WEDNESDAY, APRIL 23, 1851.

view of joining the commander, and the projected route laid down was through the Fauk's territory. The natives appear to be willing for the work; it was expected that a body of 20,000 strong coming in rear of the Kaffirs who were attacking the old settlement, would be followed by desirable effects. The weather had been propitious to the young crops, whose value it was thought would be increased by the war at the Cape. Commerce was progressing favourably, the number of business firms having doubled within a few months. In D'Urban, the colonists were showing symptoms of social progress by the establishment of a library and museum, and also a commercial association. A conveyance company has established an omnibus route between Natal and D'Urban.

SIR EDWARD BULWER LYTTON ON A FIXED DUTY.—A letter was received in Lincoln, the other day, from Sir Edward Lytton, from which we extract the following:—"My own firm belief is, that by this time next year, we are more likely to have a fixed duty on grain than not, in spite of all the complacent assertions that Free Trade is *settled!*" This prophecy, coming from a man so distinguished as Sir Edward Lytton, from one who is a constitutional Whig, mixing in the society of the leading Whigs, may reasonably be expected to know of the real opinions of the constitutional Whig party, will, we are sure, be read with great satisfaction by every true friend to the British farmer.

THE COURIER.

WEDNESDAY, APRIL 23, 1851.

☞ SEE FIRST PAGE.

In consequence of the arrival of the *Pacific*'s mail, we have devoted the greater part of this day's issue to the publication of foreign intelligence, to the exclusion of other matter.

ST. GEORGE'S DAY.—The St. George's Society give their Annual Dinner to-day, at Dolly's, and we have reason to believe there will be a good round table. This year the Society have selected the house of a true-hearted John Bull, who is well able to cater to the taste of his guests.

Isaac Moffatt also has his usual Dinner for the sons and lovers of Old England on this occasion, and Mr. McDonald a Ball in the evening.

GREAT FIRE AT KINGSTON.—We learn by telegraph that a large fire occurred at Kingston on Monday last. Thirty buildings, including dwelling-houses, stores, and hotels, were destroyed.

A public examination of the children attending the British and Canadian Schools, will take place on Thursday next, the 24th instant, to commence at 10 o'clock, A. M. Parents of the children, and friends of education, are invited to attend.

That fine steamer, the *St. Lawrence*, commanded by Captain Thomas Howard, a gentleman whose extreme kindness and attention to his passengers is well known on the route between Montreal and Kingston, is now in port. The *St. Lawrence* has undergone a thorough repair during the Winter, and we are confident that any of our readers travelling to the Upper Province will find her a safe, fast, comfortable, and pleasant boat.

We understand that vessels may pass through the Beauharnois Canal on Thursday morning, the 24th, and the Cornwall Canal on Friday, the 25th, at noon.

FIRST ARRIVAL FROM SEA.—The *Toronto*, from Liverpool, arrived at Quebec on Sunday morning, and is expected up here in the course of to-morrow. This vessel is one of Messrs. Edmonstone, Allan & Co.'s regular traders to this Port.—*Evening Courier of Monday.*

FIRST ARRIVAL.—Two hundred packages of [illegible] at St. Johns, and consigned to [illegible], forwarder, arrived by the *Prince Albert* on Saturday. This is the first cargo of importations of the season, and consists of goods from the different New England Factories, for which Mr. Hall is Agent.

We learn that there will be 11 Boats running between Montreal and Quebec this season; 3 belonging to Messrs. Torrance & Co.; 3 to Mr. Munn; 2 to Messrs. Tate; 1 to Mr. Ryan; and the *Comet* and *Champion*, the last 2 making regular trips to Hamilton. There will be 3 of the above to Quebec daily. The *Rowland Hill* will run to River du Loup and the Saguenay, at stated intervals.

We are requested to state that the Bazaar in aid of the funds of the National School House is postponed until the 6th, 7th, and 8th May next, when it will positively take place at the St. Lawrence Hall, Great St. James Street, as originally intended. Messrs. Compain, Hogan, and Varden, having kindly consented to give up their splendid Ball Room for the occasion, with all the new fittings, decorations, &c., &c. Under these circumstances, the Ladies' Committee deemed it advisable to decline Mr. Baird's kind offer of the use of his new premises in the Place d'Armes. The alteration we think a good one, particularly as the Room now decided on has the advantage of having a commodious Orchestra for the use of the band; and we trust, after the various unavoidable delays, that it will now go off with *eclat*.

MONTREAL, April 15, 1851.

To the Editor of the MONTREAL COURIER:

SIR,—In view of the exertions which I learn are now being used for the erection of a new Theatre in Montreal, I would beg leave respectfully to offer a few suggestions to those immediately connected with the enterprise, and particularly to the Stockholders. If I mistake not, the object of the present projectors of the plan is to establish what they denominate a "Minor Theatre." If the city of Montreal is to be favored with a Theatre at all, why call it, or endow it, as a Minor Theatre? Surely with the present wealthy population, and with the growing interests of commercial advantages, which the various Canals and Railroads are likely to bestow, the city ought certainly to possess a Temple dedicated to Thespis, of rather a higher standard than a Minor Theatre.

I think the Stockholders should have a regard to the future interests of such an enterprize, as well as the mere temporary advantages which the present design embraces. I think economy should form the chief consideration in this matter; and that the building should be plain in its structure, while the accommodations should be sufficiently ample to meet the public demands. All classes of the community should share in the advantages and enjoyments of such a public provision; and if there be no galleries allowed, or if attempts are made to render seats inaccessible to the humbler classes of our citizens, the enterprize will soon dwindle into a mere casual exhibition of itinerant players, mortifying to the lovers of the Drama, as well as unproductive to the Stockholders.

The present scenery and decorations of the Theatre Royal have been offered as part of the joint stock, by its present Proprietor, on advantageous terms, and with that liberal and public-spirited accommodation which has on all occasions distinguished him, and ought not to be lost sight of. They constitute, as to dimensions, fitness, and beauty of design and execution, all that could be desired for a Theatre of ample size for Montreal; and there is some consideration due to the peculiar position in which a desire on the part of the owner of the Theatre Royal to meet the public wishes, has placed him. I trust, Sir, we shall have a Theatre, but no Minor Theatre. The term "little" does not belong to, nor ought not to be allowed in, any vocabulary denoting the public enterprizes of the citizens of Montreal. Let the Stockholders of this praiseworthy effort look not only to the bare support of such an establishment, but to that ample patronage and general encouragement afforded by the play-going public at large, and they will be cheerfully and liberally [illegible]

Yours, &c.,

A CITIZEN.

LAW INTELLIGENCE.

[*Reported for the* "MONTREAL COURIER."]

Reports of Judgments in the Superior Court rendered 16th April, 1851.

(*Continued.*)

POUSTIE vs. MCGREGOR.

This was a petitory action, whereby Plaintiff claimed certain property in the neighborhood of St. Catharines; the Defendant alleged the Proprietorship in himself, under a Deed of sale to him from one Marion Gordon, as tutrix to certain minors, her children, heirs of her husband; to which the Plaintiff replies, that the sale is null, inasmuch as certain formalities, absolutely required by law to be observed in the sale of property belonging to minors, were not complied with, such as an order of a Judge, grounded upon the advice of the relations and friends of the minors that it was for their advantage that a sale should take place; this rule is strictly enforced, as an absolute right to sell does not lie in a tutor of minors' property; it appears that there was a defect in the formalities required in this cause, which the Defendant endeavored to supply by *verbal* testimony, which was objected to by Plaintiff. The Court maintained the objection, on the ground that written or documentary evidence alone could be adduced; the sale was therefore declared null on this ground. A claim for ameliorations, in the shape of buildings erected on the property by the Defendant, was referred to *Experts*, to report upon their value, to enable the Court to adjudicate thereon.

WOODS vs. ——

This was another petitory action, by which Plaintiff claimed a lot of land in one of the Eastern Townships, grounding his right upon the English law of Inheritance as prevailing there, the Defendant equally relying upon the French law for his title. The Defendant pleaded his title under that law by *demurrer* to the Plaintiff's declaration; the Court holds that it should have formed the subject matter of an exception. Demurrer dismissed. No judgment is yet pronounced upon the merits.

DUNN vs. BEAUDOIN.

This is a petitory action to recover a lot of ground, and bring back the same to the Plaintiff's domain, as Seignior thereof; the Defendant pleads that he holds the same in Free and Common Soccage from the Crown, and endeavors to prove that if the lot is, as the Plaintiff declares it, within his seigniorial domain, it has been so extended unjustly and by usurpation. The Court intimated that the Attorney-General should have been called in to intervene on the part of the Crown, if Defendant's pretensions were just, and that this was the only course he could adopt under the circumstances. The Plaintiff had made out his case should have judgment.

JOSEPH vs. DELISLE & ROSS.

Action on a promissory note; judgment goes against maker, (Delisle,) but the endorser (Ross) pleads, by Exception, that there has been no sufficient or legal protest, as imperatively required under the provisions of the 14th section of the Protesting & promissory notes' regulating that the protest was made on the day pointed out by law, but that the Notary had omitted to state that it was made *in the afternoon* of that day, as is now requisite. The Court held that the Notarial protest should have been made on the afternoon of the day the note became due, that it should have been *so stated* in the protest, and that the omission was fatal. Action as against endorser dismissed.

QUINN vs. TATE

Action on a contract made by Plaintiff's late husband with Defendant, to do the interior work of a new house, or repairs of an old one, (a noise in Court prevented the reporter from catching the precise nature of the undertaking, as given in the judgment.) The Court was divided in opinion. Mr. Justice Vanfelson considered the evidence in favor of the Plaintiff, but the majority held otherwise. The contract specified a certain time within which the work was to be absolutely performed, and a block price was named. It had not been done within the time, and was proved to be badly done. The Plaintiff's action, as instituted, was dismissed.

PATENAUDE, Applt., and PHIBERGE, Respdt.

This was an Appeal from the Circuit Court on a Judgment for £6 5s. damages against Defendant there, for calling Plaintiff a thief; Appeal dismissed as frivolous.

BEAUPRE vs. BOUCHARD.

Action to annul a Deed of Lease of a Mill, on the ground that Plaintiff was to have a third of the profits of the milling, and that certain repairs were to be made by Lessee to put the Mill in its original working order; the Defendant did not account during 2 years, though he had received profits, and had not made the required repairs; the Lease was, for these reasons, rescinded.

HENDERSON et. TRUSTEES OF THE MONTREAL TURNPIKE ROADS.

Motion for a new trial on the ground that the Verdict was rendered contrary to and without evidence. The public is familiar with this case, but to those who do not know its nature it may be stated to be an action of damages for £4,000, suffered by Plaintiff through a fracture of one of his thigh bones, by being thrown from his vehicle on one of the Trustees' Roads, caused by an obstruction left there by their alleged carelessness and negligence; a Verdict for £300 damages was given about a month ago. The Court, on reference to the presiding Judge's notes, finds the evidence conflicting, that only two witnesses spoke of the accident and the manner it occurred, the first of whom can only state the month in which it took place, and in other respects his evidence is not positive. The second witness is not worthy of credit. Mr. Justice Mondelet deposed that had he presided at the trial, he would have charged the Jury to find for the Defendants, as there was no evidence. Mr. Justice Day's opinion was not so strong, but believed the evidence to preponderate in favor of the Defendants. Mr. Justice Vanfelson coincided, but had refrained from giving any opinion in charging the Jury, leaving it entirely in their hands. He now declared he would have been just as satisfied in a Verdict for the Defendants, and that in reviewing the evidence he is satisfied a new trial ought to be granted. New trial granted.

SUPERIOR COURT.

SATURDAY, April 19, 1851.

Present:—Their Honors Messrs. Justices Smith, Vanfelson, and Mondelet, when the following judgment was pronounced, viz.:—

GUAY vs. PERRAULT et al.

On a motion for arrest of judgment upon the verdict obtained in Plaintiff's favor for the sum of £25, in an action of damages for a series of libels alleged to have been published by Defendants in their journal, the Montreal *Gazette*, sufficiently made known to the public without requiring to be at present enumerated and detailed for the purposes of this report.

Mr. Justice Smith was in the minority; the motion was made on grounds appearing on the face of the record, one of which was, that no reply or replication has been put in by the Plaintiff to the Defendant's plea; this was a matter regulated by the Ord. of 1785, the 13th section of which providing that "every issue in law or fact to be formed in any cause in either of the said Courts of Common Pleas, between the parties, Plaintiff and Defendant, shall be made and completed by the declaration, answer, and replication, or by plea, answer, and replication, in cases of abatement and bar, of the said parties, and that no other, or further pleadings, &c., shall be received or admitted, &c." It was not the case of a *similiter*, as now used in England, the omission of which was formerly a fatal objection to the entry of judgment upon a verdict, but which was now an empty form, but still requiring, in case of omission, to be made and put in by motion for that purpose. The Plaintiff had not asked to amend. The words of the Ordinance were imperative; it was intended to cut down the number of pleadings then multifarious. It could not be said that the Defendants had waived this irregularity, because they had warned him that they by their signing the consent rule. There was no waiver Jury trial, because they must be reasonably supposed to have been ignorant of the want of a replication. As to the objection that the verdict was general, without specifying on what count, though there were bad counts upon which a verdict could not possibly be given, there was more than form in this. The principles of the law of Jury tria's, with respect to arrest of judgment, were introduced with that law from England. A motion in arrest of judgment was unknown to the French law. We must, therefore, look to the law of England in this matter, and to the principles and general jurisprudence which govern arrests of judgment there. The law of libel governing this case was derived from France, and introduced with all its monstrosities, and some good rules, as there prevalent for some centuries past. The ancient and absurd maxims of that law were not applicable to freemen, or our form of government, and it was impossible to engraft it upon society as existing in the nineteenth century. It was intended to apply to society as it then existed. To constitute an *injury*, there must be something said with a view to injure; the injury to a man's feelings was nothing; contempt must be shewn to have been incurred, and something injurious suffered. The French law never contemplated anything but a *real injury*. This action could not have been maintained by it, and in England it would have been scouted. Looking at the alleged libels, the first appears to be, that the Plaintiff was called by Defendants "an enemy of the Press." Now this was perfectly harmless, and not actionable even in Russia, or in the most despotic times of Louis the Fourteenth. The principle of every freeman is to discuss everything fairly, but without the desire of injuring. But there must be some real injury suffered, and not what a party chooses to fancy is injurious. The second libel was, that it was alleged that the Plaintiff had lost his election for one of the city Wards, through the dislike entertained of him. It was idle to discuss such a charge as this. The third alleged libel was equally groundless. He would not further comment upon them, as time would not allow it, and he was in a minority. The first eight counts were bad in law, and might have been struck out on demurrer. It is not in the power of the Court to say to what count the Jury applied its verdict, and, besides, the evidence was applied to the whole case. If there were bad counts, and a general verdict was given, the verdict was null. This rule was inflexible in England. Upon these grounds, he would grant Defendants' motion, that judgment should be arrested upon the verdict.

Mr. Justice Mondelet declared he had charged the Jury that no verdict could be given on the first eight counts, as the evidence for those counts would not warrant it, but was still of opinion that the matters therein alleged were actionable; he told the Jury, and he repeats it, that everything may be said of a public man that is true, if in the public interest, because a bad man ought to be exposed rather than the State should suffer, but no one could be permitted to fabricate (*inventer.*) It was not necessary to talk of the maxims of a despotic Government, as the learned President had done. The first eight counts were good or bad according to the evidence. The Plaintiff alleges specifically that the assertions therein made were false, and made maliciously, and with a view to injure. This was a sufficient description of an injury *injure* under the French Law, but the Court was unanimous in the remainder of the counts being good. With reference to the issue was completed by the declaration and plea or *defences en fait*, and that no answer was absolutely required by the French system, and cited the *Ord.* 1667 and *Merlin* in support of this opinion; that the *Ord.* 1785 was made to *limit* pleadings, as its abstract sufficiently indicated, but that he had no doubt as to its meaning; there might be a less number of pleadings, but not more than there referred to. But, besides, the Defendants had waived the defect, if it was one, by consenting to the motion for a Jury trial, and the motion for striking a replication, because he was seized with the case as it stood, as Agent of the Court. Further, there was no similarity between this case and that of Wurtele vs. —— in appeal, for there the plea was special and affirmative, and required an answer by the French Law; it was an exception alleging new matter. A direct affirmative and direct negative was an issue, so called because it brings the pleadings to a close. The Defendant's motion would have been scouted in England.

Mr. Justice Vanfelson:—The want of a replication was not a nullity by the *Ord.* 1785. The Plaintiff's motion was properly rejected at the trial. That in addition to the 'rajvers mentioned, the Defendants had cross-examined the witnesses and addressed the Jury. In 1785, the Bar was composed of Lawyers from England, who followed the English rules of pleading, unknown to our system. It was to stop this practice that the *Ord.* was passed. The rule to put in a reply was not imperative. Concurred with Mr. Justice Mondelet as to the judgment in appeal on this point. Not all the English rules were introduced with Jury trials. The French Law was, however, not to be infringed. The third objection was a good one, if founded in Law. But it appears that the presiding Judge never told the Jury *that the first eight counts were bad; therefore the Jury could not take notice* as to the application of their verdict to the good counts, and the general verdict was therefore good, but if they had been so charged, he would have doubted whether the general verdict were good.

Motion in arrest of Judgment rejected.

LAND SLIDE.—On the 10th instant, about two o'clock, P.M., a considerable land slide took place in the Parish of St. Leon, near Quebec, in the same neighborhood as one of the same kind some years ago. About 4 acres of land began to move all at once, carrying along with it the house and the family within. The slide being stopped for an instant in its progress, the family had time to rush from the house, which, a moment after, disappeared from before them, to be ingulfed in the masses of earth. No person was lost, and the inhabitants of the Parish turned out with celerity and constructed for the unfortunate family another house to protect them from the inclement weather.—*Gazette.*

QUEBEC, April 21.

Steamboat Explosion and Loss of Life:—At the British Steamer *Comet*, at 3, P.M., with a full headway of steam, was preparing to leave this Port, her boiler exploded in the centre of the boat, throwing her steam-pipes overboard and injuring her seriously. She sank in a few minutes. The 2nd Engineer, Carpenter, and one deck hand are missing, supposed to have been drowned. The 1st Engineer and five deck hands are very badly scalded, but only one of them dangerously so.

The Captain, who was on deck at the time of the explosion, was thrown into the hold, but was only slightly injured. The boat now lies in about 3 feet of water, a perfect wreck. Further: the body of one of the hands has just been taken from the hold, but has not yet been recognized.

EUROPEAN AFFAIRS.

ARRIVAL OF THE STEAMER PACIFIC.

The Quickest Passage on Record.

The Steamer *Pacific*, of the Collins' line, Capt. Nye, arrived at New York on Saturday morning at ten o'clock; having left Liverpool on Wednesday, April 9th, at 2 P. M. This makes her running time just nine days and twenty hours, which is the quickest passage ever achieved. The only voyage comparable to it was that made by the same vessel last summer, when she took only ten days and four hours. Considering the time of year, this last trip is astonishing, and sets the question of the comparative speed of the American and English Steamers at rest,—at least for the present.

The news is not of great general interest. Lord John Russell had won an incidental triumph in the Commons.

The London *Economist*, of the 5th, received by the *Pacific*, states that the agricultural crop is likely to be seriously affected by the weather, according to present indications.

The London Bankers think that California gold will *permanently* produce exchange between England and the United States, to the specie point.

The Pope has determined to grant only a limited number of passports to travellers desirous to visit London at the time of the World's Exhibition. None but Cardinals and Bishops will be sent over.

In France, no definitive Ministry had been formed.

A satisfactory settlement of the Ministerial difficulties, says the London *Sun*, of Tuesday evening, April 8th, appears to be altogether impracticable until after a dissolution. With the House of Commons, as at present constituted, there really cannot by possibility be any stable adjustment of an Administration. To adventure upon any such extraordinary step would be, however, just now, to say the very least of it, in the highest degree inconvenient. Therefore it is that the Legislature is disposed to accept the return of the present Administrators to office in preference to what would be yet more unsatisfactory—namely, a reference of the question at this particular moment to the opinion of the electors throughout the United Kingdom.

Rather than jeopard the whole of the gigantic scheme of the Industrial Exposition, the people themselves are prepared to submit to the perpetuation in power of the present Cabinet. Until the autumn, consequently, it is anticipated that the affairs of the nation will be allowed to remain in their present lamentable state of confusion—when, the impediment previously standing in the way of an appeal to the country being removed, the constituencies will again have the privilege of selecting the most eligible of their respective candidates.

BANK OF ENGLAND.—A Court of Proprietors was held on the 8th instant, at 10 o'clock, for the election of a Governor and Deputy Governor. The only candidates were, Thomson Hankey, Jr., Esq., for Governor; John Gellibrand Hubbard, Esq., for Deputy Governor. They were of course duly elected.

SIR CHARLES WOOD'S SECOND BUDGET.—The Chancellor of the Exchequer proposed his second Budget for the season on Friday night, the 4th inst., and it seems to have been somewhat better received than the first. It is not so much a new Budget as a modification of the old one. He is reported to have said in substance, that:—

The principle of this Budget, and of all his financial proposals, was to do that which was most beneficial to the mass of the people—to the many, and not the few. The Legislature had cheapened food and clothes; there remained another source of comfort to those classes, their dwellings. For their sakes he had, last year, repealed the duty on bricks, and he now proposed to reduce the duty on foreign timber, and to improve their sanatory condition by affording them air and light. Observing that he was unwilling to force the relief in respect to pauper lunatics, and the reduction of the duty on seeds, upon those who were indisposed to receive them, Sir Charles justified the other reductions of duty he had proposed, on coffee and timber, on the ground that they were in accordance with the enlightened legislation which had been approved by the House of Commons and the country. A loud demand, he said, had been made for the unconditional repeal of the window duty, amounting to £1,-856,000, and, if he assented to it, he should leave himself a margin of only £40,000 to meet any demand for the Kaffir war, and he must disregard other claims of pay of more pressing importance to the community. It was not the amount of the tax, but the mode in which it was levied, that rendered it so obnoxious, and he thought that, if he substituted a tax on the value of houses, he should obviate this objection, and meet all demands founded upon sanatory considerations. His proposal would likewise afford a material relief, since no person would have to pay more than two-thirds of what he had paid before. He admitted that the principle of uniformity, the same duty being charged upon old houses and new, was violated [illegible] but he hoped not afford equal relief; he, therefore, now proposed, excluding all reference to the number of windows, to charge a uniform duty of 9d. in the pound of annual value upon dwelling houses, and 6d. upon shops, victuallers' houses, and houses used in the occupation of land, whether old or new, exempting houses under £20. The result would be this:—He got rid of all reference to windows, he reduced the number of houses paying the tax from 500,000 to 400,000, he gave a benefit to those shops and other tenements, and he relieved a large number of houses from taxation altogether. The loss of revenue would be £1,136,000, which, added to the other reductions, amounting to £400,000, made an aggregate loss of £1,536,000, leaving a permanent margin of £356,000 surplus for the ensuing year. In the present year, half the window duty would be receivable, viz., £568,000, making a total of £924,000. These were the proposals he now made to the House, if it assented to the renewal of the income tax for a time to be limited.

Mr. Hume maintained that the application of the entire surplus to the reduction of taxation, especially the duties on malt, soap and paper, in preference to paying off any part of the capital of the debt, would be more advantageous to the community. The income tax he considered less oppressive than many other burdens upon industry, and would consent to a ratio of 7 per cent. in order to remove various items of the excise and custom duties.

The Ministry, on the following Tuesday, obtained an important victory upon a motion in the House to prevent the continuance of the income tax, offered by Mr. Herries. The proposition was presented in the shape of an amendment to the Report of the Committee of Ways and Means, and ran as follows:

"*Resolved*,—That it is the opinion of this House that the respective duties in Great Britain, on profits arising from property, professions, trades, and offices, and the stamp duties in Ireland, granted by two Acts passed in the sixth year of her present Majesty, and which have been continued and amended by several subsequent Acts, were granted for limited periods, and to meet temporary exigencies; that it is highly expedient to adhere to the declared intentions of Parliament when these duties were granted and continued; and, in order to secure their speediest practicable cessation, to limit the renewal of any portion of them to such an amount as may be sufficient in the existing state of the public revenue, to provide for the expenditure sanctioned by Parliament, and for the due maintenance of public credit."

The Right Hon. gentleman entered at great length into the financial history of the country during the last ten years, and explained the measures which had induced Sir Robert Peel to propose the imposition of an income tax in 1842. He then proceeded to quote at great length from the speeches of Lord John Russell, Sir F. Baring, Lord Sandwich, Mr. Labouchere, and Sir Charles Wood, against the imposition of the income tax when proposed by Sir Robert Peel, and called upon them to explain the reasons which had induced them to change their opinions.

The Chancellor of the Exchequer replied that, in 1845, the income tax had been renewed, not in conjunction with, but as a substitute for, Import duties, and as the basis of the great experiment of Free Trade. He, therefore, followed the example of Sir R. Peel—proposed its renewal for three years, in order that they might continue and carry out Free Trade principles. He denied that he intended to make it a permanent tax, but he would rather see it permanent than consent to a re-imposition of the duties on corn.

Mr. F. Peel supported the re-imposition of the income tax for the purpose of carrying out the principles of Free Trade; the proposition of the Hon. member for Stamford was a retrograde step.

The House divided, when there appeared,—

For the original proposition 278
For Mr. Herries' amendment.....230
Majority for Ministers.....—48

France.

Various attempts at forming a permanent Ministry have been made, but they have all failed, in consequence, it is said, of the intrigues of M. Thiers.

The Democratic Republicans have returned their candidates in several of the communes in the South of France.

Italy.

All the members of the Municipal Council of Milan have resigned, in order to avoid the necessity of paying homage to the Emperor of Austria during his approaching visit to the city.

The Genoa *Gazette*, of the 2nd inst., announces that in consequence of the high price of coal at Palermo, foreign coal is to be admitted until the end of June free of duty.

DEATH OF IL PASSATORE.—The celebrated brigand Passatore,—regarded however by many as a rebel to bad government rather than a robber,—has been killed at last. Passatore was the man, who, with his sixty followers, took possession of the theatre at Forlimpopoli, and forced the *gensdarmes* and the people to sit still, while they pillaged the houses.

The man's end is sufficiently epic:—

"On the 22nd," says the *Bologna Gazette*, "a [illegible] proceeded to the house of one Giacomo Strocchi, in the parish of San Lorenzo, (district of Lugo Romagna,) in consequence of private information that the robbers had taken refuge there. But the latter, who had in their turn been informed of the movement of the troops, had abandoned it, and concealed themselves in its immediate vicinity. As soon as the troops arrived, the bandits fired upon them, killed two gens d'armes, and mortally wounded one. The troops returned the fire, but the darkness of the night enabled the assaitants, aided by the perfect knowledge of the locality, to make their escape. Giacomo Strocchi was arrested and taken to the prison of Lugo. On the morning of the 23rd, the authorities of Russi were informed that two of the band were lurking in the neighborhood. As the band were known to be in force, and its Maratagliene, a brigadier of gens d'armerie immediately repaired thither with a few men. At their approach they were saluted with several shots; the brigadier was severely wounded. The two brigands then took to flight across the fields, hotly pursued by the gens d'armes, who fired upon them at intervals. At length the fugitives were wounded. One of them, however, succeeded in crossing a river and escaped; the other fought with desperation until he fell down dead. His body was taken to Lugo, and legally proved to be that of Stefano Pelloni, surnamed Il Passatore. Valuable articles, it is said, were found about him."

Notwithstanding this official establishment of the man's identity, we should only find it characteristic of the manner in which such matters are managed in that country if we were to hear of the brigand chief being still alive and well, and startling the world with some new exploits in some other district of the Peninsula.

We find in other Italian papers the following account of one of Passatore's last memorable deeds:—

"On the 19th, being St. Joseph's Festival, he suddenly appeared in the public square of Prada, in the diocesis of Faenza, where the inhabitants were assembled and preparing to go to church. Il Passatore was barefoot; he made everybody stop and show him his shoes, and, finding a pair which fitted him, he took possession of them and paid their value. Meanwhile, an Austrian soldier of the line made his appearance; the bandit fired upon and wounded him, and then escaped with his companions."

The success of such comparatively weak bands of malefactors is but too readily explained. The rustic of Romagna is deprived of all means of defence, even to the *sampina*, or poker on his hearth. The Government demands utter passivity on the part of the prostrate population. A troop of citizens that should arm themselves as special constables to rid the country of the miscreants who ravage it, would be dealt with by Austrian chasseurs or Pontifical gensdarmes with even greater severity than the marauders themselves. It is a crime for the Roman subject to think of protecting his life or his property.

Germany.

Accounts from Berlin, of the 6th, state that Austria has consented to the Prussian proposition for the reconstruction of the old Frankfort Diet.

A letter from Berlin, April 5th, says:—

"The Prussian resolution of completing the Frankfort Diet, has caused a great commotion at Vienna and Munich. Couriers are galloping in uninterrupted succession between the two capitals, and after the two travelling Sovereigns. The league also makes a fuss. Some big words are dropped, too, about resisting the attempt. The allies of Prussia, however, rejoice at the prospect of a decisive turn being given to the course of affairs, and are preparing to be all represented at Frankfort by the 15th instant. Hanover, it is said, approves of the measure."

The deputation of sixty Hungarian ladies, of the highest rank, headed by the Countess Von Winkheim, daughter of Field Marshal Radetsky, have requested an audience of the Emperor, for the purpose of petitioning him for the complete pardon of those persons who took part in the Hungarian revolution, and are now languishing in various prisons, or in distant lands. These ladies intend leaving Vienna on the 17th, by special train, and will seek to obtain the desired audience of the Emperor on Good Friday. They intend wearing the national costume, which consists of black dresses, with long trains, embroidered with steel.—*Prussian Staats Anziger, March 31st.*

Earthquake at Makri and Rhodes.

TERRIBLE DESTRUCTION OF LIFE AND PROPERTY.—Accounts from Malta announce a succession of terrible earthquakes which have been felt at Makri, a city of Asiatic Turkey, on the Mediterranean, and at the fortified city and island of Rhodes, which is situated fifty miles out from Makri and the Turkish coast. Rhodes is nearly in the same latitude as New York, and is distant from here six thousand miles. Its population is 25,000. The English Mail Steamers connecting with the Overland route to China, pass near Rhodes. The first shock was felt on the 28th of February, between five and half-past five P. M., when at Rhodes, the upper part of the castle, which is at the entrance of the town, fell with an awful crash, overwhelming the offices of the Austrian Lloyd's Steam Navigation Company, whilst the Tower of Arsye-Kule which commands the entrance of the harbour, and several other parts of the fortifications sustained great injury, as did likewise many dwelling houses, some of which were shaken to their very foundations on the rock—others cracked throughout. The oscillations were from west to east.

Mrs. B., the lady of a Foreign Vice Consul, was so alarmed, that she rushed, with an infant in her arms, from her dwelling, and jumping into the sea, made her way to a boat; whilst another daughter, who attempted to follow the mother, got buried in the ruins, but from which, through the humane exertions of some neighbors, was happily extricated, and, marvellous to relate, with no other injury than bruises. Slighter shocks succeeded almost daily, up to the 7th March. At Makri, on the main land, and its immediate neighborhood, the consequences have been most disastrous and heart-rending. The whole of the houses, dwellings, and stores, lately erected in the town, have been levelled to the ground, fissures having been formed in the very streets, from which [illegible] vapors exude continually, almost suffocating the inhabitants; many springs have dried up, whilst in arid localities new ones have gushed out, changing the whole feature of the earth's surface.

The town of Levissy, which contained 1500 houses, has not one left standing, and no less than six hundred human beings are reckoned to be under the ruins, which number would have been awfully augmented, had the shock been after nightfall, when the inhabitants retire to their homes after the labors of the day. The village of Chiorga has nearly met with the same fate, the upper part of a huge mountain having fallen into, and blocked up, the small port of Ekenade, overwhelming all the dwellings round about its base. Another village, more inland, has been buried from the fall, in opposite directions, of two hills, between which it was situated.

The survivors of Makri, alarmed by the repeated shocks which were still occurring for five days after, though of a much slighter nature, had fled for safety on board small craft and fishing boats, carrying with them what property they could from time to time dig out from beneath the ruins of storehouses, most of which has been removed to Sini, Rhodes, and other Islands.

At Samsoon a smart shock was felt on the 25th of February, but it caused no damage. Our readers will remember that the famous Colossus of Rhodes, which in its day was reckoned one of the seven wonders of the world, was thrown down by an earthquake 234 years before Christ, and 56 years after its erection, being the enormous weight of 713,000 lbs. To some such event is no doubt also attributable the extensive magnificent ruins of many cities which exist in Lycia and the valley of the Xanthus, of which Makri is the port, and from whence the British Museum imported the interesting works of art which adorn its saloons, discovered, or more properly speaking, recovered, by Mr. Fellowes, some ten years ago.

Since the foregoing was in type, we have seen letters from Trebizond, another city of Asiatic Turkey, (the ancient Trapesus,) down to the 5th of March, which make mention of two smart shocks of earthquake having been experienced thereat. Stove-pipes got detached from the walls of the houses, doors flew open, and many other [illegible] ments threatened to fall about the ears of the inmates, but no accident of consequence occurred. Earthquakes are of very rare occurrence at this seaport. Trebizond is on the Black Sea, and [illegible] situated some [illegible] east of Constantinople.

At Samsuni, a Turkish port of some note on the Black Sea, 200 miles this side of Trebizond, a smart shock was felt February 25, but no damage was done.

By Telegraph

NEW YORK, April 21

LIVERPOOL, Tuesday evening, April 8.—The accounts of the state of trade throughout the country do not possess any new or important features. Commercial affairs generally quiet, but the value of Foreign and Colonial produce is steadily maintained. The Grain trade manifests less activity than it did last week.

Prices are well sustained, and a moderate amount of business has been done. At Mark Lane yesterday, Indian Corn sold at 30s. @ 31s. The demand for this article at the market held to-day was brisk, and holders were firm. The imports of cured Provisions from America are light. Bacon a shade lower. Beef firmer. Other articles unchanged. Since Friday last nothing has been done at the public sales.

The steamer *Asia* arrived at Liverpool on Saturday night, the 5th instant, in 10 days and 9½ hours.

ENGLAND.—The Ministry have been sustained in the House of Commons, on a motion from the opposition to abandon the income tax; for the motion 278, against it 230.

FRANCE.—The aspect of commercial affairs is not unfavorable.

We learn from Dresden that it is not decided whether the Dresden Conference would be discontinued. It was generally believed that Austria would consent to return to the Frankfort Diet.

Accounts from Strasburgh announce that the President of the Frankfort Diet had been summoned to Vienna, in great haste.

The Copenhagen papers publish a proposition of the settlement of the Holstein question, which will be submitted to the Assembly. They declare the integrity of the Danish Monarchy. The Duchies of Holstein and Lauenburg to remain part of the Germanic Confederation, and to have their own Diet: the Duchies of Schleswig are to have a separate Diet.

COMMERCIAL.

NEW YORK.

EXPORTS FROM 1ST TO 15TH APRIL.

	1850.	1851.
Pot Ash	1,253	600
Pearl Ash	278	66

Ashes—Weekly Statement.

POT AND PEARL INSPECTION OF 1851.

By Cassedy, Palmer & Co.

Stock on hand.	Pots.	Pearls	Total.
	646	298	937
1st	426	19	345
2nds	64	7	71
3rds	34	13	47
Condemned	—	—	—
	1,060	297	1,360

New York, April 18, 1851

MONTREAL.

POTS.	Barrels.
Inspected 1st to 22nd April, 1850	126
Same period, 1851	151
Increase, 1851	25
PEARLS.	None
Inspected 1st to 22nd April, 1850	199
Same period, 1851	—
Increase, 1851	1,16

REMARKS.

POTS.—In steady demand at 27s. 10½d. @ 28s. exclusive of Drummond's Seals and 3rds, 27s. 3d. @ 27s. 4½d., 4th and 4th off.

PEARLS.—Holders anticipate an advance, and will not sell at rates offered, 28s. 1½d. @ 28s. 3d.

JOHN G. DEWING,
Ashes Broker,
25, St. François Xavier Street.

PORT OF MONTREAL

Arrived
April 11.

Schr Thistle, Painchaud, Boucherville
Schr Union, Joncas, do
12
Schr St Croix, Bernier, Boucherville
Schr Hubert Pare, Painchaud, do
Schr Haddock, Robeaux, do
Steamer Richelieu, Sorel
Steamer Jacques Cartier, do
Steamer Fire Fly, do

Cleared.
April 17.

Schr Aurelia, J Mochon, 111 tons, St Johns. (N&L)
Gillespie, Moffatt & Co, 1300 barrels flour and 13 kegs butter
.... St Croix. L Bernier, 93 tons, Halifax. (NS.)
Ryan, Chapman & Co, 1000 barrels flour

Imports.

Manifest of the Ship TORONTO, WM. BALLANTYNE, from Liverpool—Edmonstone, Allan & Co.

Gillespie, Moffatt & Co, 100 bls 48 cs 78 casks 10 mrels 1000 bds 126 hds 26 kegs; Frothingham & Workman, 1000 bds 126 hds 26 kegs; Frothingham & Workman, 6 casks 1 case 13 bellows; J H Ermatinger & Co, 68 do Darling, 4 cs; Anderson, Auldjo, Keene & Co, 68 do do of Apothecary