tular saint of Scotland, at the Albion Ta-
The Duke of Sutherland, with

pasteboard box, was proceeding to his station, when the two men just alluded to seized him, ok from him the box which enclosed the me- , and endeavoured to place a pitch plaster on mouth. He contrived, however, to give an m, upon which the robbers attempted to pe. One of them succeeded, after knocking on or pushing aside a sentinel who sought to his passage. The other was arrested and ught into one of the offices. On being search- a brace of loaded pistols were found upon, , and were placed on a table, while those en- ed in it drew up a report of the affair. Watch- his opportunity, the prisoner sprang on the pistols, seized and cocked one in a twinkling, and with it blew out his brains.

The *Journal de Frankfort*, in an article dated Munich, states that the accounts published re- specting the cholera in that city had been gross- ly exaggerated. A new mode for rousing courage to those labouring under apprehensi- of that malady has been resorted to by the Go- vernment of Naples, and which consists in threatening with the bastinado all who evince fear of the disease.

## Spain.

By the express of the Times, we learn that the band of Cabrera, after a second defeat, had dis- persed, and that the Carlists, whose attacks on Bilbao had been interrupted since the 1st, were completely occupied by Espartero.—Bilbao, su- sequently, is still in the possession of the Queen's forces.

Gomez has sustained a complete defeat. He first attacked by Narvaez on the 25th of ember, near Arcos, and after a short but re contest, was put to flight. He was after- wards attacked by Alaix, near Villamartin, from ence he made a precipitate retreat with about h followers, leaving his baggage and the ter part of his military stores in the hands e victors. A few days previous to these af- Gomez had endeavoured to secure himself ith booty on the neutral ground at Gibral- , but the Governor sent him notice that he would be fired upon if he approached the lines.

## Portugal.

A mutiny of the 7th Infantry took place at Elvas on the 20th ult. Many of the soldiers took up arms and threatened to proceed to the Square and demand the payment of the arrears due to them. The General succeeded, however, in quieting them. The following day the tumults were renewed, and once more quelled by the General, and on the 24th a review took place, and ten of the most disorderly among the soldiers were sent to prison. Discontent prevails in Lis- bon in consequence of Ministers venturing upon alteration in the provisions of the constitution. Don Miguel has directed a proclamation to the Portuguese, dated from Rome, and calling upon them to prepare for the moment when their law- ful sovereign will appear among them. In his address he promises to destroy the "wicked ter," and restore the tithes. By a letter ing date December 1, it appears that a Mi- ite expedition has actually appeared on the . Two steamers and a large sailing vessel, ring the Miguelite flag, were seen off

## Italy.

is said that the Government of Turin has vered certain intrigues at Genoa, the object hich was the overthrow of the Monarchial principle in all Italy. The cholera continues to rage at Naples. The number of victims already exceeds 6000, and of late nearly 200 have died daily. The religious orders have distinguished themselves in acting as good Samaritans. The King and his Ministers have also behaved well, and the few English who remain there have made a subscription for the relief of the unfor- tunate sufferers.

A letter from Genoa, dated Dec. 1, forwards information, that the supreme superintending Board of Health in Tuscany, had decreed, that to reckon from the 20th ult., all communications by land and by sea with the Duchy of Genoa, and all the remainder of Upper Italy, are to be entirely re-established in free pratique, as well for travellers as for vessels and goods.

The *Courrier Français*, in a long article from Naples, draws an unfavorable picture of the state of the Kingdom of the Two Sicilies, arguing, from the late augmentation of the police force, ther circumstances, increased fears of the rnment, which had, ever since the last re- tionary movements in Spain, been sufficient- ong. The national troops were regarded distrust by the King; and it would appear, although he has some thousands of Swiss ers in his army, "he does not consider him- afe unless surrounded by German bayonets." ian troops are stated in all the continental tals to be marching for the Romagna, on e way to Naples.

A strange rumour has reached us—the most sonorous and ponderous of the sages—the pillar of orthodoxy—the incarnation of loyal- ty—to sum up all in one word, the great "PY- LADES" has been forced into the shades—of private life. But let not, therefore, the faith- ful despair. If "PYLADES" has veiled his face under a cloud, "ORESTES" has buckled on his armour for the fight—the most sweet and gentle of VALENTINES will still draw his inspiration from the most amiable and intel- lectual of ORSONS. In one respect, we al- ady perceive that the public is a gainer by change. We miss much of the coar- vulgarity and personal abuse by which contemporary had acquired an unenviable riety. True, the dogmatism, the bigot- e intolerance remain, but they are pas- rough the Valentine stove.

e have been led to these reflections by perusal of the Editorial remarks in yes- erday's *Herald*, on Mr. DRAPER's resolu- tions respecting the Clergy Reserves. We think, by the way, that our brother might have made a suitable acknowledgment to our "barking friend, CERBERUS," for drawing his attention to the subject. If CERBERUS had not barked, the oracle might have continued silent, and the uproarious admirers of "Sir FRANCIS BOND HEAD and the conservative majority in the Upper Canada Assembly" would have accepted, with gratitude and joy, from their hands, a measure which they are now required to denounce, as destitute "of religion or of policy or of justice."

We know how hopeless a task it is to en- our to disenthral a certain description sons from the yoke to which they have d their necks—to convince their under- ings that loyalty or patriotism may take er range than is perceptible to their , and that the leaders in whom they trust are hastening on events, which lover of his country, every honest man deplore. Still, among those who, set- ng under the impulse of generous but mis-

taken feelings, have joined in the outcry against British Constitutional reformers in this Province, the proceedings in the Upper Canada Assembly, originating as they do with men distinguished by their attachment to British institutions and connection, may well create doubts as to the wisdom or policy of the course which has been pursued here—a course, which has disunited the British population, and left the Constitutional Association the mere remnant of a party, the minority of a minority at variance within itself, and powerless for the end for which it was called into existence.

We proceed to an examination of the arguments in the *Herald*; and first, as to the charge of irreligion, brought forward, it is true, in a modified shape, but deeply imbued with the intolerance of the exclusive loyalty-school. As many of our subscribers do not see the *Herald*, we quote the remarks of that journal in support of its charge.

"We are at a loss to discover in the essential principle of dividing the Clergy Appropriations among all numerous sects, anything either of *religion* or of *policy* or of *justice*.

"Can there be any religious obligation on a legislature to aid in the dissemination of conflicting opinions in religion. We care not, whether this question be answered by Catholic or Protestant, for in either case the answer must be the same."

It does not require much consideration to answer this question, on which, according to the *Herald*, so much depends. We answer, No. But what then? If there be "no religious obligation on a Legislature to aid in the dissemination of conflicting opinions on religion," still less can there be a religious obligation to disseminate only error on a subject which involves the future happiness or misery of mankind. What security have we that THE Church selected by the Legislature, as the recipient of State favour, shall really be the evangelical and apostolical Church? What earthly tribunal is there to which we can appeal to separate the only true doctrine from the false? The arguments of the *Herald* may be applied to prove the impropriety of granting any State provision to any Church, but they certainly do not establish that at which they aim.

The editor of the *Herald* must plume his wing, and take a higher flight, before he can bring home the charge of irreligion to the framers of the Upper Canada Resolutions. We shall resume this subject to-morrow.

The New-York Whig papers, we perceive, remark very severely, but not more so than such conduct merits, upon the refusal of the House of Assembly of the State of New York to receive an abolition memorial from Genesee County. It was certainly an infringement on the constitutional and sacred right of petition, summarily, to deny and reject the memorial instead of giving it a respectful reception, as it was respectful in itself; and then, if you please, giving it its *quietus* in a manner becoming the dignity of a Legislative body. But this proceeding is just one of those which occur, far too frequently, it must be owned, in the neighbouring States, in which the usual and legal steps are skipped over, in order to obtain by one stride the result aimed at.—The wretch who has been caught in the commission of some heinous crime, is seized by the infuriated mob, and without legal trial, is instantly hurled into eternity after his victim. This is, to be sure, more an outrage against law than against justice; but is it not highly dangerous? The prayer of the petition in question would unquestionably not have been complied with; but would not its respectful reception have saved the Assembly a deal of odium, and have, at the same time, shewn more strongly than by a party vote of the majority, the determination of the House not to mix itself up with abolition efforts? A right cause or course of conduct is never permanently advanced by violence.

The *New York Journal of Commerce* states that the pressure for money, although much relieved in *Wall Street* and among merchants, is now at its height among the mechanics.—They felt it but little, while others nearer the fountain were suffering tremendously; but now, as the pressure is passing away, they come in for their share. Many journeymen, in different establishments, we are told, including a great number of females, have been thrown out of employment. The evil, however, will be but temporary.

New Brunswick and Nova Scotia papers, to the 12th instant, came to hand yesterday. Their contents are not interesting.

The packet *Margaret*, Boole, 13 days from Bermuda, arrived yesterday, and brings passengers, Lieut. Gordon, R. E., and Mr. Raymond. She left at Bermuda, H. M. ships *Reindeer* and *Cruizer*, refitting. The sloop of war *Wanderer*, it is stated, had proceeded to Carthagena, on receiving intelligence of disturbances and the imprisonment of the British Consul. The Admiral had sailed for Barbadoes. The schooner *Phœnix*, of Liverpool, N. S., 50 days from Nevis, put into Bermuda to refit—leaky, with loss of sails—had repaired damages, and sailed a week before the *Margaret*.—*Newcastle.*

EXTRACT OF A LETTER.—"The Bank of Frederiction has determined to open cash accounts on the Scotch system—the first instance I believe in the Colony."—*Id.*

General HOUSTON carries matters with a pretty high hand in managing the Texan Congress. He having vetoed a Resolution of Congress, against the release of SANTA ANNA, that body, notwithstanding, passed it again by the constitutional majority of two-thirds, and it became a law. The General, however, not to be thus beaten, pronounced the Resolution unconstitutional, and a usurpation of his executive authority, and in defiance of Congress set SANTA ANNA free. It is said that the army being with the President in all things, Congress succumbed.

Nearly £25,000 has been subscribed in Kingston to the Bank of British North America, and the first instalment thereon paid.

We are requested to call the attention of the public to the Sixteenth Annual Meeting of the Montreal Auxiliary Bible Society, which is to be held *this evening*, in the Methodist Chapel, Great St. James Street. The chair will be taken at *seven o'clock precisely.*

HOW ARE WE OFF FOR BACON?—The *New York Shipping list* of Wednesday last announces the arrival there, of the Russian brig *Julia and Maria*, Captain Hone! laden with bristles and Hog skins!!; consigned to J. W. Pico!!!

Our remarks of yesterday touching the recent Session of the Court of Appeals have elicited a communication under the signature of "A MERCHANT," which appears in our columns of to-day. We cannot accede to the justice of the estimate formed by the writer, of the comparative merits of the two high judicial functionaries in the Province.—We draw no invidious distinctions; but in declaring that the decisions of the Court of Appeals for many years past, have been generally unsatisfactory to the legal profession, and to the public at large—that they have been calculated to impair confidence in the administration of justice—and tend to unsettle established principles of law and judicial procedure, we are but the echo of public sentiment, not now for the first time expressed.

From the discussion of the question we are not prepared to shrink, for we are satisfied that more, and infinitely more than we have uttered, may be borne out by enquiry, and an appeal to facts.

TO THE EDITOR OF THE MORNING COURIER.

SIR,—Your remarks contained in your journal of this day, relative to the Provincial Court of Appeals, have excited much surprise in my mind, as I consider that an editor's first duty is to lay before his subscribers and the public, statements founded upon fact, and commented upon in a fair, impartial, and disinterested manner. You will pardon my saying, Mr. Editor, that your knowledge of the constitution of the Court of Appeals, opposite to me, to be extremely limited; and I beg to state, that many of your remarks are altogether incorrect. We would suppose from the tenor of your editorial, that the Venerable and talented Chief Justice SEWELL, possessed the entire control of that Court. This, Sir, is not the case. The Chief Justice of Montreal (REID) divides with him the presidency of that Court, and although never, even in his younger days, qualified to compete with the Chief Justice of this Province, reverses the judgments of the Court of King's Bench at Quebec, composed likewise of four Judges, (SEWELL BOWEN, PARET, and BEDARD,) in no respect the inferiors of the Judges of Montreal, either in education, talent, or legal knowledge. Now, Sir, look at the judgments rendered by Mr. Chief Justice REID in the Court of Appeal in July and Nov. last, and compare his reversals with those of Mr. Chief Justice SEWELL, in January instant, and would you enquire of the first Lawyers of this Province, (more fitted to judge of the merits of their judgments,) I venture to say, that not one of Chief Justice SEWELL's judgments would be found unsound, when the correctness of many of the reversals of the Chief Justice of Montreal might be called into question.

That the composition of the Court of Appeal is incorrect, no man will deny, and until that Court be composed of Judges who shall have no jurisdiction but in that Court, and who shall likewise hold the criminal Court, and until the Court be held in each district, and continued in each term, until the roll of cases be gone through, each case being returned on the first day of term, complaints will ever be made, not only of the excessive cost of postages, &c., which are borne by suitors, but of the injustice of its judgments.

In speaking of the shortness of time allowed for deliberation in the Court of Appeals—allow me, Sir, to remind you, that in the Court of Appeals, the Court has only to judge whether the accusations brought against the decision of the Court below be founded or not. In the King's Bench there are no printed factums, (which are in truth the argument,) and in many other respects the task of the Judge is infinitely more laborious.

A MERCHANT.

Montreal, January 25, 1837.

Mr. "Longbow" of the *Herald*, has discharged another arrow at the popular principle of "Equal Rights," in an Editorial remarking on Mr. DRAPER's resolutions in relation to the subject of the "Clergy Appropriations."

He says he is "at a loss to discover in the essential principle of dividing the Clergy Appropriations among all numerous sects *any thing either of* RELIGION *or of* POLICY *or of* JUSTICE!" He says—the master stroke of Mr. DRAPER is at once to confess the influence of agitation, and yet to force on all parties a boon, which not one of them has asked! A very short time, he says, will convince Mr. DRAPER that he is throwing not water but BRANDY on the flames! He talks of the "discussion of the Clergy appropriations to secular purposes!"—of the "unholy demand!" He declares the Methodists already spurn their share of the booty as an ACCURSED THING!

In our humble opinion there is much more of truth than either religion, policy, or justice in these remarks. "To confess the influence of agitation," indeed! Who requires of Mr. DRAPER that he should confess such its influence, but the "little convicted!" We presume "the convicted" mean by the influence of agitation," the "popular influence," which he and all other Princes who form the "House of Lords the citadel of British liberty," affect so much to despise. Rhetorical—have ye many such sons? They do not despise it, however, from the "conquering Duke" down to the meanest follower of the gentle *Hotel!*—Despise it indeed! to hear people, especially of the people, and many of them of the coarser materials of that same people, discovering "music aristocratic" in riotous assemblages, and "music democratic" in the calm of the *people*, is really so unfitted as, from extreme to be painful. If the Methodists spurn their share of the *booty* as an *accursed thing*, (as from the long—Thus to-day) let us ask if the thing be less ACCURSED when touched by the kid-glove ministers of the "dominant church." We are pleased, nevertheless, to learn, even from such authority, that the Methodists have relinquished their share, as such, and may call the blood in tingling blushes to the cheeks of those Christians, who seem, by their conduct in relation to these appropriations, to have lost sight entirely of the humility and poverty of the Divine Founder of Christianity, when he put on the human form. The Methodists! Ah! well would it have been for the "Established Church," if her ministers had done what those "true Christians" have done. We should not see in England, as we now may, the seats and pews of many a venerable pile untenanted, when the benches of an adjoining chapel are crowded by the humble poor, listening with attention and devotion to the word of God, from lips which never tasted the venison of "my lord Duke," nor the "Imperial Tokay" of an Archiepiscopal palace.—*Communicated.*

## Upper Canada.

We are sorry to learn, that on Friday last, a man of the name of Henry Turner, who lives in Marysburgh, on the Bay side, opposite to Adolphustown, met with his death in a very sudden way. He was chopping in the woods, and while thus engaged, a branch fell from a tree, and struck him on the head; he expired instantaneously, and has left a widow and seven children to mourn his untimely end.—*Hallowell Traveller.*

ANOTHER SAD EVENT—THE EFFECT OF INTEMPERANCE.—On Tuesday evening last, Henry M'Quiddan, tavern-keeper in this place, while in a state of intoxication, took a violent fit of vomiting, which in a short time ended his existence. He was a native of Armagh, Ireland, aged 48, and has left a widow and large family behind him to deplore his loss. An inquest was held on the body yesterday, before G. H. Reade, Esq. Coroner, when the Jury, after investigating the different circumstances connected with the death of the deceased, returned a verdict of "Died from the immoderate use of intoxicating liquor."—*Bathurst Courier.*

## United States.

COMMERCE OF LAKE ERIE.—From a statement in the *Buffalo Commercial Advertiser*, it appears that the tonnage enrolled at the several districts on Lake Erie is as follows:—

| PORTS. | TONS. |
|---|---|
| Buffalo | 8541,09 |
| Detroit | 6703,73 |
| Cleaveland | 4518,32 |
| Sandusky | 1792,75 |
| Presque Isle | 1562,29 |
| Miami | 927,57 |
| Total | 24045,76 |

This total of tonnage includes 250 vessels, viz:—2 ships, 1 bark, seven brigs, 45 steamboats, 145 schooners, 40 sloops, and 10 schooner scows.

We regret to learn that Captain Henry F Schenck, of the lighter *Walter R. Jones*, was killed yesterday, on board the wreck of the barque *Mexico*, by the falling of the sheers. On Saturday last Captain Schenck was presented with 500 dollars, by the underwriters, for his successful efforts in getting the *Birmingham* free from the reach on which she had grounded.—*New York Paper.*

## Texas.

The New Orleans correspondent of the *Courier and Enquirer* gives the names of eight vessels, taking in goods and passengers at that port, for Texas, on the 7th instant. Five others were engaged to carry 300 emigrants daily expected from New York.

Lots in the new town of Houston (the future capital of Texas) has already risen so high, that the agent for the sale of them refused eighty dollars a lot. There are 6000 of them, and the whole cost only two dollars, when the purchase was made. How many of them does Gen. Houston own?

Resolutions were introduced into the House of Representatives of Ohio on the 5th instant, declaring it "impolitic in this Government to extend its jurisdiction over Texas, and requesting the Senators and Representatives of Ohio, in Congress, to oppose, under any circumstances, the admission of Texas into the United States."

ECCENTRICITY AND IMPUDENCE.—Mortimer, the celebrated painter, was employed by Lord Melbourne to paint a ceiling at his seat of Brocket-hall, Herts, and taking advantage of permission to angle in the fish-pond, he rose from a carousal at midnight, and seeking a net, and calling on an assistant painter for help, dragged the preserve, and left the whole fish gasping on the bank in rows. Nor was this the worst: when reproved mildly, and with smiles, by Lady Melbourne, he had the audacity to declare that her beauty had so bewitched him he knew not what he was about.

## Commercial.

We have at length an arrival from Liverpool, the *Susquehanna*, which sailed from thence on the 20th December, having got into the Delaware. She brings news of a most favorable change in the money market, every thing was going on well, and there was no distress or derangement amongst any of the Banking institutions in England, with the exception of Messrs. CORNELL's Bank at Carlisle, which had been obliged to yield to the pressure caused by the want of confidence excited amongst the country people, by the previous failure of FORSTER's Bank, of the same city. Upon an examination of CORNELL & Co.'s affairs, the house was pronounced solvent, with a large surplus; and it is confidently stated that FORSTER & Co. will be able to meet within a short period 80 ¢ cent. of their engagements.

At Liverpool, upon the 19th December, Pot Ashes were dull and rather lower, 150 brls. only having been sold at 25s. @ 26s. Some small sales of Montreal Pearls were made at 28s. 6d. In Tallow there had been extensive operations at 45s. @ 45s. 6d.

CORN MARKET.

LIVERPOOL, Friday, Dec. 16.

In addition to the scanty arrivals of Grain up to Tuesday's market, we have had very few vessels with any description, and those of Flour since then are only coasters, but of Oatmeal liberal.

The Corn trade generally, since our last report, has been very inactive, and at our exchange this morning continued to exhibit a stagnant appearance in the best kinds of both English and Irish Wheats notwithstanding, even back down to the middling fellowers of the gentle *Hotel!*—Despite