Glasgow Chronicle, are worthy of the royal grand-daughter of the venerable monarch who wished that every child in the British dominions might possess the Bible and be taught to read it.

#### CORRESPONDENCE BETWEEN MEHEMET ALI AND THE MER-CHANTS OF LIVERPOOL.

The following correspondence has recently taken place between the Pacha of Egypt and the merchants of Liverpool, originated by the latter in recognition of the protection afforded by Mehemet Ali to British residents and travellers in Egypt, and particularly at the time when a suspension of amicable intercourse between the Pacha and this country had virtually taken place :-

"To His Highness the Pacha of Egypt. "We the undersigned merchants, bankers, and other inhabitants of the town of Liverpool, beg to convey to your Highness our admiration and grateful thanks for the uniform protection and kindness manifested by your Highness towards our countrymen for many years past, when travelling through or sojourning in the extensive countries under your rule, and which protection has not been less efficacious than universal.

"These sentiments have been still further enhanced by your Highness's conduct on a recent occasion, when, with that consi-deration for the welfare of the mercantile interest and the benefit of travellers, and with a magnanimity worthy of the most enligh tened policy, your highness was pleased to allow a free transit of mails and pasengers through your country under circumstances which generally dissever the ties binding mankind together in friendly intercourse, affording thereby a rare exception in such cases to the general rule, a brilliant example to other potentates, and justly deserving, in our estimation, the thanks of the whole civilised world.

That you may long continue to govern the fertile dominic committed to your charge in prosperity and peace, devoting to its improvement all the energies of your enlightened mind; and that you may enjoy advanced age in health, honour, and happiness, is

" Liverpool, Feb. 26, 1841."

## ANSWER. "Gentlemen,-His Highness the Viceroy has ordered the undersigned to communicate to the Mayor, bankers, merchants, and other inhabitants of the town of Liverpool, that their address has reached him.

'The sentiments expressed in that address are highly gratifying to his Highness, who accepts the good wishes thus conveyed to him, and will always exert himself for their realisation.

"Mercantile interests and travellers in the countries under the rule of his Highness will always enjoy that effectual protection which is the type of civilisation in all nations; and in strictly adhering to his system of civilisation even in periods of the greatest difficulty, when his intentions were unknown, his highness has been faithful to his principles, and has given to his officers and to the people under his government a lesson that will bind them always in more friendly ties to the enlightened people of other nations, for their mutual welfare. "Amidst the regrets which his Highness sometimes experiences

at being unable to realise all the good he meditates, Providence grants him occasionally some consolation, which comes as a soothing balm, and of this nature is the address of the Mayor, bankers, merchants, and other inhabitants of the town of Liverpool. The undersigned is charged to express the great satisfaction that it has given to his Highness, and to convey to them his thanks. "The undersigned has the honour to subscribe himself,

#### "Gentlemen, "Your most obedient and most humble servant,

"BOGHOS YOUSSOUFF." (Signed)

### SIR CHARLES NAPIER AND THE DINNER AT LIVERPOOL. From the St. James's Chronicle

With every disposition to appreciate the gallantry Commodore Sir Charles Napier, we cannot but sympathise with the general feeling of distaste which his speech at the recent dinner in his honour at Liverpool appears to have created. We do not refer to the political allusions with which it abounds (intended, as we understand it to have been, as an electioneering address), nor to the intimation of the pride its author professed to feel in being enabled to call that blood-stained barbarian, Mehemet Ali, his friend .-Some latitude is, and ought to be, allowed to a sailor of the gallant Commodore's politics and predilections. His ac-knowledged bravery has not saved him, however, from repeated defeats as an election candidate; and his avowed afection for a man whose name, if associated with a single virtue, is also "linked to a thousand crimes," is not calcu lated to impress the thinking portion of the community with any great reliance on his judgment. It is with the tone in which he speaks of his own exploits in Syria, his monstrous usurpation of the entire credit of the late campaign, that w are chiefly disposed to quarrel. Not only does he omit to refer any portion of the honour due for those operations in which he was engaged in Syria, to the noble veteran to whom it chiefly belongs, but he would seem in one part of his address to have indulged in an insinuation, which we believe to be entirely unfounded, that he obtained the prin-cipal successes of which he boasts rather in despite of Sir bert Stopford than under his instructions. Nothing, indeed, can be conceived more ridiculously exaggerated than the merit he ascribes to his own exertions throughout the affair. He seems to forget, too, that during the campaign of the allied forces ashore, he was in the command of the which occasionally places soldiers under the command of sailors, he was ostensibly their chief, they would have driven no doubt good service; but his attempt to arrogate to himself the title of its hero, when the fact is, that the squadron by which that service was performed was commanded by one of the most gallant and experienced officers of which the British navy can boast, is really preposterous. As well might the commander of one of the divisions of the army employed under the Duke of Wellington at Waterloo assume to himself the entire glory of that eventful day. His care-ful avoidance of all allusion to Sir Robert Stopford, the offi-cer to whom the merit of having extinguished the power of Mehemet Ali in Syria really belongs, excepting for the purpose of disparaging the importance of his services, was in the worst possible taste; and is calculated to create a pain ful feeling in the breasts of those gallant companions in arms who co-operated with him under the command of that distinguished officer. For a short time the gallant Commodore certainly was senior officer on the coast of Syria, but during that period he achieved but few of the exploits he lays claim to—still less entitled himself to speak of his performances in the following hyperbolical terms :-"He had then to work, not only as an admiral, but as a general, double tides; but in the course of one short month alone he succeeded in driving 100,000 men out of Syria, and in liberating the inhabitants of Lebanon. (Renewed cheers.) He had had only a small force of 10,000 men; but as he had sent off all sail of the line to Alexandria shortly after the taking of Acre, and as winter was setting in, he thought it was time to carry into execution the treaty of the 15th of July. He took on himself that great re-sponsibility, there being no advices from home; he sent to Mehe-met Ali, and he proposed peace, and after three or four days of discussion peace was signed. He (Sir Charles) then thought that war was at an end, but when the treaties went to Constantinople they were protested against by the ministers, opposed by the au-Syria, decided to have been hastily signed, abandoned without reflection, and the whole business was forced to commence over again. The officious conduct for which he here assumes such uninded credit, called forth nevertheless the disapprobation of his superiors, and his treaty having, as he candidly adpronounced "hastily signed, was ultimately abandoned," and "the whole business was forced to commence As a sailor we believe that the gallant Commodore de-serves all the praise for zeal and gallantry which he has arrogated to himself. But we doubt if his diplomacy is at over again. all superior to his political wisdom. At all events, he will do well in future, in proclaiming his own merits, not wholly to overlook those of his contemporaries; and least of all those of his superiors in rank and equals in martial provess. The Liverpool dinner reminds us forcibly of the performance of "Hamlet, with the part of Hamlet omitted by particular

The sentiments contained in this letter, justly remarks the trade and corn law repeal trick, from which the ingenious

If the scheme of the Finance Minister should ruin the imber trade of the Canadas, the greater will be the produce of the reduced duty upon timber from the Baltic; and our unfortunate colonies will have still the consolation to know that, if their timber trade is gone, they have at least got in exchange a new constitution and Lord Sydenham. The eduction of the duty upon foreign sugar will be deeply in urious to the West India colonies of this country, and inju prious also, though not in the same degree, to the most im portant of all national interests, that of British navigation is eminently favourable, however, to the interests of the Brazils and other sugar-growing foreign countries, and par-ticularly to the interests of that meritorious class of their habitants who are engaged in the lucrative trade with Africa for the perennial supply of cheap labour to their plantations. The wisdom, or, at least, the consistency measure may be doubted, however, when it is consiugar plantations. dered that the British government very recently paid twenty millions of money for the abolition of slavery in our own colonies, and that the immediate and most certain effect of the proposed reduction of duty on foreign sugar is to call into existence as much slavery as we abolished at the above cost; and slavery of a far more barbarous and inhuman character .- Ibid.

# POPERY IN BAVARIA-Munich, April 10 .- A disgraceful out-

rage took place here the other day, to which Mr.\_\_\_\_an English-man, had nearly fallen a victim. Accidentally meeting a religious procession, in which the King was taking a part, parading the treets, he neglected to pull off his hat as the host was being carried by. The mob in their incomprehensible jargon, rudely bid him uncover his head, which he, either from ignorance of their patois, or feeling conscientious scraples on the point, neglected to do; his hat was consequently dashed off by the nummers, inebriated as they were rather with the strong beer of Munich than moved by any real devotional Catholic feelings. He responded with an *argu-mentum ad baculum* on the shoulders of the offender, when, one and all, they set on him tooth and nail, and, like a second Pentheus, he would infallibly have been murdered by them in their bacchanalian fury, had not a body of gendarmerie thought proper to rescue

This is not the first time that violence of this nature has been perpetrated on the body of a British subject in this place. is the hot-bed not of tolerant conscientious Roman Catholicism but of the Papacy in its most rabid, uncompromising form. At this moment the celebrated orientalist and poet, Ruckert, is on the point of leaving Bavaria for Berlin, whither he las been invited by the enlightened King of Prussia, with a salary of 3000 dollars, and, as I am credibly informed, the main reasonal is sudden departure is the unworthy manner in which he, as a Protestant, considers his creed to have been lately treated here. A certain fanatical Dr. Eberhard has been launching, from his pulpit in St. Michael's, the thunders of the Church against the Protes tants, and all those having part and lot with them. Offended at these unjustifiable attacks, a body of enlightened Protestant r Tiersch among the number, petitioned the King to put a stop to them. Some trifling notice was taken; not, however, a way to satisfy the just resentment of the attacked. This i not the only cause of soreness. The Reformers complain bitterly, that on the occasion of religious processions, when the military are drawn out, Protestant as well as Catholic soldiers are compelled to kneel down in the street before the sanctissimum-a measure ce with the principles of the constitution given to Bavaria in 1818, by which universal toleration is accorded to

The Pope views this attempt at extension of his power in Germany with no small interest. I remember very well travel-ling in an eilwagen with a Roman Catholic priest, who was returning from Rome, when he had kissed the Pope's foot. He relate to me the following words spoken by the holy father :---"Ah! you are going to Bavaria. King Louis is indeed a pious monarch; in short, he is the only true Christian in Germany, and were it in my power I would extend his kingdom to the very gates of Rome."

# CANADA.

# ARRIVAL OF THE GOVERNOR GENERAL AT KINGSTON.

From the Kingston Chronicle. At 25 minutes before 1 o'clock Friday, May 28th, the Brock-

nand of Lieut, Monro. Previous to landing from the Brockville, His Lordship was waited upon by His Worship the Mayor and the Presidents of the different Societies and the Members for the Town and County. The Mayor presented an Address to His Excellency from the Inhabitants of Kingston.

there is the street was tasternly inclusion in two boots in two or the interval and ever-greens, with a Triumphal Arch decorated with colours and ever-greens, with a Triumphal Arch decorated with colours and fags, under which His Excellency and Suite proceeded on horseback. Within the ever-greens the members of the different great aggravation of the misery it occasions, if the dreadful punthe upper windows of all the buildings within sight of the proces-sion. Lord Sydenham looked remarkably well, notwithstanding the Syrians before them with as great facility under one of their own field officers as under himself. At Acre he did his recent illness, and bowed affably and condescendingly to the people as he passed along. The different societies looked brilliant. Their flags and various decorations were truly splendid. The variegated green collars and other decorations of our friends of the Emerald Isle, were very beau--while the national costume of the "lads of the Phillibeg," with the martial strains of their native music, added not a little to the interest of the day. The sons of St. George looked as they always do, respectable, and the Mechanics and the Fire Company appeared to great advantage. The Chief Marshal of the day, Captain Jackson, as well as the Marshals of the various societies, performed their respective duties with activity and zeal, highly creditable to them. His Excellency and Suite, accompanied by Commodore San dom, several of the Heads of Departments and the Sheriff of the District, proceeded to Alwington House, followed by the general procession, which was by this time prodigiously swelled in numbers, there being at a low computation not less than 10,000 souls present. On reaching His Lordship's residence, the pro was arranged in the form of a crescent, and the Guard of Honour of the 24th which had been drawn up on the lawn, having retired, the Sheriff presented an Address to His Excellency from the inhabitants of the District. The Marshal then advanced to the centre of the ground, and the banners of the Societies being low ered, three hearty cheers and one cheer more were given in honour of His Excellency the Governor General. The banners being raised and the Societies re-formed, they marched past in slow time and were severally introduced by the Marshal. As the Presidents and were severally introduced by the Mashai. As the residents came in front, His Lordship cordially shook hands with each of them, as well as with the Mayor, Marshal, &c. expressing his en-tire satisfaction with the proceedings of the day. The procession then returned to town, and the people retired quiefly to their respective homes. The weather was delightful-every thing was conducted with the utmost decorum and propriety-and we venture to say, highly to the satisfaction of every one present. All the vessels in port were tastefully decorated with their flags,

the support and protection of one Sovereign, he cannot fly to another. His only alternative is perhaps to become a public mendi-cant, or starve. Such conduct on the part of any Government, and especially of such a Government as ours, would be a declaration of war against every principle of justice and humanity. With regard, in particular, to the case before us, Mr. Kerr was a Judge of the highest Court of Justice in Lower Canada; and the Im perial Government having, in several despatches to the Governor of the Province, admitted the principle of rendering the situation of the Judges permanent and independent, except upon the conditions established in the Mother Country, Judge Kerr, unquestionably, ought not to have been removed from office, without a vote of the Imperial or Provincial Legislatures. But such a con stitutional course having been deviated from, it is, we think, the bounden duty of a wise and generous Government to award him such a compensation, for the loss of office, on erroneous principles and in the face of undeniable testimonials of good conduct and character, during an unusually long period of public service, as will render the remainder of his declining years smooth and com-fortable. Let not the extraordinary and unparallelled fact go down in our Colonial history, that a Judge of the land, without legal trial or defence, was removed from office, a sacrifice of conciliation at the base and polluted shrine of a factious and treasonable Assembly, which it became necessary to crush and dissolve, w view to establish a better order of things in the country .- Montreal Gazette.

The Niagara Royal Mail Steamer arrived here Wednesday June 2d, at half-past 4, P. M. The Niggara left Kingston with from 18 to 20 cabin passengers, and about 200 steerage passengers, emigrants lately arrived at Quebec. Some 40 of the emi-grants were landed at Cobourg and Pert Hope-nearly 60 for Hamilton were put aboard the Britannia, which waited at the point for the Niagara, and the remainder landed here. The generality of the emigrants appeared of a superior description .-Herald

Among the passengers by the Niagara were Messrs. Coffin and Fullam, who, with Hon. R. B. Sullican, are to form a Commis-sion of inquiry into the causes of the disturbances which took place here on the Monday succeeding the close of the Election We have already denied the power of the Governor to create a Commission which can supersede, or even interfere with, the pre rogatives of existing constituted authorities; and at this particular crisis, when the course of justice is pursuing its regular chan when the Grand Inquest of the District-after having given to the case of Kelly and others, charged with homicide resulting from those disturbances, a patient investigation-have returned true bill, and the prisoner is on the point of being arraigned before a jury of his country for the offence of which he stands indicteda such a stage of the judicial proceedings of the recognized tri-bunals of the land, to issue a Commission of Enquiry—a Commission too prayed for by violent partizans, heated with party ani-mosity, and influenced by political and religious hostilities-ineminently qualified to warp the public mind and create prejudice wholly at variance with impartial justice.-Ibid.

#### From the Commercial Herald.

HOME DISTRICT ASSIZES, SPRING CIRCUIT, 1841, CHARGE DELIVERED TO THE GRAND JURY BY HIS HONOUE THE CHIEF JUSTICE.-TUESDAY, MAY 25, 1841.

Mr. Foreman, and Gentlemen of the Grand Jury:

The Sheriff's Calendar of prisoners awaiting their trial exhibits a more than usually crowded state of the Gaol; but by far the greater number of charges are for petty thefts, such as the inferior criminal courts would have taken cognizance of, if a session ha intervened since the commitment of the parties charged. As that has not been the case, the duty is thrown upon this Court of delivering the gaol of these prisoners, as well as of others, since it would be unjust to suffer those whose guilt has not yet been proved, and who may therefore be innocent, to remain in

for want of an opportunity of trial, while there is a court actually sitting competent to dispose of the charges against them. This necessity will account for your time being occupied in investigating a number of cases apparently too triffing in their nature to be brought before this Court.

Among the charges of a more serious description there is one for Arson,-a crime which of late years has been of more frequent occurrence than formerly, owing partly to causes which we may hope have for the present nearly passed away. This is an offence so odious in its nature, and so destructive in its consequence netimes reducing suddenly the victim of a cruel revenge from a state of happy independence to ruin, that there is perhaps none which it more deeply concerns society to detect and punish. It is, at the same time, a crime against which it is difficult to guard; for it requires neither skill nor boldness to perpetrate it, and it wille and Traveller appeared in sight, which was announced by the firing of three 32 pounders from the Advance Battery at Fort Henry, by the Kingston Artillery—under the temporary comheaving traces which may lead to a discovery of the one media. In most instances, where the party does not voluntarily confess his guilt, the only means of detection are furnished by his previous threats, or his declared ill-will, or by something suspicious being observed in his conduct after the crimehas been committed.

From this difficulty of detecting the offender, and from the indignation and alarm which the crim of arson excites, it natuabitants of Kingston. His Excellency landed at the Commercial wharf at the foot of tore Street, where he was received by a Guard of Honour of the 24th Regiment, when the usual salute was fired by the Royal Ar-is in general to be despaired of, they smettimes allow the force of truth to circumstances which, at most, should only be suffered

fine body of Marines to whom so large a portion of the suc-cess of those operations is due; that they had officers of drawn up, who received His Lordship with evident feelings of encess of those operations is due; that they had oncers of great gallantry and experience to command them; and that, although, by virtue of a somewhat anomalous regulation which occasionally places soldiers under the command of has been set fire to, though it may no have been wholly con- which gains strength while the contest lasts, --party designations sumed, the offence is nevertheless complete; and although our are adopted and party emblems worn; exultation on the one side, statute which retains aron among the number of capital offences, and disappointment on the other, excite feelings equally unfavor-requires that the act shall appear to have been done with intent able to peace, and the moment when the trial of strength has to injure or defraud some person, you wil understand that where the setting fire to the building has been wilful, and not accidental, spirit, all feelings of hostile rivalry would cease, is often the very the law implies a malicious motive, unless the truth of that inference (which it is in the first place reasonable to draw) shall be This indeed is a principle of our law which applies to all crimes; and it is only by acting upon that principle that justice can be effectually administered for the potention of life and pro-perty. Express proof of a malicious feding, unconnected with the acti list of a malicious feding, unconnected with disproved by the circumstances of the casehe act itself, can seldom be given. The law therefore, in the first instance, judges of the motive from the act; presuming that a bad deed, wilfully committed, has been committed from a bad motive. We can in general judge of the hearts of others only from their conduct. Their real impleses are known but to themselves; and it is therefore necessarily thrown upon themmotive. themselves; and it is therefore necessarily thrown upon them-selves to shew, if they can, that they had a good, or at least a blameless motive for an act which, without explanation, the general sense of mankind can only account for hy ascribing it was a sense of manking and the sense of marking general sense of mankind can only account for by ascribing it to a wicked disposition. There are several charges in the calendar of too revolting a character to be unnecessarily discussed; and I therefore pass the over, not doubting that you will exercise a discriminating judg-ment upon the facts which may be brought before you. There are also two cases of homicide to be investigated, in one of which the prisoner has been committed upon the charge of mur-der,—in the other the crime is stated to be "the feloniously firing" It is a principle of our law that where several persons a at and killing" the person slain; the want of a more definite spe-cification of the offence in the latter case having arisen, as we may suppose, from an uncertainty on the part of the authority committing, in regard to the legal character of the act under the circumstances proved. All judicial inquiries, in cases of homicide, demand the most scrupulous and vigilant attention, on account of the care with which human life should be guarded against illegal violence, and also because of the consideration, which should always be present in such cases, that the life of the prisoner really, and not nominally only, hangs upon the issue. Applications having in both cases been made to admit the pri-Having, in common with our contemporaries, alluded to the conversation which took place in the House of Lords, on the 12th on which the charges were made; and I am aware that the facts in each are so entirely different, that little could be said in respect to the one, which would have any material application to the other. The first point to be inquired into in all cases of homicide, is whether the death of the deceased person did really occur from injuries received, or from natural causes. In regard to one of the two prisoners, an Indian of the Mississagua tribe, the case may be found perhaps to turn principally upon that point; and as the very foundation of the charge rests upon it, it is obvious, that unless the evidence upon that point is satisfactory to you, the very body of the offence would then be wanting, and you ought not to find a bill, since it would be unjust to place any one upon his trial on a charge of murder or manslaughter when it had not been reasonably made out that any homicide had in fact been committed. pposing, however, the charge to be sufficiently sustained in this respect, the next inquiry will be,-who inflicted the injury which occasioned death? In many cases this point is necessarily to be determined upon circumstantial evidence; and, so far at least as your duties are concerned, it will be clear upon reflection agriculture will scarcely, we apprehend, be inspired with gratitude or confidence when they perceive that ministers are dealing with this national question, as if it were a worththat proofs less conclusive in their nature may be accepted upon a wrong is not implied. Constitutionally speaking, offices of trust his trial; and after a foundation has been laid, by ascertaining that are dealing with this hattonal question, as it is vere a worth-less thing, except as a last resource to a feeble, discomfited, and emolument are only supposed to be conferred as a reward for and despairing political faction. It is manifest that the corn past services; and, therefore, nothing can be more unjust and unlaw question could not have been blended with the financial generous than the revocation of such a reward, unless some judi- into the facts, in order that the guilty may, if it be possible, be law question could not have been biended with the financial system of the year for any other purpose than the dishonest of its continuance. Besides, public servants ought never to be assumed to have been done of its continuance. Besides, public servants ought never to be assumed to have been done of its continuance. Besides, public servants ought never to be assumed to have been done of its continuance. Besides, public servants ought never to be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the first instance be assumed to have been done of malice; and the adjustice and the distort, we had intended to give an earlier insertion to his contributions, but unavoidable circum the distinction heads are consequence.

suspicion. We must presume that in the event justice will be done; and the safety of society demands that cases, supported by strong and probable testimony, should be brought to the test of a public trial.

If in these two cases, or in either of them, it shall appear to you that the person charged to be slain did come to his death in consequence of injuries inflicted by the prisoner, then the last point to be inquired into will be whether the act of killing was wilful and malicious; and it is this point which, in the greater number of cases, affords the most room for doubt.—The general principle, as I have already stated, is that the homicide is to be presumed to have been committed of malice aforethought, if the contrary does not appear, or at least some strong reason for believing the contrary. It is thrown, therefore, upon the prisoner to shew a case that would either justify the act, or reduce the offence to manslaughter; unless the facts given in evidence, on the part of secution, do of themselves lead to such a conclusion

It is incumbent, of course, upon the Grand Jury carefully to onsider the facts, as they appear before them, and to give to them the proper legal effect, so far as their judgment can direct them neither straining the evidence to points which it does not fairl reach, nor giving to extenuating circumstances more than a just measure of allowance. And I think it is right on these occasions to inculcate, that when the homicide is proved, and the circum-stances of justification or excuse are either not satisfactorily estalished, or seem to be such as may give rise to legal doubts in their application, the safer and better course is for the Grand Jury to present for the higher offence; thus leaving it in the power of th court and jury to deal with the case, upon the trial, according to all the facts that may then appear. But where facts, clearly sufficient to justify the homicide or to mitigate the offence to manslaughter are plainly made out, then such a course can with no degree o propriety be recommended, because in that case the Grand Jury would owe to the prisoner the protection which it is the ver object of their institution to afford. And it is hardly necessar to state, that they ought not to put any person upon his trial for a crime so justly odious as murder, if at the same time they are clear in their conviction that the evidence disproves the charge,

or fails in any essential point to support it. In respect to one of the cases on the calendar, I apprehend the inquiry will turn upon the point whether the prisoner had any hand in depriving the deceased person of life; and not upon any question of his motives. In the other case, it is the latter consideration, perhaps, which will chiefly engage your attention. It refer now to a prisoner named Thomas Kelly, who is committee upon a charge of feloniously firing at and killing one James Dunn. The lamentable occurrence which has led to this charge excited so strong a public interest at the time, that you are no doubt more or less acquainted with the main facts of this case as they were then described by some of those who witnessed them If your knowledge of the general features shall enable you the better to understand and appreciate the testimony, that will be an advantage in the administration of justice; and I trust that with gentlemen of your intelligence and experience there can be no danger, on the other hand, that any preconceived opinion which you may have formed upon the case can have the effect of preventing you from now giving its due weight to all the evidence and drawing from it a reasonable and sound conclusion, disregard ing every feeling and motive except the sense of your strict oblition to do right.

It is the second time, I believe, that the election of members for this town has, unhappily, given rise to a tragical event of this nature; and whatever conclusion you may come to, upon a dispassionate review of the facts of the present case, it cannot be too deeply regretted that an occasion, in which the subjects of a free country should take peculiar pride, should be clouded by events so sorrowful, and so disgraceful as a deadly conflict in the most

public street of this populous town. To be governed by laws, and not by the arbitrary will of any man or number of men, and to have the privilege of choosing those who are to have a voice in making the laws, are the distin tions of a free people. They are privileges of inestimable value; and if mankind were perfect, the duties which their possession mposes would not be discharged in such a spirit as could disturb the peace of society. But it seems that in this instance, as in almost all others, the good must be taken with some alloy. It is n the nature of popular institutions occasionally to engender tumults; and while every well-wisher to his country will do his utmost to prevent and to repress them, we must still all feel that the condition of things which produces these evils would be ill

exchanged for the sillness of despotism. It has been long, and commonly remarked, that in general ne controversies are managed with less forbearance than those which relate to points of difference in religious doctrine; for which we may suppose the reason to be that the mind dwells with so much earnestness upon topics of such lasting interest and importance that it is apt to overlook those concessions which candor and the courtesies of life claim successfully in matters more indifferent. Upon a like principle, perhaps, we may account for that eagerness of contention which so frequently renders popular elections the scenes of disorder and violence. There is, no doubt, a strong scenes of disorder and violence. There is, no doubt, a strong sense pervading the community of the importance of the trust to be delegated to the representative. The choice is not, in fact, a matter of indifference, and it is not surprising that it is not so mended over these in the progress of the context feelings are regarded, nor that in the progress of the contest feelings are

magistracy instantly to restrain within the bounds of order If each person who is to exercise the privilege which the constitution confers upon him, could be prevailed upon to act might be no tendency to these fatal tumults; but unfortunately it

engendered which it is not always found practicable for a vigilant

fairly before the country any strong and well-grounded reasons for latter is defined to be "the unlawful killing of another without matice express, or implied." If the act were done in the heat of blood, upon a sudden provocation, though voluntary, it would he but manslaughter; "for the law pays that regard to human frailty as not to put a hasty, and a deliberate act, upon the same footing with regard to guilt.

Then again, it may become necessary to pursue the inquiry further, and to consider whether the act can be justly regarded as having been committed in the legal exercise of the right of self defence; for if that should appear, the case would be one of *justifiable homicide*. Upon this point, you will bear in mind, that the mere invasion of one's property, in a civil trespass, will not justify the owner in taking the life of the intruder. On the other hand, violently assailing a person in his dwelling house is held to be equivalent to a direct assault upon the person; and when numbers acting together with force, and under such circumstances as may inspire terror, threaten the lives or persons of the inmates of a dwelling, not only the owner, but those who may be in the house with him, are privileged by law in whatever measures are necessary for protecting themselves from outrageous violence; and it lawful for a person to assemble his friends and others to assist him in repelling the aggression

It is to be remembered in these cases, that the manifestation of danger to the lives, or of bodily injury to the persons assiled, must be such as might reasonably excite slarm in persons of ordinary understanding and firmness. The law does not justify the use of deadly weapons as means of revenge, when the da past, or in retaliation under a sense of insult merely. They can only legally be used as a protection against present danger. man has a right to maintain himself in the possession of his house by force, if it be necessary; and is not bound to retreat from it, in order to save the necessity of defending himself by extreme measures.

But, on the other hand, you will bear in mind that he who would justify a homicide by the right of self-defence, must himself be blameless in respect to the encounter. If he by his own act provoked the attack, or wantonly aggravated the quarrel, he would not be justified, although homicide committed by him during such quarrel, suddenly, in the heat of blood, and without malice, would quarter, statem, in the new orbota, and where the analy, word amount to manshaughter only. And further, if it should appear in any such case that there was a premeditated design to provoke a contest, in order that under cover of it a previous feeling of malice might be gratified under the semblance of self-defence, then the person inflicting death under such circumstances would in law be guilty of murder.

There have been adjudged cases founded upon these several distinctions; but I forhear entering into a more particular statement of them, my object being to afford only a general outline without going minutely into the subject upon any supposed state of facts, which might turn out not to be consistent with the evidence to be received by you, in which case the attempt to direct might mislead rather than assist you.

I will add only what, perhaps, is scarcely necessary, that it is of no moment as regards the disposal of this case, that the excited state of mind of the parties grew out of an election contest, or was connected with any political parties or questions. All that the law regards as important, is the *fact* that such a state of mind existed, not the particular causes which led to it. If a tumultuous meeting had been occasioned by any other circumstances of a public or private nature, so that the parties acted without premeditation, under the influence of sudden passion, or fear, and with highly excited feelings, the legal effect would be the same.

You will discharge, gentlemen, at some time during these assizes, the duty imposed upon grand juries of examining into and reporting upon the state of the gaol, and the treatment of the prisoners confined in it. This customary duty will be attended, a this occasion, with additional interest, from the circumstance of the District having recently taken possession of the New Gaol, a building which it is hoped you may find well adapted to the safe-keeping of prisoners, in a manner consistent with their health and comfort

#### SPRING AND SUMMER DRY GOODS.

THE Subscribers beg to intimate to their Correspondents, and to the Trade generally, that they are now in receipt of part of their im-FANCY AND STAPLE DRY GOODS;

and by 1st proximo, they will have a very large and varied stock opened

out. These Goods have been selected with great care, and on the most ad-vantageous terms, in the British Markets; and the Subscribers are pre-pared to sell them at very low prices, for Cash, or for payments at short and definite periods.

# ISAAC BUCHANAN & Co. Front Street, Toronto, 26th May, 1841. 48

BRITANNIA LIFE ASSURANCE COMPANY,

No. 1, PRINCESS STREET, BANK, LONDON. PROSPECTUSES, Tables of Rates, and every information, may be obtained by applica fon to FRANCIS LEWIS FRANCIS LEWIS, 144, King Street, Toronto.

General Agent. 48-tf

ENLARGEMENT OF THE MONTREAL TRANSCRIPT. ENLARGEMENT OF THE MONTREAL TRANSCRIPT ". ON THURSDAY the 3d June, the MONTREAL TRANSCRIPT will appear on a larger sheet, as some time since proposed. As the old size and the new one will not bind together, our paper of that day will be No. I of a new Volume; and an extra number of the first few numbers will be struck off, in order that new subscribers may be supplied from the com-mencement of the interesting Tales it is proposed to introduce. Adver-tisements inserted in the 1st No. will have the advantage not only of the present large circulation of the TRANSCRIPT, but of an additional quantity

Tresent large circulation of the TRANSCRIPT, but of an additional quantity to be printed on that day. All Advertisements inserted in the MONTREAL TRANSCRIPT, shall have one insertion Gratis in the WEEKLY TRANSCRIPT, a new Paper to be published on the 9th June. D. M.DONALD. Proprietore.

D. M DONALD, PROPRIETOR. Montreal, May 25, 1841.

#### THE MINISTRY-REPEAL OF THE CORN LAWS. From the Morning Post.

The landed interest will know how to resent at the general election, now evidently approaching, this contemptuous treatment of so important a national concern as the corn are dealing with this national question, as if it were a worthare ever subject, is, it seems, to be succeeded by the free- servant go? His office and emoluments are extinct; and in losing should not be suffered to restrain Grand Juries from bringing remember the distinction between murder and manslaughter, which stances have occasioned the delay.

&c. and we were pleased to notice among the number some American vessels, as most conspicuous.

of March last, on the petition presented by the Duke of Richmond, of the Hon. Mr. Kerr, complaining of being summarily deprived of the high judicial offices which he held in Lower Canada, it was our intention to have given, at length, the very complete and sa-tisfactory memorandum, published in the Quebec Gazette, by Mr. James Hastings Kerr, explanatory of his father's case, and in refutation of the insinuations thrown out in Parliament against the character of that learned and venerable gentleman. But our limits are now so circumscribed, that we must content ourselves with a very slight allusion to this extraordinary case. That Mr. Kerr, like many other faithful servants of the Crown, in Lower Canada, was dismissed from office, with the view of conciliating a reasonable and rebellious House of Assembly, is most undoubter That such conciliation was inexpedient, ill-advised, and singularly unworthy of the firmness and impartiality which should always characterize the Imperial Government, is equally so. It is the imperative duty of the Government to protect the officers of the Crown, until legally convicted of an offence worthy of punishment, such as removal from office, or otherwise; but, in some of the cases to which we have referred, has that duty been performed?

either is necessary, or it is supp ed to be so, that men should moment when the most dangerous collision occurs.

I sincerely trust that the mournful lesson which recent events must have impressed upon this community, may have a salutary of our laws, neither favoring the guilty, nor bearing unjustly upon of English law has sanctioned in the long course of its wise and

oved that he actually fired the shot, then the case upon that certain circumstances to answer for the deed, when perpetrated by It is a principle of our law that where several persons are together, combined for an illegal purpose which it is their intention to carry against any opposition that may offer, the act of one is to be regarded as the act of all. But there are qualifications connected with this principle, which derive their force from obvious considerations of reason and equity. Thus, where the object is such, and the conduct of the party such as to afford no just ground for supposing that the use of deadly weapons was contemplated, or that any fatal conflict was likely to ensue, then if one, unknown to his companions, should conceal about his person a pistol or a dagger, and should use it, when there is no reason to suppose that the others of his party concurred in his intention, or were aware of it,-such an act would involve in the guilt of felony that

person only who committed it. So also if a number of persons being in company are unexpectedly attacked, and pressed upon by others, and they stand upon their defence as they have a right to do, although one or more of the party may push the right of defence unreasonably, and beyond the limits of any apparent necessity, or may in the heat of blood occasioned by the provocation take an excessive and cruel revenge, the others are not responsible for such excess, unless by their con-duct they countenanced and abetted it. It would in such a case be just, (and the law is so,) that each person should be held liable only for his own act, in the absence of proof of any previous concert which could fairly raise the implication of an approval and rrence on the part of others.

If therefore it should not be shewn to your satisfaction that the prisoner did himself inflict the fatal wound, you will not fail to consider these distinctions, in determining whether you can properly hold him responsible for the shot that may have been fired by another. If you do find that under the circumstances he should be so regarded, then you may legally treat him as having fired the shot, provided he was present concurring in the act, although in strictness of fact the gun may have been discharged by manslaughter only; or whether he was so clearly acting in the any offence whatever.

THE WEEKLY TRANSCRIPT.

THE WEEKLY TRANSCRIPT. O'N WEDNESDAY the 9th June, a new paper, to be called the WEEKLY TRANSCRIPT, will be issued from this Office, and will continue to be published every Wednesday at the low rate of TEN SHILLINGS per annum in town, and 12s. 6d. in the country, although containing 12 pages of the original TRANSCRIPT size. It will make a handsome volume for binding, amounting in each year to 624 pages, and will enter from its commencement on the popular stories of "BARSABY RUDCE" by Boz. and "OLD ST. PAUL'S" by W. Harrison Ainsworth. These will be fol-lowed by a constant succession of selections from the most celebrated authors, and the WEEKLY TRANSCRIPT will furnish the cheapest and best collection of literary matter to be found in Canada, hesides giving the latest news, and the politics of both the Colonies and the mo-ther courry. 48

# NEW STATIONERY WAREHOUSE,

No. 137, King Street, THIRD SHOP EAST OF YONGE STREET. THE Subscriber respectfully acquaints his friends and the public, that he is now receiving from the Home Markets an extensive and well-selected stock of S T A T I O N E R Y, &c.

and that early in June he will open the above premises. His stock has been purchased on the most advantageous terms, and he will thus be enabled to sell at very reasonable prices. The Subscriber will also offer for sale a selection from CHAMBERS' CHEAP RE-PRINTS OF STANDARD WORKS.

HUGH SCOBIE.

British Colonist Office, Toronto, May 26th, 1841. 47-tf

# H. & W. ROWSELL,

STATIONERS, BOOKSELLERS, AND PRINTERS,

STATIONERS, BOOKSELLERS, AND FRONTERS, KING STREET, TORONTO, AND BROCK STREET, KINGSTON, **B**EG to announce that at each of the above places they have on hand a large and varied assortment of Account Books, Writing Paper, and every description of plain and fancy Stationery, and also a great variety of Printed Books. By vessels now arriving, and constantly during the season, they will be in receipt of fresh supplies from England, and their near connection with the old established firm of SAMUER ROWSEL & SON, STATIONERS AND ACCOUNT BOOK MANEPACTURERS, 31 CHEAPSIDE, LONDON, gives them advantages in the purchase of their stock which few possess, and ensures them a constant supply of the very best articles, at the most moderate prices. It also enables them promptly to execute any orders with which they may be favoured. for any articles connected with the most moderate prices. It also enables them promptly to execute any orders with which they may be favoured, for any articles connected with their business, to be procured from London. Such orders should be given within a week or two from this date, to *ensure* their arrival here during the present season.

Bookbinding in all its branches, Book and Job Printing, Copperplate engraving and printing, neatly executed. Account books ruled and bound to any pattern. Mortgages, Deeds and Memorials, &c. for sale. Military Ledgers and Defaulter books May 21st, 1841.

# BIRTHS.

In this city 1st instant, the Lady of Charles Berezy, Esq., of daughter

On the 27th ult., the Lady of W. Ledley Perrin, Esq., of a son. At Hamilton, on the 10th ultimo, the Lady of Samuel Ritchie, Esquire, of a son.

At Flamboro' West, on the 12th ultimo, Mrs. George Colcleugh, of a son.

MARRIED.

At Nenagh, on the 20th April, by the Rev. C. H. Poc, James Browne, Esquire, of Toronto, Canada, to Essy Maria, youngest daughter of Thomas Talbot, Esquire, Brooklyn, County Tipperary, Ireland.

#### DIED.

In this city, on the 28th ultimo, Mrs. Wenham, lady of Joseph Wenham, Esquire, Cashier of the Pcople's Bank. In this city, on Tuesday morning, Major Thomas Carfrae, of the

1st Provincial Artillery, and Collector of Customs at this Port,-

leeply regretted by a large circle of friends. In this city, on Sunday last, Mrs. Cameron, Lady of John M. A. Cameron, Esq. Accomptant, Canada Company's Office here.

LETTERS received during the week ending Friday, June 4th: Rev. T. S. Kennedy, rem. in full vol. 4; C. C. Neville, Esq. rem. in full vols. 4 and 5; W. McGinnes, Esq. (the missing numbers are again sent: all have been *regularly* despatched from this office); Mr. W. H. White, rem.; Rev. S. D. Lee Street, add. subs.; W. McKay, Esq.; H. C. Barwick, Esq. (2); Rev. R. Anderson, rem. in full vol. 4 and 5; W. M. Shaw, Esq. rem. in full vol. 4; Rev. A. N. Bethune, add. sub.; Rev. Dr. Bethune, rem.

SELECTOR shall appear in our next. We had intended to give