

# THE NEWFOUNDLANDER

Scotians were for an equitable imposition and division of taxation, an increased representation in the Parliament of the Confederation, and the control of their own local militia in time of peace. The proposals made by the Canadian Cabinet embrace, it is understood, a stipulation that Nova Scotia shall be exempt from bearing any burden of taxation for the payment of the interest or principal of any of the debts contracted by the Canadians prior to the union; a provision that the number of representatives in the Parliament shall be increased; and a proposition that, while the general Government shall be held to be supreme in all respects and at all times over the military forces of all parts of the Confederation, Nova Scotia shall still regulate for herself the local affairs of her own militia. The more vital question of the tariff, which really lay at the bottom of the discontent of the Nova Scotians, is not mentioned in these negotiations, for the reason it would appear, that at the time they were opened it was believed in Canada, as well as in Nova Scotia, that an arrangement for the renewal of the Reciprocity Treaty, with the United States would soon be made. That expectation has not been fulfilled as yet; but should it be, there will remain little or nothing in the way of a peaceful settlement of the once threatening quarrel between Halifax and Ottawa.

**DR. PUSEY AND THE ST. ALBAN'S RITUAL CASE.**  
—Dr. Pusey, writing on the recent judgment of the Supreme Court of Appeal against Mr. Mackenzie, says:

"I agree with those who say that, since the judgment against Mr. Mackenzie does not (at least to any outward appearance) turn on any matter of faith, but is simply an exposition of Acts of Parliament, it does not affect the conscience of Churchmen in itself. It only tells us the law under which, in the opinion of the Judicial Committee, we live. We who believe in the Real Objective Presence are bound in all honesty to let the Church know what we do believe. The belief showed itself, of necessity, in our way of celebrating, without our adopting any of the acts which the Judicial Committee has condemned, and it will still. The author of the 'Christian Year' was no Ritualist, whatever sympathy he had with the pietistic, devout, and faith visible in many Ritualists. Yet no one who saw him celebrate could doubt as to his belief. The loss of modes of outward expression of belief (if so be), only drives pious souls more inward, and the inward devotion shines the more through. But will you allow me to remark on one statement which forms no legal part of the judgment, since it was made in support only of a point which was ruled? The judgment runs:—'In the rubric, as to the reception of the Sacramental bread and wine, the words, "all weekly kneeling," apply, as their lordships think, to the celebrant as well as to other clerics and people.' Now, the rubric is:—'Then shall the minister first receive the communion in both kinds himself, and then proceed to deliver the same to the bishops, priests, and deacons in like manner (if any be present), and after that to the people also, in order, into their hands all weekly kneeling.' Now, if this clause, 'all weekly kneeling,' applied at all to the celebrant, it would grammatically involve the direction that he should kneel while administering to others. A direction which occurs after the mention of two acts of a person cannot (if it applies to him at all) be limited to the first of those two acts, to the exclusion of that the mention of which immediately precedes that direction. If this (as it would), involves an absurdity, then the whole construction is faulty, and it follows that the direction can apply to neither. Yet, although this is only an argument, and so not binding in law, the charge against Mr. Mackenzie could not have been substantiated without it. For apart from this construction, it could not have been alleged that any offence had been committed by his kneeling at the end of the prayer of consecration. Now, even allowing that the construction were doubtful, we all of us remember how carefully Dr. Lubbock, in the 'Essays and Reviews' case, laid down again and again that, it being a criminal cause, the doubt was in each case to be given in favour of the respondent. I need not say what effect it will produce in the minds of English Churchmen if the Supreme Court of Appeal is at one time stringent in its construction of words at another far, and both alike in criminal cases. For, however the 'accuser's' costs, which are thus laid upon Mackenzie, may be paid by others, the law knows nothing of this. It has not only condemned him of doing an unlawful act in the most solemn part of public worship (which is the most sensible wound which could inflict on any clergyman), but has laid a considerable fine upon him. The world would call this 'playing fast and loose'—'loose,' whenever it is the question of allowing 'any matter of faith to be disbelieved; fast,' when it is the question of not allowing anything to be believed which popular prejudice disbelieves. If the union of Church and State involves this ultimate laxity, and more than rigidness in the construction of our formularies, involving the denial of true doctrine, and the prohibition of practice which represents doctrine, it certainly will be the earnest desire and prayer of Churchmen that the precedent now being set as to the Irish Establishment may be speedily followed as to the English."

**MANIFESTO OF THE DUKE OF MONTPENSIER.**—The journals publish a manifesto from the Duke of Montpensier, dated Lisbon, the 19th inst. The Duke explains the purpose of his recent journey to Spain, which he justifies on the plea that he was anxious as a citizen to exercise his right to offer, as in duty bound, his services to his country as a soldier in order to aid in its defence against an outbreak which he believed had been investigated by the reactionary party. He simply intended to serve as a combatant, and gave no preliminary official notice of his step, as it was his intention to throw off his incognito as soon as he should have reached the scene of contest. Upon his arrival at Cordova he discovered that the true aim of the insurrection was not of a reactionary character, and he returned to Portugal. The letter declares untrue certain accusations which had been raised against him, and proceeds to recall the fact that he wished to have taken part in the war against Morocco, as could be proved from official documents; further that he and his consort, the Infants, had unceasingly endeavoured to induce the late Queen Isabella, in 1859 and in 1868, to follow a liberal policy, efforts which, unfortunately, had been unavailing. He respects the principle of universal suffrage as the source of the legitimate claim of a nation to share the political administration of a free country. The Duke says that, notwithstanding the fact that he himself is a devoted Catholic, he wishes that every one in Spain should worship God according to the promptings of his conscience, with as much liberty as is enjoyed by Spaniards residing in London, Edinburgh, or Genoa. The letter concludes with the assurance that the writer is not influenced by ambition; that, in fact, he covets nothing save once more to belong to 'Spain—the new Spain of liberty. The Imperial comments on the

above, and asserts that the candidature of the Duke of Montpensier to the throne of Spain has recently undergone a fundamental change, in conformity with advice tendered by some statesmen of note. The Duke would resign his candidature in favour of his eldest son, under the guidance of a regency of three members. Such an argument would afford sufficient time for all questions of importance to be settled in such a manner as would not prejudice the prestige of the future monarch. The Imperial states that, at Barcelona, of forty-seven successful candidates for municipal offices, thirty were republicans.

The details of the elections at Madrid show that 24,000 votes were given to the monarchial candidates, while only 3,600 were recorded in favour of the republicans.

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**USE WOODLEES WORM LOZENGES.**—See advertisement in another column.

## The Newfoundland

ST. JOHN'S:

FRIDAY, JANUARY 29, 1869.

On yesterday at two o'clock the Legislative Session was opened by His Excellency the Governor with the accustomed formalities and with the Speech which appears below.

Addressess in reply were moved, in the Council, by the Hon. Dr. Winter, seconded by the hon. Mr. Clift; and in the Assembly moved by Mr. Godden, seconded by Mr. Barron.

Mr. Godden, the new member for Harbor Grace, spoke pertinently upon the leading points of the Speech, endorsing specially its Confederation policy. He was assailed by Messrs. Renouf and Hogsett, both of whom desired Confederation, abused the Government for not having supplied seed Potatoes for tallow, and while appearing to approve of the proclamation discontinuing able-bodied poor Relief, claimed for themselves the credit of having forced this step upon the Government. The Attorney-General replied, defending the course adopted by the Government on the potato supply matter, and showing that such aid would have been a mischievous waste of the public funds. He further showed that some members opposite, instead of having any claim to credit for the stopping of assistance to the able-bodied Poor, had done their utmost to force its continuance upon the Government. With regard to Confederation, he reiterated the favourable opinion he had always entertained upon the question, which however he would reserve for discussion at a more suitable time when Resolutions upon it would be submitted to the House. Mr. Prowse and Mr. Parsons also spoke, the former in favour, and the latter against the proposal of Confederation.

The House having chosen a Committee to draft a Reply, adjourned to Monday.

The following was His Excellency's Speech:

**MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL.**

**MR. SPEAKER AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY.**

For the fifth time in my administration of the Government I have the pleasure of meeting you to resume our Legal-Liste duties; and I am happy to remember that nothing during this period has interrupted the harmony of our intercourse.

The past year has not been marked by any special occurrence. A beneficent Providence has protected us from epidemic disease, nor have we had occasion to lament disaster such as that of the devastating gale on the coast of Labrador in 1867. But beyond exemption from misfortune, our gratitude is due for the good average result of the chief occupation of the people in the cod-fishery, both at Labrador and on the coast of Newfoundland. We have been favoured in the abundant yield of the Potato Crop, which is so important to the mass of our population, with less of blight than has been known for many previous years. And the price of provisions, which was unusually high in the early months of last year, has greatly declined, to the advantage of our community, which will support the chief necessities of life. All these circumstances have produced a consequent improved condition for those who have practised industry and frugality.

The depression of Trade and the comparative failure of the Crops and Fisheries for several past years, has, notwithstanding all the efforts at the command of the Government, caused large and increasing expenditure, in sustaining the able-bodied poor, thereby adding an annual accumulation to the Public Debt, for which no adequate return could be exacted. The import-duty of one year preceding from our source of revenue for the augmented drain was

becoming more manifestly plain. They must necessarily lead to increase of taxation to sustain the credit of the Colony, and bear very heavily on the truly industrious and frugal. There was left no alternative to the Government but to issue a notification that reliance must not in future be placed upon obtaining support from the Government. By the advice of my Council I published a Proclamation on the 9th June that relief would thereafter be confined to the sick and infirm, and to destitute widows and orphans; so that others who had been in the habit of trusting to the Government for support might in time provide themselves with subsistence during the next winter. Truly warning was thus given with due publicity. Many have profited by it and made provision for their necessities, and all might more or less have done so. It has been provided that the resources at the command of the industrious operative during the past favorable season have enabled and justified the Executive in abiding by the Proclamation, and the provision for employment which in many cases resulted from the determination of the Government will doubtless be productive of vast benefit to all interested; and all are interested in the suppression of the gigantic evils which, in the words of the Proclamation, are shown to have been produced by a partial and gratuitous distribution of food, in the destruction of every feeling of self-reliance, and of all motive for industrious effort.

Many have been added to the numbers of those availing themselves of the Act which was continued during the last Session, for the reduction of pauperism by promoting the cultivation of the soil, but yet fewer than might have so aided their other means of livelihood. The additional means of subsistence thus afforded by land obtainable free of charge by those who are willing to labor, in every district of the Colony, of which the occupation is facilitated by the bounty offered and read to be paid by the Government on the cultivation of the soil, whilst affording present compensation, would surely be most conducive to permanent independence.

**MR. SPEAKER AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY:**

The usual annual Estimates and Accounts shall be laid before you without delay. The collections under the Revenue Act of 1868 have not been equal to the estimated amount, though larger than those afforded by that of 1867. I rely upon your making due provision for the public service.

**MR. PRESIDENT AND GENTLEMEN OF THE LEGISLATIVE COUNCIL:**

**MR. SPEAKER AND GENTLEMEN OF THE HONOURABLE HOUSE OF ASSEMBLY:**

During a recent visit to England, I had opportunity for personal communication with Her Majesty's Secretary of State upon the questions connected with the French Shore, to which your memorials of last Session referred. You will be glad to be assured that the subject is receiving the careful attention of Her Majesty's Government and that His Grace the Secretary of State had adopted measures to resume negotiations with the French Government for the purpose of arriving at such an amicable understanding as would give effect to the views embodied in the Report of the Joint Committee of your Honourable House made during the Session of 1867 and adopted by you. I trust that it will not be long before these negotiations are completed in an arrangement which will be advantageous to both parties, and while ensuring the due observance of Fishery rights under treaties will remove all obstacles to the application of capital to mining enterprises in any place on the coast where it may promise to be remunerative. In anticipation of the formal agreement which has been proposed to the French Government, I have been acquainted by His Grace, the late Secretary of State, that he approves of the policy indicated in Lord Carnarvon's despatch of the 7th December 1866, that no action should be taken which can in any way be construed into an interference with the French in the exercise of their Fishery rights, and is of opinion that this policy should be adhered to; but it appears to His Grace that the restriction placed has perhaps been construed more widely than is necessary. I am informed that His Grace sees no reason why grants should not be sanctioned in the interior of the Island, although near the Coast included in the French limits, provided that no right is granted which will enable buildings to be erected upon the Strand, or which would cause the French to apprehend any interruption to the full enjoyment by them of any of the privileges belonging to their Fishery rights.

There is an increasing number of applications for mining licenses of search, as well as for Timber Cutting, many of which I shall now consider myself authorized to entertain; and any works which may consequently be put into operation must necessarily involve the investment of capital and employment of labor. With reference to this subject I suggest to you that it will be expedient to make some new Statutory provisions in respect of Licenses or Grants for Timber cutting, with regard to which the existing law is insufficient.

In accordance with the provisions made during the last Session for the conveyance of the Mails between St. John's and Halifax, I have entered into a contract with the Liverpool, New York and Philadelphia Steam Ship Company for this service, for the period of three years, from the 15th of July last, at the rate of £2,000 per annum, of which one half will be defrayed by the Imperial Government. The arrangement has received the approval of Her Majesty's Government. The performance of the service up to this time has been found to be generally satisfactory, and the vessels employed unexceptionable for the purpose. I shall cause a copy of the Agreement with Messrs. Inman and Company to be laid before you.

The great question of the expediency of Union with the Dominion of Canada still remains for your judgment. Your decision upon the principle involved, and consideration of the terms under which such an arrangement will be desirable, can scarcely be longer deferred with advantage to the community with whose interests we are charged. I believe that public opinion has reached a stage which is ripe for dealing with this subject in a spirit of calm and deliberate investigation. Whatever may be the diversity of views entertained and promulgated by different parties, it cannot be disputed that the issue of this controversy must be one of signal importance to the future destinies of this community. I do not underrate the magnitude of the interests involved, but I have never concealed from you that my dispassionate consideration of the proposal induces me strongly to believe that those interests will be promoted by Union with the progressive communities which now surround the Dominion. I have no reason to doubt what I have stated to you on former occasions that the Government of Canada is disposed to meet in a spirit of liberality, any suggestions which may emanate from you. The essence of any agreement which should be mutually acceptable must be its equity, and our own self-respect will prevent any demands being made by us which would place us in the position

of an artificially protected dependency when desiring to form an integral part of a trans-atlantic portion of the British Empire daily increasing in wealth and importance. I recommend any such subject to your careful thought, in confidence that it will receive your attention. The renewal of the Treaty of Reciprocal Trade with the United States is a matter sure to obtain the best efforts of the Government of the Dominion for its settlement on satisfactory terms at no distant date—but it is useless to disregard the fact that the present financial position of the Colony precludes any hope of our being able to avail ourselves of any such arrangement unless an forming part of the Dominion, and this circumstance alone shows the weighty character of the question you are called upon to decide. We cannot remain aloof from the Union without being compelled to impose much higher taxation upon the labouring classes for some years to come than any likely to be raised by the Parliament of the Dominion. Before any final arrangement can be completed opportunity will be afforded for its acceptance and ratification by the Constituencies. But it rests with you, if you agree that Union is desirable, to devise the best means of arriving at satisfactory terms with the Government of the Dominion. When these are concerted, the Imperial Act provides the mode of admission to the Dominion by order of Her Majesty's Council upon such terms as shall be expressed in Addresses from the Parliament of Canada and the Legislature of this Colony, and shall be approved by Her Majesty.

I will not detain you longer from the discharge of your duties. Conscious of their high importance, I pray that the Almighty Ruler of events may guide you in your deliberation.

His Excellency's speech is one of much more than ordinary importance, embracing, as it does, a distinct proposition to deal with the great question of the day, as well as for the satisfactory information contained in it regarding our land rights on the French Shore. On the former matter, we have no doubt whatever that the proposition of Union on reasonable terms will be sustained in the Legislature by a sweeping majority. It has come to be admitted by all who reason on the subject that the exigencies of this country now demand some remedial measure from without—something too radical and comprehensive to lie within compass of any merely local expedient that can be devised. In Confederation alone are we offered this means of meeting the requirements of our condition; and we are therefore confident that the wise and practical suggestions of His Excellency's speech will meet that response which sense and intelligence must dictate to a people whose vital interests are involved in the speedy settlement of this question.

A telegram was received yesterday, announcing the arrival of the steamer *North American*, hence at Londonderry, in six days and some four or five hours.

A telegram also states that Whelan, the murderer of Mr. McGee, has been finally sentenced to be executed on the 11th February.

The Society of St. Vincent de Paul beg to acknowledge the receipt of Five Pounds from Hon. Judge Little, and Two Pounds Ten Shillings from the Royal Artillery Amateur Dramatic Company, for the relief of the Poor; also, Twenty Shillings from Thomas Whelan, Five Shillings from Richard Ivory, and Five Shillings from James Angel, omitted in the published List of Subscriptions.

Messrs. Brooking & Co. beg to inform the editor of the *Newfoundland*, that the *City of Durham* will leave for Liverpool, at noon, on Saturday the 30th inst.

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