The Courier.

SATURDAY, DECEMBER 6, 1851.

(By Telegraph to the News Room.)

BOSTON, 6th Dec., 1851—9½ A. M.

The Niagara, with dates from Liverpool to 22d ult., arrived at New-York at midnight—She reached Liverpool on her homeward voyage on 18th, and the Pacific the next day evening.

The King of Hanover died on 18th November.

Father Mathew had arrived in England.

Accounts from Australia continue to arrive, Gold is very abundant, new diggins are daily being discovered.

A flagrant conspiracy against the President of the French Republic had been discovered in the French Assembly.

The Spanish Government had pardoned twenty-three British subjects who had been engaged in the Cuban affair.

The Russians have again been terribly defeated by the Circassians.

Markets.—Cotton firm; Breadstuffs firm, with large sales. Trade in Manchester is represented to be in a very satisfactory state.

Kossuth arrived in New York yesterday morning; there was great *furore* on the occasion. Lola Montes had also arrived.

The barque *Metropolis*, from China to Halifax, struck and was abandoned off Binting, on 12th September.

CENSUS RETURNS.

The returns of the population, &c. in this City and the several Parishes in the County, have been completed and filed in the Office of the Clerk of the Peace. By these the total population of the City is set down at 22,934—of this number, 11,062 are males and 11,872 females. 13 of the males and 20 of the females in King's Ward are colored. In Sydney Ward the colored population consists of 15 males and 20 females. King's Ward contains 9180 inhabitants, and Sydney Ward 1892. In 1840, the total population of the City was 20,716; the increase, therefore, in eleven years is only 2218. The births in the City during the year preceding the time of taking the census was 767, and the deaths 242.

In taking the census in 1840, the City on the Eastern side of the Harbour was divided into two districts, without regard to the Wards, so that we are unable to compare the population of the several Wards then with what it is now, when the dividing lines of the Wards have been observed in apportioning the districts to the two census-takers. In Carleton, however, which comprises the two Wards (Guy's and Brook's) on the Western side of the Harbour, the account at both periods has been kept separate, and shows an increase in the population during the last eleven years of over one hundred per cent—the numbers being 1435 in 1840, and 3052 in 1851. There were thirty-four births in Carleton during the last year, and eight deaths.

The Parish of Portland contains a population of 8429, and is almost evenly divided as to the sexes—there being only five more males than females. In 1840 the population of this Parish was 6207—increase, 2222.

The Parish of Simonds contains 3425 inhabitants—of whom 1784 are males. In 1840 the population was 2459—giving an increase of 966.

The population of Lancaster Parish is 1897—904 males and 993 females—an increase over the population in 1840 of 294, the number then being 1603.

St. Martin's Parish, which includes the old settlement of Quaco, contains 1931 inhabitants—988 males and 943 females. The return for 1840 states the population to be 1973—which would shew a decrease since that period of 42.

The total population of the City and County of St. John is now 38,616—shewing an increase of only 5659 since 1840, when the number of inhabitants was 32,957. The births during the year preceding the time of taking the census, amounted to 1377—(nearly one-fourth of the whole increase in eleven years)—and the deaths to 481.

A mass of valuable statistical information on upwards of fifty subjects accompanies the returns of the population of this City and County. From these we find that the births in the City during the preceding year exceeded the deaths by 525—the number of the former being 767, and of the latter, 262. There are in the City 2055 inhabited houses, occupied by 3870 families, being less than an average of two families to each house; 926 stores, barns, &c.; 56 houses now building, and 97 houses uninhabited. Of the inhabited houses, 835 are in King's Ward and 200 in Sydney Ward.

In the Parish of Portland there were 395 births and 122 deaths during the preceding year. Portland contains 733 inhabited houses, occupied by 1616 families,—296 stores, barns, &c.; 22 uninhabited houses, and 38 houses now building.

In the Parish of Simonds, which contains 540 families, there were 91 births and 97 deaths during the preceding year. In the Parish of Lancaster, containing 305 families, 67 births and 9 deaths; and in St. Martins, containing 343 families, 57 births and 13 deaths.

The number of children returned as attending Schools in King's Ward, is 1231; in Sydney, 303; and in the Parish of Portland, 844.

In Portland there are eight Saw Mills, at which 264 hands are employed. In Carleton the number of Saw Mills is four, and the hands employed 206.

In Portland, under the head of "other factories," the number of Ship Yards and hands employed at the time of taking the census are given. The number of yards was eleven, at which 465 workmen were employed in the construction of eleven vessels, the aggregate tonnage of which was 10,220 tons. In King's Ward there was one Ship Yard, at which ninety men were employed, and one in Sydney Ward, employing twenty men. Since that time, work has has been resumed at another Yard in King's Ward.

Tanneries.—In King's Ward there are twelve Tanneries, which employ 38 hands—in Sydney, three Tanneries, employing 13 hands. In Queen's and Duke's, there is one Tannery, with four hands. Value of Leather manufactured in King's Ward, during the year preceding the time of taking the census, £12,150; in Queen's and Duke's, £300; in Sydney, £5,600.

Foundries.—In King's Ward, two, employing 70 hands, and manufacturing Iron Castings to the value of £7225; Duke's, two Foundries, employing 33 hands,—value of Castings, £2500; in Sydney, one Foundry, 20 hands,—value of Castings, £2000; in Portland, one Foundry, 70 hands,—value of Castings, £6000.

Number of other Factories and hands employed.—In King's Ward, twenty-four, employing 200 hands; in Queen's and Duke's, five, employing 17 hands; in Sydney Ward, five,—35 hands; in Portland, twenty,—533 hands.

The following is given as the value of various articles manufactured in the districts stated:—

Boots and Shoes.—In King's Ward, £12,240; Queen's and Duke's, £9920; Sydney, £1635; Parish of Portland, £5954.

Candles.—In King's Ward, £5685; in Queen's and Duke's, £250; in Sydney, £3000.

Soap.—In King's Ward, £3800; in Queen's and Duke's, £1000; in Sydney, £3000.

Hats.—The value of Hats manufactured in King's Ward, was £3245.

There are three Breweries in King's Ward, which manufactured 86,600 gallons of malt liquor the preceding year; in Portland, one, at which 10,000 gallons were made.

In Portland there were 2960 casks of Lime burnt during the year.

NEW COUNCILLORS.—The Royal Gazette of Wednesday last contains the appointment of Thomas Gilbert, David Mark, William H. Steves, and John H. Ryan, Esquires, to seats in the Legislative Council. The elevation of Messrs. Gilbert and Steves occasions vacancies in the representation of Queen's and Albert Counties in the Assembly. S. H. Gilbert, Esq., a young Lawyer, son of the new Councillor from Queen's, is a candidate for that County.

THE HALIFAX MAILS.—We notice by the Halifax papers that a Committee of the House of Assembly there have submitted a report recommending changes in the days of despatching the Mails. One alteration proposed is, that the Mails which now leave Halifax and St. John on Saturday should be forwarded on Friday—whereby, it is stated, all Post Office labour would be suspended at Amherst on the Lord's Day. So far as the Saturday Mail is concerned, the present arrangement is found to be an excellent one, and if the Mails are to travel at all on Sunday, we do not see that the new arrangement would be an improvement; for the Mails leaving one of the cities named, on Friday, would arrive in the other on Sunday—a change which would cause more Sabbath-labour, and would therefore be much more objectionable than the present one and which, we trust, on that ground, if on no other, our Postmaster General and Executive Government will resolutely oppose.

We understand that the Anniversary of the New-Brunswick Auxiliary Bible Society is appointed by the Committee to take place on Tuesday evening, the 6th of January next.

LIBERAL BEQUESTS.—It affords us great pleasure to learn that the late Chief Justice Chipman has bequeathed the munificent sum of TEN THOUSAND POUNDS to the Diocesan Church Society of this Province. This noble donation, unparalleled in these Colonies, will form a *nucleus* for the permanent endowment of our beloved Zion, and will place her, so far as human means can avail, in a secure position. A large sum has also been given to endow St. John Church, which is to take effect so soon as the northern section of the City is legally set off as a distinct Parish. We also learn that the cause of Education has not been forgotten by his Honor, and that he has left the sum of FIVE THOUSAND POUNDS to the Madras School, an institution in which he had always taken a deep interest.—*Church Witness.*

ADMIRALTY COURT.—A case of some novelty has been before this Court for the last few days. The *Boadicea*, owned by Messrs. J. & R. Reed, and A. Perkins, while coming up the harbour, a short time since, in a thick fog, about an hour before high water, touched the Bar, inside the Beacon Light. While slowly working over it with the rising of the tide, the *Conqueror*, steamer, which had been down to the Island with a vessel, passed up, took the *Boadicea* in tow, and brought her uninjured to her berth in the harbour, having been, it would appear from the affidavits before the Court, engaged in the service about half an hour. A day or so afterwards, the owner of the steamer, Mr. W. H. Scovil, the Captain, Albert Betts, and Mr. John Murray, alleging himself in the papers before the Court to be a passenger on board the *Conqueror*, but who is stated to have been the Pilot of the vessel towed out by the *Conqueror*, made a claim for salvage services in the small sum of £1500; and finally arrested the ship, her cargo, and freight, in the Admiralty Court for £1200 sterling. Bail was given and the ship released, the owners appearing by Mr. Ritchie, their Proctor, under protest to the jurisdiction of the Court. The ground of the protest was—that the services in question were rendered in the Harbour of St. John, and within the City and County of St. John, and not on the High Seas, and so not within the jurisdiction of the Court of Admiralty; the other side contended that the Court had Admiralty and Maritime Jurisdiction over all waters where the tide ebbed and flowed, whether within or without the body of a County, and to the full extent claimed and exercised by the District Court of the United States of America. The question was argued at great length by W. J. Ritchie, Esq., in support of the Protest, and Messrs. Gray and Kaye, in favour of the Jurisdiction.

The learned Judge, the Hon. R. L. Hazen, stated that he should deliver judgment some time next week; but being informed that it would in that case be necessary to detain certain witnesses, then said, that as he had quite made up his mind to dismiss the case, he thought it right, to prevent inconvenience to the parties, to intimate the conclusion at which he had arrived, and as Mr. Kaye desired the reasons on which his decision was founded, he should deliver the formal decree and dispose of the question of costs, with his reasons in writing, on the next Court-day. This decision has given the greatest satisfaction to the mercantile community.

The apparently trifling nature of the service rendered, the enormous amount claimed, the novelty, and it would now seem, more than questionable propriety of the experiment, in resorting to the Admiralty, to determine a matter arising within the limits of the City, and to a Court where the expenses are so heavy, and the proceeding so anomalous as to make it generally thought almost better to pay any demand, however exorbitant and extortionate, rather than contest a case there, and the extraordinary and hitherto unheard of extent to which jurisdiction was claimed for that Court, by the learned Counsel, with the disastrous results to the trade of the place, if sustained, have given more interest to the question than its merits, from the conclusiveness of the arguments against the jurisdiction, and the summary disposal of the case by the learned Judge, would seem to deserve.—*Freeman.*

The following is the Judgment delivered in the case of the *Boadicea*, Leavitt, Master, which we also copy from the *Freeman*:—

This ship while near the Beacon light, in the harbour of St. John, was taken in tow by the steam tug Conqueror. A warrant having issued in a cause of salvage, the owners, Messrs. Perkins and J. & R. Reed, gave an appearance under protest, alleging that the place where the services in question were rendered was in the harbour of St. John, above and inside the Beacon light, so called, within the boundaries of the City of St. John, and within the City and County of St. John; and that the same not having taken place upon the high seas, but, within the body of a County, are not within jurisdiction of this Court; and, referring to certain affidavits and proofs, pray that the protest may be admitted;—that they may be dismissed, and that the master, owners and crew of the Conqueror may be condemned in costs.

The parties claiming to be salvors reply that the waters of the Bay of Fundy, at every tide, and before and after high water, flow over the place where the services referred to were rendered; and that vessels of a certain size can sail over such a place; and that the services were rendered while the steamer was afloat on the waters of the sea flowing in from the Bay of Fundy—in the flux and reflux of the tide—and no part upon the land; that it was nearly high water; and that the services were performed within the jurisdiction of, and cognizable by, this Court,—pray to overrule the protest, assign the owners to appear absolutely, and that they be condemned in costs.

The rejoinder alleges that the waters of the Harbour do not wholly flow from the Bay; that the services were performed within the harbour of Saint John, and not on the high seas, within this jurisdiction, and prays as before.

Upon the protest being argued, the facts in which the Court is required to decide the question of jurisdiction were not disputed, and present the naked point,—Whether this Court has jurisdiction in a cause of salvage for services rendered within the body of a County of this Province, although at a place within the flux and reflux of the tide.

It has been treated by the Counsel for both parties as a question of importance, and it undoubtedly is so. Should the jurisdiction which is now claimed for this Court be established, the process of the Admiralty would extend upon our great rivers into the heart of the Province. A great proportion of the causes now litigated in common law courts might, and no doubt would be brought before this Court. It is needless for me to detail the confusion and difficulties which would ensue from the exercise of such a jurisdiction,—they are too apparent.

I do not make these remarks as in any wise furnishing an argument against the jurisdiction. If I were satisfied the Vice Admiralty possessed it to the extent claimed, no regard to the inconveniences which might ensue from its exercise would induce me to abdicate the rights of the Court; but I should feel myself bound to maintain the jurisdiction, and leave it to the Legislature to provide any remedy which might be required. I allude to the results which would flow from such an extended jurisdiction, as showing the importance of the question which I am called upon to decide.

I will observe, before proceeding further, that the course now pursued by the Judges of the Admiralty Court in England, in determining questions of their own jurisdiction, widely differs from that adopted by the civilians who sat in that Court in earlier times, who on all occasions endeavoured to extend their jurisdiction, and in so doing gave rise to those warm controversies between the Instance Court and the Common Law Courts.

It is remarked by a modern text writer, that "the successive Judges of the Admiralty so far from showing any desire improperly to assume any jurisdiction which it has not, state it as an invariable maxim that the Court is *ex mero motu* bound to reject what does not belong to their jurisdiction, though in cases free from doubt it is also bound to exercise and not to abdicate that jurisdiction with which it has been invested, and ought usefully and beneficially to employ on behalf of the Suitors."—Hercules 2, Dodson, 367, ib. 377.

In the Atlas, Clark, 2, Haggard, 64, a case of bottomry on a bond of an unusual form, Lord Stowell dismissed the suit, "on account of the doubts he entertained respecting the jurisdiction." In another case, Apollo, Tenant, Haggard, 315, the same Judge remarks, "Upon the whole I am of opinion that I must keep within the known limits, (of the jurisdiction) and no sense of judicial duties which I have ever entertained has led me to suppose that "ampliare jurisdictionem" by private authority is one of these duties."

It does not seem to be disputed that under the authority of the case of the "Public Opinion," Acland, 2, Haggard, 398, and the "Lord of the Isles" therein cited, and the other cases cited by Mr. Ritchie, for the owners of the ship, that the Court of Admiralty in England would not exercise jurisdiction in this case the cause, of action arising "infra corpus comitatis," but it is strenuously argued that as the District Courts of some of the United States exercising Admiralty jurisdiction do not hesitate to entertain all causes of a maritime nature, though arising within counties if within the flow of the tide. As American jurists of the greatest eminence have asserted that the Courts of Admiralty in the old Colonies before the Revolution assumed and exercised greater power than the Courts of Admiralty of England, and have given their opinions that the statutes of Richard II., 13 and 15, did not extend to these Colonies, this Court is not limited to the jurisdiction of the Admiralty of England, (as it existed before the 3 and 4 Victoria) but is vested with all the powers and jurisdictions exercised by the Admiralty of England prior to the statutes of Richard II. I am called upon by the Counsel for the pursuants to set aside the authority of Lord Coke and Blackstone; to re-open the subject and refute the judgments of the Common Law Courts of England in prohibition; and to set at nought all that has been done by those Courts in restricting the Admiralty jurisdiction to its present limits. But I should consider myself wanting in my duty, if I made this attempt; and if the attempt were made, is there the least reason to doubt that the Courts of Common Law would meet such proceedings with prohibition; or can it be supposed that if the Court felt disposed to renew the unseemly contests which so long existed in England between the Courts of Common Law and the Admiralty, that the ultimate result would not be the same as that arrived at in the Mother Country?

It has been urged that I am bound to exercise jurisdiction in every matter contained in my commission, and to give effect to every word of the patent by virtue of which I sit; and the American writers are found to use the same argument in endeavouring to ascertain the jurisdiction exercised by the Vice Admiralty Courts in the Old Colonies, the commissions to which, they assert, were never challenged as being illegal. In the Apollo, Tenant, 1, Haggard, 309, Drs. Lushington and Dodson in arguing in behalf of certain part owners to apply monies in the Registry to their use, "With regard to the power of the Court to give redress, they referred to the extent of the jurisdiction in the term of the Commissions of Appointment, and submitted that the Court had full power to determine upon all matters, civil and maritime, between owners and proprietors of ships, and could exercise a discretionary power upon the recognizances which it was empowered to take." Lord Stowell in giving judgment thus disposes of the argument:—"It has been said that the Commission or Patent of the Judge of the Admiralty authorises such an assumption, (of jurisdiction,) and the words of the Commission might countenance such an attempt. But it is universally known that a great part of the power given by the terms of that commission are totally inoperative, and that its active jurisdiction stands in need of the support of continued exercise and usage.

It has been said that no cases occur in which other Courts have interfered to restrain such a movement. On the part of the Court of Admiralty such an argument would be entitled to grave consideration, if it could be shown that that Court had ever made such a movement, so as to furnish a ground for the interference of any other Court, and that this Court had proceeded so far without being interrupted. The argument then might have considerable weight. This Court has kept within its known limits, and on that account alone has not been impeded." In the same case, in assenting to an argument of Doctor Genner—"That the jurisdiction of the Court is extremely limited with respect to disputes of part owners," his Lordship remarks, "There is no doubt that the commission has been much narrowed by construction."

The case of the Elizabeth, Lisboa, 1, Haggard, 226, was cited by Mr. Kaye, as showing that at the Cape of Good Hope the Court of Admiralty had entertained a suit on a charter-party. An appearance was given, under protest, to the jurisdiction. This was met by a recital of the terms of the patent of the Judge, whereby he was empowered to take cognizance of charter parties. On the protest being over-ruled, the charterers appealed; but as the appeal was not duly prosecuted, the motion to dismiss the appeal being unopposed, was granted. If the Court, on appeal, had decided in favour of the jurisdiction of the Court of the Colony, it would have been a strong argument for the promovents here; but as such was not the case, I do not think the decree of the Court at the Cape thirty years ago in favour of its own jurisdiction entitled to much weight. I do not think it worth while to pursue this part of the subject. No one can argue that at this day I could be justified in exercising the power given by this commission. It is evident, then, that we cannot be governed by the words of the patent in determining upon the limits of the jurisdiction of the court, and without going at length into the history of the origin, gradual extension, and restriction in later times, of this jurisdiction, I will give the words of Lord Stowell, who thus concisely defines it, in the case of the Atlas, 2, Haggard, 55, 1827:—"This court, except upon the subject of prize, exercises an original jurisdiction upon the grounds of authorized usage and established authority. The history of the laws of this country shews full well that such authorized usage and established authority are the only supports to which this court can trust, except in respect to the subject (prize) to which I have alluded."

In another case,—Rex *v.* 49 Casks of Brandy, 3, Haggard, 257:—

"It may also be convenient here to notice, more particularly, the nature of the office of Lord High Admiral; its rank, its importance, its rights, and duties; to refer to some authorities concerning it, and to inquire how far those patents can be pretended or intended to extend, or can legally infringe upon, that office.

"According to the constitution of this country, the monarchy is in many respects limited by ancient usage, which, in effect, constitutes the common law of the land. The Sovereign cannot execute all his duties in person, but the Executive Government is carried on by certain officers, whose duties, rights, and perquisites are settled by usage, of which there is no legal memory to the contrary. The Sovereign, by his prerogative, appoints the persons who fill these offices, such as his Courts of Justice, his office of Chancery, his office of Treasury, and, among others, his office of Admiralty. These offices are sometimes filled by a single person, at other times commissioners are appointed to execute them; they are great officers of state, and have precedence above peers of the same rank; among them is the Lord Admiral."

Such are the terms in which the Judges of the present day define the jurisdiction of this court; and feeling myself bound to keep within its "known limits," I will state where it is I conceive I must look for the "authorized usage and established authority," which are, in the language of Lord Stowell, "the only supports to which this court can trust."

I must look, I conceive, in the first instance, to the procedure and practice of this Court since its creation, being a period of nearly seventy years, and I think I should be fully justified in declining to extend the jurisdiction of the court beyond its known limits, during its existence in this Province. If I am asked to go beyond this, I apprehend I am not to resort to the varied practice and proceedings of the District Courts of the several States in the neighbouring Union, who exercise their "Maritime and Admiralty" (such are the words of the Act,) Jurisdiction, under the Judiciary Act of 1789, and where, notwithstanding the elaborate opinions of the celebrated Judge Storey, quoted at length by the counsel for the promovents, great controversy exists as to the extent and origin of the jurisdiction in Maritime and Admiralty affairs in the District Courts. Were it possible (which it is not) to arrive with any certainty at the limits to which the Judges of the Courts of Admiralty in the Old Colonies felt themselves bound to go under their commissions, I cannot assent to the proposition that I should be governed by their views. One of the American authors uses the expression, "that none were bold enough to assert that the commissions issued at that time were illegal." It may be meant that the Judges of the Common Law Courts did not think it consistent with their duty to refuse to recognize to its fullest extent any patent issued by the Crown, lest by so doing the authority of the Crown might have been impaired, and no instance is cited of any prohibitions having been granted or refused in these Courts.

I have not thought it necessary to go minutely into the reasoning of, and the authorities cited from, the eminent American Judges, as for the reasons already shown, even if they had arrived at one common conclusion on the subject, which is far from being the case, I should not feel myself bound to adopt that conclusion; but I must remark, that I should have been glad to have been furnished by them with the authorities upon which some of them declare that the statutes of 13 and 15 Richard II., were not in force in the Old Colonies. It is certain that no very definite rule has been laid down for deciding what statutes Colonists take with them in settling a new Country, but it has been held in general terms, that so much of the statute law of England is in force as is adapted to their situation and wants, and their condition as an English Colony.

If the statutes of Richard are regarded as restricting the prerogative of the Crown in its office of Admiralty, it could hardly be contended that a Commission issued either here or in England, exceeding the limits of the jurisdiction prescribed by those statutes would be operative—Chitty's Prerogative, cap. 7, p. 75. If they cannot be so viewed, I know of no principle, on the other hand, which would prevent the extension of them to this Province on its settlement. Perhaps no part of the statute law enacted before the plantation of the American Colonies could be pointed at, the introduction of which could be more beneficial to the Colonists, more in case of the subject—better adapted to their situation, or more suited to their condition as an English Colony, than statutes which would prohibit the grant by the Crown to any Court in the Colony, of the harassing, vexatious, oppressive and enormously expensive power, exercised by the Admirals of England, under commissions from the Crown, prior to the 13 Richard II. It has been urged also that a proceeding in "rem" for services of the value alleged to have been rendered in this cause would in many cases prevent a failure of justice. I do not deny that in cases of claims for salvage for services rendered to, or damage received by, any ship or sea-going vessel, or for necessaries supplied to any foreign ship, and in some other instances a jurisdiction in "rem" extended to our Harbour, &c., might be highly beneficial and instrumental in advancing justice. But before I should wish to see this Court invested with such extension—the power of examining witnesses "viva voce," of procuring their attendance, and the production of papers, of taking evidence by commissions, of directing issues of fact to be tried by Juries, and other improvements in its practice, and modification of its costs, should be conferred upon it.

Finding, therefore, that there is nothing in the "authorised usage" or "established authority" of the High Court of Admiralty of England (prior to the Statute of 3 and 4, Vic. Cap. 65, the operation of which is limited to that Court) to justify me in going beyond the jurisdiction heretofore exercised by this Court in this Province, I feel it is my duty (in the words of Sir Cristopher Robinson,) "not to adventure beyond the known limits of my authority, and I should only involve the parties in expense and disapointment were I to encourage any such experiment." The conclusion then at which I have arrived on attentively considering all the authorities and arguments adduced, I may state in the language of Lord Stowell in a case of Jurisdiction, 1, Haggard 312—"What is now proposed must therefore be considered as a novel enterprise recommended to the Court without any support from former usage, and to be taken up upon new and unprecedented views of the subject."

I pronounce against the action, and dismiss the owners who appeared under protest.

In doing so, it is satisfactory to reflect, that as all parties reside in this place, and as the owners of the "Boadicea" are fully able to meet any claims to whatever extent which may be established against them in the Court of Common Law for the alleged services of the "Conqueror," no loss can possibly be sustained by my refusing to them in this Court the benefit of a proceeding in "rem."

The costs remain to be disposed of; but I have had little difficulty in coming to the conclusion that justice would not be done were I to refuse the owners their costs. Had the promovents come before the Court misled in any wise by the exercise, even in a solitary instance, of a jurisdiction to the extent now claimed, their case might have been different. No case has been adduced in this Province, or from Nova Scotia, though it has been said at the Bar, that in Canada a larger jurisdiction is exercised; and it does appear to me, that where parties with no precedent from this Province—with the English authorities avowedly against them—with no necessity for a proceeding in "rem," (and here I may observe that in the case cited by Mr. Gray, where costs where refused, the owners of the ship were bankrupt,) undertake to bring others before the Court, calling upon it to assume a new jurisdiction, which it feels bound to decline—it would be inflicting a great wrong upon the owners of the ship to compel them, by refusing their costs, to bear the expenses of this experiment. I therefore condemn the promovants in the expenses incurred in this Court, and give the owners of the "Boadicea," their costs.

The Court of General Sessions of the Peace and the Mayor's Court, were opened in this City, on Tuesday. The Calendar exhibited only one prisoner in gaol, who stands committed for trial before the Supreme Court; and the only criminal business before the Sessions is an indictment against W. Dougan, standing over from the last Court. There were four civil causes entered for trial. Robt. Jardine, Esq., was elected Foreman of the Grand Jury. After the usual preliminary proceedings, His Honor the Recorder charged the Jury, and in the course of his observations brought under their notice the subject of the apportionment of the taxes upon the several Parishes, and suggested enquiry into the correctness of the rate. A Bill was read before the Jury preparatory to its being laid before the Legislature to provide for the payment of the interest on the House of Correction Debentures. Tuesday next was appointed to take into consideration the subject of a motion introduced by Mr. Justice G. A. Lockhart, declaring the expediency of repealing all Laws relating to the manufacture, importation and sale of spirituous liquors. Some few accounts were ordered to be paid, and the Court adjourned until this morning.—*Witness.*

MECHANICS' INSTITUTE.—The lecture delivered on last Monday evening, by Mr. McLardy, on "Climate," was one containing much useful information and evincing in the lecturer much and intimate knowledge of the subject. He described those causes that immediately affect temperature and climate to be mainly distance from the equator, or altitude of position, and cited authorities and many facts illustrative of the theory he propounded, showing that he is intimately acquainted with the experiments, opinions and the results of the research of modern philosophers, who have devoted themselves to this subject.

On Monday evening next the Rev. Mr. Wishart lectures for the Institute. Subject—"The Female Sex."—*Freeman.*

MR. WISHART'S LECTURE.—The Rev. Mr. Wishart delivered his fourth lecture at the Hall of the Institute, on Thursday evening last, before a crowded house. The subject was "*The Formation of Character*," and the lecture appeared to give general satisfaction.

The Rev. Gentleman adverted to *twelve* leading particulars, which we name in their order. First,—that the complexion of character is principally attributable to primary structure; second,—that character, often evinces a tendency to exist in disproportioned and unsymmetrical forms; third,—that there is great dissimilarity in its mode of development—some persons coming forward at fourteen, some not till forty; fourth,—the ascendancy of the practical over the ideal nature was insisted on; fifth,—it was shown that the strong nature gives itself a second education; sixth,—it was said to be a frequent condition in the natural history of a remarkable man, that he arrives at eminence by the vanquishing of more than common obstacles; seventh,—a strong character, in unfolding itself, generally displays remarkable singleness of object; eighth,—character is said to depend much on the circumstances with which it is associated at an early period; ninth—it was alleged that the formation of strong character is impeded by certain prevalent prejudices; tenth,—a very obvious distinction is the difference between the character that inclines to literature, and that which has a disposition towards science; eleventh,—by far the greatest number of characters take their shape from the ordinary circumstances by which they are surrounded; twelfth,—the employment was exhibited as exerting a strong influence, especially over the nature of merely average vigour. The address concluded with some suggestions in regard to the institutions that might promote strong character in this new country.

The lecturer took occasion to contradict a statement which appeared in the *New-Brunswicker* of the 2d instant, to the effect that he (Mr. W.) had in his previous lecture alluded with sarcasm to some individual styled by that journal the *solitary writer* in the *Courier*, as it was not his intention or wish to give offence to any one.

Our contemporary might probably have noticed, that when the lecturer made the allusion adverted to, it was received by the audience in a very different manner from that displayed at the Railway meeting held last summer at the Mechanics' Institute, when Mr. Howe undertook to hold up a certain windy friend of his as a model specimen of a man of the first order, although his fellow citizens could not appreciate his worth.

THE LYCEUM.—The young men of this City have recently organized a Debating Society, for the free discussion of all historical, political, scientific and other subjects, under the above title, meeting weekly on the evening of Friday, in a very comfortable and commodious Hall. All subjects calculated to engender religious animosity or sectarian jealousy are wholly disallowed. Many very interesting discussions, exhibiting research and industry, have already passed off before this Society on such subjects as a "Comparison between Oliver Cromwell and Napoleon Buonaparte"—"The Happiness of Anticipation as compared with that of Possession"—"Was Wilmot justified in joining the Government?" &c. &c.; while the third evening's discussion on the subject, "Federal Union, or Annexation of these North American Colonies to the United States; which would be most beneficial to the Colonies?" is laid over for Friday evening next.—As the number of members is limited, we recommend to the young men an immediate application for admission.

The members of the SAINT ANDREW'S SOCIETY celebrated the anniversary of the patron Saint of Scotland, by Supping together on Monday evening, at the St. John Hotel. About Fifty sat down to supper, which was served up in Messrs. Scammell's usual sumptuous style, and

'The night drave on wi' sangs and clatter'

until "the wee short hour ayont the twal," when the members sought their domiciles, much pleased with their social meeting.

At a fixed hour, a Toast was given by Telegraph, simultaneously in Halifax, Fredericton, St. John, Quebec, Montreal, Toronto, Boston, and New-York, by the sons of Scotia assembled in each of those places, to honour the day.—The toast was

"Brither Scots!—Our hands we cannot, but here's our Hearts."

The accomplishment of such union of soul and sentiment, with persons so widely separated, is one of the many wonders of this wonderful age.—*Obs.*

ST. PATRICK'S SOCIETY.—At the annual meeting of this Society for the election of Office-bearers, held on Monday last, the following gentlemen were chosen:—

Thomas Parks, Esq., *President*; George Carvill, Esq., *Vice-President*; William Hutchinson, Esq., *Treasurer*, Mr. William Patton, *Secretary*; Wm. Hutchinson, Jr., Esq., *Assistant Secretary*.

FIRE IN PORTLAND.—On Thursday night, between 11 and 12 o'clock, a fire broke out in a block of buildings on the Straight Shore, originating, it is supposed, in a chimney which was observed on fire a short time previous. The engines were some time getting to the ground, and all their efforts could not prevent the destruction of three of the houses. Some persons lying sick at the time in the neighboring houses were removed to some distance.—*Freeman.*

FATAL ACCIDENT.—On Monday morning, Thomas Brown, aged 28 years, a native of Youghal, County Cork, Ireland, was killed by the lowering of a heavy sled, from a window,—the pole of the sled striking deceased on the head.

We have been requested to put the public on their guard against counterfeit Five Dollar Gold Pieces, which parties were endeavouring to pass at Sackville a few days ago. They have since left for this City.

THE SPEAKERSHIP.—We learn from undoubted authority that the Hon. Mr. Crane will be a candidate for the Speaker's Chair, which he formerly occupied. There will, in all probability, be a contest for the honour of first Commoner, and the decision of the question will be looked for with a good deal of interest by the public.—*Head Quarters.*

RESTIGOUCHE.—Andrew Barberie, Esq., one of the Representatives for this County, having accepted the office of Clerk of the Crown, a new election has been held, at which Mr. Barberie was re-elected by a large majority over his opponent, Dr. Carter. The state of the poll, as known at Dalhousie on the 27th ult., and communicated to the *Miramichi Gleaner*, was—Barberie, 148; Carter, 57.

LEGISLATURE OF NOVA-SCOTIA.—It is evident from the following extract from a speech delivered by the Hon. Wm. Young, Speaker of the Assembly, that a great change is expected to be made in the terms first proposed for obtaining the land for building Railways in the Colonies:—

"What would really have alarmed me, Mr. Chairman, would have been the projectors of this measure insisting on a sinking fund to be charged on our Revenue along with the interest. To this as it was originally proposed we could never have assented. Thirty-five thousand a year we can meet, but twenty or thirty thousand more would have exceeded our strength. I was heartily rejoiced, therefore, when so material a modification of the original project was determined on. The sinking fund is now to consist of the charges payable for the transmission of British Mails and Troops, and the profits of the interest. The Home Government I trust will be contented with this as the utmost we can do."

It would appear that Mr. Howe has doubts of succeeding in obtaining the Great loan, and has accordingly had another bill passed in case of such a contingency occurring.

On Saturday, a joint address of the Legislative Council and Assembly, to Her Majesty, on the subject of the Railroad, passed by a vote of 32 to 9.

The Hon. Provincial Secretary moved for the erection of a monument in honor of the late Mr. Huntington, which was seconded by Hon. Mr. Johnston, and after several very grateful compliments in memory of the Departed, passed *unanimously*.

Hon. Mr. Johnston laid on the table as notices to be taken up next Session, the resolutions to restrict the main Trunk Line of Railway to the North Shore of New-Brunswick; and for condemning the employment of Convict Labour in British America.

The Legislature was then prorogued, by His Excellency Sir John Harvey, who delivered the following Speech on the occasion:—

Mr. President, and Honorable Gentlemen of the Legislative Council:
Mr. Speaker, and Gentlemen of the House of Assembly:

Never during my long administration of Colonial Governments, did I close a Legislative Session with more pride, and more entire satisfaction, than I feel at this moment.

Having served in all the Provinces which you have laboured to unite by bonds of peace, and mutual co-operation, I know their value, and highly estimate their vast resources.

At the close of a long life, nearly thirty years of which have been passed in the British North American Colonies, in peace and war, the great measure in which you have been engaged, assures me that, more firmly set, and beaming with higher lustre, they are yet to remain the brightest jewels in the British Crown.

The moderation and elevated spirit which have pervaded the deliberations of both Branches, will ever honorably distinguish the present Session.

In returning to your homes I beg you to be assured that the high powers which you have conferred, and the grave responsibilities that you have imposed upon my Government, will but increase my vigilance and care to carry out the measures you have perfected in the spirit in which they have been conceived.

FROM THE UNITED STATES.—By the arrival of the Steamer *Creole*, last night, from Portland, we received Boston papers of Thursday evening, and Portland of Friday morning, for which we are indebted to the attentive Agent of the Steamer, and to the Agent of Faver's Express.

Congress assembled at Washington on Monday last. The Hon. Linn Boyd, of Kentucky, the Compromise candidate, was chosen Speaker of the House on the first ballot. The President's Message is, as usual, a lengthy document.

The President gives a clear account of the Cuban expedition, and speaks of it as illegal and ill-fated. The prisoners who were executed all admitted the offences charged against them, of being hostile invaders of the island. "Our neutral obligations must be steadily and sternly enforced, if we desire to maintain our respectability among the nations of the earth," is the basis of the action of the Cabinet.

Attention is again invited to the subject of reciprocal trade between the United States and Canada. The President remarks:—

"Your attention is again invited to the question of reciprocal trade between the United States and Canada and other British possessions near our frontier. Overtures for a convention upon this subject have been received from her Britannic Majesty's Minister Plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated by reciprocal legislation. Documents are laid before you showing the terms which the British government is willing to offer, and the measures which it may adopt, if some arrangement upon this subject shall not be made."

A convention for the adjustment of the Portuguese claims has been concluded, and the ratifications exchanged. The first instalment of the indemnity has been paid by Portugal. The President of France has been selected as the arbitor in the case of the *Gen. Armstrong*, and has accepted the trust. It does not appear from the message that a decision has been given against the claim, as has been reported.

The President recommends Kossuth and his companions to Congress.

In connection with the relations with Mexico, it is stated that the Tehuantepec treaty has not been ratified by that country, but that the administration is determined to exert all proper efforts to bring about the necessary arrangements for the speedy completion of the railroad.

A condensed and clear statement of the finances of the country is given, and it appears that they are in a prosperous condition. A constantly accumulating surplus is applicable to the extinction of the public debt. The condition of trade and commerce, however, is not so satisfactory, and shows that the country has not been benefitted by the policy which dictated a low rate of duties. A modification of the tariff and specific duties is recommended.

It appears by a brief statement given by the President that, deducting the specie exports and imports, there is a balance of trade against the United States of $22,472,844, notwithstanding the great increase in the value of the cotton exports. The exports of specie over the imports for the year ending the 30th of June last, have been $24,263,979; but what is more alarming, the exports for the first quarter of the present fiscal year are largely increased; and if continued in the same ratio during the year, it will drain from the metallic currency the enormous amount of over *fifty-eight millions of dollars*.

An increase of the army is recommended, for the better protection of the inhabitants of California, and of the new territories from the Indians. Such an increase appears to be absolutely necessary.

The President recommends that the officers and seamen of the American Arctic expedition receive extra pay and emoluments. A re-organization of the Navy is again recommended.

The recommendations of the Postmaster-General, that the present rate of postage on letters be adhered to, and that a more simple and uniform rate on newspapers be adopted, are sanctioned by the President. A revision of the statutes of the United States is strongly recommended.

The message concludes with some high-toned and eminently patriotic remarks with regard to the enforcement of the Fugitive Slave Law, and to the Compromise measures.

NEW ORLEANS, Dec. 3.—We have advices from the City of Mexico to the 15th. The news of the raising of the siege of Matamoras had caused great rejoicing among the inhabitants. No other news or importance.

NEW YORK, Dec. 3, 6 P. M.—Flour firm, with upward tendency; sales, 9000 bbls., at from $4 to $4,06. Southern flour improving.

The *Africa* carried out $1,425,000 in coin from New York this morning, the largest single shipment, we believe, ever made from this country.

[From the Royal Gazette, December 3.]

PROVINCIAL APPOINTMENTS.

His Excellency the Lieutenant Governor has been pleased to appoint, provisionally, Thomas Gilbert, of Queen's County, David Wark, of the County of Kent, William H. Steves, of the County of Albert, and John H. Ryan, of King's County, Esquires, to be Members of the Legislative Council of this Province, until Her Majesty's pleasure shall be known thereon.

By His Excellency's Command,
J. R. PARTELOW.

Secretary's Office, 3d December, 1851.

COMMUNICATIONS.

MESSRS. EDITORS,—The Session of our Legislature is approaching, when questions of the utmost consequence to New-Brunswick will engage attention; and it behoves our Representatives *in* the House, and the *Press*, *out* of it, to place the subjects with unprejudiced consideration before the public. I allude to the Loan of a large sum of money from Great Britain, for the construction of Railroads, and the particular route of these Railroads through our Province. Experience has proved the benefits which result from the establishment of Railroads; it is therefore unnecessary to discuss them: they are indisputable. The questions demanding enquiry are—

1. The expediency of contracting a Loan;
2. The route of the contemplated roads;
3. The prospect of profit from them;
4. The condition of the Province in case the traffic on the road should be insufficient to meet working expenses, or interest, or future payment of principal.

We are told that we can borrow the money at 3½ per cent., provided we pledge the Revenues of the Province for the repayment of principal and interest. The terms are desirable, provided they do not embarrass the ordinary appropriations for the Province: but money, at a lower rate, would be an onerous loan, if the means of repayment were insufficient. The great question for consideration is our prospect of repayment? It is admitted, I believe, by all parties, that "*The European and North American line*" would pay. This line has been undertaken by a private Company, with assurances from Mr. Archibald that the money will be forthcoming from capitalists in England, for its establishment. If these assurances are realised, the only question for Legislative consideration will be the Great Trunk Line from Halifax to Quebec. I shall, therefore, at present, confine my remarks to this line. Heretofore it was proposed that this line should pass the *Bend of the Petitcodiac*, to the *Restigouche* River, along the Northern Shore, and, crossing the *Mettipediac*, one of the tributaries of the *Restigouche*, should follow the course of the St. Lawrence from thence to Quebec. Along this route, the Railroad would cross the following rivers: the *Cocaigne*, *Buctouche*, *Richibucto*, *Kouchibougonnis*—Kouchibougouac emptying into the Straits of Northumberland—the *Bar-du-vin*, and the *Great Miramichi* at Chatham flowing into Miramichi Bay; the *Bartibog*, and *Tabisintac* flowing into the Gulf of St. Lawrence; the *Nepissiquit* and its *tributary*, and *Middle River*; the *Tatagouche*, the *Jouquet*, and the great *Restigouche* and its *tributary* the *Mettipediac* flowing into the Bay Chaleur. The *Mitis*, *Ramouski*, *Trois Pistoles*, and several other Rivers between this and Quebec, flowing into the St. Lawrence. This route is interrupted, not only by these numerous Rivers, but also by deep ravines and morasses, which must render the engineering difficulties almost insurmountable, and exceedingly expensive. It is said that New-Brunswick has not assented, thus far, to any particular route. Let us admit it. A formidable question nevertheless, arises, namely,—Is not this the route which the people of Halifax, and along this line through New-Brunswick, would prefer? The answer is obvious; and the reasons for this preference are equally manifest. It is generally admitted that the traffic on this route would not meet the working expenses, much less the interest upon the Loan, and the eventual repayment of the principal. Indeed some of the zealous advocates of this route, admitting the insufficiency of profit, have proposed that the deficiency should be met by the profits of the *European and North American line*, an admission which amounts to a condemnation of the undertaking, and most decidedly so, if that Railway should be carried through by the Company now engaged in it. Under such circumstances, the Quebec Trunk, by the North Shore, would be a failure if undertaken, and which would involve the Revenues of the Province in serious embarrassments. If all the circumstances connected with the construction of a Railway on this route are so unfavorable and prohibitory, it may be asked, is there any other route which offers stronger inducements for the adoption of it? The following statements will furnish a [illegible] upon further enquiry, they should be found correct, there is reason to believe that the route proposed would be remunerative. The advocates of the Northern route may ask; if the route about to be submitted promises remuneration, what are the circumstances which give it preference? I answer, in the first place, its brevity, which implies an immense amount saved; in the second place, the greater facility of construction, dependent upon the character of the country that it would traverse requiring a less expenditure per mile; in the third place, its course, through vast tracts of ungranted lands, which might be appropriated to it; and lastly, the probability of a greater amount of traffic on a road passing comparatively through the centre of the Province, and having immediate connection with the most improved and improving rural districts, as well as the settlement of Woodstock, and the towns of Fredericton, St. Andrews, St. Stephens, and St. John. From what I have said, the reader acquainted with the country may readily recognise the contemplated line, which should extend from the Nova-Scotia boundary by the way of the "*Bend*," to the City of St. John, thence up the Nerepis Valley, crossing the Oromocto Stream near Fredericton, thence to intersect the St. Andrews and Quebec Railway, about twenty-five miles from St. Andrews, thence following this route to the Grand Falls, and thence to the Riviere du Loup, flowing into the St. Lawrence, and thence along the St. Lawrence to Quebec. A Survey of this route upon the Map of the Province, and the reported character of the country through which it would pass, give it a common sense preference.

The saving of distance effected in this route consists in the space between the *Bend* and *St. John*, and between the proposed junction with the St. Andrews line and Woodstock, amounting in both to one hundred miles and upwards, as these distances would be lined by their respective Companies. In this manner the expenditure of half a Million of money would be avoided, and the Province released from this vast responsibility. This route would fulfil every intention in reference to the union of the Provinces by a military and commercial highway. It may be urged by *alarmists*, that its proximity to the frontier of the United States renders this route objectionable—and it may be asked, will the British Government assent to such a route? The objection is imaginary; and if it did possess any validity, a similar one might be urged with equal force against the Northern route, where, for eighty miles along the course of the St Lawrence, the American boundary is distant from ten to twenty miles from the proposed line of Railway; and Fort Fairfield, an American fortification, is about the same distance from it. The truth is, let the line reach Quebec by the most practicably distant route from the American frontier, the road, in the event of a war, would be at the mercy of the strongest party. But let us hope better things than this unnatural disruption of amicable intercourse. It is true, war may occur, but a war with the United States would, in all human probability, be short in its duration, as the commercial interests of Great Britain and America are now too intimately interwoven to admit of any lengthened severance; and the portion of Railway vulnerable during such a contingency, would be small in extent, and smaller in effect, compared with other and weightier consequences, demanding prior consideration. I may here observe, that Railroads may be considered pacificatory—the constant intercourse and interchange of opinions and merchandise is the best guarantee for continued peace; the good sense of mankind is learning a useful lesson from the calamities and desolations of war; and the nations are being convinced that war may destroy the people, but it never improved the country. I think, when the objection of proximity is subjected to proper analysis, it will be found to consist of unnecessary alarm, mingled with prejudice and some local feeling, all of them at variance with sound enquiry. A similar objection might be advanced against the Portland and Montreal, and the European and North American lines. Mr. Young, of Canada, considers the *central* line the most eligible, and it certainly does appear to possess claim to preference; and unless some stronger arguments than any which have yet been submitted to public attention can be adduced in support of the Northern route, it is hoped that the Legislature will adopt the Central route. I shall resume the further consideration of this subject next week.

O. P.

MESSRS. EDITORS,—My attention has just been called to an editorial in the *Church Witness*, containing some *garbled* extracts from a pamphlet lately published by myself. I would advise the *veritable* Editor of that Paper to consult my Review to his "Reply," some time ago, before he ventures to allude again to this subject. As to the writings of Swedenborg, the Editor had better first read them, and then retire from the subject, as did Priestly, the Socinian, before him; but retire in silence, and not attempt to discuss what is beyond his ability to confute. If the public are at all interested in the subject, they can easily consider it for themselves; and if they do so, I will venture to say that they will no longer heed the pop-gun of the *Church Witness*.

I am, yours truly,
R. B. WIGGINS.

Friday Evening, Dec. 5.

ERRATUM IN OUR LAST.—Our readers are requested to erase the word *viz.* between the Greek word *Makaria* and the Latin word *felicitas*, in Dr. Jacob's Lecture. It was not in the manuscript.

☞ At St. George's Church, Carleton, to-morrow afternoon, a Sermon will be preached in memory of the late Hon. WARD CHIPMAN, after which a Collection will be made for the benefit of the Diocesan Church Society. The SERVICE will consist of MAGNIFICAT, Webbe: NUNC DIMITTIS, from Eden's Service in F.: ANTHEM, "My God, my God, why hast thou forsaken me?" Reynolds: HYMN, "The righteous souls that take their flight."

☞ A Mail for England, *via* Halifax, will be closed at the General Post Office in this City on next Tuesday afternoon, at five o'clock.

MARRIED,

On the 27th ult., by the Rev. A. McL. Stavely, Mr. Wm. Glean Brown, of Indian Town, to Miss Isabella M. Wallace, of Portland.

On the 2d inst., by the Rev. Robert Irvine, Mr. Robert Logan, to Miss Margaret Ann Wark, both of the Parish of Portland.

At Carleton, on Tuesday the 25th ult., by the Rev. W. T. Cardy, Wesleyan Minister, Mr. Christopher Maleman, to Miss Eliza Brown, both of Carleton.

At Digby, (N. S.) on the 22d November, by the Rev. Richard Cunningham, Mr. Edward Dakin, to Jane H., daughter of Dr. Bent, all of Digby.

On the 1st Nov., at Kirk Bradden, (Isle of Man,) by the Rev. Wm. Drury, Mr. Edward Quayle, Egger, of St. John, N. B., to Emily, second daughter of Dr. Stewart, late of H. M. 38th Regiment of foot.

DIED.

On Thursday morning, 4th inst., Mr. Richard C. Sherwood, in the 77th year of his age, deeply lamented by all his friends and acquaintances.

On Thursday, 4th inst., Joseph Hinds Smith, aged 38 years.—Funeral on Sunday, at half-past 2 o'clock, from his late residence, St. Andrews Street, when friends and acquaintances are respectfully invited to attend.

On Thursday, 4th inst., Ann, widow of the late Mr. Thomas Gibson, in the 60th year of her age.—Funeral on Sunday, at 2 o'clock from her late residence in Brussels Street, when friends and acquaintances are respectfully invited to attend.

At Portland on Tuesday last, Eliza, wife of Mr. John Robinson, aged 33 years.

In Norton, on the 2d inst., after a lingering illness of consumption, which she bore with Christian fortitude, Elizabeth Jane, wife of Mr. Elisha Fo ler, and second daughter of the late Deacon Fow aged 35 years, leaving a family of four children to mourn the loss of a kind and affectionate mother.

At Dumfries, York County, on the 27th ult., Mrs. Woodbridge Allan, widow of the late Adam Al Esquire, Lieutenant of the Queen's American Rangers, in the 86th year of her age, leaving a large circle of relatives and friends to mourn their bereavement. The deceased came to this Province in the memorable year 1783 with her father, the late Jos. Clarke, of Maugerville.

At Oromocto, County of Sunbury, on the 5th September last, Mr. Abner Seely, aged 31 years; and at Blissville, in the same County, on the 12th, Mr. Linus Seely, aged 51 years 1 month and 12 days; on the 18th October, Mr. Jacob Seely, aged 21 years and 2 days; on the 4th Nov., Miss Mary Ann Seely, aged 13 years 2 months and 10 days; and on the 15th, Mrs. Elizabeth Seely, aged 56 years 4 months and 18 days.—The father, mother, and three children of one family, have thus been taken away by a malignant fever in the short space of ten weeks, and the lives of two other members of the same family are despaired of—verily,—"In the midst of life we are in death."

At Lincoln, on the 29th ult., Mrs. Mary, wife of Mr Nelson Sewell, aged 42 years.

MARINE JOURNAL.

PORT OF SAINT JOHN—ARRIVED,

Saturday—Brig Princess, Taylor, New-York, 8 days—J. & T. Robinson, flour, &c.
Sunday—Brig Melrose, Hanson, Calais—John W. Cudlip, ballast.
Schr. Ori, McMullin, Bath, 3—T. McHenry, pork.
Steamer Creole, Wetmore, Eastport—Geo. Thomas, passengers and merchandise.
Tuesday—Schr. Richard Cobden, Chisholm, New-York, 7—Master, general cargo.
This Morning—Steamer Creole, Wetmore, Portland—Geo. Thomas, merchandise.

COASTWISE.

Sunday—Schr. Ellison, Reid, Harvey, deals.
Triumphant, Bissett, Dorchester, deals and oats.
Tuesday—Steamer Pilot, Leavitt, Annapolis, [illegible]
Wednesday—Schr. Gazelle, Cole, Sackville, butter, &c.
Thursday—Schr. Hope, Seaman, Cumberland, deals.
Abeona, Barnes, Sackville, hay and stone.
Dorchester, King, Dorchester, oats, butter, pork, &c.
Ellen, Cole, Sackville, poultry, oats, and butter.
Wm. Henry, Nickerson, Cornwallis, fish, potatoes.
Chancellor, [illegible], Petitcodiac, deals.
Friday—Schr. Sarah, Moore, Maitland, deals.
Leader, Wood, Shepody, deals.
Exile, Hatfield, Parrsboro', deals.
Friendship, Wiseman, Parrsboro' deals.
Rambler, Wood, Shepody, deals and poultry.
Rachel, Parker, Cornwallis, potatoes and cider.
Scotia, Buckhard, Sackville, deals.
Edwin, Capps, Sackville, deals.
Victoria, Campbell, Maitland, deals, oats, &c.
Geo. Noble, Millar, Apple River, deals.

CLEARED.

Nov. 29th—Ship Parsee, Kirby, Liverpool, timber and deals—N. S. Demill; Schr. Eliza, Richards, Galway, deals—R. Rankin & Co.; Franklin, Mussels, Lynn, (Mass.) boards and shingles—E. D. Jewett & Co.

Dec. 1—Barque Ann Kenney, Hayes, Waterford, timber and deals—R. Rankin & Co.; Mary, Roberts, Holyhead, timber and deals—John M Brig Huron, Henry, Boston, boards and shingles—E. D. Jewett & Co.; Schr. Bonito, port, hackmatack timber—Wm. Thomson.

2d—Ship Argo, Mitchell, Port Glasgow, and deals—R. Rankin & Co.; Schr. Hero, Boston, boards and shingles—Geo. Eaton.

4th—Brig Albert, Robinson, Barbadoes, &c.—N. S. Demill; Brigt. Myrtle, Petch, lumber, &c.—R. Rankin & Co.; Schr. Frost, Smith, Boston, timber, boards, &c.—Jewett & Co.

5th—Schr. Echo, Holder, Boston, lumber—Jewett & Co.; Iris, Holder, Cardenas, shooks and grindstones—Crane & Co.

Brigt. Hope, Wood, hence, for Boston, with a cargo of lumber, went ashore on the Londoner, near Thacher's Island, at 4 A. M. on the 16th ult., and in half an hour had seven feet water in her hold. Assistance reached her during the day from but she has since gone to pieces. Nothing saved but the sails. The disaster is attributed to the monument having been washed away last and not replaced. The vessel was partially insured.

Brigt. Elizabeth Hastings, of St. John, ton, with lumber, arrived at Kingston, (Ja.) 19th, landed deck load and left on the Morant, but unfortunately got on shore ult., while going in, and became a wreck.

Ship Virginia, Lawson, from Liverpool for Charleston, was driven ashore on Cape on the 24th ult., but was got off on the 26th and towed up to Charleston, little injured. Two would free her without difficulty. sacks of salt were thrown overboard to

The following is an extract of a letter from Howard, of pkt. ship Daniel Webster, Nov. 9, lat 47, lon 55. We are lying by the ship Unicorn, from Liverpool for St. John's, with 360 passengers, dismasted and in a bad condition. We are taking on board some of her passengers, and shall probably Western Islands, to procure water and

Melancholy Shipwreck, and Loss of Life.—The new ship *Ticonderago*, Rudolph, master, bec for London, went ashore at Caribou the North Shore of the St. Lawrence, violent snow storm, and, sad to relate, her hands perished, twelve having overboard by the fall of the mainmast, five either killed or drowned by the fall of the topmast. The Captain, Mate, second Mate, three of the seamen, were saved by lashing themselves in the rigging, where they remained from six o'clock in the evening, having been hours on the wreck, the sea washing over them all the time, when, seeing a fire on shore, at low water, they jumped overboard, and in the surf, where they were met by who took them to their house and rendered the assistance possible.

On the 24th, the schr. *St. Helen*, ter, came down to their rescue, took them and landed them safe at Cape which place they went to Quebec by Rudolph reports that the ship went to they left. Eight of the bodies of the seamen were picked up on shore, and place.

Schr. Adelaide Victoria, from Boston, michi, with a general cargo, put Saturday last.

Arrived at St. John's, (N. F.) Nov. Bonito, Stickney, St John.—At Alicant brigt. P. I. Nevius, Boddie, do.—At schr. Mars Hill, Clifford, do.—At 1st, brig Lafayette, Clifford, do.

At Edgartown, Nov. 30th, brig from Sackville, for New York.

At Holmes' Hole, Dec. 3rd, brig from Norwich, for St. John; schr. from New York, for Cumberland.

Cleared at New-York, Nov. 25th, Morris, Savannah; 27th, brig John; Dec. 1st, barque Elizabeth 2nd, barque Amelia, Holden, do.—At Nov. 28th, brigt. Portland, Scott, Boston, Nov. 26th, schr. Alabama, Dec. 1st, schr. Cuba, Kavanagh, Nov. 26th, schr. Charles, Whipple, brig Messenger, Cain, do.

Sailed from Edgartown, Dec. 2, St. John.