

swallowed up. There remained but three flakes in the tub!

'Cut! I shouted; cut quick, or he'll take us down!' But as I spoke, the hissing line flew with trebled velocity through the smoking wood, jerking the knife he was in the act of applying to the heated strands out of the hands of the boat-steerer. The boat rose on end, and her bows were buried in an instant; a hurried ejaculation, at once shriek and prayer, rose to the lips of the bravest, when, unexpected mercy! the whizzing cord lost its tension, and our light bark, half filled with water, fell heavily back on her keel. A tear was in every eye, and I believe every heart bounded with gratitude, at this unlooked-for deliverance.

Overpowered by his wounds, and exhausted by his exertions and the enormous pressure of the water above him, the immense creature was compelled to turn once more upward, for a fresh supply of air. And upward he came, indeed; shooting twenty feet of his gigantic length above the waves, by the impulse of his ascent. He was not disposed to be idle. Hardly had we succeeded in bailing out our swamping boat, when he again darted away with redoubled energy. For a quarter of a mile, we parted the opposing waters as though they had offered no more resistance than air. Our game then abruptly brought to, and lay as if paralyzed, his mazy frame quivering and twitching, as if under the influence of galvanism. I gave the word to haul in; and seizing a boat-spade, as we came near him, drove it twice into his small; no doubt partially disabling him by the vigor and certainty of the blows. Wheeling furiously around, he answered the salutation by making a desperate dash at the boat's quarter. We were so near him, that to escape the shock of his onset, by any practical manœuvre, was out of the question. But at the critical moment when we expected to be crushed by the collision, his powers seemed to give way. The fatal lance had reached the seat of life. His strength had failed him in mid career, and sinking quietly beneath our keel, grazing it as he wallowed along, he rose again a few rods from us, on the side opposite to that where he went down.

'Hoy around, my boys, and let us set on him!' I cried, for I saw his spirit was broken at last. But the lance and spade were needless now. The work was done. The dying animal was struggling in a whirlpool of bloody foam, and the ocean far around was tinted with crimson. 'Stern all!' I shouted, as he commenced running impetuously in a circle, beating the water alternately with his head and flukes, and smiting his teeth ferociously into their sockets, with a crashing sound, in the strong spasms of dissolution. 'Stern all! or we shall be stove!'

As I gave the command, a stream of black, clotted gore rose in a thick spout above the expiring brute, and fell in a shower around, bedewing or rather drenching us, with a spray of blood.

'There's the flag!' I exclaimed; there! thick as tar! Stern, every soul of ye! He's going in his flurry! And the monster, under the convulsive influence of his final prooxysm, flung his huge tail into the air, and then, for the space of a minute, thrashed the water on either side of him with quick and powerful blows; the sound of the concussion resembling that of the rapid discharge of artillery. He then turned slowly and heavily on his side, and lay a dead mass upon the sea through which he had so long ranged a conqueror.

'He's up on his back!' I screamed, at the very top of my voice. 'Hurray! hurrah! hurrah!' And snatching off my cap, I sent it spinning aloft, jumping at the same time from thwart to thwart like a madman.

To get the harness on Dick, was the work of an instant; and as the ship, taking every advantage of the light breeze which had sprung up within the last hour, had stood after us, and was now but a few rods distant, we were soon under her stern. The other fish, both of which were heavy fellows, lay floating near;—and the tackle being affixed to one of them without delay, all hands were soon busily engaged in cutting in. Mocha Dick was the longest whale I ever looked upon. He measured more than seventy feet from his noddle to the tips of his flukes; and yielded one hundred barrels of clear oil, with a proportionate quantity of "head matter." It may emphatically be said, that "the scars of his old wounds were near his new," for not less than twenty harpoons did we draw from his back; the rusted mementos of many a desperate encounter.

IRELAND.

STATE PROSECUTIONS.

COURT OF QUEEN'S BENCH.

Trinity Term opened on Wednesday, the 22nd ult., and there was, of course, a full attendance of the Bar, in the expectation that judgment would be pronounced upon the motion for a new trial in the case of the Queen v. Daniel O'Connell and others. Towards the close of the day, the Court intimated that they would give judgment on Friday. This announcement caused a full attendance in the Court on the day fixed. On the sitting of the full Court, shortly after eleven o'clock, the case of "the Queen against Daniel O'Connell and others" having been called,

Mr. Justice Perrin proceeded to deliver his judgment. Having stated the nature of the charges as set forth in the indictment, he proceeded to consider the grounds upon which the motion for a new trial had been rested by the counsel for the traversers. The objections as to the mere form, such as the misnomer of Mr. Rigby, the juryman, the name, &c., he briefly answered. Passing over the objection to the panel arising out of the omission of the names of the Catholic jurors, as being properly matter of challenge, not of a new trial, he vindicated the Court from the objection that it had been deficient in explicitness as to the law of conspiracy. He expressed his concurrence in the greater part of the charge, with the law laid down, and the facts submitted to the jury, but thought that there had been substantial error in admitting certain newspapers, the property of Messrs. Barrett or Duffy, as being *per se* evidence of facts done or speeches made by Mr. O'Connell which were not otherwise in evidence. Reports in newspapers were not proof of facts, nor could narrative statements made, on authority of their proprietors, who were responsible for them, be brought in evidence as to the acts or speeches of another. The publication in the Pilot or Freeman were evidence against Messrs. Barrett or Grey, but not against Mr. O'Connell, except in so far as the acts of the former could effect the latter, and, therefore, the Court had been substantially wrong in stating that Mr. O'Connell had been at Mallow and Tara, and made certain speeches there which were justly and strongly commented upon, when there was nothing in evidence to prove the assertion but these newspaper reports. In the course of his defence Mr. O'Connell remarked, with justice, that the Crown argued in a circle with regard to those journals, for first they used them to prove that a conspiracy existed, and having so deduced that fact, they used the narratives of

these papers to prove acts of conspiracy against individuals. He was of opinion that these newspapers should not have been used until the conspiracy had been proved; indeed there was abundance of proof to implicate Mr. O'Connell in the conspiracy without their aid; yet, with the former impression on his mind, and mindful of the principle of civil law, no matter how well supported by other evidence, he thought Mr. O'Connell entitled to a new trial, more especially as he could not say how far the jury had been influenced in their verdict by this newspaper evidence, which was, in his mind, so improper for their consideration. With respect to the Rev. Mr. Tierney, it had been argued that there was some peculiar circumstances, and his counsel had relied on the fact that no previous knowledge of the acts of the other traversers had been attributed to or proved against him by the Crown, although he certainly joined the association, and made a very reprehensible speech there on the 3rd of October; but as membership of the body was not illegal, and no previous knowledge or concert with others had been proved, he thought these facts should have been more plainly laid before the jury, and direct a new trial for the Rev. gentleman, on the grounds of vagueness and looseness in the charge.

Mr. Justice Crampton next delivered his judgment, which was very long and careful. He agreed with his brother Perrin in every point, save the admissibility of the newspapers against Mr. O'Connell, which he thought were clearly matter to go before the jury, even if the statements therein were false: for he held that Mr. O'Connell was responsible for them, as they were published in pursuance of the common object, and that the publication was *ipso facto* part of the conspiracy. He thought that his brother Perrin's remarks with regard to the Rev. Mr. Tierney were very just, and concurring in them as he did, he would direct a new trial for that gentleman, even at a risk of including all the traversers in it, for he could not, at such a hazard, permit him to suffer wrong. That course, however, would be obviated, if the Crown could enter a *nolle prosequi* against him, which would satisfy him (Sir J. Crampton).

Mr. Justice Burton followed, and in a judgment of his usual ability, stated the reasons on which he thought the motion should be refused on every point to all the traversers.

The Lord Chief Justice commenced his judgment shortly before six o'clock. He expressed his entire concurrence in the argument on which his brother Burton rested his refusal to a new trial.

On the following day a fresh attempt was made to delay judgment.

Mr. Whiteside entered the Court, and proceeded to say that he had to move for a return in the shape of an amendment of the *postea*, by placing on that document certain facts which the defendants claimed to have put upon the record.

After some discussion, the Court unanimously refused the motion, principally on the ground, as they alleged, that Mr. Moore having consented to separate the jury, it would be a breach of compact to accede to it; and, also, because the motion to alter the *postea* should have been made within the first four days of the last term. The traversers, however, were determined to make another attempt, in the form of a

MOTION IN ARREST OF JUDGMENT.

Sir Colman O'Loughlin said that the motion to amend the *postea* having been disposed of he had to move on the part of the traversers, in arrest of judgment, but being wholly unprepared, he trusted their Lordships would give him time until Monday morning.

This was most strongly opposed by the Chief Justice and the Attorney General, who contended that Sir C. O'Loughlin should proceed at once—after the great delay already permitted, no further time should be granted.

Sir Colman O'Loughlin stated that he was not prepared; and it was finally agreed that he should state the outline of the arguments he intended to use, which he did in Court; and further, that he should furnish the Attorney General with the cases he intended to cite in support of his motion, that night—and upon this understanding, the Court agreed to adjourn.

On Monday, Sir C. O'Loughlin brought forward his motion, and spoke upon it for several hours. He described himself as counsel for Mr. O'Connell only; and, as it was evident that each of the traversers sought to be heard by counsel, the Court interfered, and ruled absolutely that only two counsel should be heard on each side. The Court adjourned at half-past four.

On Tuesday, the Solicitor General replied to Sir C. O'Loughlin, and was followed by Mr. McDonagh for the traversers.

On Wednesday, the Attorney General commenced his reply, and concluded at half-past one o'clock. The Chief Justice then proceeded to give judgment on the motion, and stated that the whole Court was unanimous in refusing a new trial. He condemned, in strong language, the legal subtleties and points of law that were resorted to by the traversers for the purposes of delay.

Judges Burton, Crampton, and Perrin, in succession, delivered their opinions, which are in accordance with those of the Chief Justice. The traversers were in attendance awaiting the sentence. Mr. O'Connell made an affidavit, yesterday, to the effect that it is not customary to execute a sentence pending a writ of error.

At a quarter to five the Court adjourned till next morning, when sentence will be passed,—but a motion will be brought forward that it may not be put into operation till the judgment on the writ of error shall be given.

Thursday morning having been fixed for bringing the traversers up for judgment, the popular excitement, which for some time past seemed to be quiescent, began again to display some of its former vigour, and the preparations made about the courts might be taken as a criterion of the extent to which it prevailed.

As soon as the doors of the Court were thrown open, at a few minutes past ten, all the seats which could be placed at the disposition of the bar or the public were thronged with people. Several ladies appeared in the galleries.

Mr. O'Connell, accompanied by Mr. Smith O'Brien, M. P., and by Mr. Steele, entered the traversers' bar at half-past ten; and a scene ensued which, we believe, is altogether unprecedented in a court of justice. All the barristers of the outer bar, with the exception of comparatively few, rose and greeted Mr. O'Connell with loud and repeated rounds of cheers, accompanied with clapping of hands. This demonstration of acclamation continued for a few minutes.

At twenty minutes after eleven o'clock the full Court sat. The Chief Justice, on taking his seat, asked the Attorney General if he had anything to move, and that gentleman replied in the negative.

Mr. Moore, Q. C., then rose and said, that on the part of Daniel O'Connell and others he had to apply to the court, that whatever sentence it might think proper to pass should not be put into operation until after judgment would be pronounced upon a writ of error, which it was the intention of the traversers to prosecute with all possible speed. The application was founded upon the proceedings which had taken place in that court, and an affidavit made by Mr. O'Connell,

which was to the effect that he would, with all possible speed, bring his writ of error before the House of Lords; that it should be prosecuted bona fide, and that his object was not to cause delay, but merely to stay the sentence until the judgment of the House of Lords could be had. All he asked of their Lordships to do was, to pass whatever sentence they in their wisdom might think fit, and to name such a day for its commencing to operate, as would enable the traversers, in the meantime, to prosecute their writ of error, and he pledged himself that would be done with the greatest possible speed. If the judgment would be confirmed, then he submitted that the result would be, that the traversers would be forthcoming, by giving bail to any amount, to answer whatever sentence their Lordships might be pleased to order, and, upon these grounds, he most respectfully submitted that the order should be granted.

The Court refused the motion, under the conviction that, as the law stood, they had no power to grant it. At four o'clock amid breathless anxiety, Mr. Justice Burton, in an address during which he shed tears, passed

SENTENCE ON THE TRAVERSERS.

DANIEL O'CONNELL.—To be imprisoned for twelve calendar months; to pay a fine of £2,000, and to enter into securities to keep the peace for seven years—himself in £5,000, and two sureties of £2,500 each.

JOHN O'CONNELL, JOHN GRAY, T. STEELE, R. BARRETT, C. G. DUFFY, and T. M. RAY.—To be imprisoned for nine calendar months; to pay a fine of £50, and to enter into securities to keep the peace for seven years—themselves respectively in £1,000, and two sureties of £500 each.

Sentence having been passed,

Mr. O'Connell immediately rose, and said that he wished to remind the Court, that he had made a solemn affidavit, declaring that he had never entered into a conspiracy with the other traversers, or committed the crime with which he was charged. He had now only to say it was his painful conviction that justice had not been done.

The Traversers immediately surrendered into the custody of the Sheriff.

After a delay of about an hour and a half, which gave time to allay the excited feelings of the people out of court, as well as for the necessary preparations, the Traversers were conveyed to the Richmond Penitentiary, in the Circular-road, their future place of confinement. They proceeded thither in three carriages, attended by a large body of police. A great many people ran along and kept up with the carriages, and there was also a large assemblage outside the Penitentiary on his arrival. When Mr. O'Connell stepped out of the carriage he was greeted with loud cheers, and immediately entered the gateway. Within the court-yard a large number of respectable persons, many of them his most intimate friends, were drawn up in two lines. They received Mr. O'Connell in silence and uncovered, and, as he walked up between the lines, he shook hands with many of them: his bearing was manly and undaunted. He thus entered the Governor's house, which, we understand, he and his other fellow-prisoners will be allowed to occupy. The Penitentiary is a vast pile of building, in an airy and salubrious part of the suburbs of Dublin. The Governor's house is large, and has a garden attached, in which Mr. O'Connell, with his daughters, Mrs. Fitzsimon and Mrs. French, walked alone, soon after his arrival. The prisoners, as they must now be called, dined together about half-past six. They were all cheerful. We are nappy to state that there was not the slightest breach of the peace during the proceedings. The following address, which had been prepared in anticipation of the sentence, was issued on Tuesday:—

ADDRESS OF O'CONNELL TO THE PEOPLE OF IRELAND.

PEACE AND QUIET.
PEOPLE OF IRELAND—FELLOW-COUNTRYMEN—BELOVED FELLOW-COUNTRYMEN—The sentence is passed. But there is another appeal from that sentence. The appeal lies to the House of Lords. I solemnly pledge myself to bring an appeal against that sentence, and I assure you there is every prospect that it will be received. Peace, then, and quiet. Let there not be one particle of riot, tumult, or violence. This is the crisis in which it will be shown whether the people of Ireland will obey me or not. Any person who violates the law, or is guilty of any violence, insult, or injury to person or property, violates my command, and shows himself an enemy to me, and a bitter enemy to Ireland.

The people of Ireland—the sober, steady, honest, religious people of Ireland—have hitherto obeyed my commands and kept quiet. Let every man stay at home. Let the women and children stay at home. Do not crowd the streets, and in particular let no man approach the precincts of the Four Courts.

Now, people of Dublin, and people of Ireland generally, I shall know, and the world will know, whether you love and respect me or not. Show your love and regard for me, by your obedience to the law—your peaceable conduct, and the total avoidance of any riot or violence.

PEACE, ORDER, QUIET, TRANQUILLITY.

Preserve the peace, and the Repeal cause will necessarily be triumphant. Peace and quiet I ask for in the name of Ireland, and as you love your native land. Peace—quiet—order, I call for under the solemn sanction of religion. I conjure you to observe quiet, and I ask it in the adorable name of the everliving God. Gratify me and your friends by your being quiet and peaceable.

The enemies of Ireland would be delighted at you violating the peace, or being guilty of any disorder.

Disappoint them—gratify and delight me, by peace, order, and quiet.

Your faithful friend,
DANIEL O'CONNELL.

Corn Exchange-Rooms, 29th May, 1844.

LONDON, JUNE 3.

ARRIVAL OF THE EMPEROR OF RUSSIA.—The appearance of the Emperor of Russia in London, most unexpectedly, has startled the quidnuncs and the sight gazers. He has travelled with amazing speed since leaving his own capital, stopping only a few hours on his route to visit the crowned heads of Prussia and Holland, anxious no doubt, to bring the intelligence of his own arrival in England. It was rumoured some time back that the Emperor intended to visit us, but great uncertainty prevailed as to the time, and all expectations of his appearance were in abeyance, when lo! the great Czar presents himself at the palace of England's Queen. It denness of his appearance has given to it an éclat which his deliberately announced arrival would have failed to create.

The King of Saxony with his suite, arrived at Dover in the Princess Alice Steamer, and after visiting several of the nobility at their seats, and sailing round the Isle of Wight, arrived at London on the 1st June.

MINISTERIAL ARRANGEMENTS.—In consequence of the appointment of the Right Hon. Sir Henry Hardinge to the Governor-Generalship of India, the following changes will take place:—Sir Thomas Fremantle, the Secretary of the Treasury, succeeds Sir Henry Hardinge as Secretary at War; Mr. Young, one of the Lords of the Treasury, succeeds Sir

Thomas as Secretary to that department; and the successor of Mr. Young is Lord Arthur Lennox, youngest brother of the Duke of Richmond. Lord Granville Somerset, Chancellor of the Duchy of Lancaster, will have the vacant seat in the Cabinet. Rear-Admiral Bowles, C. B., will take the seat at the Admiralty which has been vacated by the appointment of Rear-Admiral Sir George Seymour to the command in the Pacific.

Rear-Admiral Sir Hugh Pigot has been appointed to the command of the particular service squadron, now assembled at Cork, and will hoist his flag on board H. M. S. *Voltage*, Captain Sir William Dickson, Bart.

The South Lancashire Election has terminated in the return of Mr. Entwistle, the Conservative candidate, and the discomfiture of Mr. Brown, the representative of the Anti-Corn-Law League, by a majority of nearly six hundred votes, out of nearly fifteen thousand that were polled.

The provincial papers contain so many accounts of incendiary fires that it would be impossible for us to enumerate them. This crime is most frequent in Suffolk and Essex, but is not confined to those counties. There have been a number of extensive fires in Dorset. The great fire at Lyme Regis was mentioned in our paper. Since that time no less than eight fires have taken place in different parts of that county. Some of them are stated to have been accidental; but their great number renders their origin suspicious.

THE PLYMOUTH BREAKWATER LIGHTHOUSE.—The lighthouse is completed, and the lights will be exhibited on Saturday evening, the 1st of June, when the floating light vessel will be taken away. The light will be an elevation of 63 feet above the elevation of high water spring tides, and will appear red in all directions seaward, and white within the line of the breakwater. A bell is attached to the lighthouse, which will be rung in foggy weather.

DESTRUCTION OF NAWORTH CASTLE.—About two o'clock on Saturday afternoon, a fire broke out at Naworth Castle, one of the seats of the Earl of Carlisle. An express was immediately sent off to Carlisle for the fire-engines, which were almost instantly dispatched by railway, and arrived about six o'clock. The progress and devastation of the fire in the meantime had proved so rapid that the roof of the principal building had fallen in, with the exception of the large tower. The exertions of the firemen were directed to the preservation of this tower, which was with great difficulty saved. A valuable collection of old paintings, by the best masters, and also the ancient and valuable furniture, were nearly all destroyed. The smoking ruins are all now that remain of the baronial mansion of the great Barony of Gilsland, situate in a verdant park, embosomed among lofty trees, on the south margin of the river Irthing. This specimen of a feudal residence consisted of two lofty towers, connected by other masses of masonry, inclosing a quadrangular court. Up to the time of its destruction by fire, on Saturday last, it was kept up in the style in which it appeared when occupied by Lord William Howard, the "Belted Will" of "The Lay of the Last Minstrel." Fortunate, however, it is for the sake of antiquity, that the tower which is saved is that which contains the private apartments and furniture, the library, oratory, and armoury, which convey a strong impression of the solitary grandeur and inconvenient magnificence of the border feudal lord. The private apartments communicate by secret passages with the dungeons; thus, whilst reading in his library, or engaged in his confessional, his eyes might still be directed towards his prisoners and their guards; so that it may be truly said of Naworth Castle, "that suspicion was its architect and fear its founder." The fire was distinctly seen on the Botcheby-road at Carlisle, a distance of about ten miles.

HOUSE OF COMMONS, Thursday, May 30.

RESPONSIBLE GOVERNMENT.

Mr. ROXBURGH called the attention of the House to the present state of the Government of Canada. It seemed to have been thought that when you made the Colony no longer French, you were making it British; but the truth was,—and here was the rock on which you were in danger of splitting,—that you were going near to make it American—to give it a sympathy with the democracy of the United States. He took a review of the recent history of the Canadas. He charged the late Lord Sydenham with having endeavoured unduly to influence the elections; upon which topic he went into much detail, imputing fraud, violence, and corruption. Then came Sir C. Bagot, who declared he would govern by a Ministry responsible to the Colonists, and selected his Executive Council accordingly. It was sometimes said that the intervening power of the Home Government prevented any complete responsibility of the Canadian Ministry to the Canadian people. That might be true upon Imperial questions, but not upon questions merely Canadian, that is, merely internal. The Canadian people welcomed the policy of Sir C. Bagot; it was a touching thing to see how a whole population forgot all they had suffered, and poured forth their feelings of grateful adherence. The House ought to hear what the present Colonial Secretary, Lord Stanley, meant by "Responsible Government." The settler in Canada was divided only by a river from the United States, where all political, all professional courses were open to him. What was that settler to understand as to his position in his own Colony? The new Governor, Sir C. Metcalfe, had extinguished all hope in this respect. He had acted in direct opposition to public opinion there; his Executive officers had consequently resigned; and the colony had remained ever since without an administration. After another session, your existing Assembly would expire, and a new one would be elected, with a majority against you still larger than in the present; and that Assembly being the united representation of the two colonies, would be too strong for you to deal with. There was no way of trimming; you would have your choice only between Sir C. Metcalfe on the one hand, and a really responsible Government on the other. He complained that private bills, as in the instance of the Colonization Company's Bill, were passed by the Imperial Parliament, affecting the rights of the Canadians; and that the British Parliament taxed them for the maintenance of the Canadian civil list. What he claimed was, that you should rule them only in general matters, and that in their internal, he might almost say, their municipal affairs, you should suffer them to govern themselves. No man could look, without apprehension, at that grasping Government which sought to spread its dominion from the confines of Canada to the extremities of the American continent; and against the danger of that power he besought the House to guard.

Lord STANLEY denied the applicability of the principle of responsible Government to colonial administration. He was prepared to express, on the part of her Majesty's Government, a cordial and complete approval of Sir C. Metcalfe's conduct. The Council had demanded of him that he should bind himself in writing not to make nor offer any appointment but with their concurrence; in other words, that the whole patronage of the Crown should be placed in their hands. He denied the alleged analogy to the British constitution. The British Sovereign is himself irresponsible; he exercises no political power; all such power is exercised by responsible Ministers; it is influence only which is exercised by the Sovereign through his dignity, his state, and the hereditary associations of his Crown. This country has a House of Lords, which exercises both power and influence—power in the Legislature, influence in society and through public opinion. Almost all these circumstances are wanting in a colony; and the application of the principles now advanced, in a constitution to which they are so little germane, could lead only to the establishment of a republic. He then read several passages from a despatch written by Lord John Russell, when Colonial Secretary, to the Governor of Canada, enunciating the same principles which the present Colonial Ministry declares itself prepared to maintain, and exposing the vague and unpractical character of the theory of responsible Government in a colony. He would not admit the doctrine, which attempted to invest the Colonial Legislature with the sole right of regulating its internal affairs; because the line of distinction between internal and imperial business was one which it would be found impossible to draw. He would now state, as he had been request-