

MR. MAGEE'S FIRST LECTURE.
 Mr. Daniel O'Connell, who has been so long at the bar, delivered his first lecture, according to announcement, before the St. Patrick's Society on Monday evening at the Mechanics' Hall. He was introduced by Dr. Howard, President of the Society, and very warmly received by the numerous audience. He began by observing that he had chosen the subject—*O'Connell, Moore, and Burke*—in illustration of Irish genius. Ireland, like the Roman mother when asked to produce her jewels, might safely point to her celebrated sons. Of these, O'Connell, by the scope and purpose of his life, was the most strictly national; and as such he had chosen to commence with that illustrious person. The time had come to judge him justly; and though he (the lecturer) had no fact to tell them which they had not heard before, he was anxious to present them a sketch of his own drawing, from the materials with which they were all already acquainted.

[As our space does not enable us to give verbatim the whole of Mr. Magee's very elaborate address, we give as that part which will probably prove most interesting to the majority of our readers.]

O'CONNELL AS A LAWYER; ENGLISH LAW IN IRELAND.

The professional life of Daniel O'Connell is the sequel of a strange story—the progress of English law in Ireland. He was called to the bar of the Irish Courts—which are modelled almost servilely on those of England—in 1798; and he stood before that same bar a Prisoner and a Pleader in 1844—nearly half a century from the date of his admission. In these fifty years the western island had been insensibly approximating in legal forms to the mother country of English law. The Parliament, the State Establishment of religion, the currency, had been assimilated by statute; while the rules of pleading in both countries had grown, by imperceptible degrees, more and more alike. Had O'Connell presented himself at the Inns of Court, one year earlier than he did, (1794), he could not have been received, being a Catholic; the opportunity seemed made for the man, and the man for the opportunity. Had he been less highly endowed, or less energetic, he could not, even after admission, have risen to the first rank in so close and jealous a profession; nor could he afterwards have held that first rank, for a third of a century, with the prejudicial associations of the Catholic agitator, constantly surrounding him.

The story of English law in Ireland has been told by Sir John Davies, by the Burkes, the Parnells, the Grattans, and by O'Connell himself in his "Memoir on Ireland, Native and Saxon." Of the native laws which preceded the English, we know but little. Sir Edward Coke, indeed, with his customary "overruling spirit," denies them the merit of laws, and stigmatizes them as "lewd customs." Of the provision of *Tanistry*, or election of the successor to the chieftainship during the life time of the incumbent; of the *eric*, or system of fines by which even murder was compounded; of the legal as well as social relations springing from *fosterage* and *gossipry*—we catch some general glimpses, in all our histories. It was reserved for the present day, and the present administration in Ireland to order the collection, translation, and publication of those native laws—and you will be glad to know that the best Celtic scholars in the kingdom are at this moment busily engaged upon the work—a work from which the world will soon be enabled to judge, whether they deserve the opprobrious title applied to them by Sir Edward Coke; or whether, like the laws of the Visigoths, they contain much that is admirable, with much that, to modern eyes, may seem puerile or absurd.

Whatever may be the intrinsic merits of that ancient code, it is certain the Celtic Irish were passionately attached to it. Tyrone stipulated for its continuance when he made peace with Essex; and when Maguire was asked to allow a Sheriff to execute the royal writs in Fermanagh, he replied in grim irony, "Certainly; but send me the amount of his *eric* that I may have it collected." In Queen Elizabeth's reign, "no Justice of Assize durst venture" into any of the counties of Munster. Sir John Davies, Attorney-General to James I., tells an affecting story of an aged Brehon of Breffny, who carried in his breast a scroll of the old law, which he could hardly be induced to give up either by threats or entreaties, and which he finally surrendered with many tears. The same writer declares that the native Irish were so fond of justice, thus administered, they were willing to see it executed "even against themselves." As I said, the publication of those laws will give the world an opportunity to judge for itself, and probably to correct the groundless opinions of Coke and others, who knew little or nothing of their real spirit and framework.

In every civilized country the profession of the law is held in honor, and a great judge is by all communities considered, a great benefactor. In Ireland under the Stuarts—whatever their other oppressions—the native Irish were not excluded from the study and practice of the law. Sir Phelim O'Neil kept his terms at the Kings Inn; and the names of D'Arcy, Nagle, O'Reilly, Rice, and Nugent, come down to us with honor, from those times. Sir Theobald Butler was the last great Catholic lawyer tolerated on the confines of the Penal period; under the shield of the House of Ormond. He was the O'Connell of his age, celebrated for his humor, his eloquence, his legal acquirements, and his indomitable courage. His part was more difficult to play than even O'Connell's; he lived amid the decay of Catholic spirit, Catholic property, and Catholic discipline; O'Connell rose with their rise, and was borne along with the popular energies he directed. Alone, unseconded, and uncounseled, without a Priesthood, without a Press, Sir Theobald Butler as strenuously opposed the penal laws of William and of Anne, as Daniel O'Connell labored for their erasure from the Statute Book, a century later. A century of time lies between the two men, but they are worthy to be named and to be honored together.

The Catholics were wholly excluded from the profession between Butlers age and O'Connell's.

In the year 1724, a representation of the case of the Catholics of Ireland was made to the Irish Parliament; it was drawn by Dr. Nary, the Catholic Archbishop of Tuam, a very able and a very fearless man; from whose statement I take the following passage on the conditions of Catholics in the legal profession:

"All Roman Catholic lawyers, attorneys and solicitors," says Dr. Nary, "are disabled to practice their respective callings, except they take the oath of abjuration, the oath of supremacy, and the test; that is, become Protestants. So that of about a hundred Roman Catholic lawyers and attorneys, that attend the courts of Dublin, and in the country, not one of them is allowed to get a morsel of bread, by the studies upon which they spent their youth and their time."

This was in 1724; the Relief Bill which allowed Catholics to study for the Irish Bar passed in 1793—seventy years afterwards. And here let me remark that it was in this interval, when the majority were wholly excluded from the study of law, secret agrarian societies were first imported into Ireland. Their era is 1760—midway between the exclusion and the re-admission of Catholics to the pale of the constitution. In this is there not a moral for Kings and for republics, that if they drive a whole people without the pale of the law, that people will soon learn to combine against the law, or to circumvent it, by the subtle arts of conspiracy?

One of the first of the new Catholic Barristers was Daniel O'Connell. I have mentioned the immediate antecedents of the profession, to show you its composition when he entered it. But you must further remember the year of his entry—it was the year 1798. It was a year, the memory of which, a century will not be able to efface from Irish minds. Lord Clare sat as Chancellor; John Toler, afterwards Lord Norbury was Attorney-General; Curran, Ponsonby, Plunkett, Bushe and Burrows, were at the Bar. These distinguished men were all Protestants; many of them were men of fortune; several of them were members of Parliament. An easy walk conducted them from College Green to the Four Courts, and the triumphs achieved in a Senatorial capacity, gave an additional dignity to their forensic efforts. They were Protestants in religion but they were as far removed from northern bigotry as the Equator from the pole. Many of them were what some call "free-thinkers" in religion; a few were zealots for Protestant ascendancy; the were all, in one sense or another, proud of the common name of Irishman.

Considering the number of established reputations in the field, it is not to be wondered at, that even O'Connell did not make a conspicuous mark in the first few years of his practice. Of his earliest noted case, Cox for libel, in 1811, we have a mere mention in the speeches collected by his son; his greatest, or at least his most famous early law cases were—"Taale v. Chief Justice of the King's Bench," in 1812; Fitzpatrick, for libel, the same year; and the King v. John Magee for libel; which occupied a large portion of all the Terms of 1813. There were two prosecutions against Magee, then Publisher and Editor of the Dublin *Evening Post*—one brought by Lord Clonmel, the other by the Duke of Richmond, the Lord Lieutenant—a name not unknown in Canada. The case of Magee furnished a thorough test of all the qualities imputed to O'Connell as a lawyer. "At the bar," says Charles Phillips, "O'Connell was an admirable *Nisi Prius* advocate—a shrewd, subtle, successful cross-examiner—an excellent detailer of facts—a skilful dissector of evidence. His speech in the case of the King v. Magee is a noble specimen of his talents and intrepidity." "Often his junior," adds the same writer, "I had the means of knowing that, in the management of a case, he was both discreet and dexterous. Towards the bench respectfully, independent, and at times even stern, he was ever towards his colleagues sociable and kind." Consider that this portrait is drawn of a Catholic, of the Catholic, within a century from the date of Dr. Nary's pathetic remonstrance on behalf of the Catholic Barristers of 1724—"not allowed to get a morsel of bread by the studies in which they spent their youth and their time"—and you have one of the most gratifying evidences of the retribution which sooner or later, even in this world, overtakes legislative injustice.

It is no exaggeration to assert that the Irish law Officers of the Crown have been generally selected from partizan motives, rather than professional merits. O'Connell, the law officer of the people, was habitually arrayed against these partizans in power. In 1813, in 1821, and in 1829, successive Attorneys-General provoked his indignation, and fell before it. They were all able, and one of them (Plunkett), a truly great lawyer. The Bench was constantly recruited from among the law officers, and naturally sympathized in their quarrel. On more than one occasion, they threatened "to commit" the obnoxious popular advocate, but his "mastery of technicalities" was as remarkable as his intrepidity; and he triumphed, by one means or the other, over all the machinations of a partizan Bench. In the Magee case, he threatened in open court "to chastise" the then Attorney-General—a declaration the boldness of which can only be estimated by remembering that he who made it was as yet, an "unemancipated Catholic."

Neither was he at all times, as "independent, and even stern" towards their Lordships as Mr.

Phillips describes him, he had his favorites on the Bench, and to Chief Justice Pennefather, or Judge Burton, no man was more uniformly obsequious than Daniel O'Connell. Burton, by birth an Englishman, long resident in Ireland, shed tears of concurring in his sentence of imprisonment in 1844; and Pennefather did not hesitate voluntarily to hand him documents from the Bench, when his "making up," as in the Doneraile case, was defective. In his "letter to Lord Shrewsbury," in 1843, O'Connell speaks with a justifiable pride of his long series of successes at the Bar; of the immense revenue he derived from his practice, and relinquished for the sake of the people. In 1838, the Government offered him the position of Lord Chief Baron, but he declined it, to devote his last years to a struggle for "the Repeal of the Union." The ease and dignity of the Bench was never his object, while at the Bar; if it had been, he might easily have obtained it.

I have dwelt thus long on the profession of the law in Ireland, and the connection of Catholics and Catholic interests with it, because I have always considered his conquests in that line, to be O'Connell's first great service to the cause of religious liberty in that island. In the rise of O'Connell the whole Catholic body of the profession rose also. He was *facile princeps* to a whole host of distinguished men. Sir Michael O'Loghlen, Richard Lalor Shiel, Chief Baron Pigott, Mr. McDonagh, Mr. O'Hagan, and many others might we mention as following in his wake and drawn on by his example. It was not enough that the mere letter of the law of exclusion should be repealed in 1793; we all know that a spirit of exclusion may continue even in a learned profession, long after the letter is repealed; but O'Connell grappled with that spirit at the Irish bar—he cast it down, he trod it under foot, he extinguished its forever. Every man that attempted to sustain, revive, or apologise for it, he grappled and overthrew. It is therefore that, before passing to his Parliamentary career—I venture to pronounce him the greatest and most effective Catholic jurist of modern times, of all who have pleaded in courts constituted according to the laws of England.

We beg to remind our readers that Mr. Magee will deliver his second lecture this evening. Subject—"Edmund Burke, as Author, Orator, and Statesman." We trust that there will be a good attendance.

"THE LIFE OF MARY STUART, QUEEN OF SCOT."—By M. De Marles, Translated from the French by M. I. Ryan. Patrick Donahoe, Boston; J. Sadlier, Montreal.

Spite of all that has been written upon the subject, and the almost interminable controversies to which those writings have given birth, a good history of the life and death of Scotland's martyred Queen is still a want, which every student of British history must have experienced. To the Scotchman and the Englishman, to the Catholic and the Protestant, the subject is alike interesting; nor can the story of her tragic fate be read by any one unmoved.

The misfortune is that that story has been hitherto told by the enemies of Mary; whose interest it was to blacken her character, in order to save that of her rival Elizabeth. The former has therefore been handed down to posterity as an adulteress and murderess; whilst her real crime—the very head and front of her offending—consisted in this—that she was a Catholic, and the rightful heir to the crown of the two kingdoms. But for this, could she but have been persuaded to apostasy, and intimidated into renouncing her birthright, she might have outdone in turpitude, a Messalina, or, if possible even the loathsome hag, deformed in body as in soul, who sat upon the throne of England, and yet have been held up to posterity as a most godly sovereign, a pillar of the Reformed Church—and a most High and Mighty Princess, even as is her son—the contemptible James, a drunkard and filthy beyond the power of language to describe—in the Preface to the Authorized Version of the Holy Scriptures, according to Act of Parliament.

But Mary was a Catholic; and as a Catholic she was persecuted during her life, and libelled after death. To palliate the cruelty and treachery of her unrelenting foe Elizabeth, she has been taxed with the murder of Darnley, and of criminal intrigue with Bothwell; and though the evidence with which it has been attempted to sustain this monstrous charge would not be held at the present day sufficient to convict the meanest of Queen Victoria's subjects of petty larceny, the interests of Protestantism require that it should be held as strong as proofs of Holy Writ. The truth is, that there is about as good reason to believe in the guilt of Mary, as there is to speak of Elizabeth, as England's "Virgin Queen."

To vindicate the good name of the Queen of Scots, is the object of M. De Marles in the interesting little work before us; and as containing an ample refutation of many of the Protestant slanders against her, it is upon the whole satisfactory, in so far as it goes. He fully acquits Mary of complicity in the murder of Darnley; arguing justly—that she had no interest in his death—and that if she had desired it, she could easily have accomplished her ends without having recourse to the startling expedients of first causing him to be strangled—his body to be carried out into the garden where it might be found, and exposed to the view of an infuriated populace as a means of still more violently exciting their passions—and then blowing up the house in which he had passed the previous night, so as to call the attention of the whole of Europe to her crime. All these precautions therefore on the part of the murderers of Darnley—whoever they were—clearly prove that their object was not so much to get rid of the silly husband of the Queen, as to make what we in the XIX century would call "political capital" out

"The only positive testimony to the guilt of Mary is to be found in the confessions of French Paris—confessions wrung from him by force of torture, applied for that purpose by Mary's enemies; and in the letters said to have been contained in a mysterious casket—of which letters however Mary was never allowed a sight; either in the original or as copies, though she always challenged her foes to produce them."

of his death, and thereby blast the reputation of Mary; whose attachment to her ancestral faith was an unpardonable sin in the eyes of John Knox and his rabble rout—and whose legitimate pretensions to the Crown of England, no less than her rare beauty and her rarer virtues, made her to be feared and hated by the impure issue of Henry's adulterous connection with Anne Boleyn. By thus applying the test "*cui bono, fuisse*," it is not difficult to obtain a clue to the fearful and mysterious tragedy of the "House of the Kirk O'Field."

As an instalment of the debt therefore that all Catholics owe to the memory of Mary, we accept M. De Marles' book with gratitude. We wish that we could also congratulate him upon having fallen into the hands of a good translator; but justice compels us to add that Mr. Ryan does not seem to be either a master of the French language, or an elegant writer in his own. Expressions such as "obligated"—and "patly enough"—jar harshly upon the ear; nor is it easy to elicit any meaning from such a passage as this:—

"A dolorous sensation descended from her forehead and spread over her features."—p. 135.

—or to reconcile with Lindley Murray the following, in which he speaks of the "reformed preachers"—as a class of men:—

"Who to shew the sweetness of their evangelic virtues, delivered themselves up to all the excesses of intolerance, which frightened not even the idea of a crime."—p. 143.

In spite of these drawbacks however we can honestly recommend M. de Marles' book, to the young student of Scottish history.

"Dubitate etiam nunc, judices, si potestis, a quo sit occisus; ab eoque qui propter illius mortem in egestate, et insidias versatur?—an ab is qui questionem fugiant, bona possident, in eade atque ex eade vivunt."—*Pro Roscio*.

THE DENISON CASE.—Another act of this tragico-comical farce has been concluded, by sentence of deprivation pronounced upon the contumacious Archdeacon, who has consequently appealed to the Judicial Committee of the Privy Council against the sentence of the Archbishop of Canterbury. The degradation of the High Church party is now complete—and the Anglo-Catholic theory, for this generation at least, has received its *coup de grace*. No more can even the most zealous adherents of that theory pretend to find in the Anglican establishment any of the characteristics of the Catholic Church. By the decision in the Gorham case, the Sacrament of Baptism was virtually renounced; and of the other Sacrament which Anglicans pretended to retain, naught is now left but an empty, worthless husk.

The best of the joke however is that Archdeacon Denison and his High Church abettors in his appeal to the Privy Council, were the foremost and most vehement denouncers of the Rev. Mr. Gorham, when he in like manner appealed against the decision of the Ecclesiastical Court which had condemned his denial of Baptismal Regeneration. Such conduct on the part of a Law Churchman, was then pronounced to be subversive of all ecclesiastical discipline, and a renunciation of all "Church principles." Now, however, that the High Churchman finds himself in the position of Mr. Gorham, and exposed to the risk of losing his preferments by the sentence of a Protestant Archbishop of Canterbury, the zealous stickler for "Church principles" can see nothing objectionable in appealing to a purely civil tribunal, upon a purely spiritual question.

In Mr. Gorham's case, the sentence of the ecclesiastical, was reversed by the civil tribunal; it is not likely however that Mr. Denison will have the same luck. The Church of England is essentially Protestant, and therefore can tolerate any amount of Protestantism or Denial in her children—but as Protestant, she is of course constitutionally averse to anything savouring of "Romanism." Now Mr. Gorham's offence consisted in his over Protestating, or Denying. Mr. Denison's, on the contrary consists in asserting something; the one was a consistent Protestant, carrying out Protestant principles—the other is a professing Protestant, who manifests a tendency to preach Catholic doctrine upon the subject of a "Real Presence" in the Holy Eucharist. To the first therefore, as to a dutiful son, even if an imprudent one, the Church of England extended her forbearance; to the other, it is to be expected she will be as severe as she was lenient to the Protestor against the Sacrament of Baptism.

The consequences of this long contested case it is not as yet easy to foresee. One good result likely to flow therefrom we may reasonably anticipate in the conversion to Catholicity of many who have hitherto labored under the delusion that they might hold, and teach Catholic truth in the bosom of the national Church. In this fond fancy they will no longer be able to indulge; and if, as it is to be hoped will be the case, they still continue to hanker after that truth, they will naturally seek for it, where alone it is to be found—in that Church over which Peter presides, and against which the gates of hell, and of the Judicial Committee of the Privy Council, shall never prevail.

We would call the attention of the members of our Catholic Clergy to M. Robillard's splendid assortment of Church and Altar Furniture; for particulars of which see advertisement on our seventh page.

We would remind our readers that Mr. Abraham, a Jewish convert to Christianity, purposes lecturing next week in Montreal, on the connexion betwixt Judaism and Christianity.—The subject is interesting to all; and Mr. Abraham's lectures have been attended by large numbers in the Upper Province, and at Quebec, including many of the members of the Catholic Clergy. The press generally speaks highly of his abilities as a lecturer.

The great presidential elections in the United States have terminated, as was expected, in the triumph of Buchanan, and consequently of the slavery extension party, whose candidate he was.

ST. PATRICK'S INSTITUTE.—As T. D. McGee, Esq., will visit Canada in a few days, and the Hall of the Institute now enables us to receive such visitors, we recommend the members of the Institute to avail themselves of the occasion to have a lecture from this talented Irishman. Let a meeting be called at once, and give him a *grand mille folles*.—*Ottawa Tribune*.

LECTURES ON JUDAISM.—The lectures announced in our last issue were delivered by Mr. Abraham in the College Building, Sussex-street. The aim of the lecturer evidently was to prove that the Jewish dispensation was but the type or precursor of the new law, or Christian religion. This was clearly shown by extracts from the Old Testament, from the writings of the Jewish Theologians, the prayers in the Rabbinical forms and ceremonies, as well as historical references taken from the Talmud and Mishnah of the Jews. The second lecture was, more strictly speaking, an account of the reasons which induced the lecturer to forsake Judaism and embrace Christianity, including the proofs which led him to seek spiritual consolation in the Catholic Church—the pillar and the ground of truth—the only refuge for the anxious seeker after salvation—the only faith which the Israelite can accept when prepared to acknowledge that the Messiah hath appeared to men.

The audience at each lecture was respectable, and Mr. Abraham's vigorous and emphatic style of speaking elicited marked applause.—*Ottawa Tribune*.

LECTURES ON JUDAISM.—Mr. Abraham lectured to crowded audiences on Sunday and yesterday evening, at the Hall of the St. Patrick's Catholic Institute, on "Judaism" and its traditions and ceremonies. Mr. Abraham is a convert from Judaism. He appears to have been a sincere worshiper of God according to the old law, until, as he states, he was converted to Christianity, by weighing well the teaching of the Rabbi and the prayers taught in the Synagogues of his people. Mr. Abraham's lectures were recommended to the Catholic Citizens of Quebec, by His Lordship the Administrator of the Diocese, who was present thereat, accompanied by the Very Reverend Grand Vicar Cazeau, and several other Clergymen. He is a very fluent speaker, with a pleasing delivery, and his lectures are most entertaining and edifying. The explanation of the Jewish traditions and ceremonies, showing the similarity of the latter in many respects to those of the Catholic religion were listened to with that attention which the novelty of the subject produced. The chief point of Mr. Abraham's discourse was to prove the impossibility of the Christian, who rejects tradition ever being able to convert an intelligent Jew to Christianity, except (like the Exeter Hall Missionaries in famine stricken districts of Ireland,) he holds a Bible in one hand and a sovereign in the other.—*Quebec Colonist*.

All day Monday and Tuesday, visitors were arriving from all points of the compass. Eight hundred and fifty came from Portland and Boston, about equal numbers from each, and about half ladies. Between two and three hundred came in from intermediate places.—*Transcript*.

The Collingwood *Enterprise* says, that the weather has been assuming a wintry appearance for the last few days, snow having fallen to the depth of about one inch on Friday last, in Collingwood, but it did not remain for any length of time. The steamer Collingwood arrived on Monday, having met with some very severe weather, after being a fortnight on her voyage, owing to heavy seas and fogs. We learn by the passengers on the Collingwood, that there were some very heavy falls of snow at the Sault Ste. Marie and the Bruce Mines, and that there was every appearance of the winter having fairly set in, in that region.

A PAIR OF ORANGEMEN.—Ogle R. Gowan, Esq., and Geo. Nichols, tailor, appear to have both belonged to the Orange order in Ireland. Nichols, and Mr. Geo. Perkins Bull of Hamilton, were very severe upon Gowan, for some transactions of his in Europe, the nature of which is not material. Mr. Gowan defended himself in the *Patriot*; Nichols held the defence to be libel upon him; Gowan was indicted for libel and found guilty, but sentence was deferred because he made affidavit that Nichols had perjured himself by swearing he was not Geo. Nichols, the Prescott tailor, against whom the grand jury had made a presentment in 1844. Last Brockville Assizes, Nichols was tried for this perjury before an intelligent jury who found him guilty, and the sentence, besides taking away his civil rights in certain cases, sends him three months to jail, and requires security that he will keep the peace.

I have not read the trial; but, when Nichols heard the verdict he drew from his pocket a pistol and attempted to take his own life, after exclaiming, "I would rather go to my grave than to the penitentiary." His hand was arrested, and he became more calm.—*Mackenzie's Weekly Message*.

Married.

In Buckingham, on Monday the 3rd inst., at the residence of the bride's father, (Mr. P. Merriman) by the Rev. John Brady, P.P., Mr. Edmond W. Murray, to Miss Ellen Merriman.



THE COMMITTEE of the MONTREAL ST. PATRICK'S SOCIETY beg to announce to the Citizens of Montreal, that they have secured the valuable services of

THOMAS D'ARCY M'GEE, ESQ.,
 THE WELL KNOWN POPULAR LECTURER,
 To Deliver for the Society,
HIS SECOND LECTURE.
THIS EVENING,

FRIDAY, THE 14TH INSTANT,
 And THIRD LECTURE on MONDAY, the 17th inst.,
 AT THE
MECHANICS' HALL.

SUBJECTS OF LECTURES:
 Second Lecture: "EDMUND BURKE, as Author, Orator, and Statesman."
 Third Lecture: "THOMAS MOORE, the Poet."

TICKETS.—1s. 3d. for each Lecture; can be had of the Members of the Committee, and at the following places:—Sadler's, Prince's Music Store, Phelan's, Dalhousie Square; from the Librarian, at St. Patrick's Hall, and at the Door on the Evening of the Lectures. November 13, 1856.

GRAND RAILWAY CELEBRATION.
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