

question at issue, and unhesitatingly draw conclusions from them; in fact their minds and memories become a sort of chaos, and ultimately perhaps they sanction a decision, the consequences of which probably never entered into their contemplation.

I am a Scotsman and a Presbyterian; but the unhallowed league entered into by that body against the Church of England, for Luther's sake, has well nigh driven me beyond my pale. A short year ago I was as bitter against her as the bitterest of my countrymen, but would have scorned the acceptance of one shilling if wrung from her: I would have allowed the Church to have taken all, hoping she might gorge herself and die; but I am now anxious to atone for such malignity.

My mind is now as clear as the sky; and I am now anxious to atone for such malignity. I will not even hint that she came frankly forward, recognized the Church of Scotland as a great seion of the Reformation, as an established Church in the Colony, and offered even a small share of the Reserves, that the Church of Scotland would have met her with equal frankness and cordiality, and the two united could have baffled every opponent.

I am, Mr. Editor, Your obedient humble servant, SCOTUS.

Civil Intelligence.

By the Steam Ship British Queen, which sailed from Portsmouth on the 1st May, and arrived at New York after an uncommonly short passage of 13 1/2 days, we have received our London files to the evening of the 30th April. Below is a summary of the most interesting intelligence:

The House of Commons re-assembled after the Easter adjournment on the 29th of April. The House of Lords stood adjourned on the 30th.

Lord Eban asked what instructions had been sent to the admiral commanding in the Mediterranean as to the course to be pursued with Naples. A report was current that hostilities had actually commenced—he wished to know if accounts to that effect had been received by Government.

Lord John Russell answered in the negative. In answer to a question from Mr. Home, Lord John Russell said that on the next day he would state the actual position of the negotiations concerning the Maine boundary question.

The London papers announce the death of the Countess of Burlington, first lady of the bed-chamber to the Queen. The Countess was 88 years of age. She was the fourth daughter of the Earl of Carlisle, and sister of Lord Morpeth, Lady Dover, and the Duchess of Sutherland.

The death of the Hon. Mr. Waldgrave is also announced—brother of the Earl of Waldgrave. About a year ago he married the daughter of Bramham the vocalist.

The London Chronicle (ministerial) states that some time in March, instructions were sent to the Governor General of Canada and the British Minister at Washington, to arrange the incidental question, respecting the extent and occupation of the disputed territory, which was the subject of the last published correspondence between the latter and Mr. Forsyth. This correspondence attracted much attention in London, and was vehemently discussed in the newspapers—of course with a great deal of party feeling, each party endeavouring to throw the blame of the boundary difficulty upon the other. We infer from the tone of the discussion, and from other circumstances, that an effort in earnest will immediately be made by the British Government to bring the matter to a definite conclusion.

A meeting was held in London, April 24, to protest against the "Opium War"—Earl Stanhope, on the 24th. Strong resolutions were adopted, and a petition to Parliament, which was to be presented in the House of Lords by Earl Stanhope, and in the Commons by Lord Sandon. It was resolved also that the resolutions should be done into Chinese and sent to the Emperor of China.

The Post-office stamps were to come into use on the 6th inst. Intelligence had been received of the death of Sir Henry Fane, recently commander-in-chief of the British forces in India. He died on board the Malabar, on the 24th March.

The budget was to be brought forward on the 8th of May. The arrangements for a line of steam packets to the West Indies are at length completed. The packets are to be of 1250 tons burthen, and are to be ready for sea by the autumn of 1841.

Among the passengers by the British Queen is the Earl of Mulgrave, eldest son of Lord Normanton. He is on his way to Canada. Prince Castelnau, ambassador extraordinary from the King of the Two Sicilies, arrived in London on the 26th of April. He is on a special mission relating to the sulphur difficulties.

FRANCE.

The marriage of the Duke de Nemours and the Princess Victoria of Saxe Cobourg, was solemnized at the Palace of St. Cloud, on the 27th of April. The ceremony was as strictly private as the etiquette of the French Court permits. The King of the Belgians and the Infante and Infanta of Spain were among the guests. Immediately afterward an amnesty for all political offences up to May 1837 was published.

The mediation of the King of France between England and the Two Sicilies has been offered and accepted by the former. Indeed it is understood to have been asked for by the King of Naples.

There had been more corn riots in some of the provinces, but nothing serious. They were allayed without the shedding of blood. In the Chamber of Deputies the ministerial demand of 1,500,000 francs, for the blockade of Buenos Ayres, was agreed to by a vote of 260 to 10. Private letters report that an expedition against Buenos Ayres was contemplated by the French government.

SPAIN.

There had been another breaking up of the cabinet, several of the ministers having resigned. Only one new appointment is announced—that of Count Clonard to be minister of war. General Evans had gone to Madrid, to make, or attempt, some settlements of the claims of the Spanish Legion. No military movements of any importance are mentioned.

Madrid letters of the 21st say that the health of the young Queen is very delicate, and the physicians having advised change of air, her mother the regent proposes to make a tour with her, either in Andalusia or in the Basque provinces.

THE TWO SICILIES.

The Censur de Lyons of the 26th publishes the following private letter from Rome of the 14th:—"An English steam vessel has returned to Naples from Malta, in order to receive from Mr. Temple the King's definitive reply to the letter of Great Britain. Ferdinand being aware of this, took himself with all speed to Castellamare, so that the English vessel found no person to whom he could address himself when he

arrived at the Palace, and the vessel had consequently to leave, without bringing the Admiral who commands the British force at Naples the answer which he expected in order to act upon it.

"The coasts are in a state of defence, and preparations are being made for a serious contest."

"The first hostile act on the part of England will probably be the capture of Neapolitan vessels; and just at this moment the two most powerful ships of the royal navy are at sea. The Neapolitan navy is composed of 12 vessels of war, among which are the Vesuvio, 82 guns; the frigates Parthenope, 60; Isabella, 48; and the Urania, 46."

A letter from Naples states that the government is placing all the coast in a state of defence, and that every disbanded soldier has been recalled. The English ambassador had invited all the English families residing at Naples not to renew their term for their apartments. Several of those families had already arrived there.

From the London Times of April 29. The British ships of war, in the neighborhood of Naples, commenced, on the 17th, reprisals, and captured (it was said,) 50 vessels. The Hydra was cruising off the coast of the gulf. The Neapolitan vessels at Palermo were under an embargo.

From the Morning Post of April 28. The news from Naples is important. A circular of the French consuls at Naples, dated the 18th, announces the beginning of reprisals, and the English ships of war had seized upon several Neapolitan vessels.

It was agreed that French property on board Neapolitan vessels, with an English certificate, should be respected and allowed to pass.

An embargo on all Sicilian vessels had been laid on at Malta.

INDIA.

The Eco de l'Orient contains advices from Bombay, to the 29th of February. The Governor General was at Allahabad. It is rumoured that some important changes are to be made in the government of the East Indies. The seat of government is to be transferred from Calcutta to Bombay, the presidencies abolished, and the whole of the British possessions in the East Indies divided into northern and southern India.

RUSSIA.

A letter from Odessa brings intelligence of another victory gained by the Cossacks over their oppressors. They have taken a Russian fort with a battery of twenty guns. The Russians, on the other hand, are on the eve of invading Circassia with another army, and it is supposed that 40,000 men now at Sebastopol are destined for that purpose.

The last news from the expedition to Khiva confirm the previous accounts of its failure; but these accounts being from St. Petersburg, where nothing unfavorable to Russia is permitted to be published, the failure is softened down into a concentration of troops near the Emba, in the entrenchments erected by the Russians at the commencement of this disastrous campaign. The troops are said to have encountered tremendous hurricanes and intense cold, 25 degrees and more below the freezing point. They had not met with the least success. The English government, it is said, has intimated to the Russian ambassador that if the expedition be renewed or persevered in, the government of India will send an army upon the Oxus, and will occupy the most important points in that quarter by its troops.

Thirty-three priests of the Romish united Greek church have been expelled from Russia for having signed an act signifying their adherence to the church of Rome.

SPEECH OF THE BISHOP OF EXETER ON THE CLERGY RESERVES.

From the St. James' Chronicle, April 9. The Bishop of EXETER, in rising to submit to the house the motion of which he had given notice, wished, in the first place to say a word or two in answer to an objection which had been made on a former evening to the very nature of his motion. It had been said that it did not belong to their lordships to consider the legality of the proceedings of the colonial legislature, as that question should be left to the government, who, on their own responsibility, should satisfy themselves of the legality of the bill before they advised the Crown to give its assent. It was considered that the objection was not well founded. Let their lordships consider the position in which they were placed; they were instructed by the law of the land with the guardianship of religion in Canada, and to enable them to discharge their duties the legislature had, by the statute of 31st George III, provided that no measure affecting the religion of the colony should pass into a law until it had lain on the tables of the houses of parliament for 30 days, in order to enable either house, by an address to the Crown, to object to the proposed plan. It was intended by this act that every measure which was passed of this description should carry with it the authority of the English as well as of the colonial legislature, and although the English parliament could only give a negative vote upon the subject, yet an assent was in effect given by abstaining from addressing the Crown. He, therefore, considered that the house was in the same situation as if a bill had been brought up from the other house of parliament, and had a right to inform itself by the constitutional and satisfactory means of requesting the advice of the judges upon the legal question which the measure involved. It was, in one respect, with grief and pain that he approached the discussion of this subject, for it reminded him of the absence of a noble and learned lord whose presence and assistance did honour to the house and gave authority to its decisions, more especially upon this question, which the noble lord might say to be individually considered, in consequence of the opinion given by him in 1819, as one of the law officers of the Crown. On looking into the bill which the clergy reserves, as the Bishop of Exeter found that it dealt with the clergy reserves as if they were open to the entire disposition of the colonial legislature; although it was clear that by the Constitutional Act they were to be appropriated to the maintenance and support of the Protestant clergy. Who fell within that description was the question upon which it became their lordships to require the best information which could be obtained, and to take the best means in their power of coming to a satisfactory decision. He felt it to be his duty to show that there was a prima facie case against the legality of the measure, and to prove that the great body of men who, for the spiritual and temporal good of our colonies, were established there—his most honorable colleagues of England—were the only persons to whom the clergy of England were to be referred. If we looked back to the law of England, and inquired what the meaning of the word "clergy" was, we should find it told us most distinctly by some most important statutes, and he wished that the question, instead of remaining to be discussed now, had been anticipated by her Majesty's government. It would be in the recollection of their lordships, that in 1837 considerable doubts existed respecting the legality of the institution of the rectories in Upper Canada. On that occasion the government applied to the law officers of the Crown as to that legality, and in the case that was presented to those learned persons the opinion given was against the legality. The government was then perfectly satisfied that the Church of Canada had no legal grounds for the institution of these rectories; and in reference to that subject, Lord Glenelg in his dispatch to Sir F. Head of the 6th of July, 1837, said—"I have assumed that the bishop and the archdeacon would not think themselves at liberty to surrender the rights apparently vested in the Church of England in deference to the opinion of her Majesty's legal advisers, and without the previous judgment of the proper legal tribunals. I must go further, and avow my opinion, that such a surrender is neither to be asked nor desired. Her Majesty's government propose indeed in the law officers the confidence to which their high professional reputation gives them so just a title; but I am persuaded that it would be more satisfactory to those learned persons themselves, as it would be more agreeable to me and my colleagues, that claims of such peculiar delicacy and importance should be decided, not on the responsibility only of the judgment of the Queen's Advocates, and the Attorney and Solicitor General, but on that of the proper tribunals, after a full investigation of all the facts of the case, and of all the principles of law bearing on it." Such was the very fair suggestion that was made by her Majesty's government to the Church of Canada on that occasion. At that time no doubt was entertained that the rectories were illegally instituted. But it afterwards turned out that sufficient authority was given for their institution. Documents were found in the colonies which showed that the rectories were legally instituted; and what was the proceeding of the government? Sir G. Arthur immediately, and very properly so, informed the moderator of the Synod in Upper Canada of the discovery that had been made of the different opinion that had been given by the law officers of the Crown, for in their opinion on the subject it was presented to them they stated that the institution of these rectories was perfectly legal; and how did Sir G. Arthur proceed? He suggested to the moderator a proceeding at law, and an appeal to the Judicial Committee. These were his words—"In like manner, if it be still your desire to have a judicial determination upon the claims the Church of Scotland can legally maintain to a participation in the lands reserved under the 31st George III, c. 31, or to the funds arising from them, that question also can upon your petition be submitted to the Secretary of State, with the expression of your wish that it should be referred to the Judicial Committee of the Privy Council." That suggestion he approved of. And what was the reply of the moderator? It would be difficult to say what the moderator's answer on any paper so full of insult as that paper. The moderator complained of the course that was proposed, and proceeded to complain of the Constitutional Act itself, saying it was a violation of the articles of union, and this, too, not in a calm and meek spirit, but in a manner the most insulting to the government. That was the way in which the suggestion of the government to the presbytery of Upper Canada was received. It happened about three months afterwards that the Bishop and clergy of Canada, whether they were aware of the suggestion he knew not, thought fit to address the same request to the government which the government itself had urged to the presbytery of Upper Canada. Nay, they did more; they earnestly implored the government, for the sake of peace, to lay the question before the Judicial

Committee, or take the opinion of the judges upon it. And how was that request received? That is the question of the clergy of that country to which their lordships belonged, and for which they said they felt the most warm regard (hear), was answered by Lord Glenelg in the following words:—"In reply, I have to inform you, that as her Majesty's government see no reason to doubt the correctness of the opinion delivered on this subject by the law officers in 1819; they do not consider it necessary to originate any proceedings on the subject before the judges of England or the Privy Council." Such was the different measure of justice meted out to the Church of England and those who were opposed to it. Now he deplored that on all sides. It would have been far more to the honour of the government, and a proof of more impartial feeling at least towards that body—and he submitted more impartial feeling at least towards that body—belonged, that the Church of England, to which that government belonged, should be entitled to something more than an impartial feeling, but even that impartiality was not dealt out to them—if they had been fairly dealt with on that occasion, for then would the question have been brought before the Judicial Committee, and he could not doubt that justice would have been done, and their lordships have been spared from being driven to a hasty determination against justice, and in violation of the best interests either of this country or her colonies. He would again briefly endeavour to state why he thought the clergy of the Church of England were the only Protestant clergy contemplated in the different acts relating to this subject. If they looked to the 25th of Henry VIII, c. 19, they would find in the preamble of it words which confirmed that opinion. There was a most important testimony to be found in the 8th of Elizabeth, c. 1, a royal edict of the estate of the clergy as one of the great estates of the realm, and then proceeded to speak of the consecration of bishops and archbishops, priests and deacons. If they went further, they would find the Act of Uniformity in the reign of Charles II, an act which had been confirmed from the time it was passed as fundamental to the constitution of this country. That act declared who were the clergy. It said, "That no man was to be acknowledged or taken to be a lawful bishop, priest, or deacon, unless he had been episcopally ordained according to the proper form. That act of the 13th and 14th Charles II. declared that no man was to be considered a minister of the Church who had not had episcopal ordination.

He need not repeat his lordships, that at the time of the union there was no real reason why the Church of Scotland demanded that the question of religion should make no part of the articles of the union. They knew that the churches of Scotland and England secured themselves at that occasion by a separate act of parliament, which act was a fundamental part of the union. The act for securing the Church of England recited the Act of Union, and especially named the acts of the 13th and 14th Charles II, and of the 13th of Elizabeth, and at the same time stated that in all other acts the Church of England should be properly secured, and which was specified as a fundamental condition of the union. The Church of Scotland then thought fit to guard itself by the coronation oath, and the Church of England taking the same security, a material alteration of the oath took place at that period. The coronation oath was framed by the 6th act of Henry VIII, and Mary, and that act only required the Sovereign should swear to uphold the Church as by law established in these realms; and by the 5th Act, c. 5, the Act of Union, the oath was enlarged to the maintaining inviolate the Church of England, and the worship, discipline, and government thereof, as by law established in the kingdoms of England and Ireland, and Berwick-upon-Tweed, and the territories thereto belonging. Now, in the meanwhile, the Scotch Church had only secured itself in Scotland; it was directly limited to the territory of Scotland; and that was the resolute determination of this country when it assented to the union. That, too, was known to Scotland, as pretty well appeared by the Scotch statutes of Anne, passed on the 31st of December, 1706, which said, "That the 18th article of (of) October 1706, and after remaining therein, an ordinance was given in for adding a clause in these terms—that all Scotsmen be exempted from the English sacramental test, not only in Scotland, but in all places of the United Kingdom and dominions thereto belonging; and that they be declared capable of office throughout the whole, without being obliged to take the said test, which passed in the negative." Now, how did that pass in the parliament of Scotland? It passed in the negative. The parliament of Scotland refused to do what was required. It refused to protect Scotsmen who came into this country from taking, as they were required to do, the sacramental tests. Now, the claims of the Moderator of the Synod of Upper Canada rested upon the Act of Union in Scotland. The General Assembly had done the same, and that was the part which their lordships were to be grounded? The act said, "That all the subjects of the United Kingdom of Great Britain shall, from and after the union, have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom and the dominions and plantations thereto belonging; and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed." That was the ground of claim of the Presbyterians of the Church of Scotland, to an equal establishment in the colonies. Now, he thought he had shown that the question of religion was expressly excepted from the communication of the commissioners at the time of the union, and that the security of the Church was confined to Scotland. But if that proved anything at all, it proved too much, for it would prove that they had equal rights to share in the Established Church in England and Ireland. He appealed to their lordships whether that was not the necessary consequence? Could there be any thing a more complete reductio ad absurdum than that? What was the effect of the union between Scotland and England, as respected the imperial laws of the United Kingdom. He spoke with deference, considering where he spoke and before whom he spoke, but yet he could not refrain from expressing his conviction on the subject. He ventured to assert that the constitutional doctrine was, that the laws of England were the imperial laws of the dominions of the United Kingdom. In Scotland, as in England, and that the security of that country was confined to Scotland. But if that proved anything at all, it proved too much, for it would prove that they had equal rights to share in the Established Church in England and Ireland. 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