

besides chapel schools. The Roman Catholic population of Great Britain is now estimated at little short of two millions.

Summary of Eccll Intelligence.

In the absence of later intelligence from England, we present our readers with the following extract from a leading London journal; which, in the contrast that has so frequently of late been instituted between monarchical and republican institutions, may prove interesting and useful:—

THE REV. SYDNEY SMITH AND THE BALLOT.

From the London Times.

We really find ourselves obliged to apologise to our readers and the public, for not having somewhat more pointedly directed their attention to the Rev. Sydney Smith's little treatise, entitled "Ballot," which has now gone through numerous editions. Our excuse must be, that political writing, however excellent, must give place, not only to political facts and incidents, but even to official or parliamentary reasoning upon them. For example, we could not omit a speech of Joseph Hume's, which we need not be long in characterising, to make way for a couple of pages out of the little tract in question; though the one is stinking ditch-water, the other sparkling champagne. We do, however, now (and hope our recommendation may still be useful) most cordially recommend the "Ballot, by the Rev. Sydney Smith," (that is its brief and simple title) to the attentive perusal of the whole nation. To the friends of the ballot we would recommend an effort to answer it; but the rapid dull dogs will hardly dare to attempt that; they may abuse, call it buffoonery, and so forth, but they must not put their own stupid verbiage in such proximity as to provoke a comparison with Sydney's animated argument and happy illustration.

"Ex uno disce omnes." Take Sir William Molesworth for a sample; he, a young man, is engaged in the well-chosen and appropriate task of editing the works of Leviathan Hobbes, a studious infidel and high prerogative writer of the last age. We can settle the merit of the work which it is thus attempted to obtrude on the public in no time, and that on the very highest authority. Of this Leviathan Hobbes the immortal Dryden has said (we quote from memory)—"Besides his natural stupidity, there was an infelicity and ill-luck attending him which could hardly have befallen any other man. He was every thing at the wrong time: he began his literary career by writing metaphysics before his judgment was mature; and he ended his labours by attempting poetry when he had lost the fire of youth." Is not this just such a man as one might expect such another man as Sir William Molesworth would pass his own almost juvenile days in editing? Proceed, happy youth, as thou hast begun: thou wilt come at last to reproducing Elkanah Settle to the wondering world as thy years draw to a close!

But to return to Mr. S. Smith. This reverend writer is witty in an eminent degree, and lively. It will be found, that every one of Mr. Smith's witticisms contains some stringent syllogism, or cogent proof, which it is difficult for his opponents to shuffle off from their necks and shoulders. We could give a thousand instances of this, did time and space allow; and surely an argument is not the worse for being put with vivacity and pleasantry; which, while they awaken the attention and enliven the spirits, carry with them that also which at a future time will bring the argument itself more readily to the memory.

The following extracts will shew the spirit and reasoning of the work:—

"An abominable tyranny exercised by the ballot is, that it compels those persons to conceal their votes who hate all concealment, and who glory in the cause they support. If you are afraid to go in at the front door, and to say in a clear voice what you have to say, go in at the back door and say it in a whisper; but this is not enough for you; you make me, who am bold and honest, sneak in at the back door as well as yourself; because you are afraid of selling a dozen or two of gloves less than usual, you compel me, who have no gloves to sell, or who would dare and despise the loss, if I had, to hide the best feelings of my heart, or to lower myself down to your mean morals. It is as if a few cowards, who could only fight behind walls and houses, were to prevent a whole regiment from showing a bold front in the field: what right has the coward to degrade me, who am no coward, and put me in the same shameful predicament with himself? If ballot is established, a zealous voter cannot do justice to his cause; there will be so many false Hampdens, and spurious Catos, that all men's actions and motives will be mistrusted. It is in the power of any man to tell me that my colours are false; that I declaim with simulated warmth, and canvass with fallacious zeal; that I am a Tory, though I call myself ever, or a Whig in spite of my ostentatious panegyrics on Peel. It is really a curious condition that all men must imitate the defects of a few, in order that it may not be known who have the natural imperfection, and who put it on from conformity. In this way in former days, to hide the gray hair of the old, everybody was forced to wear powder and pomatum.

"But if all men are suspected—if things are so contrived that it is impossible to know what men really think, a serious impediment is created to the formation of good public opinion in the multitude. There is a town (No. 1) in which live two clever and respectable men, Johnson and Pelham, small tradesmen, men always willing to run some risk for the public good, and to be less rich and more honest than their neighbours. It is of considerable importance to the formation of opinion in this town, as an example, to know how Johnson and Pelham vote. It guides the affections and directs the understandings of the whole population, and materially affects public opinion in this town: and in another borough (No. 2) it would be of the highest importance to public opinion if it were certain how Mr. Smith, the iron-monger, and Mr. Rogers, the London carrier, voted; because they are both thoroughly honest men, and of excellent understanding for their condition of life. Now, the tendency of ballot would be to destroy all the Pelhams, Johnsons, Rogerses and Smiths, to sow an universal mistrust, and to exterminate the natural guides and leaders of the people; political influence, founded upon honour and ancient honesty in politics, could not grow up under such a system. No man's declaration could get believed. It would be easy to whisper away the character of the best men; and to assert that, in spite of all his declarations, which are nothing but a blind, the romantic Rogers has voted on the other side, and is in secret league with our enemies.

"Who brought that mischievous profligate villain into parliament? Let us see the names of his real supporters. Who stood out against the strong and uplifted arm of power? Who discovered this excellent and hitherto unknown person? Who opposed the man whom we all know to be

one of the first men in the country? Are these fair and useful questions to be veiled hereafter in impenetrable mystery? Is this sort of publicity of no good as a restraint—is it of no good as an incitement and a reward for exertions? Is not public opinion formed by such feelings? and is it not a dark and demoralising system to draw this veil over human actions, to say to the mass, be base, and you will not be despised; be virtuous, and you will not be honoured? Is this the way in which Mr. Grote would foster the spirit of a bold and indomitable people? Was the liberty of that people established by fraud? Did America lie herself into independence? Was it treachery which enabled Holland to shake off the yoke of Spain? Is there any instance since the beginning of the world where human liberty has been established by little systems of trumpery and trick?

"Purity of election, the fair choice of representatives, must be guarded either by the coercing power of the House of Commons exercised upon petitions, or it must be guarded by the watchful jealousy of opposite parties at the registrations; but if (as the Radicals suppose) ballot gives a power of perfect concealment, whose interest is it to watch the registrations? If I despair of distinguishing my friends from my foes, why should I take any trouble about registrations? Why not leave every thing to that great *primum mobile* of all human affairs, the barrister of six years' standing?"

"The answer of the excellent Benthamites to all this is, 'What you say may be true enough in the present state of registrations, but we have another scheme of registration, to which these objections will not apply.' There is really no answering this *pauca post* legislation. I reason now upon registration and reform which are in existence, which I have seen at work for several years. What new improvements are in the womb of time, or (if time has no womb) in the more capacious pockets of the followers of Bentham, I know not: when I see them tried I will reason upon them. There is no end to these eternal changes; we have made an enormous revolution within the last ten years—let us stop a little and secure it, and prevent it from being turned into ruin; I do not say the Reform Bill is final, but I want a little time for breathing; and if there are to be any more changes, let them be carried into execution hereafter by those little legislators who are now receiving every day after dinner a cake or a plum, in happy ignorance of Mr. Grote and his ballot. I long for the quiet times of Log, when all the English common people are making calico, and all the English gentlemen are making long and short verses, with no other interruption of their happiness than when false quantities are discovered in one or the other."

"The noise and jollity of a ballot mob must be such as the very devils would look on with delight. A set of deceitful wretches wearing the wrong colours, abusing their friends, pelting the man for whom they voted, drinking their enemies' punch, knocking down persons with whom they entirely agreed, and roaring out eternal duration to principles they abhorred—a scene of wholesale bacchanalian fraud, a *posse comitatus* of liars, which would disgust any man with a free government, and make him sigh for the monarchy of Constantinople.

"All the arguments which apply to suspected tenants apply to suspected shopkeepers. Their condition under the ballot would be infinitely worse than under the present system; the veracious shopkeeper would be suspected, perhaps without having his vote to appeal to for his protection; and the shopkeeper who meant to deceive must prop up his fraud by accommodating his whole life to the first deceit, or he would have told a disgraceful falsehood in vain. The political persecutors would not be baffled by the ballot; customers who think they have a right to persecute tradesmen now would do it then; the only difference would be, that more would be persecuted than on suspicion than are persecuted now from a full knowledge of every man's vote. Inquisitors would be exasperated by this attempt of their victims to become invisible, and the search for delinquents would be more sharp and incessant.

"A state of things may (to be sure) occur where the aristocratic part of the voters may be desirous, by concealing their votes, of protecting themselves from the fury of the multitude; but precisely the same objection obtains against ballot, whoever may be the oppressor or the oppressed. It is no defence; the single falsehood at the hustings will not suffice. Hypocrisy for seven years is impossible; the multitude will be just as jealous of preserving the power of intimidation as aristocrats are of preserving the power of property, and will in the same way redouble their vicious activity from the attempt at destroying their empire by ballot.

"Ballot could not prevent the disfranchisement of a great number of voters. The shopkeeper, harassed by men of both parties, equally consuming the articles in which he dealt, would seek security in not voting at all, and, of course, the ballot could not screen the disobedient tenant whom the landlord requested to stay away from the poll. Mr. Grote has no box for this; but a remedy for securing the freedom of election, which has no power to prevent the voter from losing the exercise of his franchise altogether, can scarcely be considered as a remedy at all. There is a method, indeed, by which this might be remedied, if the great soul of Mr. Grote will stoop to adopt it. Why are the acts of concealment to be confined to putting in a ball? Why not vote in a domino, taking off the vizor to the returning officer only? or, as tenant Jenkins or tenant Hodge might be detected by their stature, why not poll in sedan chairs with the curtains closely drawn, choosing the chairmen by ballot?"

"Old John Randolph, the American orator, was asked one day at a dinner party in London, whether the ballot prevailed in his state of Virginia. 'I scarcely believe,' he said, 'we have such a fool in all Virginia as to mention even the vote by ballot, and I do not hesitate to say that the adoption of the ballot would make any nation a nation of scoundrels if it did not find them so.' John Randolph was right; he felt that it was not necessary that a people should be false in order to be free; universal hypocrisy would be the consequence of ballot; we should soon say on deliberation what David only asserted in his haste—that all men were liars.

"Not only would the tenant under ballot be constantly exposed to the suspicions of the landlord, but the landlord would be exposed to the constant suspicions and the unjust misrepresentation of the tenant. Every tenant who was dismissed for a fair and just cause would presume he was suspected, would attribute his dismissal to political motives, and endeavour to make himself a martyr with the public; and in this way violent hatred would be by the ballot disseminated among classes of men on whose agreement the order and happiness of England depends.

"All objections to ballot which are important in England apply with much greater force to Ireland, a country of intense agitation, fierce passions, and quick movements. Then, how

would the ballot-box of Mr. Grote harmonise with the confessional-box of Father O'Leary? * * * * * "In clubs ballot preserves secrecy; but in clubs, after the barrister has blackballed the colonel, he most likely never hears of the colonel again; he does not live among people who are calling out for seven years 'The colonel for ever!' nor is there any one who, thinking he has a right to the barrister's suffrage, exercises the most incessant vigilance to detect whether or not he has been defrauded of it. I do not say that ballot never can in any instance be made a mean of secrecy and safety, but that it cannot be so in popular elections. Even in elections a consummate hypocrite who was unmarried, and drank water, might perhaps exercise his timid patriotism with impunity; but the instances would be so rare as to render ballot utterly inefficient as a general protection against the abuses of power."

UPPER CANADA.

LIST OF ACTS

Passed during the fourth Session of the 13th Provincial Parliament.

- 1. An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada.
2. An Act to provide for the payment of costs in certain cases of informations at the suit of the Crown, and for other purposes therein mentioned.
3. An Act for the protection of the Indians in the possession of their Lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon.
4. An Act to alter and amend the Law relating to the appointment of Commissioners of the Court of King's Bench in the several Districts of this Province.
5. An Act to extend the provisions of an Act entitled, An Act to authorise the erection of the County of Oxford into a separate District by the name of the District of Brock.
6. An Act to limit the period for the owners of Lands making claims for damages occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned.
7. An Act to render valid the late Elections for Aldermen and Councilmen for the Town of Kingston.
8. An Act to extend the provisions of an Act concerning Land Surveyors and the admeasurement of Lands, and also to extend the provisions of an Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships in this Province, and further to regulate the manner in which Lands are hereafter to be surveyed.
9. An Act to authorise the Court of King's Bench to admit Adam Ainslie to practice as an Attorney in that Court, and to authorise the Vice-Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province.
10. An Act to prevent the hunting and killing of Deer and feathered game during certain seasons of the year, and to prohibit hunting and shooting on the Lord's Day.
11. An Act to incorporate certain persons under the style and title of the College of Physicians and Surgeons of Upper Canada.
12. An Act to establish a second Market in the Town of Hamilton—to enable the Corporation of the said Town to effect a loan, and for other purposes therein mentioned.
13. An Act to amend an Act, entitled, An Act Incorporating certain persons under the style and title of the Waterloo Bridge Company.
14. An Act to authorise the Magistrates of the Home District to borrow a sum of money for the purpose of completing the New Gaol and Court House.
15. An Act to continue and make permanent certain Acts, regulating the trial of Controverted Elections.
16. An Act to continue and make permanent an Act prescribing the mode of measuring the contents of Wooden Stills—also, for fixing the rate of duty to be paid on all Stills used for the distillation of Spirituous Liquors within this Province.
17. An Act to continue and make permanent, An Act to regulate Lime Fences and Water Courses, and to repeal so much of an Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the Office of Fence Viewers being discharged by Overseers of Highways and Roads.
18. An Act to continue and make perpetual an Act repealing an Act to supply in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to out-lawy in certain cases therein mentioned.
19. An Act to continue and make perpetual an Act to promote the public health, and to guard against infectious diseases in this Province.
20. An Act to alter and amend, An Act to authorise the erection of the County of Huron and certain other Territory adjacent thereto, into a separate District.
21. An Act to continue in force, amend and make perpetual, An Act to provide for the summary punishment of petty trespasses and other offences.
22. An Act to alter and amend, An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown, and Ottawa into a separate District, to be called the District of Dalhousie.
23. An Act to increase the Capital Stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbor.
24. An Act to prevent the felling of Timber into the Grand River—River Nith—River Speed—Otter Creek, and all navigable Rivers in this Province, and for other purposes therein mentioned.
25. An Act to amend the law enabling married women to convey their real estates within this Province.
26. An Act to continue and make perpetual an Act, entitled, An Act to increase the salary of the Keeper of False Ducks Light-House.
27. An Act to authorise the raising of £1000 by an additional rate or levy of one-half penny in the pound, upon the Inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich.
28. An Act to authorize the erection of an Asylum within this Province, for the reception of Insane and Lunatic persons.
29. An Act to incorporate certain persons under the style and title of The President, Directors and Company of the Bayfield Harbor.
30. An Act for the relief of Teachers of Common Schools in the District of Niagara.
31. An Act to amend an Act to Incorporate the Town of Kingston under the name of the Mayor and Common Council of the Town of Kingston.
32. An Act to extend and continue for a limited period, An Act to provide for the disposal of the public lands in this Province.
33. An Act to amend an Act granting to His Majesty a sum of money for the erection of certain Light Houses within this Province, and for other purposes therein mentioned.
34. An Act granting a sum of money to complete the construction of a Macadamized Road from the Village of Dundas to the Township of Waterloo in the Gore District.
35. An Act to authorize the Magistrates of the Midland District to borrow a sum of money to build a Wall round the Gaol and Court House of the Midland District.
36. An Act to extend the period for imposing an additional rate upon the intended new District of Colborne.
37. An Act to afford relief to Robert Brown, Esquire.
38. An Act to grant a pension to the Widow and Children of the late Captain Edgworth Usher.
39. An Act for making, repairing, and improving the Road from Amherstburg to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing Bridges thereon.
40. An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Original.

41. An Act granting a further sum of money by way of loan to complete the Hamilton and Brantford Road, and for other purposes therein mentioned.

42. An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly during the last Session, for the contingent expenses of the Legislature of this Province.

43. An Act granting to Her Majesty a sum of money to improve the Cayuga Road, from Drummondville to Simcoe.

44. An Act to make provision for the payment of certain losses sustained by sundry individuals therein named.

45. An Act authorising the Trustees of certain lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same.

46. An Act granting one thousand pounds for opening and improving a road from London, in the London District, to the River St. Clair, in the Western District.

47. An Act to authorise the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned.

48. An Act to continue and make permanent, An Act to prevent the consumption of Spirituous Liquors in Shops.

49. An Act to continue and make permanent, An Act to continue and amend the law for attaching the property of absconding debtors.

50. An Act to continue and make permanent, An Act to continue the duty upon Licences to Hawkers and Pedlers.

51. An Act to make further provision for the completion of the improvement of the Navigation of the Inland waters of the District of Newcastle.

52. An Act granting a further sum of money for the purpose of completing the Macadamized Road between the Town of Kingston and the Village of Napanee in the Midland District.

53. An Act granting a sum of money for the maintenance and support of the General Hospital of the City of Toronto.

54. An Act to provide for the further support of the Provincial Penitentiary.

55. An Act to repeal, alter and amend the Militia Laws of this Province.

56. An Act granting a sum of money to improve and keep in repair the Kettle Creek Harbor at Port Stanley.

57. An Act to alter & amend the Gore Bank corporation act.

58. An Act to continue in force for a limited period the laws authorising the Chartered Banks in this Province to suspend the redemption of their Notes in Specie under certain regulations.

59. An Act to assign duties to certain Commissioners and for other purposes therein mentioned.

60. An Act to increase the salary of the Adjutant General of Militia of this Province.

61. An Act to provide for the completion of the Gull Island Light-House.

62. An Act to continue and make permanent, certain acts in force, for granting licences to Innkeepers.

63. An Act granting a sum of money to remunerate Bernard Turquand for certain services therein mentioned.

64. An Act to revive and continue with certain limitations, An Act granting to His Majesty a sum of money for the erection of certain Light-Houses within the Province, and for other purposes therein mentioned.

65. An Act to provide for the advancement of Education in this Province.

66. An Act granting a certain sum of money to defray the expenses of the Civil Government for the year 1839 and for other purposes therein mentioned.

67. An Act to revive and continue for a limited time, the second clause of an Act passed in the ninth year of the reign of King George IV., entitled, An Act to secure to and confer upon certain inhabitants of this Province, the Civil and political rights of Natural born British Subjects.

68. An Act granting a certain sum of Money for the maintenance and support of the House of Industry in the City of Toronto.

69. An Act to make valid and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery in this Province.

70. An Act granting a sum of Money for the support of Common Schools for the year one thousand eight hundred and thirty-nine.

71. An Act to extend the Provisions of an Act for the improvement of the Roads and Bridges in the several Districts of this Province.

BILLS

Passed by the Legislative Council and Assembly, and reserved by His Excellency the Lieutenant Governor, for Her Majesty's pleasure thereon.

- 1. An Act to enable Her Majesty to make a grant of Land to James FitzGibbon, Esquire.
2. An Act to make provision for the division of the intended new District of Colborne into two Counties.
3. An Act to regulate the value at which Gold and Silver coin shall pass current within this Province.
4. An Act to authorize the issue of Bills of Credit.
5. An Act to afford further facilities to negotiate Debentures for the completion of certain works.
6. An Act to authorize the purchase of the private Stock in the Welland Canal, on the part of this Province, and for other purposes therein mentioned.
7. An Act to ascertain and provide for the payment of all just Claims arising from the late Rebellion and Invasions of this Province.
8. An Act to dispose of the Lands commonly called 'Clergy Reserves' and for other purposes therein mentioned.
9. An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned.

Great activity is stated to prevail in the Dock Yards in England; manning and equipping vessels of war.

Reinforcements of troops had arrived at Halifax, and St. John's, New Brunswick.

Insurrectionary symptoms are said to be manifested in the vicinity of La Tortue, Lower Canada, and several loyalists, in consequence of a system of intimidation, have been compelled to desert their farms.

A considerable number of vessels from various parts of the United Kingdom, have arrived at the ports of Quebec and Montreal. The emigrants, as yet, are few in number.

The cost of the Earl of Durham's mission to Canada,—the chief result of which has been to disgust the loyal and encourage the disaffected,—is stated to have been £31,443 3 7; exclusive of expences to a large amount paid in Canada.

There is a rumour current, but without any apparent foundation, that the resignation of our excellent Lieut. Governor has been tendered and accepted, and that the Hon. Fox Maule, a Whig nephew of the late Earl Dalhousie, has been appointed to succeed him.

BIRTH.

At Quebec, on the 11th inst. the lady of the Rev. F. J. Lundy, of a daughter.

MARRIED.

On Thursday, the 16th inst. in the Parish Church of St. Mary Magdalene, Picton, by the Rev. William Macaulay, Rector, Doctor Baker, of Kingston, to Rachael Lucretia, third daughter of Benjamin Fairfield, Esq. of Bath.

DIED.

At the River Trent, on the 20th instant, in the 22nd year of his age, after a protracted illness, borne with exemplary patience and resignation to the Divine will, Mr. John H. Meyers, Student at law, third surviving son of the late Adam Henry Meyers, Esq. of the River Trent.

List of Letters received to Friday, May 24th:—

Rev. R. D. Cartwright, (2) add. subs.; Ven. the Archdeacon of York; J. B. Ewart, Esq. ad. subs. and rem.; A. C. G. Scobell; Lord Bishop of Montreal; P. M., Whitby; Mr. J. H. Swail; Rev. J. Cochran; Rev. M. Harris; Rev. R. Knight, rem. in full Vol. 2 and on acc't of Vol. 3.