roebuck, on the present state of affairs in Canada.—His Lordship sustains the Governor-General, and we are happy to perceive takes precisely the same ground as does the Conservative press of Canada and other North American Colonies. He says that their demands were such as could not be acceded to. They demanded that Sir Charles should sign a written instrument by which the patronage of the Crown should be delivered into their hands. His Lordship goes on to say that under the system of Government called "Responsible" the Governor was obliged to choose his advisers from the dominant party in the Assembly. The French, or disaffected party, are at present dominant, and he asks would it be wise to allow those men, who stood aloof during the late rebellion, to exclude all those who were found ready to lay down their lives for British supremacy,—would it be wise to exclude them from all official situations? This is precisely what we have often said. We have frequently asked not only whether it would be wise, but would it be just to do so? But we might retort—not upon the present Ministry, but upon their predecessors—and ask was it wise or just to allow such a system to be introduced into Canada—a system which rewards rebels and proscribes loyalists! We will go farther, and ask is it wise for the present Ministry to allow the same system to be introduced into this colony, after having witnessed its pernicious effects elsewhere?

In speaking of the Bill for the suppression of Orange Lodges, his Lordship falls into the common error, by ascribing to that body feelings likely to create religious animosities. No such feelings exist, Orangemen being combined to act on the defensive, but not to give offence to any one; and when we look around us and see the tremendous struggle Roman Catholics are making for the ascendancy in various parts of the globe, we ask Protestants one and all if it is not time for us to be on our guard?—But his Lordship, although he errs in the point we have particularized, says in effect that Orangemen, whatever be their faults, are *loyal subjects*, and therefore cannot be proscribed. What will the Canadian Radicals who passed the unconstitutional Bill say to this? What will Major Wilmot, who attempted last winter to perpetrate the same piece of folly in this Province, say to it?

When the Conservatives opposed the administration of Sir Charles Bagot, the Radicals of Canada said, "Oh! you are opposing the British Government! how can you claim for your party the title of loyal subjects when you oppose the wishes of your Sovereign?" The "Great Liberals" of Nova Scotia caught up the cry, and it was soon echoed in this Province. Frequently have we been taunted with the sentence, "If you are a loyal subject of the Queen you will not oppose the wishes of her Ministers." We paid no attention to the taunt, but in company with our brethren of the Conservative press kept up a steady opposition, for we did not believe it was the wish of Her Majesty or Her Ministers to bestow all offices in the gift of the Crown upon traitors and rebels—or, to say the least, upon disaffected persons—to the exclusion of that party who has once proved their sincerity by taking up arms to suppress rebellion, and are ready to do so again! The official organ of the Ministry—the Colonial Secretary—has now declared his opinions, and we find that we are right and our opponents wrong. The wishes of Her Majesty's Government being at length known, we retort upon the Radical party in their own words, "If you are loyal subjects of the Queen you will not oppose the wishes of Her Ministers!" It is a bad rule which will not work both ways, and our opponents have now an opportunity of testing their sincerity; they have been lavish of late in expressing their loyalty, but if they wish to lay claim to that quality for the future they must withdraw all opposition. Will they do so?—We shall see.

REV. E. RYERSON'S LETTERS.

We have commenced copying the letters of this gentleman in support of Sir Charles Metcalfe's administration, for nothing at the present moment can be more interesting to the politicians of British North America than the termination of the conflict between the Governor-General and the party who still adhere to the doctrines of his late advisers; every thing calculated to influence the strength of these parties must therefore be considered of paramount importance.

Mr. Ryerson's letters are written in reply to the Address of the Reform Association at Toronto, and it is not from any spirit of unfairness that we publish one side of the question and withhold the other, but as our limits forbid us to publish all the arguments pro and con, we insert the writings of the author with whose views our own coincide,—the radical prints may, if they choose, give publicity to the writings of the opposition.

Mr. Ryerson may be considered the leader of the Canadian Methodists and his adhesion at the present crisis will in all probability induce a great number of that respectable body to follow his example. He is a man of acknowledged talent, and formerly conducted the *Christian Guardian*, published at Toronto, one of the ablest conducted Radical Journals of Upper Canada. His writings at that period had a very pernicious effect, for though the Rev. gentleman did not anticipate rebellion, yet the outbreak of 1837 sprung out of the course of politics he then advocated. Without changing his general views—views, with which in many instances we disagree—he perceives, and is anxious to retrieve his past errors (for we give him credit for sincerity). He is convinced that the inhabitants of Canada enjoy all the liberty any rational man could wish, and that the ultra measures contended for by Baldwin, Lafontaine & Co. would end in anarchy and confusion, and draw the colony into another unhappy conflict with the Mother Country.

When Mr. Ryerson first intimated his intention of defending Sir Charles Metcalfe, it was said by his enemies that his opinions would meet with the most strenuous opposition from the Methodists as a body. Such is not the case, for at the late Conference held at Brockville, the following resolutions were passed:—

Resolved,—That while we disclaim all intention of controlling the political sentiments of any of our Ministers or members, so long as those sentiments do not contravene the Discipline of our Church, nor contradict the word of God, we will not as a Body, be responsible for the political doctrines of any member or members of our Conference, or Church, or party in our country, but leave our people perfectly free to exercise their own judgement in political and civil affairs.

Resolved,—That in view of the recent Act of the Legislature, prohibiting Clergymen and ministers from voting at elections, no person in our Church is recognized by this Conference as a Minister who has not been ordained by the imposition of hands according to our Doctrines and Discipline.

There is one circumstance connected with these letters to which none but those who are wilfully blind can shut their eyes, namely that adhesions such as this must strengthen the hands of Sir Charles Metcalfe, while it weakens his enemies; and we hail the same as ominous of the ultimate triumph of loyalty and conservatism over rebellion and republicanism.

REMOVAL OF THE SEAT OF GOVERNMENT IN CANADA.

The public offices have all been removed from Kingston to Montreal, and on Thursday the 20th ult. Sir Charles Metcalfe returned to the former place from a visit to Niagara, and after a brief stay embarked for Montreal, amidst the firing of a salute and the cheering of the populace. The *Kingston Chronicle* has the following observations on his departure:—

"Independently of local considerations, we acknowledge that we witnessed the departure of Sir Charles Metcalfe with feelings of deep regret—his urbanity of manners—the readiness with which he allowed himself to be approached—his princely hospitality, his unlimited benevolence, are all adapted to command respect and excite esteem, and it cannot but be a source of regret that towards such a man there should exist any thing like political hostility, and happy should we be if we could see the most distant hope that it will soon be allayed. With a Governor possessed of such qualifications, and who in addition to them, we verily believe, feels a sincere desire to promote the best interests of the Province, how happy and how prosperous might Canada be if the existing cause of turmoil and dissension could be removed. After all what real ground will there be for them, of what will Canadians have to complain, provided Sir Charles Metcalfe intends to the full extent and in accordance with the intentions and spirit of the framers of the resolutions of 1841, so to carry on the Administration of the Government, where will liberty be more freely and more fully enjoyed. We have in truth no other conflicting interests. We have no dominant Church, no overgrown aristocracy, no great landed proprietors whose influences fetters the Government, and controls the free exercise of its power, no taxation except such as we impose upon ourselves for our own benefit; we have an extending commerce, and an agricultural population rapidly increasing in wealth. Our Judges are faithful to the trust reposed in them, and are themselves governed by the laws which they administer. Our property, our lives, and our liberties are protected by those laws, and if they are defective we have the power to amend them. What more then can any community of human beings desire beyond this. But we have even more than this—we have in addition the fostering care of the British Empire to protect us from aggression and of which we are admitted an "integral part," and whilst her markets are thrown open to receive our surplus agricultural produce, we are not called upon to sustain any portion of the heavy burdens which are borne by her own local population. With all these advantages how is it that the people of Canada are perhaps the most restless and discontented people on the face of the Globe. The subjects of the purest despotism are far more contented than we are—what are the causes—surely there must be causes for all this, and as surely it is possible to discover those causes."

Having asked this pertinent question the *Chronicle* goes on to assert that the reason for this restlessness and discontent is because they have not enjoyed, until lately, the blessings of "Responsible Government," which is to prove a panacea for all their ills! If this were the case why are the subjects of the purest despotism far more contented? No; the *Chronicle* has shown that the Canadians ought to be a happy people; that they are not so arises from no defect in the form or administration of Government, but from the fact that the country