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. Interest sways some; expediency others; a miscalled liberality a third; and not a few to be rid of an incubus. This appears to have been the case with the Clergy Reserve sale bill, in which the decision is one of the most sacreligious and unconstitutional ever made by public men. This only now, when men's minds and passions have begun to cool,—when the courtly taunt, the blustering asertion, and the indignant reply are alike forgotten,—that many of the actors in the affair, having taken a retrospect of their proceedings, are beginning to perceive the dangerous tendency of the Precedent they have endeavoured to establish; and frightened at the sound themselves have made, now manifest an anxious desire to return to first principles, which formerly they had so lamentably overlooked, forgetting in the struggle for victory aught else, but that a good thing might be had, and have it they would justly or

I am a Scotsman and a Presbyterian; but the unhallowed league entered into by that body against the Church of England, for lucre's sake, has well nigh driven me beyond her 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. I will not now say what the Church might have done. I will not even hint that had she come frankly forward, recognized the Church of Scotland as a great scion 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. But I would now call upon every Scottish Presbyterian, renouncing anger, hatred and malice, and all uncharitableness against the sister Church, to join her in a strong protest against the late iniquitous settlement of the Reserve question, denouncing it in the strongest and most energetic terms, offering to relinquish all interest in the proceeds, intreating, nay, imploring that they be dedicated solely to the Church of England, and proclaiming to the world that you regard any other distribution as illegal, unconstitutional and sacrilegious, and the offspring of false liberality, the bane of our country and our times. I know that many will regard this as too christianlike; they may call it hyper-chivalrous if they like the term better; others may deny the probability of Scotsmen being capable of generosity, and not a few will consider it a mere claptrap. Vae vobis! I willingly leave to abler pens the analysis of some of the precious specimens of special pleading in the Legisative Council, feeling assured that the learned and honourable mover cannot escape a severe castigation for his unwarrantable assertions, flippancy, and pseudo-liberality. In the meantime I fould remind him of a fearful denunciation, not overstrained when applied to his conduct in the affair, "Cursed is he that removeth his neighbour's landmark." Another, of whom I hoped better things, should blush for his base desertion of the principles which rescued his country from ignorance and degradation. The hame of Knox must sound strangely ungratefully on his ear; he may be deaf during the glare and bustle of day, but in the night watches it must haunt him fearfully. The causes of his lukewarmhess are not difficult to understand, "Can a man take fire to his bosom and not be burned?" Sat est. I am, Mr. Editor.

Your obedient humble Servant,

Civil Entelligence.

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 ½ days, we have received our London files to the evening of the 30th April. Below is a summary of the most interesting in-

The House of Commons re-assembled, after the Easter adjournment, on the 29th of April. The House of Lords stood adjourned to the 20th of April. Lord Mahon asked what instructions had been sent to the ad-

piral commanding in the Mediterranean as to the course to be pursued with Naples. A report was current that hostilities had actually actually commenced—he wished to know if accounts to that ef-feet had been received by Government.

Lord John Russell answered in the negative.

In answer to a question from Mr. Hume, Lord John Russell id that gotiations concerning the Maine boundary question.

on the death of the Countess of Burington, first lady of the bed-chamber to the Queen. The Counwas 28 years of age. She was the fourth daughter of the Earl Carlisle, and sister of Lord Morpeth, Lady Dover, and the

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

The London Chamber of Braham the vocalist.

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

A meeting was held in London, April 24, to protest against the opium war"—Earl Stanhope in the chair. Strong resolutions ere adopted, and a petition to Parliament, which was to be preanopted, 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, the death of Sir Henry Fane,

elligence had been received of the death of Sir Henry Fane, died on board the Malabar, on the 24th March. commander-in-chief of the British forces in India. He

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 Mul-grave, eldest son of Lord Normanby. He is on his way to Canada. Prince Castelcicala, ambassador extraordinary from the King of the Two Sicilies, arrived in London on the 26th of April. He on a special mission relating to the sulphur difficulties.

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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 Bel-gians and the Infante and Infanta of Spain were among the guests. Immediately afterward an amnesty for all political offences up to

wo Sicilies has been offered and accepted by the former. Indeed is understood to have been asked for by the King of Naples.

There is the provinces, but diation of the King of France between England and the

There had been more corn riots in some of the provinces, but obthing serious. They were allayed without the shedding of blood. In the Chamber of Deputies the ministerial demand of 1,500,000 thanks, for the blood of the contract of the con francis, 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.

There had been another breaking up of the cabinet, several of he ministers have resigned. Only one new appointment is any another that of Count Clonard to be minister of war. General Evans. ral Evans had gone to Madrid, to make, or attempt, some settlement of the claims of the Spanish Legion. No military movements of any 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. either in Andalusia or in the Basque provinces. nother the regent purposes to make a tour with her,

he Censeur 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 an anome of the 14th:—
In product to receive from Mr. Temple the King's definitive reply to tend to feet Britain. Ferdinand being aware of this below the himself with all speed to Castellamare, so that the English voy found no person to whom he could address himself when he

question at issue, and unhesitatingly draw conclusions from them; 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 be-

ing 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 frigate Parthenope, 60; Is-

abella, 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 the term for their

glish families residing at Napies not to renew the 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 mouth of the gulf. The Neapolitan vessels at Malta were under an embargo.

From the Morning Post of April 28.

The news from Naples is important. A circular of the French consul at Naples, dated the 18th, announces the beginning of reprisals, and the English ships of war had seized upon several Nea-

It was agreed that French property on board Neapolitan ves-sels, with an English certificate, should be respected and allowed 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 Indiës. 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 Circassians 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 incold, 25 degrees and more below the freezing point. They had not met with the Tartar enemy. 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 exiled from Russia for having signed an act signifying their adhesion 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 consi-It had been said that it did not belong to their fordships to consider the legality of the proceedings of the colonial legislature, as that question should be left to the government, who, our their own responsibility, should satisfy themselves of the legality of the bill before they advised the Crown to give its assent. It was impossible for him to agree with that proposition. Let their lordships consider the position in which they were placed; they were intrusted by the law of the land with the guardianship of religion in Canada, and to enable them to discharge their duties the legis-lature 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 voice upon the subject, yet an assent was in effect given by abstaining from addressing the Crown. He, therefore, had a right to inform itself by the constitutional and satisfactory

sidered that the house was in the same situation as if a bill had been brought up from the other house of parliament, and means of requesting the advice of the judges upon the legal ques-tion 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, with which the noble lord might be said to be individually connected, in consequence of the opinion given by him in 1819, as one of the law officers of the Crown. On looking into the bill upon the table, he (the Bishop of Exeter) found that it dealt with said that on the next day he would state the actual position of the next day he would state the actual position of 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 co-lonies, were established there—he meant the clergy of the Church of England—were the only body of men who were comprehended in the term "Protestent clergy." 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 in portant statutes, and he wished that the question, instead of re maining to be discussed now, had been anticipated by her Ma-jesty'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 The government was then perfectly satisfied that the Church of Canada had no legal grounds for the institution of those 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 a 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 govern ent repose indeed in the law officers the confidence to which their high professional reputation gives them so just a title; but I am suaded that it would be more satisfactory to those learned persons mselves, 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 Advocate, 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 them." 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 ilegally instituted. But it afterwards turned out that sufficient legally 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 then 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 second case that was presented to them they stated that the institution of termination 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 modera-tor? It would be difficult for their lordships to lay their hands

on any paper so full of insult as that paper. The moderator re-

fused to take the course that was proposed, and proceeded to com-plain 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 a manner the most insulting to the government. That was the way in which the suggestion of the government to the

was the way in which the suggest of the presbytery of Upper Canada was received. It happened about three months afterwards that the Bishop and clergy of Canada,

they said they felt the most warm regard (hear,) was answer-ed 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 ore impartial feeling at least towards that body—and he submitted that the Church of England, to which that government belonged, was 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 more important testimony to be found in the 8th of Elizabeth, c. 1, which distinctly spoke of the estate of the clergy as one of the great esstates of the realm, and then proceeded to speak of the consecrastates of the ream, the consecution of bishops and archbishops, priests and deacons. If they went further, they would find the Act of Uniformity in the reign it was passed as fundamental to the constitution of this country.

That act declared who were the clergy. It said, "That no man union there was especial reason why the Church of Scotland de-

of Charles II., an act which had been considered from the time 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 remind their lordships, that at the time of the union there was especial reason why the Church of Scotland de-manded 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 on 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 William and Mary, and that act only required the Sovereign should swear to preserve the Church as by law established in these realway; but by the 5th Anne, c. 5, the Act of Union, the oath was enlarged to the maintaining inviolate the Church of England, and the worship, discipline, and govern-ment thereof, as by law established in the kingdoms of England and Ireland, and Berwick-upon-Tweed, and the territories thereunto 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. 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 union) having been read, and after reasoning thereon, an overture was given in for adding a after reasoning thereon, an overture 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 thereunto belonging, and 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 itself refused to do what was required. It refused to protect Scotchmen who came into this country from taking, as they were Scotchmen who came into this country from taking, as they were Moderator of the Synod of Upper Canada rested upon the Act of Union in Scotland. The General Assembly had done the same, and what was the part of the Act of Union on which their claims were grounded? The act said. "That all the subjects of the ted Kingdom of Great Britain shall, from and after the union, have full freedom and intercourse of trade and navigation to and om any port or place within the said United Kingdom and the ominions and plantations thereunto 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 consideration of the commissioners at the time of the union, and that the security of the Scotch 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 our dependencies. It was established by treaty, entered into and lordships whether that was not the necessary consequence? Could there be any thing a more complete reductio ad absurdum than 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 snoke with deference considering where he scotland and before the snoke with deference considering where he scotland and before the snoke with deference considering where he scotland and before the snoke with deference considering where he scotland and before the snoke with deference considering where he scotland the snoke with deference considering where he snoke with the snoke with the snoke where he snoke with the snoke whom he spoke, but yet he could not refrain from expressing his King, having the dignity and Royal estate of the imperial Crown 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 alone was there an exception, that within the limits of that country the Scotch law prevailed. He held in his hand a judgment of one of the most learned and most eminent lawyers that had ever adorned this house,—he meant the late Lord Redesdale, who in the great most of this realm made sundry ordinances, laws, &c., for the Union, you will perceive that nothing is stipulated with respect to the continuance of the laws of England; but it is evident, and it has always been conceived, that the law of England was thencehas always been conceived, that the law of England was thence-forth to be deemed the general law of the realm of Great Britain —the now created realm of Great Britain—except as qualified by the particular provision with respect to the laws of Scotland contained in the 23d article of the union." "I think it is evident from the whole frame and texture of the articles of union, the laws of England were those which were to attach on the United King. dom, except as they were qualified by particular provisions respect-ing Scotland." "You cannot construe the provisions in the articles of union with respect to the law of Scotland to extend beyond the local district of Scotland." He did not know whether he should be met by the argument that there the learned lord spoke of the United Kingdom, but said nothing of territories; but if that were said, he could reply that that learned person did not go beyond the question before him; but he would venture to say that the principle was sound—that the law of England was that which pervaded all the territories of the British empire, except where it was modified by some express saving clause. equered countries, certainly, there was an exception, as until onquered countries they must be governed by the King and council. Now, 130 years had passed since the union, but still Council. Now, loo state and passed since the union, but still the English law was that which prevailed in our colonies. He would state the two great particulars in which that was shown. It was in regard to property and marriage. What was the case with regard to property? That the law of England was the law which regulated all property acquired by Englishmen and possessed by them in a foreign country; so much so, that if a Sc man were to go to one of our colonies, acquire a domicile there, afterwards return to this country, and before acquiring a domicile here, go to Scotland, and soon after die intestate, the law of Euglish to the address of the state of the s land would be applied to the administration of his effects. That was the case of Dr. Monro in 1815, in which the question was, whether he was at the time of his death domiciled in England or whether he was at the state of his death domiciled in England or Scotland, on account of the administration of his effects. And Sir John Leach thus ruled—that it was not to be disputed that Dr. Monro was domiciled in India, and that a domicile in India was within the province of Canterbury, and therefore the law of England, and not of Scotland, was to be applied in the adminis-England, and not of Section was to be applied in the administration of his personal estate. So much for the illustration afforded by the application of the English law to property in the Now, as to the law of marriage, he need not remind that was presented to them they stated 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 the still your desire to have a judicial determination upon the claims the Church of Scotland can legally the still your desire to have a judicial determination upon the claims the Church of Scotland can legally still as the marriage law of all our colonies, except where it was still as the marriage law of an our colonies, except where it modified by some special provision. That this was the case in Newfoundland, even so late as the 57th of George III., appeared from the act which was then passed for regulating marriages in that colony. Their lordships, too, were aware, that in order to

nstitute a valid marriage, it was necessary for it to be performed "per presbyterum sacris ordinibus constitutum." Were it not for the passing of this act all the marriages to which he had re-

ferred would have been void. He conceived that, according to

ferred would have been the conceived that, according to the laws of England, the ministers of the Church of Scotland could not be included under the term "clergy." He apprehended

in any part of the realm of Great Britain, or the dependencies thereof, other than the kingdom of Scotland. In the colonies

received episcopal ordination. It would be for those who held opinions opposite to that which he (the Bishop of Exeter) mainbe included under the term "clergy." In Lower Canada an act had been passed, legalising the marriages which, before the passing of that act, had been solemnised by the ministers of the Church of Scotland, ministers of other churches, or by justices of the peace. It declared those marriages to be good and valid, but at the same time it provided that nothing contained in the said act should be construed to render valid marriages solemnised by such parties subsequent to the passing of the said act. Its preamble was in these words:—"Whereas, since the conquest of this province by the arms of his Majesty, many marriages have been held and solemnised by ministers of the Church of Scotland, by persons reputed to be such ministers, by Protestant Scotland, by persons reputed to be such ministers, by recessant Dissenting ministers or persons reputed to be such, and by justices of the peace; Now, for the preventing and avoiding all doubts and questions touching the same, be it declared and enacted, that all marriages had and solemnised within this province since the 13th of September, 1759, by &c. (repeating the description of the persons as in the preamble,) shall be, and shall be adjudged, esteemed, and taken to be, and to have been good and valid," and he hoped that their lordships would bear in mind that this enactment was accompanied with a most important proviso in these words-"That nothing contained in this act be construed or taken to confirm any marriages which shall be celebrated after the passing of the act. This statute, as must be evident to their lordships, gave relief, but so far from recognising marriages by ministers of the Church of Scotland, it declared that the marriages in future solumnised by them should be null and void. The 33d of George III., cap. 5, declared the necessity of rendering valid marriages contracted in Upper Canada, on the ground that there was not a sufficiency of Protestant parsons to discharge all the duties of the ministry, and this act further declared valid all marriages solemnised between parties not labouring under canonical disqualifications; and here he begged to observe that the objection to the solemnisation of mar riages by the ministers of the Church of Scotland rested wholly upon the ground that they were canonically disqualified. The title of the act of the 33d of George III., cap. 5, was "An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada." In considering the construction and effect of the law in this question it was most important for their lordships to look at the intentions of the legislature, and those intentions he apprehended were best to be collected from the preambles of the acts upon which the matter at issue depended. The preamble of this statute was in these words:—"Whereas many marriages have been contracted in this province at a time when it was impossible to observe the forms prescribed by law for the solemnisation thereof, by reason that there was no Protestant parson or minister duly ordained residing in any part of the said province, nor any consecrated Protestant church or chapel within the same."

And it proceeds—"Be it enacted and declared, that the marthat have been publicly contracted before any magistrate or commanding officer of a post, &c., or any other person acting in a public employment, shall be confirmed and considered to all intents and purposes good in law." Section 3.—"Until such time tents and purposes good in law." Section 3.—"Until such time as there shall be five parsons or ministers of the Church of England incumbent or doing duty in their respective parishes or places in any one district in this province, parties desiring to intermarry may apply to any justice of the peace, &c. Such magistrate to solemnise marriage according to the form prescribed by the Church of England." The 38th of George III. authorised the solemnisation of marriage by clergy belonging to all denominations under the circumstances therein specified. It declared that "all ministers or clergymen of any congregation or religious that "all ministers or clergymen of any congregation or religious community of the Church of Scotland, Lutherans or Calvinists, were authorised, under certain restrictions, to marry; and marriages celebrated since the passing of the 33d George III. (above quoted) by ministers of those sects who should have complied with the regulations imposed by this statute are rendered valid the law of the land did not recognise any marriages solemnised by ministers of the Church of Scotland, the term "Protestant olergy" in those acts never having any other meaning than clergy of the Church of England. The words "Protestant clergy" in a British act of parliament could have no other meaning. As to the opinion given in 1819 by Sir Christopher Robinson, Judge of the Admiralty Court, by Lord Gifford, then Attorney General, and by Lord Lyndhurst, then Solicitor General, in which those learned persons stated that the term "Protestant clergy" might be construed to extend to the established clergy of the Church of Scotland, but not the Dissenting ministers, that they were limit ed to those recognised and established by law, and did not extend to others, he should only say, that if the last whom he had men-tioned of those three learned and eminent persons were now in the house, he had no doubt the noble and learned lord would give nis reasons in support of that opinion; but with great hur but at the same time without hesitation, he ventured to say, that the authorities which he had cited were limited to the power and jurisdiction possessed by that Church within the ancient realm of Scotland, and related to the Church by law established in that our dependencies. It was established by treaty, entered into and agreed upon between two independent states, and the power of Strathmore case said :- "If your lordships will look at the Act of entire and sure conservation of the prerogatives, &c., of the King's subjects of the religion of the Church of Rome of and in the said province of Quebec may enjoy the free exercise of their religion, subject to the King's supremacy, declared and established by an act made in the 1st of Queen Elizabeth, over all the dominions and countries which then did or hereafter should belong to the imperial Crown of this realm." Therefore neither the Church of Rome nor the Presbyterian Church of Scotland could that the Church of Rome could by law never have been estabmely, "Whether the words 'a Protestant clergy' in the 31st

have ever been by law established in that province without the express repeal of that statute. It followed clearly from that act lished in Canada, for that Church denied the supremacy of the King, and asserted that of the Pope, while the Church of Scotland equally denied the supremacy, and were therefore restricted to the limits of Scotland. He thought he had now laid before the house a sufficient prima facie case to show that the word "clergy" really meant the clergy of the Church of England as by law established, and he therefore maintained that he had laid full and sufficient grounds for the first question which he intended to propose should be submitted for the consideration of the judges— George III., c. 31 (s. 35 to 42,) include any other than clergy of the Church of England, and Protestant bishops, and pries and deacons, who have received episcopal ordination? And if any other, what other?" For the remaining questions, it appeared to him that he had likewise sufficient ground, and in proof of this he need only refer to the message of King George III., in which that monarch specially desired that sufficient provision might be made for the Protestant clergy in Canada, and recommended that in future no grant of land be made in Canada without the reservation of one-seventh as a provision for the clergy. He need hardly remind the house that these reserves were the property of the Crown. The remaining questions which he had to propose to the judges were—"2. Whether the effect of the 41st section of the 31st George III., c. 31, be not entirely prospec tive, giving power to the Legislative Council and Assembly of the provinces of Upper and Lower Canada, as to future allot ments and appropriations; or whether it can be extended to af-fect lands which have been already allotted and appropriated under former grants? 3. Whether, there being a corporation legally established for the management of the lands so allotted and appropriated, such Council and Assembly have power to apply the rents and profits arising from the lands already so allotted and appropriated to any other use or purpose whatever than the main-tenance and support of a Protestant clergy? 4. Whether in the bill of the legislature of Upper Canada, now lying on the table of this house, entitled "An act for the Sale of the Clergy Reserves, and for the Distribution of the Proceeds thereof, these powers, or either of them, have been validly exercised?" Before the question was put to their lordships, he would state a fact which he rejoiced that it was in his power to communicate. that very day's post he had received a newspaper from Upper Canada, containing three distinct protests against the bill, which had been entered by several members of the Legislative Council but that to which he specially would direct their lordship's attention was one made by the Hon. Mr. Elmsley, one of those could not be included under the term "clergy." He apprenenticle that it would not be a legal and sound construction of any act of parliament to say that the words "Protestant clergy" could mean therein ministers of the Church of Scotland, and for this reason, therein ministers of the Church of Scotland had never been established that by law the Church of Scotland had never been established that by law the Church of Great Britain, or the dependencies protest against it, one part of which he begged to read to their protest against it, one part of which he begged to read to their protest against it.

Committee, or take the opinion of the judges upon it. And how was that request received? That request of the clergy of that Church to which their lordships belonged, and for which they said they felt the most warm regard (hear,) was answerif he could, that the ministers of the Church of Scotland had thence it was that the ministers of the Church of Scotland, limited to the details of the measure, and cannot be construed to extend to the principle. Absolute departure from the original nise marriage. Now, it would be for the noble viscount to show, if he could, that the ministers of the Church of Scotland had there it was that the ministers of the Church of Scotland, limited to the details of the measure, and cannot be construed to extend to the principle. Absolute departure from the original nise marriage. Now, it would be for the noble viscount to show, if he could, that the ministers of the Church of Scotland had there extends to the details of the measure, and cannot be construed to the details of the measure, and cannot be construed to extend to the principle. Absolute departure from the original nite in the provincial parliament could never have been meant. The provincial parliament have, therefore, no constitutional power have been meant. to enact the bill which passed this house yesterday, inasmuch as the vital principle of the 31st George III., chap. 31, is sacrificed, and a precedent established fraught with perils to our dearest interests, spiritual and temporal." (Hear.)

THE CHURCH IN CANADA. From the Britannia [London paper].

What next? The Irish Corporations have fallen, at least so ar as party can prostrate them; and now party turns to another rey. Is it not remarkable, that, in our day, every attack is le-lled against the Church? There are a hundred things in the appetite disdains all other prey, and must feed on the Church.— The tiger, after having once tasted human blood, is said to disdain all other carnage; his sense of luxury has grown refined; the small deer of the forest are beneath him, and he lurks for the superior animal. It is true that the Revolutionist mixes policy with his appetite. In crushing the Church, he crushes his great enemy; he breaks down the great defence of the State; with the Church levelled before him, he has all the barriers against rabble violence at his feet, and has thenceforth only to rob at his ease.

The new attempt of this grasping and long-armed larceny is on the other side of the Atlantic. Yet, like the visage of a transported felon, it is exactly the same as the sullen physiognomy which had so long flourished in its vocation here. The point, the principle, and the purpose of the Transatlantic spoil are precisely of the order which have so strongly excited the alarm of the Protestant community continually since the fatal 1829.

In originally locating the Canadian wilderness, certain tracts of land were set apart as a future provision for the Established Church; these were known as "the clergy reserves," and were a seventh portion of every district. At the period of locating, they were esert, and no man thought it worth his while to quarrel about them. But, as the population increased, a jealous eye was cast on the land by the populace, who have no more right to it than to the dominion of the clouds; and a still more jealous eye, if possible, by the small, bitter, and querulous sectarianism, which; hating all subordination, hates the Church as the fountain of ore der; hating all monarchy, hates the Church as the natural protector of the Throne; and, hating the British connexion, which checks its republican and plundering propensities, hates the Church as the great tie between Canada and England. That the restless intrigue of this mischievous and eminently worldly swarm should urge a Colonial Legislature into the folly of destroying the national property of the Establishment, and thereby finally ex-tinguishing the Establishment itself; is too familiar to our knowledge of sectarian knavery and legislative dependence to excite much surprise. But that any Cabinet of England, much less any British Parliament, should suffer the spoliation, is to us matter of absolute astonishment; for the direct, palpable, and utterly inevitable result of subverting the Church of England in Canada must be the final and not remote subversion of all British authority. If the Cabinet can be ignorant of this result, their ignorance is extraordinary; if they are not ignorant, their policy is more extraordinary still.

The Established Church cannot exist as a pure teacher of re-ligion among any people, without an established property; be-cause, in all instances where the payment depends upon the will of the people, the doctrines of the preacher will inevitably, on the general scale, come to be modified by the popular will. The man who pays is always, more or less, the master of the man who is paid; and though there may be individuals among the clergy who would refuse to colour their opinions by the hue of their hearers, yet, in the end, the influence of the congregation will be successful, and the pulpit will be Socinian or Evangelical, Calvinist or Arminian, according to the majority. This is the history of the countless shades among the sectaries. They live on popular money, and must obey popular caprice. And this is also one reason of the steadiness of the Church. It lives on its own property, and therefore has no temptation to abandon its own know-ledge. The seventh part of the land, appointed in the original division, was certainly not too much for the decent subsistence of a clergy, whose office renders it necessary that they should mingle among the better orders of the country as well as the lower, and that they should seem paupers to neither. But the present outcry is not so much against any superfluity in this point; for land
still wants occupiers, much more than occupiers want land; and
every man must know that the clergy, being precluded from all
trade and farming, must continue to be but a poor class of the community after all. But the point is, the jealousy of the sectarians at the appearance of superiority. This jealousy has now intrigued so successfully, that the Canadian legislative bodies and the Governor General have transmitted an Act for depriving the Church of its original property, and dividing every reserve into four parts—one-fourth to the Church, one-fourth to the Presby-terians, and two-fourths to all the other sects, let their names or natures be what they may-Papist, Arian; anything, everything.

That this cutting down of the legal property of the Church from a seventh to a twenty-eighth is not merely unjust, but will eventually involve the Canadas in rebellion (if the plunder should ake place), we have not the slightest possible doubt. All sectarianism is revolutionary; it lives by the populace, and it must cherish the popular will. It is strong only by the strength of the popular influence, and it must at once encourage that influence, and be its slave. This tendency is wholly undeniable. It is no orious that nine-tenths of all sectarian teachers are peevishly

sitaries of any fund for a continued public purpose? The education of the people in religion ought to be a matter in which provision is made for centuries to come. But the sectaries are shifting every day. New sects arise, old ones disappear. What would have been the case if Canada had been ours, and this division had taken place in the time of the revolution of 1641? Of the forty or fifty sects which then started up, and of which each would have demanded its share in the general trust, only the Presbyterians and Independents remain. What would have become of the land appropriated to those ephemeral absurdities, or still more, what of the education assigned to them? The land would doubtless have been clutched fast by some dexterous residuary legated nonsense, but the duty would have vanished into air the argument is to be this, -the Presbyterian and the other sectaries being subjects, and paying taxes, have as good a right to share in the distribution made by the State; the answer is, as individuals you have all the protection which person and property can claim; but the State, when it patronizes your form of religion, must, for its own safety, consider what that form is. You may be personally as loyal as the Church, but your form of religion is not as loyal. It is undeniable that Presbyterianism (to take the most steady and respectable instance) is founded on principles hostile to nonarchy. The hostility may not be called out at present, the good feeling of its members may be on the side of allegiance; but any Church in which the principle of popular election, in even the slightest degree, exists, or in which the layman exercises any control, beyond common opinion, over the conduct or doctrines of the pastor; is essentially opposed to the monarchical principle, and that opposition will shew itself on the first occasion, and therefore a monarchy, as the mere dictate of self-preservation, should refuse to strengthen all sectarian forms of religion. But the subject is still before the Legislature, and, thank God! we have the Lords!

COMPARATIVE STATEMENT OF ARRIVALS, &c. AT THE PORT OF QUEBEC IN I839 AND 1840:-No. of Vessels. Tonnage. 1840—May 13th.....76 1839-May 13th.....15 6,430 83 1.235

From the Hamilton Gazette. From the Hamilton Gazette.

The Rev. J. G. Geddes begs to acknowledge, with his warmest thanks, the receipt of the following sums in aid of the funds of the Church of England Sunday School in this town:

By the hands of Mrs. Or Reilly and Miss Clay, being the amount of their collection in the First Ward,£8 0 3

By the hands of Mrs. O' Reilly and Miss Charlotte Racey,

Miss Eliza Taylor, for Ward Three, £2 1 4 Hamilton, May 16, 1840.

BIRTH.
On the 15th inst., in Cobourg, Mrs. J. E. Tremain, of a daughter, MARRIED.

In Trinity Church Cornwall, at 10 o'clock, A. M., on Wednesday the 18th instant, by the Rev. George Archbold, Rector, Samuel Keefer, Esq., of Montreal, Civil Engineer and Secretary to the Board of Works, to Ann, second daughter of Lt. Colonel Crawford, of the Cornwall Light Infantry Volunteers.

DIED. On the 16th ult., at the residence of her brother, Dr. Cross, Mrs. Peter H. Ball, of Thorold.

At Nelson, on the 6th inst. William Tomkinson Wetenhall,
Esq. late of Hankelow Hall, Cheshire, in the 68th year of his

LETTERS received to Friday, May 22:

J. H. Hagarty, Esq.; Rev. C. T. Wade; T. Saunders, Esq. rem; Mr. Isaac S. Platt, with enclosure [much obliged to him;]