

A magnificent monument is just erected in our cathedral, to the memory of our late highly esteemed diocesan, Dr. Burgess. It is placed at the south end of the east transept, near his grave, and is an elaborate design in the florid style of the fifteenth century, consisting of richly pannelled sides, or jambs, which are relieved by clustered buttresses, terminated in crocketed pinnacles, supporting a foliated arch, the cups of which are highly ornamented with angels bearing shields, with the initials, &c. Above, rises a crocketed canopy, carried up to a point, and surmounted by a rich finial. A mitre, sculptured in bold relief, occupies the centre spandril of the arch, under which is an altar tomb, with the front divided into three compartments of flowing tracery, the centre one charged with the Order of the Garter, mitre, &c., and the arms of the see, and those of the family, on shields at the sides. The inscription is beautifully cut in Gothic characters.—*Salisbury Herald.*

THE CHURCH IN NEW BRUNSWICK.

A friend in that Province writes—"Our house of Assembly adjourned, in order to attend the meeting of the Church Society. We had also a good sprinkling of Honourables. The Governor received the sacrament on Sunday in the church. The Chaplains of both houses, last year, had splendid corded silk robes presented to them by the Legislature, in value, it is said, £30 each set, in addition to their salaries."

The above affords a pleasing evidence of the kind and respectful feeling of the Legislature of the sister Province towards the Church of England, which meets with such different treatment from certain of our Legislators in Nova Scotia, who drove the chaplain from their floors because he was a Minister of the Establishment, and can hardly discuss any public measure without showing that hatred to the Church is the uppermost feeling in their hearts.—*Colonial Churchman.*

THE CLERGY RESERVES.

From the St. Catherine's Journal.

There cannot be a doubt, but that the contest now raging in this province, in regard to the Clergy Reserves, is to be attributed more to a feeling of hostility to the church of England, as such, than a settled conviction that the principle is a bad one; and if, under the term "Protestant clergy," a few of the leading denominations of dissenters had been recognised, and the Governor and Council authorised to appropriate a certain portion of the Reserves to their use, we should never have heard the right of the English church disputed, or the utility of making such a munificent grant, for such a purpose, for a moment doubted or called in question, especially by those who are now seeking to deprive her of what is, beyond all doubt, a legal right, and to which, if the 31st Geo. III. is any authority, no other church, (not even that of Scotland,) has the least shadow of claim whatever.

We are one of those who never have, intentionally, misled the people, for the selfish purpose of carrying a party measure, nor ever will we; neither shall we sit any longer silently by and allow the people to be imposed upon, for such an unhalloved purpose, without an effort, feeble as it may be, to undeceive them, even if a sense of justice to a persecuted party, did not prompt us to stand up in their defence. But let us not be misunderstood in regard to this subject. We are not going to be the champion, or the apologist, of the church of England, any farther than a sense of justice impels us; neither will the fear of any such imputation, deter us from attempting to place this question before the public, exactly as it is—plain, and unvarnished with false inferences, or Jesuitical quibbling.

The 35th section of the 31st Geo. III. secures to the Catholic clergy, in the lower province, "their accustomed dues," &c. The 36th section authorises his Majesty to make allotments of lands for the support of a "Protestant clergy," in contradistinction to the "Catholic clergy," mentioned in sec. 35. The 37th section provides, that the rents, profits or emoluments, arising from such allotment, "shall be applicable solely to the maintenance and support of a Protestant clergy, within the province—and to no other use or purpose whatever." The 38th section authorises the Governor, with the advice of the Executive Council, to erect Parsonages or Rectories, and to endow them with such portion of the lands allotted to the support of a "Protestant clergy," as shall be judged expedient. The 39th section empowers his Majesty to authorise the Governor "to present to every such Parsonage or Rectory, an Incumbent or Minister of the church of England." The 40th section makes all Incumbents and Parsonages subject to the jurisdiction of the Bishop of Nova-Scotia. The 41st section provides, that the allotment of lands for the support of a Protestant clergy, may be varied or repealed, by the Legislative Council and Assembly, and assented to by his Majesty; but the 42nd provides, that previous to any such act or acts receiving the Royal assent, it must first lie thirty days before each House of Parliament, and not then, if, within that time, either House shall address his Majesty to withhold the same.

Plain, unsophisticated common sense, will discover nothing more in the expression, "a Protestant clergy," as it occurs in the constitutional act, than a strongly qualified distinction from that of a "Catholic clergy," to which it stands opposed, and in which sense it is understood every where; and, as applied to England, it is always associated with the established church, and no other.

The term "Protestant," is a national one, and always taken and understood in connexion with the established church of England; and all denominations of Christians, not in communion with that church, are included, throughout the British empire, under the broad and distinctive appellation of "Dissenters;" and being, generally, lateral branches of the established church, Protestantism is only applicable to them, secondarily—that is: all the claim they have to it, is solely derived from the church of England. The "Protestant" "succession" involves the very principle for which we are contending. The Sovereign, who is nominally the head of the church, must be, by descent, birth and education, a Protestant, and in communion with the church of England; and can no more be a "Dissenter," than a Catholic—thus establishing conclusively, in our opinion, that the term "Protestant clergy," is only to be understood of the established church of England, and is only used, in the constitutional act, to distinguish them from the "Catholic clergy," who are previously spoken of, and provided for.

If the different sects in this province, (church of Scotland and all,) have any claim, either legal or equitable, to the whole or any portion of the "Reserves," it is not to be

found, by any fair construction, in the 31st Geo. III., a point which is established by the fact, that no provision is made, in that or any other statute, for appropriating them to the use of any minister, but such as has been ordained according to the rites of the church of England, and under the jurisdiction of an English Bishop.

Our readers have now a fair opportunity of judging, how far those who are so loudly clamouring against the Government and the church, are actuated by the spirit of Christianity, or a pure regard for the public good. If the system be a bad one, let it be made a political question, and agitated as such; and the necessity of repealing every thing relating to the Reserves, which will annihilate them, be urged upon the Government, until the object is accomplished. This is our plan of settlement. But if the system be a good one, let it be thrown open for the equal benefit of all whose "conscientious scruples" will allow them to participate in Government "grants;" let the church have as many and as much of the Reserves, as shall be necessary to endow all the Parsonages or Rectories that the people may require; let other denominations have an equal share, if they require it, and apply for it; and if one seventh of the Province is insufficient for this purpose, add another; but let no further attempts be made to rob the English church of any portion of what is her legal right, and dividing the plunder with one or two others, because they happen to be numerous and clamorous; although they may indirectly threaten revolution. If we must have a dominant church, or one supported at the public expense, let it, by all means, be the church of England, and leave all others, if their doctrines are more pure and evangelical, as they would have the world believe, uncorrupted by state patronage.

Summary of Civil Intelligence.

We are without any later intelligence from England. It would appear from the following that the differences between France and Mexico have been finally adjusted:

From the N. Orleans Bee, April 10.

LATE & HIGHLY IMPORTANT FROM MEXICO. By the arrival of the steam ship Meteor, from Vera Cruz, which place she left on the 2nd instant, we have received the most interesting and important information of the ratification of the treaty by the Mexican government. The subjoined documents explain so fully all the circumstances of the treaty of amity, as to render comment unnecessary.

Extract of a Letter, dated Vera Cruz, April 2d, 1839.

"All the difficulties between France and Mexico have been terminated to mutual satisfaction. The conduct of Admiral Baudin during the whole course of hostilities has been highly praiseworthy, and in the negotiations, while advancing the interests of France, he treated the Mexican government with the utmost deference, and spared it even the shadow of any humiliation which might wound her amour propre.

"Vera Cruz has resumed its activity. The confidence of the inhabitants in Admiral Baudin is such, that the debate in Congress having made them fear for a while, that the treaty concluded by the Plenipotentiaries at Vera Cruz, would not be entirely ratified, they were all determined to hoist the French flag, and place themselves under the protection of the Admiral. The ratification arrived, however, at last, on the 25th. It was full and satisfactory.

"An imposing ceremony took place on the 27th, for the funeral services of the French who had died during the expedition."

Here follow the details of the ceremony, which the lateness of the hour and want of space prevent us from transcribing. All the French in the harbor, all the Mexican authorities, among others Gen. Guadalupe Victoria, one of the signers of the treaty, Admiral Baudin, and Abbe Andruze, were present at the ceremony. Abbe Andruze delivered a funeral discourse over the deceased, full of eloquence and beauty.

We learn that Admiral Baudin had signified to Mexico that if by the 20th of March the ratification was not concluded, hostilities would recommence. To this the Mexican government replied, that the ratification was in progress, but that more time was required for its termination. The 27th was accordingly made the limits. The treaty arrived at Vera Cruz on the 25th, and was made known to the Admiral at Antoin Lizadore on the 27th.

The following document represents the feeling with which the recent discharge of "patriot" prisoners has been received in the United States: we trust the advice thus offered may be taken, and that the exertions for the good feeling therein recommended may be sincere and earnest:

From the Albany Advertiser.

THE "PATRIOT" PRISONERS.

On Monday last the Governor transmitted to the Assembly a message relating to the condition of our northern and north western frontier, accompanied by a number of documents having reference to the same subject. From among them we have selected the annexed correspondence between the Provincial Secretary, R. D. Tucker, and the Secretary of State, concerning the disposition of the prisoners now under sentence of death and in confinement at Kingston and London. It will be seen that Sir George Arthur is disposed to grant an unconditional pardon to fifty-two of the convict "patriots." This clemency to men who, no matter what their motives, had forfeited their lives by every rule of modern warfare, cannot fail to be attended with the best effects; and as their liberation is made contingent upon the condition of affairs along the frontier, it is to be hoped that not a single one of their fellow citizens will be found, so callous to every feeling of humanity as to peril their lives by any act of rashness or imprudence, or to prevent the renewal of those bonds of peace and amity, which are so essential to the peace and welfare and prosperity of Great Britain and the United States.

In relation to the BOUNDARY QUESTION, we extract the following announcement from the Toronto Palladium:

An extraordinary discovery has been accidentally made in this city, relative to the disputed boundary line question between New Brunswick and Maine, which may lead to very important results. In few words, it seems that Elias Moore, Esq., M. P. F., was one of the chain-bearers originally employed to run the line in dispute; that the most exact circumspection was observed; that he has a distinct recollection of the face of the country and its most remarkable features through which the line passed; and, at its termination, or angle in dispute, every pains imaginable was taken, not only to establish a conspicuous, but a lasting monument; a large and sound cedar tree was selected, and cut down at a higher distance from the ground than is usual; and upon it every person employed in the survey, or that were present, engraved the initials of his name; that, as a further mark of distinction, all the surrounding trees were blazed in the most striking manner, leaving a kind of area around the monument itself; and, finally, although so many years have elapsed, and he is not aware that any of those employed with him are living, he is confident, such is the clearness of his recollection of the entire transaction, that he could go at once to the spot, and convince every the most sceptical on the subject. We understand that His Excellency the Lieutenant Governor has communicated with the Governor of New Brunswick on this important discovery; and that Mr. M. has expressed his readiness to go at any time and point out the spot, on his expenses being paid.

UPPER CANADA.

From the Kingston Chronicle.

ROBBERY OF THE MAIL.

The mail from Kingston, including those from the western part of the Province, which left here on Thursday evening

between 8 and 9, was robbed about fourteen miles below—near Grass Creek, and this side of Fairman's tavern. The robbers, three in number, (one of whom had his face blackened,) stopped the mail-carrier, who was in a one-horse wagon, while ascending a hill. Two of them seized the horse's head, while the third presented a rifle at the carrier's breast. They then cut the harness from the horse, threw the mail-bag upon him, and made off—first tying up the driver with the reins. It appears, by tracking the horse, that they carried the mail to a skiff in the creek not far off; that they then rowed down it to the river, and were seen, by some persons, crossing to the American shore. The carrier succeeded with his teeth in getting one arm loose, so as to obtain his knife & cut his fastenings. The horse has been found. We fear that at this season of the year the mail would contain considerable remittances for Lower Canada.

We have reason to believe, that the notorious Bill Johnston is at present in the City of New York, and could not therefore be personally engaged in the present outrage.

In consequence of another most impudent outrage enacted at Rochester under the immediate agency of the notorious McKENZIE, we regret to inform our readers the communication with that city has been again suspended, and we fear permanently. The particulars have been thus stated to us. On Thursday last soon after the arrival of the boat from this side, a report was industriously circulated that two state prisoners brought from Hamilton, and destined for Botany Bay, were on board in irons, and that it was the intention of Captain Sutherland to put them on board some other steamer at this place or Port Hope on his return, which he should have done on his voyage down, had an opportunity offered. To this absurd tale it seems McKENZIE got some wretch actually to make oath before his worship the Mayor, and that dignitary as accommodatingly affected to believe it. Whereupon fired with republican wrath at so flagrant an act of tyranny, he forthwith issued his warrant, and the Sheriff, with McKENZIE and a party of his fellow ruffians all armed posted down to the vessel to search it; in the hope doubtless that Captain Sutherland would be rash enough to resist them, and so give them a pretext for burning it.— Luckily however in this the coolness of the officer foiled them, and after a most insulting ransack of his vessel they left him; but in consequence as we said before, the communication is wholly stopped between us, for Mr. Hamilton has very naturally resolved to risk no more boats of his with such a people. Indeed we learn the Traveller has since been sold to the Government.—*Cobourg Star.*

The British Colonist and other Journals, have been making much ado about the refusal of the Rev. Mr. Matthews to allow the use of his Church for the preaching of a funeral sermon on the death of Mr. Hogg. We should like to know, was not the request made in the full knowledge that it is not in the power of any clergyman of the established Church to grant such permission? Our churches are built expressly for our own service; and as the Church of England denies the validity of any except Episcopal ordination her ministers cannot allow any service but the regular liturgy to be performed; and that, too, by an ordained clergyman. We believe such was known to be the case, and that the request was made more with the object of making some pretext of abuse than any other.—*Id.*

Pursuant to General Order of the Commander-in-Chief for the immediate Reduction of the Militia force on Service of Six months only—the troops stationed here under command of Lieut. Col. Bethune, were yesterday paraded in full strength, and after a suitable address from that officer disbanded. It is due to these men to state now they are about returning to their respective homes, that during their short sojourn in Cobourg, their general deportment both on and off duty has with trifling exceptions been exceedingly correct and orderly, and as such, deserving the best thanks of the community.—*Id.*

HOUSE OF ASSEMBLY.

April 13.

The Bill to levy an additional assessment on the Western District, was read the second time.

On the question for the third reading of the Bill on Monday next, the yeas and nays were; Yeas 34; Nays 6; Majority 28.

Monday, April 15.

The Bill to authorise the issuing of Bills of Credit, was read the third time.

On the question for passing the Bill.

In amendment, Mr. Morris, seconded by Mr. McIntosh, moves that the Bill do not now pass, but that it be referred to a Committee of the whole forthwith, for the purpose of amending the same, by expunging the words "Two hundred and fifty thousand pounds" and inserting "One hundred thousand pounds" instead thereof.—Carried by a majority of 7.

The Bill to invest the Casual Territorial Revenue in the Legislature, was read the third time.

The Bill to levy an additional assessment on the Western District, was read the third time, and passed.

Mr. Prince, seconded by Mr. Cornwall, moves the Bill be entitled "An Act to authorise the raising of One Thousand Pounds by an additional rate or levy of one half-penny in the pound upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich."—Which was carried.

The Lunatic Asylum Bill was read the second time.

Ordered—That the Bill be engrossed and read a third time to-morrow.

Mr. Mathewson, seconded by Mr. Marks, moves for leave to bring in a Bill to revise and regulate Magistrates fees and fines.

Which was granted and the Bill was read the first time.

The amendments made by the Honorable the Legislative Council, in and to the Bill sent up from this House, entitled "An Act to prevent the hunting and killing of Deer and feathered game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord's day," were read the second time and concurred in.

Messrs. Prince and Rykert were ordered by the Speaker, to carry the Bill up to the Honorable the Legislative Council, and to inform that Honorable House, that this House had concurred in the amendments.

The Bill to incorporate the Thames Navigation Company was read the second time.

The Bill to authorise certain persons to act as Barristers and Attorneys, was read the second time.

On the question for the third reading of the Bill to-morrow, the yeas and nays were taken; Yeas 26; Nays 4; Majority 22.

The Bill to divide the District of Colborne into two Counties, was read the second time.

Ordered—That one hundred copies of the Bill, authorising the Chartered Banks to suspend Specie payments, be printed for the use of Members.

Tuesday, 16th April.

The Lunatic Asylum Bill, was read the third time and passed—nem. con.—38 members present; and Messrs. Sherwood and DeLor were ordered by the Speaker to carry the Bill up to the Honorable the Legislative Council, and to request the concurrence thereto.

The Bill to incorporate the Thames Navigation Company, was read the third time.

On the question for passing the Bill.

In amendment, Mr. Burwell, seconded by Mr. Parke, moves that the Bill do not now pass, but that it be amended

in the sixth clause, by striking out the word "sixteen" and inserting the word "eight" by which the number of shares will be reduced to eight thousand—and also, in the same clause by striking out the words "one hundred" and inserting the word "fifty," by which the Capital will be reduced to fifty thousand.

Which was carried.

The Bill was then passed.

The Bill to divide the District of Colborne into two Counties, was read the third time and passed.

Mr. McLean gives notice, that he will to-morrow, bring in a Bill to enable His Excellency, the Lieutenant Governor, to grant a certain quantity of the waste lands of the Crown, to Captain Arthur Burton, agreeably to the report of a Select Committee.

Mr. Prince, seconded by Mr. Shade, moves for leave to bring in a Bill for identifying persons for having acted in apprehending persons suspected of Treason and otherwise, during the troublesome times in this Province.

The House was again put into a Committee of the whole, on the Bill to continue the Act granting licences to Innkeepers.

Ordered—That a humble Address, be presented to His Excellency the Lieutenant Governor, requesting him to be pleased to lay before this House, copies of the return of all monies received and paid out by the Treasurer of the Gore District, for the years, 1836, 1837, and 1838, and that Messrs. Shade and Chisholm of Halton, be a Committee to draft, report, and present the same, and that the 31st rule of this House be dispensed with, so far as relates thereto.

Wednesday, 17th April.

The Bill to amend the act regulating the sale of Public Lands, was read the third time.

In amendment, Mr. Sherwood, seconded by Mr. Hotham, moves that the Bill do not pass, but that it be amended by striking out all of the Preamble after the word "Province," in the fifth line.—Carried by a majority of 2.

The Bill to admit certain persons to practise as Barristers and Attorneys, as amended, was read the third time, and passed.

The amendments made by the Honorable the Legislative Council, in and to the bill sent up from this House, entitled "An Act to authorise the Magistrates of the Home District, to loan a sum of money for the purpose of completing the new Gaol and Court House," was read a third time and passed.

The bill to provide for the compensation of Jurors was read the second time.

Mr. Prince, seconded by Mr. Shade, moves for leave to bring in a Bill "to indemnify from loss sufferers in property, by the late unnatural Rebellion and invasions of this Province, and to provide for the payment of all just claims and demands upon the Province in consequence thereof."

Which was granted, and the Bill was read the first time.

Ordered—That the Bill be read a second time to-morrow.

The Address to Her Majesty, on the subject of the duty on Wheat and Flour, was read the second time, and referred to a Committee of the whole House.

The House was again put into a Committee of the whole on the Bill, to increase the Tax on Wild Lands.

On the question for receiving report, the yeas and nays were taken:—Yeas 15, Nays 22. Lost by a majority of 7.

Ordered—That the Bill be referred to a Select Committee, to consist of Messrs. Sherwood, Cameron, Marks and Merritt, with power to report thereon.

The address to Her Majesty, praying her to relinquish the Post Office Revenue, was read the second time, and referred to a Committee of the whole.

The address to Her Majesty on the subject of the Casual and Territorial Revenue, was read the second time and referred to a Committee of the whole.

The Address was then read the third time and passed, and is as follows:

To His Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to cause to be laid before this House, with as little delay as possible, a return stating what lands were ceded by the Indians to the Government, for which the yearly payment of £5401 are charged upon the Casual and Territorial Revenue also; so soon as can be conveniently made out, the number of acres of Indian Lands which remain in possession of the Government not sold, and the number of acres still remaining in possession of the Indians.

ALLAN N. McNAB,

SPEAKER.

Commons House of Assembly, }
Seventeenth day of April 1839. }

Mr. Speaker reported that the Master in Chancery, had brought down from the Honorable the Legislative Council a Message with sundry resolutions.

The Message was read by the Speaker as follows:

Mr. Speaker.—The Legislative Council have adopted the accompanying Resolutions, in relation to the Bill sent up from the Commons House of Assembly, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned," and communicate the same for the information of that House.

JONAS JONES,

SPEAKER.

Legislative Council Chamber, }
Fifteenth day of April, 1839. }

A discussion took place upon the Clergy Reserve Question in the Legislative Council on Thursday and Friday last,—which terminated in a resolution to refer the Bill sent up from the House of Assembly to a Select Committee. An amendment was moved by the Hon. Capt. Macaulay, that the Reserves be re-invested in the Crown, but this proposition was lost by a majority of 3.

NOTICE.

The "WESTERN CLERICAL SOCIETY" will hold their next Quarterly Meeting at the Rev. Wm. McMurray's, Dundas, on Wednesday the 22d May.

The sermon will be preached on Thursday at Ancaster by the Secretary.

WILLIAM BETTRIDGE, B. D.

Secretary.

Woodstock, 26th April, 1839.

BIRTH.

On the 29th of April, at Peterboro', the lady of Stafford F. Kirkpatrick Esq. of a son.

DIED.

At Woodstock, on Sunday night the 21st April, aged 43, after an illness of six hours, James Gibson Esq. R. N., J. P. for the London District. He was one of the earliest British settlers in the neighbourhood, and had materially contributed to the advancement of the place. His loss can scarcely be supplied. He was a just man and true;—devotedly loyal;—living a life of humble, self-denying faith in Jesus Christ, and evidencing the reality of his faith by a holy conversation, and unceasing "labours of love." He was seized while teaching a class at the Sunday School, an occupation in which he had peculiar delight, and for which he was pre-eminently qualified. His remains were followed to the grave by the whole neighbourhood.—[Communicated.]

List of Letters received to Friday, May 3d:—

Rev. W. Bettridge; T. S. Shortt Esq. add. sub.; J. Hore Esq. rem.; Col. Prince, rem. in full vol. 2; Rev. S. Armour; Rev. L. Doolittle, rem.; M. C. Crombie Esq.; Rev. C. P. Reid; Rev. J. G. Geddes.