A DISCOURSE

COMMEMORATIVE OF THE LIFE AND CHARACTER OF THE HON. JOSEPH STORY, L.L.D.,

An Associate Justice of the Supreme Court of the United States, and Dane Professor of Law in Harvard University;

BY SIMON GREENLEAF, L.L.D., ROYAL PROFESSOR OF LAW IN HARVARD UNIVERSITY.

To expatiate upon the death of Mr. Justice Story as a public calamity would be superfluous. His best eulogy is the simple narrative of his life:

He was born at Marblehead, in this State, on the twenty-eighth of September, 1779, and was the eldest child of a second marriage. His father Dr. Elisha Story, was a native of Boston. His mother, a lady of masculine understanding and great energy of character, is still living, in the enjoyment of a green old age. The son received his early education in the academy of his native town, then under the superintendence of the Rev. Dr. Harris, afterwards President of Columbia College in New York; but under the more immediate care of Mr. Michael Walsh, a gentleman well known, not only as a mercantile tutor, but as an accomplished classical scholar. With these instructers, such a pupil could not but make rapid advances in good learning. He accordingly entered this University in 1795, a half year in advance; and was graduated, with high and well earned reputation, in 1798. On leaving the University, his prompt decision was for the profession of law; the study of which he commenced under the Honorable Samuel Sewall, late Chief Justice of Massachusetts, then in the practice in Marblehead: and completed, after the appointment of Mr. Sewall to the bench, under Mr. Justice Putnam, of the same court, then practising at the bar in Salem. To the mastery of this science he devoted himself with unconquerable vigor of application, ardent thirst for knowledge, and the compacted and various energies of a superior mind.

The period of his admission to the bar, in 1801, is still fresh in the recollection of many, as one of great political excitement. The democratic party, after years of laborious struggle, had just gained a general victory, by placing its chief in the presidential chair.

In Massachusetts, the democratic party, in which Mr. Story was then found, composed at that time a minority, numerically strong indeed, but most strenuously opposed.

He had brought into his profession untiring diligence, native eloquence, keen sagacity, integrity unspotted, and a tenacity and firmness of purpose which opposition could seldom withstand. He was of course much resorted to, at a very early period, and received solid proofs of the wisdom and discernment of the public, in the great extent and variety of his professional engagements. Political considerations, also, may have had their influence in opposing him, so young, and often alone, in important causes, against the most eminent lawyers of that day. A distinction like this, at once so honorable and so perilous, is a felicitous event in the life of any professional man; since it brings him into immediate contact with powerful minds, and familiarizes him with the depths of his science.

In 1805, he was elected one of the representatives of the town of Salem in the legislature of Massachusetts; to which office he was annually re-elected, until his appointment to the bench. In times of such political excitement, generous spirits are always found foremost in the battle; but the high estimation in which he was held is evinced by the fact, that, during his legislative career, he was the acknowledged leader of the party with which he acted.

It should, however, be remembered, to the honor of Mr. Story, and for the benefit of younger politicians and of later days, that he never was the slave of party. He acknowledged no party ligament, binding him to the support of measures which his sober judgment could not approve. He recognized no code of political ethics distinct from the principles which govern every good man in his private life. On the great questions of national politics, he was always a disciple of the school of Washington.* While the restrictive system of Mr. Jefferson was avowedly resorted to and pursued merely as a measure of precaution, temporary in its nature, it could command his willing support, without any compromise of consistency. But when it afterwards came to be acknowledged as a system of permanent policy, he stood faithful to his principles in as earnestly seeking its repeal.

It was fortunate for Massachusetts that so much influence was at that time possessed by Mr. Story. From causes, not necessary now to be stated, her supreme judiciary, beside the general odium in which the tribunals of justice are too often undeservedly held, had become peculiarly obnoxious to the democratic party; and yet the aid of that party was indispensably necessary, in order to make some important alterations in the administration of justice, and to place the salaries of the judges on the permanent foundation intended by the Constitution. Prior to the year 1806, their stated compensation, which was very small, had become far inadequate to their support; and it had long been customary for the legislature to make the judges an annual grant of money, to supply this acknowledged deficiency. Yet the language of the Constitution in relation to these officers is, that they shall have "honorable salaries, ascertained and established by standing laws." A vacancy occuring at this time in the office of Chief Justice of the Supreme Judicial Court, the appointment was offered to Mr Parsons, then in extensive practice in Boston; but it was declined by him, unless the salary should first be made both honorable and permanent, in the spirit of the Constitution. This measure was accordingly resolved upon. His legal eminence rendered his appointment desirable, on *public* grounds. It was an era of necessary reform and improvements in the law; to effect which his transcendent talents and weight of character were deemed indispensable. Obnoxious as the bold and decided tone of his politics had rendered him to the party then in power, the friends of the measure, relying with confidence on the magnanimity of Mr. Story, and his devotedness to the true interests of the Commonwealth, at once intrusted to his hands the projection of the means to carry it into effect, and the superintendence of their execution. He accordingly moved the subject in the House of Representatives, was appointed chairman of the committee to whom it was referred, and reported a bill, fixing the salaries of the judges at what was then deemed an adequate provision. The proposition met the usual fortune of similar measures, in being furiously assailed; but its fate, from the position in which Mr. Story was placed, was wholly in his power; and to his vigorous efforts, and the earnest appeal of his commanding eloquence, it is but justice to accord the merit of its success.

The same causes which led to the permanent establishment of these salaries in 1806, soon rendered another effort necessary to augment them. The judicial administration of Chief Justice Parsons had fully satisfied the public anticipations; but the experiment, as far as the emoluments of office were concerned, had convinced him that, in accepting it, he had sacrificed a portion of the income necessary for his family. He therefore came to the resolution of returning to the bar, unless this deficiency was supplied by the State. At this time, in 1809, his political opponents controlled both branches of the legislature, and, flushed with recent success, felt little disposed to gratify a leading adversary, especially in a grant of money, a measure not unfrequently hazardous to the party in power. The alternative too, of loosing the public services of the Chief Justice, had little weight with those who, in that case, would have the opportunity of appointing his successor. But Mr. Story was still in the legislature, possessing undiminished influence; and his magnanimity and love of law and order were again invoked, not in vain, to place the judges on such an establishment as would at all times command for that eminently responsible office the first order of legal talent. A bill for increasing the salaries of all the judges was accordingly reported, and, in the hot contest which ensued, the blows fell with indiscriminate force upon all its supporters, and upon none more furiously than on him who again led the column of its friends; but it was at length triumphantly carried. His able report on this occasion is an unanswerable argument in favor of an honorable and permanent support for all persons to whom the administration of justice is confided. That period was a crisis in the history of our judiciary. The judges were all of the federal party; and the usages of that day, sanctioned by ancient custom, seemed not only to permit, but to require, from the court, in the charge to the grand jury at the opening of each session, a discourse on the political institutions and affairs of the country. In expounding these, it was hardly possible to avoid discussing some of the essential doctrines of the two great contending parties; a practice in no sense welcome to the men then in power, and which they were resolved, by any legal method, to prevent. The most obvious and simple process was to drive the judges from office by depriving them of competent support; the first step to which was a clamor against high salaries. Had it been openly and generally adopted as a party doctrine, that the emoluments of office were already too high, and must be reduced, the tone of political morals, at that day, would have bound the party to be consistent, by making a general and extensive reduction; and it is easy to foresee the fate of the administration of public justice, confided, as in that event it must have been, to men of inferior abilities. It was necessary that this threatened evil should be speedily stayed, and the public mind disabused of the prejudices which were beginning to fasten upon it; and it is no disparagement to the other friends of sound policy and good order to state, that, for the salutary change of sentiment on this subject, Massachusetts is chiefly indebted to the discernment, the straightforward honesty, and moral courage of Mr. Story. Few young men, in the ascending node of power, would have ventured on so bold a measure as openly to oppose the darling prejudices and passions of their friends; and it proves much for the good sense and discernment of those friends, that such a measure was permitted to be so completely successful. It is to the permanent and honorable provision then made for the judges, that the people of this Commonwealth may attribute the blessings they have since enjoyed in a wise, dignified, and firm administration of justice.

In the year 1809, Mr. Story was, without opposition, elected a representative in Congress. He served only for the remainder of the term for which he was chosen, and declined a re-election. But in that brief space, in two important movements, he gave earnest of the elevation of his views as a statesman, and of his deep devotedness to the policy of the Father of his Country.

It was in November, 1811, at the early age of thirty-two, that Mr. Story was appointed by Mr. Madison as one of the Associate Justices of the Supreme Court of the United States. Never was this high honor so early achieved; never more purely and worthily worn. Adjusting himself to the proprieties of the station to which he was now called, he withdrew at once from the political arena; and, though never an indifferent spectator of his country's fortunes, he ever afterwards participated in them not as a partisan, but as a judge.

* His political principles were thus stated by himself, in a letter dated January 23, 1831. "I was at all times," he observes, "a firm believer in the doctrines of General Washington, and an admirer of his conduct, and measures, and principles, during his whole administration, though they were to me matters of history. I read and examined his principles, and have made them in a great measure the rule and guide of my life. I was and always have been a lover, a devoted lover, of the Constitution of the United States, and a friend to the union of the States. I never wished to bring the government to a mere confederacy of States; but to preserve the power of the general government, given by all the States, in full exercise and sovereignty, for their protection and preservation."

† Of his withdrawal from political life, he thus speaks, in the letter before quoted. "I have been long satisfied, that a continuance in public life was incompatible with complete success at the bar; and the few though brilliant exceptions, which I have since known, to the truth of the remark, and the many confirmations of it, have made me resolute at all times in my advice to ambitious young lawyers, never to seek public life, if they meant to be eminent at the Bar. Besides, I cannot disguise that I had lost my relish for political controversy, and I found an entire obedience to party projects required such constant sacrifices of opinion and feeling, that my solicitude was greatly increased to withdraw myself from the field, that I might devote myself with singleness of heart to the study of the law, which was at all times the object of my admiration and almost exclusive devotion."

The year 1829 was the commencement of a new era in his life, in the foundation of the Law School of this University, by that eminent lawyer and statesman, Nathan Dane. Impressed with a deep and just sense of the value of sound law, as a conservative element in free government, he conceived the plan of this School; and sending for Mr. Justice Story, submitted it to his judgment, requesting him to become the first occupant of the professor's chair. That his acceptance of the office was made the indispensable condition of its endowment by Mr. Dane is now perfectly certain; without it, the plan would not have been carried into effect. Honor to the memory of the patriot, whose enlightened forecast originated the noble conception, and whose munificence gave it vitality! Honor to the illustrious *fundator perficiens* who generously gave *himself* to secure its success! The overture having been accepted by the Corporation of the University, with its condition, that the first professor should be appointed by the founder, he designated Mr. Justice Story; who thereupon removed his residence from Salem to Cambridge. To the duties of this new office, accepted purely for the advancement of the science of law, he brought all the affections and energies of his early manhood, and continued to expend them for that object, with almost prodigal liberality, during the remaining years of his life.

The first fruit of his labours in this chair was the publication of his "Commentaries on the Law of Bailments," being the substance of his lectures on that head. In the method of this work, he followed the example of Domat and Pothier; and not only incorporated into the text every position in their treatises, which could be of use to the student of the common law, but may be said to have exhausted the works of the civilians and common law writers, of whatever could illustrate the subject.

His "Commentaries on the Constitution of the United States" were published in the year 1833, in three volumes; followed by an abridgement by the author, in one volume, as a text-book for students. This great work, comprising a sketch of the charters, constitutional history, and jurisprudence of the British American Colonies; a review of the constitutional history and the confederation of the States; with a history of the origin and adoption of the present Constitution, and a full exposition of all its provisions, admirable alike for its depth of research, its spirited illustrations, and its treasures of political wisdom, has accomplished all in this department which the friends of constitutional law and liberty could desire.

If, among Americans in general, his fame be regarded as resting chiefly on this masterly history and exposition of their Constitution, perhaps the jurists of continental Europe may speak of him with stronger emphasis as the author of the "Commentaries on the Conflict of Laws." In this work, which he published in 1834, the conflicting laws of different nations are treated with especial reference to the subjects of marriage, divorce, wills, successions, and judgments. Others have written more voluminously on these topics, but none with greater power. The work has received the highest commendation of the learned in all the principal states of Europe, has been cited as an authority in the British House of Lords, and is expressly commended by a late eminent European judge, as one that "no jurist can peruse, without admiration of the industry, candor, and learning with which it has been composed."

In the course of the three following years, he composed and published his two volumes of "Commentaries on Equity Jurisprudence," in which the principles of this important branch of the law are traced up to their true source, in the fountains of morality and religion, while their practical application to the affairs of life is stated and illustrated with striking felicity. This work was succeeded in 1838, by a treatise on the science of Pleading in Courts of Equity; a subject which, however abstruse and forbidding in its formularies, he has most successfully laid open, exhibiting its true principles and grounds, vindicating its character, and bringing it within the easy comprehension of the student. These are no works in our language in which the true doctrines and practice of the law of equity, and its importance to the administration of complete justice, are so convincingly taught; and probably no one of his works has been received by the profession with greater thankfulness, or is more frequently consulted.

No sooner was the last of these works completed, than he addressed himself, with elastic vigor, to the composition of a treatise on the Law of Agency, which was published in the year 1839. This treatise was followed, in the year 1841, by another on the Law of Partnership; in 1843, by another on the Law of Bills of Exchange; and this by his last work, on the Law of Promissory Notes, which, but a few weeks since, was issued from the press. Of these works it is enough at present to say, that they exhibit the unabated fulness of his learning, and bear the strong impress of his comprehensive and vigorous mind. Had he written no others, these alone would enrol his name among the first legal authors of the age.

Contributions like these would seem amply to have paid the debt which, in the judgment of Lord Bacon, every man owes to his profession; and a mark far lower than this would have satisfied the desires of almost any aspirant after honorable fame.

During the entire period of his judicial life, and in the midst of labours so great and exhausting, he maintained an active correspondence with the most distinguished jurists in Europe and America; and was constantly consulted, on grave and perplexing questions, by judges in almost every State in the Union. Some of the most important acts of Congress, especially those concerning the administration of justice, were drawn up by him; others were submitted to his private revision, in their legislative progress, often receiving from him the most essential improvements. Few measures, affecting either the permanent institutions, or the trade, manufactures, or foreign relations of our country, have been discussed in the halls of Congress during the last thirty years, on which statesmen have not sought the aid of his judgment and counsel; and few questions of constitutional law have been there argued, upon which the light of his opinion and his suggestions have not been previously sought and most readily imparted. These free and liberal contributions to the public weal, yielding no earthly reward but that which lies hidden in the secret chambers of the heart, entitle him to be placed among the patriots and great statesmen of his day, and to the front rank among the expounders and defenders of the Constitution. To maintain this Constitution in all its strength, and the rights of the Supreme Court, as the only department of the government intrusted with its authoritative exposition, was the constant effort of his life. In this labor, he always gratefully acknowledged the co-operation of his renowned compeer and friend, the venerable Chancellor Kent, in his invaluable "Commentaries on American Law;" and the endeavours of these two champions to put down the the modern heresy, which teaches that each great branch of the government is equally entitled to interpret the Constitution for itself, has given to their opinions the name, intended as a reproach, but redounding to their honor, of "the school of Story and Kent."

But this was not all. For the last sixteen years, he still found time to discharge all the duties of the professor's chair; giving his full number of lectures in each term, with the zeal and animation of youth, and pouring forth the floods of his learning to the listening throng of pupils, with a copiousness that knew no bounds. Had this been his sole employment, his labours in this department were all that could reasonably have been demanded by its founder. His attention to students was unwearied; his anxiety for their proficiency incessant; his desire to extend the benefits of the Law School to the whole body of our profession, to advance its prosperity and its usefulness, was insatiable. He was not satisfied to render it the best in the country; he would fain see it the first school of law in the world. Its library, he hoped, would one day contain an apparatus sufficient for the study of the jurisprudence of all countries and in all times. It was here that he placed the foundation of his own fame; holding in little estimation the harvest of honors he had already reaped, in comparison with those he hoped to acquire with a grateful posterity, as the father of this School; and pressing forward to this object with a strength of will and an intensity of effort to be expected only from one whose race is just commenced.

Such, and so actively useful, was the life of this eminent benefactor to his country and his age;—a life how compact with beneficence, how resplendent in virtue! Admonished at length, by advancing years and physical infirmities, that some repose had become indispensably necessary, he resolved to retire from the bench to the classic shades of this his favourite retreat, and to pass the residue of his days in expounding the constitution and laws of his country. Looking down the vista of future years, his delighted imagination beheld a long succession of ingenuous youths, into whose souls he might infuse the lofty conceptions of his own, and through whom he might reproduce himself to future generations, and continue to impart new vigor to the institutions he had already done so much to strengthen and adorn. He regarded this period as one in which he was destined to accomplish the great work of his life. He wished to draw around him a numerous throng of pupils, that they might be again sent forth, deeply imbued with sound principles of law, with high and just views of the dignity of their position as ministering officers in the temple of Justice, and above all, with a deep sense of their duty to the cause of learning and religion, and of their ultimate accountability to posterity and to God.

The lawyer whom he would create, he would first of all have an honest and virtuous man,—a man of deep religious feeling, of incorruptible integrity, of high and holy aspirations, of spotless purity in private life, of expansive benevolence, of exalted patriotism. He would have him administer the law as an angel of mercy; concerning himself with controversies only to bring them, if possible, to an amicable, but at all events to a just and righteous termination. He regarded the lawyer's first service as due to the preservation of peace and mutual kindness among men; his next, to the impartial administration of the law. In his own appropriate language, he described the advocate of his choice as one who loved the law, as a science, and not as a trade; who felt the full dignity of his profession, and deemed himself under deep responsibility, not to his client alone, but to the court and to the cause of public justice;—one who studied to know what the precepts of the law were, that he might apply them to his cause, and not pervert them to aid the triumph of injustice, or swell the trophies of cunning, or avarice, or profligacy;—whose notions of professional morals and obligations were far different from such mean and debasing palterings with conscience;—one who disdained to mislead the court or jury, if he could; and who gave to both, on all occasions, the support and instruction of his ample studies.

But in the midst of these plans of future beneficence, and in the enjoyment of all that earth can give, whether of high and palmy fame, of fortune, or of social love; surrounded by admiring friends and devoted pupils; mature in years, maturer in honors; mysterious Heaven, as if to recall our homage from the earthly judge to him at whose tribunal both he and we must stand, summoned him to itself. He had conscientiously devoted the past season to the task of examining and deciding, before his retirement from the bench, every cause which had been argued before him, or submitted to his decision;—a labour which he pursued during the heats of summer with fatal intensity. In the discharge of this duty to others, he unhappily could not discern the higher obligation of sparing himself; and, having thus exhausted the physical powers of a constitution already enfeebled in the public service, upon the occurrence of a slight cold, he was seized by an acute return of chronic disorder, which, in a few days, baffled the highest medical skill. Though suffering great bodily pain until near the termination of the disease, he suffered without murmur or complaint; and when nature was at last exhausted, and he was fully aware of his approaching dissolution, he met death with the silent calmness of a great mind, reposing in the confident anticipation of an eternity of bliss; breathing his last, without a struggle, on the tenth of the present month of September, a little before nine o'clock in the evening. The day on which we are now honoring his memory is the sixty-sixth anniversary of his birth.

Viewing him as a Judge, we are at once struck with the variety and extent, I might almost say the universality of his learning. It has already been remarked, that probably no judicial court in the world demands for its judges such a combination of gifts and variety of attainments as that of which he was a member. To others is confided the administration of the law in one or two of its departments; this has to deal with them all. The judge of this Court must be equally familiar with the law of admiralty and prize, and of trade, commerce, and manufactures; with patents and copyright, and penal justice; with the abstruse technicalities of the common law of real property, and with the wide and free range of equity jurisprudence, up to its sources in that of Imperial Rome; with the local usages of each member of this increasing family of nations, and with the highest themes of constitutional and international law. I speak from personal observation, in saying, that upon the opening of a cause before him, under whatever of these divisions it might fall, his superior familiarity, not only with the general doctrines of the subject, but with its minuter distinctions and qualifications, and with the authors who have treated it, frequently surprised even those who had prepared themselves to speak to the particular case. His judicial deportment was dignified and urbane, and his kind regard to the feelings of all who approached him, especially the younger members of the bar, was almost proverbial. No judge ever maintained the rights of the bench with greater vigilance and firmness; yet none, with less offence. No judge was treated with more profound respect; but it was not the tribute of deferential terror; it was the great homage of love. In the despatch of business before him, he had great and ready tact; always rapid, yet never in a hurry; the course of his court resembling, not the babbling of a mountain brook, but the quiet, swift gliding of a deep, resistless stream.

In all the great questions brought into judgment before him, his extensive and profound investigations of legal doctrines will serve as the basis of operation for lawyers and judges during a long period of coming time. The law of the previous ages of British jurisprudence was revised and re-established in that of Coke and Hale; beyond which it is almost superfluous to seek for authorities in the common law. The decisions of that day were again reviewed, after the lapse of a century, and re-affirmed, with the modifications of modern usage, in the classic age of Mansfield. Scarcely a decree in chancery needs now be cited prior to those of that accomplished chancellor, Lord Hardwicke. But all these and others, down to our times, have been reviewed, in the judgments of Mr. Justice Story, by the lights reflected from the body of the Roman law and the labors of its ablest commentators, and recoined, so to speak, with additional purity and fineness, and with the impression of his own master mind.

To the young, and especially to students, his example is of great value. He was the artificer of his own fortune. His early and untiring diligence in study, his regular deportment in college, the purity of his character and conduct, his habit of self-discipline and restraint, and of self-culture, will inspire them with the resolution, like him to excel in whatsoever adorns the character of man, and animate them, not only to the love, but to the practice, of virtue.

He was a constant, faithful, and most affectionate friend; a discreet and kind adviser; to his relatives, a father and a counsellor; in all his domestic relations, a delightful pattern of exuberant love. With a hand open as day, he was a munificent benefactor to all whose situation required his aid; and a liberal supporter of every enterprise for the public good. His generous temper, his warm affections, the elevation and simplicity of his life and conversation, the cheerfulness of his manner, and the cordial sympathy of his daily greetings, threw a charm over his intercourse with all around him. Let me add, that he was also a Christian. He had studied the evidences of Christianity with professional closeness and care, and had given to them the testimony of his full assent; and he has often been heard to declare, that, in his judgment, the great facts of the gospel history were attested by a mass of evidence, which, in any court of law, would be perfectly satisfactory and conclusive. In the open and distinct avowal of his faith, in its consistent practice, and in his liberal charity for others of different views, he is worthy of all imitation.

POLITICAL MAXIMS.—Everything is allowable in office, except leaving it. A general election may be compared to a sale—an enormous sacrifice—of unredeemed pledges. Half the secret in holding office is to hold your tongue. Petitioning was the invention of a paper maker. A minister's memory should recollect to forget everything he said before he was in office. If walls really have ears, we pity those of the House of Commons.—*Almanac of the Month.*

MARRIED.

On Tuesday, the 18th instant, at St. Paul's Church, Cobbity, by the Rev. Thomas Hassall, M.A., Charles Bland, fifth son of the late Robert Lowe, Esq., J.P., of Birling, Bringelly, to Sarah Henrietta Maria, only daughter of Lieut. Alexander Martin, R.N., Camperdown, Camden.

£5 REWARD.

MISSING, supposed to be stolen, from the paddock of Mr. Patrick Mahaney, Pitt Town, between Saturday, the 15th, and Monday night, the 17th instant.

A bright grey mare, aged, about 14½ hands high, long tail and mane, saddle mark on right side of back; got by Grey Cameron. This mare is easily known, being near foaling, and of stout structure, and great show of blood. No brand.

ALSO,

Her last filly foal, rising one year old, colour brown, with a star on snip, one hind fetlock white; no brand; with great show of breeding, sire, Young St. John.

A reward of Five Pounds, on restoration, and conviction if stolen; or, Two Pounds, if strayed, on delivery to Mr. Patrick Mahaney, Pitt Town.

Pitt Town, August 19. 2874

£2 REWARD.

STRAYED OR STOLEN, from the paddock of Henry O'Brien, Esq., J.P., Yass, a brown cob Gelding, black points, short tail, branded BL under the mane, aged. The above reward will be given to any one delivering the same to H. O'Brien, Esq., Yass, or at Blowering, Tumut, to the owner.

H. WHITTY, J.P.

Blowering, Tumut River, Gundagai, August 5. 2567

OFFICES, STABLING, &c.

TO LET, as Offices, two good cheerful Rooms on the ground floor; also, if required, two additional Rooms, with or without a three-stall Stable, and large hay loft, slated roof; also, a double shed for gigs; the stable, &c., in a well-enclosed yard. Apply at 10, York-street, Sydney, or E. Marjoribanks, House Agent, 461, George-street. 2879

TO LET,

THE House and Premises known as the City Inn, now in the occupation of John Cobcroft, near the corner of Pitt and Park streets.

For particulars apply to Henry Cunningham, at the Commercial Hotel, corner of Castlereagh and King streets. 426

WOOLLOOMOOLOO.

TO LET, the Cottage and Grounds late in the occupation of N. James, Esq., Enquire o

H. BELL,
1835 825, Castlereagh-street.

A COMMODIOUS HOUSE TO BE LET.

THE House, with Garden and Grounds, at present in the occupation of Mr. Alderman Flood, situated in Dowling-street, Surry Hills. For particulars apply on the premises, between the hours of ten and twelve o'clock. 2817

TO LET, one house in Lyons-terrace, at the corner of the South Head road, lately occupied by C. D. Riddell, Esq.

Apply to MR. SAMUEL LYONS.

George-street and Charlotte-place, May 1. 7019

SALES BY AUCTION

NOTICE OF POSTPONEMENT OF SALE.

THE Sale of "Splendid Fine Gold Jewellery," as advertised by the undersigned for This Day, is postponed, in consequence of the weather, until

TUESDAY NEXT, 25TH INSTANT.

EDWARD SALAMON,
2910 Auctioneer.

RAISINS AND CURRANTS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, near Hunter-street,

THIS DAY, AUGUST 21ST, 1846,
At 11 o'clock precisely,

6 Carroteels currants
6 Ditto raisins.

Terms at sale. 2913

CHINA TEA AND BREAKFAST SERVICES.

TEN-INCH SHADES, IRON STONE DINNER SERVICES.

TO EARTHENWARE DEALERS AND OTHERS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, near Hunter-street,

THIS DAY, AUGUST 21, 1846,
At 11 o'clock precisely,

12 China tea and breakfast services
6 Iron stone China dinner sets
20 Chamber services
3 Hogsheads ten-inch lamp shades.

Terms at sale. 2914

ELEVEN CASKS GLASSWARE.

TO GLASS DEALERS AND OTHERS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, near Hunter-street,

THIS DAY, AUGUST 21ST, 1846,
At eleven o'clock precisely,

ELEVEN CASKS GLASSWARE, VIZ.:—

Cut and plain flint half-pint tumblers
Mould and stoppered phials
Cut decanters and wine glasses
Salt cellars, cruets, &c.

Terms at sale. 2815

TWELVE CRATES EARTHENWARE.

JUST LANDING.

TO EARTHENWARE DEALERS AND OTHERS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, near Hunter-street,

THIS DAY, AUGUST 21ST,
At eleven o'clock precisely,

Twelve Crates Earthenware, comprising—
4 Crates willow dinner, pie, and cheese plates
2 Crates willow dishes, 12 to 18
4 Crates blue cups and saucers
2 Crates willow pie dishes, salads, covered dishes, &c.

Terms at sale. 2814

UNRESERVED SALE OF BOOKS.

R. COWAN will sell by auction, at his Rooms, 96, King-street,

THIS EVENING, 21ST INSTANT,
At seven o'clock,

One case containing about 400 volumes of the most modern and choice Works.

N.B.—The Books will be opened on view on Friday evening. 2870

VAN DIEMEN'S LAND HAY.

MR. GEORGE A. LLOYD

Will sell by auction, at his Rooms, City Mart, 474, George-street,

ON SATURDAY, THE 22ND INSTANT,
At eleven o'clock precisely,

10 TONS VAN DIEMEN'S LAND HAY.
(In lots to suit purchasers.)

Terms at sale. 2856

WINES.

MR. GEORGE A. LLOYD

Will sell by auction, at his Rooms, City Mart, 474, George-street,

ON SATURDAY, THE 22ND INSTANT,
At eleven o'clock precisely,

3 PIPES PORT WINE
2 Hogsheads } Ditto
1 Quarter-cask }
10 Cases, each 3 dozen, London bottled port
20 " " " port wine
1 Pipe sherry wine
20 Cases, each 3 dozen, pale sherry
2 Hogsheads very superior ditto
10 Cases gin
2 Hogsheads Marsala.

Terms at sale. 2857

TO STOREKEEPERS, GENERAL DEALERS, AND OTHERS.

MR GEORGE A. LLOYD

Will sell by auction, at his Rooms, City Mart, 474, George-street, on

SATURDAY, 22ND INSTANT,
At eleven o'clock precisely,

400,000 PERCUSSION caps
10 cases castor oil, in bulk
20 fowling pieces
1 pair pistols
100 boxes patent gun waddings
20 dozen fire boxes
20 dozen snuff ditto
5 dozen paper weights
2 sets double harness
20 bales Bengal twine
10 cases London starch
15 cases thumb blue
2 casks Cheese raisins
30 boxes muscatels
5 dozen brass candlesticks
1 large hand bell
5 dozen coopers' hammers
&c., &c., &c.

Terms at sale. 2898

SATURDAY'S SALE.

MR. STUBBS will sell by auction, at the Mart, King-street,

ON SATURDAY NEXT, THE 22ND AUGUST,
At Eleven o'clock precisely,

Elegant drawing-room sofas
Common ditto
Chests drawers
Dining, loo, and breakfast tables
Cheffoniers
Bedsteads and bedding
Chairs, mattresses
Floor cloth, &c., &c.

ALSO,

Several gigs, carriages, carts, bullock dray, horses, &c.

And a variety of general merchandise and sundries.

Terms, cash. 2899

TO BE SOLD BY AUCTION, BY MR. BLACKMAN,

AT THE COMMISSARIAT STORES, on

SATURDAY, AUGUST 22,
At 10 o'clock,

On account of the Accountant General of Her Majesty's Navy, the following articles, landed from H.M.S. *Caryafort*:

Casks, staves, heading, iron hoops, bread bags, lime juice cases, cabin furniture, &c., &c. 2836

SALE BY AUCTION,

BY

MR. BLACKMAN, at the quarters of the late Mr. Asheuden, Superior Barrack Sergeant, situate at the north end of the Military Barracks, near Petty's Hotel,

ON MONDAY NEXT, THE 24TH INSTANT,
At 12 o'clock precisely,

BY DIRECTION OF THE BARRACK MASTER, EXECUTOR,

The Effects of the late Mr. William Ashenden,

Consisting of—

Sofas, chairs, footstools, writing desk, dressing case, workboxes, pictures, bedsteads and bedding, chests of drawers, wearing apparel, carpets, washstands;

SILVER-PLATED TEA SET;

Cruet frame, egg frame, salver, liqueur frame, candlesticks, snuffers and tray, fish slice, tea spoons, table spoons, salt spoons, gravy spoons;

A SUPERIOR EIGHT-DAY CLOCK;

Decanters, wine glasses, tumblers, China tea service;

LADY'S GOLD WATCH, LOCKET, AND CHAIN,

SILVER HUNTING WATCH,

Kitchen furniture, utensils, &c.

Terms—Cash. 2737

THURSDAY, 27TH AUGUST.

2400 SHEEP,

WITH RIGHT OF A RUN,

Situated in the District of Darling Downs.

MR. SAMUEL LYONS will sell by auction, at his Mart, corner of George street and Charlotte-place,

ON THURSDAY, 27TH AUGUST,
At 11 o'clock,

WARRANTED SOUND AND FREE FROM DISEASE,

500 Ewes, two years old, to lamb in September
500 Ewes, three and four years old, to lamb in September
200 Ewes, five to six years old, to lamb in September
1200 Wethers, two and three years old.

2400 Head, more or less.

Running at the Macintyre Brook, in the district of Darling Downs, 160 miles from Brisbane, Moreton Bay.

TOGETHER WITH

The Right of Run, about ten miles on a well watered creek, being about half the station where they are now running.

The run is capable of carrying from six to seven thousand sheep, and is near Captain Collins's Captain Pike's, and Messrs. Beattie and Taylor's stations.

Terms at sale. 2512

TUESDAY AND WEDNESDAY, 1ST AND 2ND SEPTEMBER.

MR. SAMUEL LYONS has received instructions from Mr. David Davies, on account of his retiring from business, to sell by auction,

At the Australian Hotel,
Lower George-street, near the Queen's Wharf,

ON TUESDAY AND WEDNESDAY, 1ST AND 2ND SEPTEMBER,
At Eleven o'clock,

The whole of the Household Furniture, China, glass, and crockeryware, &c., &c.
Horses, gig, saddles, harness, &c.

ALSO,

The bar fittings, stock-in-trade, and the LICENSE OF THE AUSTRALIAN HOTEL.

☞ Catalogues are in preparation, and may be had at the Mart, three days previous to the sale.

Terms at sale. 2802

THURSDAY, 3RD SEPTEMBER.

1503 HEAD OF CATTLE
33 HORSES.
FOR SALE,

WITH

LEASE OF THE ESTATE OF UNDERBANK, UPPER WILLIAM RIVER.

MR. SAMUEL LYONS has received instructions to submit to public competition, at his Rooms, corner of George-street and Charlotte-place,

ON THURSDAY, 3RD SEPTEMBER NEXT,
At Twelve o'clock,

478 Cows
113 Bullocks
230 Heifers
385 Steers
156 Bull calves
161 Heifer calves
11 Bulls
19 Working bullocks

1503 Head, as per return of 19th March, running at Underbank.

11 Mares
3 Fillies, 2 years old
1 Filly, 1 ditto ditto
2 Colts, 2 ditto ditto
8 Colts, 3 ditto ditto
2 Saddle horses
3 Aged horses
1 Donkey
7 Foals

33 Horses, as per return of January last, running at Underbank.

The purchaser of the above lot of cattle will have the option of leasing at a low rental, for five years from the date of delivery.

THE MAGNIFICENT ESTATE OF UNDERBANK,

consisting of 8320 acres of purchased land, and commanding the run of the Upper Valley of the William River, with the right to purchase the estate at any period during the lease, at a price now to be agreed on.

The stock are of a very superior description, and have been improved by the purchase of imported bulls; and it is rarely that an opportunity of investment is submitted to the public under such advantages.

Terms at sale. 2451

SATURDAY'S USUAL PRODUCE SALE.

WOOL AND TALLOW.

MR. MORT

Will sell by auction, in the Yard at the rear of his Rooms, George-street,

TO-MORROW, SATURDAY, 22ND AUGUST,
At twelve o'clock,

7 BALES WOOL
7 Casks tallow, branded "J. Campbell."

Terms—Cash. 2905

1600 BUSHELS MAIZE.

MR. MORT

Will sell by public auction, at his Rooms, George-street,

TO-MORROW, SATURDAY, 22ND AUGUST,
At Eleven o'clock,

1600 BUSHELS Maize, in lots to suit purchasers.

Terms—Cash. 2904

POSTPONED UNTIL TUESDAY, 25TH AUGUST, ON ACCOUNT OF THE INCLEMENCY OF THE WEATHER.

TO PUBLICANS, INNKEEPERS, STOREKEEPERS, AND OTHERS,

TO CLOSE VARIOUS CONSIGNMENTS.

ASHLEY'S STRONG ALE, DUNBAR'S, COLYER'S, BYASS', AND BARCLAY'S BOTTLED ALE AND PORTER, TENERIFFE WINE, &c., &c.

MR. MORT

Has received instructions to sell by public auction, at the Stores of

MESSRS. LAMB AND PARBURY, DARLING HARBOUR,

ON TUESDAY, THE 25TH AUGUST,
At 11 o'clock,
Ex *General Hewitt*,

21 QUARTER-CASKS TARRAGONA WINE.

Ex *Posthumous*,

10 Pipes ditto ditto

Ex *Abel Gower*,

2 Pipes } Ditto ditto
24 Hogsheads }
29 Quarter casks }

Ex *Golden Spring*,

7 Hogsheads Teneriffe wine

ALSO,

8 Barrels Ashley's strong ale
13 Casks Dunbar's bottled ale
46 " Byass' porter
11 " " ale
38 " Collyer's ditto
17 " " porter
52 " Barclay's ditto.

Terms at sale. 2906

IN THE SUPREME COURT OF NEW SOUTH WALES.

SEMPILL *v.* STERLING, CHAIRMAN, &C.
STERLING, CHAIRMAN, &C., *v.* SEMPILL.

MR. MORT

WILL SELL by auction, at his Rooms, in George street, on

MONDAY NEXT, THE 24TH DAY OF AUGUST INSTANT,
At twelve o'clock precisely,

On behalf of the Sheriff of New South Wales, acting in obedience to the writs of *Fieri Facias*, issued in the above causes, all the right, title, and interest of the plaintiff Hamilton Collins Sempill, to or in all that piece or parcel of land in the colony of New South Wales, containing by admeasurement five hundred and sixty acres, be the same more or less, situated in the county of Durham, and parish unnamed, at Moonan, on the Upper Hunter, bounded on the east by the first section line east of the junction of Bell's Brook with the River Hunter, being a line eighty-six chains south, on the south by a line eighty chains west, on the west by the section line forty-six chains north, and on the north by the River Hunter, to the section line above its junction with Bell's Brook.

The above described land was granted by the Crown to the said Hamilton Collins Sempill, by deed poll dated the 11th day of August, 1841.

Terms—Cash on the fall of the hammer.

For further particulars apply to the Auctioneer, or to Messrs Holden, Chambers, and M'Carthy, Solicitors, King-street, Sydney. 2909

MOST VALUABLE CITY PROPERTIES.

BY ORDER OF THE MANAGERS AND DIRECTORS OF THE BRITISH AND COLONIAL BANK AND LOAN COMPANY,

TERMS, 15 PER CENT. CASH DEPOSIT ON THE FALL OF THE HAMMER, AND THE RESIDUE MAY REMAIN UPON MORTGAGE OF THE PROPERTY FOR A TERM OF YEARS AT SEVEN AND-A-HALF PER CENT. INTEREST.

MR. MORT

Has received instructions