

parties rendered them liable for the loss sustained. The only other ground of defence was that the defendants were not individually liable for the acts of the body.

There was hardly any ground for such an exposition of the law in England, and certainly not in Scotland. The case of the defendants was not a case of a body, but of individuals.

Lord CAMPBELL said, that he was of opinion that the judgment of the Court below ought to be affirmed. The general rule was that an action would lie for an injury.

There was no doubt that Mr. Young had sustained an injury by the conduct of the presbytery. They ought to have known that what they were doing was to injure the body they were bound to perform the duties of that body.

These duties were not to be performed by the highest legislative authority. Wrong was committed by the defendants, and loss was sustained by the pursuers; therefore, the action was well brought.

The laws of England, Scotland, and all civilized nations upheld this principle. A Court acting judicially would not be sustained unless malice was alleged and proved.

If the presbytery had taken Mr. Young on trial, and rejected him on his qualification as to morals or orthodoxy, no action would lie. But here they were required to do a mere ministerial act—to take him on trial; they had no discretion.

They were not to be sustained unless malice was alleged and proved. If the presbytery had taken Mr. Young on trial, and rejected him on his qualification as to morals or orthodoxy, no action would lie.

It was not an order from the civil power to admit to holy orders, but only to admit a person duly qualified to a certain station in the church.

A bishop was not to be licensed an orthodox person, and an action would lie for license an orthodox person, and an action would lie for license an orthodox person.

Proceedings might be taken against a body to compel them to do a certain act, but this was an action against those members only who constituted the body.

When the law was clear the hardship of obeying it was a topic not to be admitted; the love of power, and especially of religious power, insidiously took possession of the human heart.

Insidiously took possession of the human heart, and the setting up of conscience above law was calculated to produce the most dangerous results.

The reference to the General Assembly was not a violation of the law, as the motion of adjourning the consideration of a church-rate for a twelvemonth had been held to be a total refusal of such rate.

In conclusion, he could not but regret the course which the appellants had pursued; for, as the son of a clergyman of the church of Scotland, he felt a deep interest in her welfare.

He felt a deep interest in her welfare, being satisfied that to the ministrations of her clergy were mainly owing the honesty and intelligence of her population.

He trusted she would be permanent and prosperous; but to insure this she must learn the lesson of the supremacy of the law, and pay implicit obedience to it.

There are three departments in this. If they felt aggrieved, let there be an application to Parliament, and both houses would give their serious attention to the subject; but perseverance in their late ill-advised courses must lead to its subservience.

In consequence of the low tone in which the noble and learned lord spoke, we fear we have been unable to do justice to his eloquent and elaborate judgment.

Judgment of the Court below affirmed with costs.

THE CHURCH.

TORONTO, FRIDAY, OCTOBER 6, 1842.

THE LORD BISHOP OF TORONTO returned to this city on Monday last, after an absence of more than two months, which have been occupied in the discharge of his arduous Episcopal duties.

His Lordship has brought back his usually vigorous health strengthened, if possible, by recent toil and travel; and his presence at the Monthly Meeting of THE CHURCH SOCIETY, held on Wednesday last, was hailed with that lively satisfaction which every true Churchman in the Diocese of Toronto experiences at the sight of a Spiritual Ruler, not more respected for his Apostolic office, than for the firmness, kindness, and energy with which he performs its functions.

THE CHURCH SOCIETY held its monthly meeting at the Depository, in this city, on Wednesday last. The business, as usual, was of an interesting nature. The Pamphlet setting forth the Constitution and Objects of the Society, of which an edition of 2000 copies has been printed, having been so rapidly disposed of that only 600 copies remain, it was resolved that a second edition of the entire Pamphlet, or an edition omitting the Speeches, should be prepared, if the Managing Committee saw occasion for it.

The Niagara District alone has absorbed 430 copies of the Pamphlet, and if other parts of the Province evince equal zeal, the Managing Committee will soon find it necessary to exercise the trust reposed in them.

The Roseberry, containing a shipment of Bibles, Testaments, Tracts, Books suited for Prizes, Lending Libraries, and Children, and many varieties of handsomely bound Prayer Books and Services, arrived at Quebec on the 26th September, but the goods have not yet reached Toronto. Lists of these books will be advertised in this Journal at the earliest opportunity.

The "History of a Pocket Prayer Book" is much sought after, and its sale has been very satisfactory. A second edition of an excellent extract from good Bishop Beveridge's Sermons, entitled "The Sin of Drunkenness," has just been published by the Society.

The Church of the 26th August contained an account of the parting between the Rev. S. B. ARNAG and his Clerical brethren of the Diocese of Waterford. The Reverend gentleman, to whose ministerial faithfulness so high and solemn a testimony was borne on that occasion, arrived in this city on Monday last, and on the following Thursday, proceeded to his destination, the township of Oro, on Lake Simcoe, accompanied by his numerous family.

now labour for God and for souls with the calm and settled conviction that I am right—that my commission is valid. I know that I am right; I know it in the same way that I know God's word to be true; and I have peace of mind.

On the other hand, while I was in the Presbyterian ministry, I was in doubt; and I experienced all that is conveyed in the Apostle's language—He that doubteth is damned, or condemned. I found there was no way for me to find rest for my soul, but stand in the way, and seek, and ask for the old paths.

The Correspondence between Sir Charles Bagot and the Hon. Henry Sherwood appears on the fourth page.

We regretted extremely that Mr. Sherwood should have accepted office in conjunction with Mr. Hincks. That appointment, so insulting to the loyalty of the Province, and presenting so insuperable an obstacle to Mr. Cartwright when called upon to form part of the Government, ought, in our humble judgment, to have deterred Mr. Sherwood from the step which he took.

It is with the greatest pleasure, however, we discover from the Correspondence that Mr. Sherwood entered upon office as an avowed Conservative. The Memorandum is highly honourable to his moral firmness, and exhibits a love of plain straight-forward dealing.

The treatment of Mr. Sherwood by the Governor General is one of those infuriated actions, which have of late been so lamentably frequent in a quarter, where if we are not to meet with British principles, we may at least expect to see common justice. But no—Mr. Sherwood, absent on the duty of the Crown, is cast aside by the Representative of the Crown, with as little ceremony, as if he were an article of furniture, or the envelope of a letter.

The conduct exhibited towards Mr. Ogden and Mr. Sherwood is unparalleled, in modern days, and proceeds most strangely from Sir Charles Bagot, a Conservative by birth, education, and political connexion, and experienced as an ambassador in all the decencies and courtesies of public life. No necessity could justify such unbandsome treatment of Mr. Sherwood—treatment, which would have created to surprise as coming from a callous and selfish Charles II., who sold his country's honour to the French Louis that he might enjoy his pleasures and his ease—but which certainly detracts from that high moral estimate which every loyal man would wish to form of Her Majesty's Representative.

Mr. Sherwood's Letter of the 17th September is a spirited remonstrance against the discourteous and unconstitutional manner of his dismissal to make way for a cabinet, in which it was intended to include a traitor and a rebel, who had confessed his guilt.

Altogether, the Correspondence very materially alters Mr. Sherwood's position. It speaks favourably for his ability and his courage; and it entitles him to the thanks of all who, in the face of our highest Provincial authorities, are daring enough still to believe in their Bible, and to regard Rebellion as a sin.

Our animated cotemporary, the Patriot, whose editorial articles of late have created so powerful an impression, furnishes us with the following extract from a letter written in England to a gentleman in this country, which we can have no hesitation in ascribing to SIR FRANCIS HEAD:

"All must now depend on the course which the loyal people in Canada shall determine to pursue. No one has greater reason than I have to be sick and disgusted at the very name of Canadian politics, and no one can be less disposed than I am to take any part in them. But without desiring to do so, I do feel it my duty as an Englishman to give you my opinion that unless the loyal portion of the population of our North American Colonies without loss of time resolve to evince in a bold manly way their determination to adhere to the constitutional principles of the glorious Empire of which they form a part, and to stand together or fall together as Fate may decree, in their defence, it will be out of the power of their friends and admirers in this country to save them.

I ought to be the last man to advise any factious conduct that could in any way embarrass the person administering the government of the Colonies, but I feel I am doing no such thing, when I advise you and others to determine not at the eleventh hour to be seen to shrink from your duty—that duty being to fight in defence of your Sovereign and of the British Constitution—to defend them against well-known enemies whoever they may be—but on the contrary to perform your duty for the very reason that it is attended with danger.

If this course be pursued you will all have done your duty. If your efforts are successful, the reward you will have attained will be inestimable, and if you fail, History, when she records the loss of our Colonies, will at least do you the justice to state that, even while your vessel was foundering, you were all seen to the very last moment calmly collected under that British Flag which during your whole lives you had so bravely and honourably defended."

Strongly opposed as we were, on many secondary points, to Sir Francis Head after the Elections of 1836, we can never be insensible to his fervent loyalty, and to the consummate ability with which, at a crisis in Colonial history, he put himself at the head of British feeling, and conducted it onward in a course of irresistible triumph. Were he with us now, he would unfurl the flag of the Empire to the breeze, and would call aloud, with no fear of a response, to the enemies of British Connexion, now seated in the highest places, LET THEM COME IF THEY DARE.

We deeply lament to announce the death of Mr. CHISHOLME. We have every reason to confirm the accuracy of the manly and touching sketch of his character, contained in a late number of the Montreal Gazette, and to mourn over the departure of a high-minded Briton—incomparable in his loyalty and honour, and politically faithful in a generation that mocks at public virtue and consistency as antiquated follies. His wounded spirit, we believe, is now at rest, in that peaceful region where rebellion is unknown, and where it is not rewarded with the choicest gifts:

(From the Montreal Gazette.) "With deep grief, we have this day to announce to our readers, the death of DAVID CHISHOLME, Esq., a gentleman long known to the public of these Provinces by his writings, and for the last five years Editor of this journal. His general health had been gradually declining for many months past, a prey to that keen sense of wounded honour and of injustice unpaired, which prove the attemp of the bosom it corrodes; but his friends had no reason to apprehend this sudden and most deplorable bereavement. Mr. Chisholme was a native of Ross-shire, in Scotland, and, in that country, was brought up to the legal profession. With all the advantages of talent, industry, and superior attainments, he emigrated to the Province of Lower Canada in the year 1822, and was warmly received by all those capable of appreciating independent and enterprising merit. He was honoured by the particular friendship and confidence of that able, patriotic, and independent statesman, the Earl of Dalhousie. Under his administration, he received the appointment of Clerk of the Peace for the District of Three Rivers, to which that of Coroner was subsequently added by Lord Aylmer. Thoroughly versed in the constitutional law and practice of his native land, and indignant at the bold assumptions and encroachments of the House of Assembly, he volunteered fearlessly in defence of those institutions, which he felt to be the birthright and heirloom of every Briton, wherever British rule prevails. To the cause of constitutional government and British connection, his indefatigable pen was ever devoted. He nailed these colours to the mast, and stood by them without fear, hesitation, or compromise, to his latest hour—his opposition of a constant and incorruptible ad-

versary, was not forgotten by those who felt no sympathy with his motives, and possessed not the magnanimity to forgive the publicity of their castigation. To the hostility of the House of Assembly may be clearly traced and justly ascribed his destitution, in November, 1836, of the offices he held in the District of Three Rivers. From that period, almost without interruption, Mr. Chisholme has continued to edit the Montreal Gazette. His contributions to these columns have been characterized by great and varied research, by sound and uncompromising constitutional principle, by the frank and fearless reputation of all speculative theories and new-fangled notions; accompanied ever by the most gentlemanly courtesy towards his contemporaries. In private life, Mr. Chisholme was one of the few, who rarely found an enemy, and never lost a friend. Those who loved him most, are the least able to parade his amiable qualities, in the set phrase with which posterity conventionally endow the dead. Their silence will be the best tribute to the modesty of his nature, and to the sincerity of their affliction; and will testify, by his own words, to the extent of the loss which we have sustained, both as public journalists, and as admirers of his private character and intrinsic worth."

Far better to die in honour and integrity with a Chisholme, than to sit in Council with a Hincks, or to be indebted to place and salary to the bad agency of an Edward Gibson Wakefield!

With the Montreal Gazette it is our fortune to differ on ecclesiastical subjects, but we are happy that many important questions occur on which we can agree with our loyal and respectable cotemporary. We can sincerely sympathize with him in the loss of Mr. Chisholme, and we can thank him as unfeignedly for his bold and disinterested condemnation of the late calamitous and disgraceful policy adopted by our Provincial Executive.

We lately observed in a Kingston paper, an advertisement setting forth that Mr. J. Russell intended having a lottery of Real Estate, situated near Kingston, and that such lottery was to be drawn on the first Tuesday in November.

We are under the impression that all lotteries are now illegal, and we beg to call the attention of Her Majesty's Government in this Province to a subject so seriously affecting the public morals.

We have to acknowledge, with many thanks, the receipt of the following sums towards discharging the debt which we have incurred for printing Tracts—A Lady of Toronto, 5s.; D. B. Stevenson, Esq., of Belleville, 15s.; and A. Quebe Churchman, 1l. Our debt is now reduced to Nine Pounds.

THE LORD BISHOP OF TORONTO will hold his next General Ordination at the Cathedral, Toronto, on Sunday, the 30th of October. Candidates for Holy Orders, whether of Deacon or Priest, are required to obtain previously the Bishop's permission to offer themselves, and they will be expected to be furnished with the usual Letters Testimonial, and the Si Quo attested in the ordinary manner.

The Examination will commence on Wednesday, the 26th of October, at 9 o'clock, A.M.

Owing to the pressure of Parliamentary and English news we have been compelled to devote almost our entire space this week to Civil Intelligences. Several hundreds of our subscribers see no other paper than this, and we are bound to consult their convenience. This deviation from our usual plan is attended with increased trouble to the Editor, and additional expense to the Publishers. Next week matters will revert to their accustomed channel, and the first and fourth pages will be appropriated to religious uses.

Our Correspondents shall receive the earliest attention that we can bestow upon them. Some attacks of the Dissenting Journals shall be replied to in the course of a week or two: we have ample materials for the purpose.

The Index to Volume VI will be ready in a week or two.

Later from England.

ARRIVAL OF THE BRITISH QUEEN.

THE BRITISH QUEEN, who arrived at New York on Wednesday, and sailed for London on the morning of the 10th, is the subject of singularly barren news. Queen Victoria was still lingering in Scotland, and nothing of interest seems to have happened, either in Great Britain or on the Continent. The papers are busily employed in discussing and narrating over past events, especially the doings in Afghanistan.

The Queen was at Dupplin Castle on a visit to Lord Finlaid, when last heard from. Dupplin Castle is near Perth, just on the border of the Highlands.

There was a report current that the King of Hanover had died. This report, however, turned out to be premature. The King was dangerously ill, but not dead.

Lord Hill has been raised to the rank of a Viscount. The Queen's arrival at Edinburgh was not unattended by accident. The papers give the following account:—It is with the deepest regret we have to announce a frightful accident, which took place this afternoon, about one o'clock. It is well known that a large stand was erected within the East Princes Street gardens, which, we understand, was duly inspected by the Dean of Guild Court, and found sufficient. This forenoon about the time Her Majesty was passing down the Mound, a rush was made to the stand, and a number of persons, who were standing on the top of the stand, were carried away by a state of insensibility. Some had their arms broken, others their ankles dislocated and ribs broken, and one lady was killed. About ten minutes after the accident, the stand was demolished, and the persons who were on it, were carried away in convulsions. This fearful occurrence caused a gloom over the whole city, and was indeed, a sad drawback to the general joy of Her Majesty's entrance.

The Accidents at Edinburgh. The unfortunate accident occasioned by the falling of the gallery at the foot of the Mound on Saturday, shortly after 12 o'clock, one lady died. Seven are yet lying in the Infirmary, but hopes are entertained of their recovery.

THE LONDON PRESS.—For several days past a small number of individuals, professing Christian principles, finding public meetings cannot be got up, have, by a circular and handbills, tried to get up a borough meeting of the electors to take into consideration the alarming state of the country; but all to no purpose, for, although strenuous endeavours have been made to collect several of the ill-knowing Lambeth Radicals, the bait has been taken, for notwithstanding two preliminary meetings, which were termed, were appointed to take place at the Black Prince, in Prince's-road, Lambeth, not a dozen persons were present on either occasion, and the only resolutions carried were those for adjournment until they could meet more numerous, especially at the last meeting on Thursday.

STATE OF THE MANUFACTURING DISTRICTS.—There is no material change since our last in the relative positions of the working people and their employers in the country about Manchester. To the northward of the town both spinners and weavers are at work, at the old prices; and to the southward, a considerable number of mills had resumed work. Stretford, Hyde, and Stockport—all are still at stand, and, so far as we can learn, without any reasonable prospect of a speedy resumption of employment. In Manchester the spinners are all, or nearly all, at work, whilst the weavers are generally idle. Altogether the number of power looms now standing is supposed to be nearly 60,000.—Manchester Guardian.

THE ARCHBISHOP OF CANTERBURY.

We rejoice in being able to state that the health of His Grace is steadily improving. It was expected this morning that the

Right Rev. Prelate in the course of the day would be able to leave the house for a short carriage drive. The physicians do not consider it necessary to issue any further bulletins, but will be seen by the following, which was received at Lambeth Palace to-day shortly after one o'clock:—

ADDINGTON PARK, Wednesday Morning, Sept. 7, 9 o'clock. His Grace the Archbishop of Canterbury's recovery of health and strength is steadily advancing, that no further bulletins are considered necessary.

WILLIAM CHALMERS, M.D. The inquiries again were very numerous. LIVERPOOL CORN MARKET, Sept. 6. With the exception of a few thousand quarters of foreign wheat and about 5,000 barrels States and Canadian flour, there are not much commodities in the market at present. The market is quiet, and the prices are low. States flour is 1s. 6d., and Canadian 1s. per barrel dearer, but a less ready sale than previous to the advance.

PRICE OF IRON.—From a private letter received in York this week from Staffordshire, it appears that on the 1st instant the price of iron advanced ten shillings per ton, and a further rise is expected.—Liverpool Courier.

LIVERPOOL, Sept. 9. Excepting on barley and peas the duties are raised this week on all foreign produce, and to about 14s.; oats to 1s. 7d. and beans to 9s. 6d., and flour 8s. per barrel. The only change in Colonials is an advance of 1s. per quarter on rye and peas.

Since our report of Tuesday last, the fresh arrivals of wheat from abroad consist of 6697 quarters, with flour during the same time we have been scantily supplied, a few hundred barrels of Canadian, comprising the only import for the last three days.

In consequence of the millers having purchased rather considerably late, we had a slender attendance of buyers this morning; and in the absence of any speculative inquiry, foreign wheat of all descriptions moved sparingly, at the current rates. The market concluded somewhat less buoyant than it commenced. The next wheat from the neighbouring farmers, a few samples appeared, the quality of some very fine, others in rather soft condition, and may be quoted 8s. @ 8s. 6d. for white, and red 7s. 6d. @ 8s. @ 7s. 7d.; and the value of the Irish flour more moderate. The market for fully supported late prices, and a little good Irish new realized 40s. @ 280 lb.

ARRIVED, Sept. 6 to 8, inclusive.—From the United States, nothing. From Canada, 600 qrs wheat, 150 pns, 105 Indian gun, 74 loads oatmeal, and 554 barrels of flour.

DUTIES.—Wheat, 14s. foreign, 1s. Colonial, 10s. 7d. foreign, 2s. Colonial, rye, beans and peas, 9s. 6d. foreign, and 1s. Colonial. Flour, 8s. 5d. foreign, 7d. Colonial.

LONDON CORN EXCHANGE, Sept. 9. This week's arrivals of English grain have been small, of foreign wheat fair. There has not been much done in the market since Monday, but the prices are all quiet, and in some other grain there has also a slack trade without any variation from last report. Flour sold rather better at the late advance.

Canada.

THE POLICY OF SIR CHARLES BAGOT.

(From the Montreal Transcript.) The news from Kingston relative to the assumption of office by Mr. Lafontaine and his fall, has not been met with any satisfaction. That the responsibility should be placed on the shoulders of a man of his high position, and that the ministry should have so lent themselves to dishonourable treachery, and that the Governor General should act with such infatuated incapacity, were matters entirely beyond calculation, and may excite the indignation of every Canadian who looks with alarm upon the change, there can be no doubt; nor will it be easy to convince them of the propriety of advancing to office by such treachery and political tergiversations, who only aim hitherto has been to obstruct the progress of the country, and to bring about a change of Government, who have kept the country in agitation for so long a time, and persons known to have acted against Government during the late rebellions, and on whose heads a price has been set, should be released from their dread exile, and of the cord, and raised to high office, and to the confidence of Her Majesty's representative, without having given any proof either of repentance for their past rebellion, or of a desire in future to advance the interests of the country, was so repugnant to every idea of wise policy and just justice as to create a doubt whether the intelligence received from the seat of Government could be true. But that such is the case admits of no denial, and the true friends of the country in the crisis. For ourselves we have no doubt that good will spring from the disgraceful coalition, if the incapacity of a Gosford, and the blind and rebellious policy of Papineau paved the way for disturbance and terror for years of commination and bloodshed, and the weakness of the Government, and the strength of the loyal party, and the same result will shortly be felt to arise from the conduct of the present Governor and his new associates and advisers.—The policy of Sir Charles Bagot is now evident, and must inevitably lead those who formerly supported him to regret his measures and to wish that he were determined to carry out his policy. Had an open and overwhelming tone of confidence in the present ministry placed this clique in office, those who sustained the absurdity of the so-called responsible system, even although they might have disliked the new ministry, could not have said a word. It is a month more or less, and the responsibility could only have been placed on Sir Charles for weakening the policy of his former ministry by such anomalous additions as were lately made to it; but as matters have turned out, there is some evidence given of trimming and a desire to play off opposition at the expense of the country, and of no other view of policy than to justify his conduct even by showing that he is following out the instructions of the Home Ministry.

Conditions at home have generally disgusted the nation, and failed of their intended effect. This Canadian coalition—this amalgamation of Rebels, Obstructives, Reformers, Liberals and Conservatives, and the policy of the present Government, and to cause and procure her to marry the said EDWARD GIBSON WAKEFIELD without the knowledge or consent of the said William Turner her father, and of having unlawfully taken and conveyed the said Ellen Turner, then being a maid, unmarried under the age of sixteen years, out of and from the possession of certain persons, to be married by the said William Turner, and by the authority of the same, that the said EDWARD GIBSON WAKEFIELD is and shall be declared null and void, and so shall be taken and adjudged to be, to all intents and purposes whatsoever.—We may say it is known to therefore please Your Majesty [out of your princely goodness, and in compassion to the sufferings and misfortunes of your said subject and of his said daughter] that it may be declared and enacted, and be it declared and enacted by the King's most Excellent Majesty, and by the advice and consent of the Lords, spiritual and temporal, and Common Councils, presently assembled, and by the authority of the same, that the said alleged marriage between the said Ellen Turner and the said EDWARD GIBSON WAKEFIELD is and shall be declared null and void, and so shall be taken and adjudged to be, to all intents and purposes whatsoever.—We may say it is known to therefore please Your Majesty [out of your princely goodness, and in compassion to the sufferings and misfortunes of your said subject and of his said daughter] that it may be declared and enacted, and be it declared and enacted by the King's most Excellent Majesty, and by the advice and consent of the Lords, spiritual and temporal, and Common Councils, presently assembled, and by the authority of the same, that the said alleged marriage between the said Ellen Turner and the said EDWARD GIBSON WAKEFIELD is and shall be declared null and void, and so shall be taken and adjudged to be, to all intents and 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