

COURT OF QUEEN'S BENCH.

Quebec, Friday, Sept. 16, 1853.

Mr. O'Farrell, at its opening, applied to the Court for permission to file a challenge to the array of Grand Jurors summoned for the present term, and cited several authorities, to show that such a challenge was warranted by precedent. Amongst other cases the learned Counsel referred to that of Daniel O'Connell, in which it appeared by the report in the State Trials, a challenge to the array of Petit Jurors had been filed. Mr. O'Farrell now argued, that, if the right of challenge applied to the array of Petit Jurors, it also did to that of Grand Jurors.

The Solicitor General considered the present application entirely unprecedented. He thought the Counsel who made the motion should show his right to do so, before the Court could receive the challenge he offered. The present was the first time, he, the Solicitor General, had ever heard of a challenge being offered to a Grand Jury in this country, and he should like to see a precedent for the adoption of such a course. For his part, he had been unable to find it, though he did not doubt the right of challenge to an array of Petit Jurors.

The Court declined admitting the right of challenge until reasons and authorities had been produced in support of the application.

On the rule against the Sheriff, to show cause why a fine should not be set upon him for the error committed in the summoning of the jurors for the last term of this Court, being called on,

Hon. Mr. Primrose, Q.C., appeared to show cause against the rule, and put in the affidavits of the Sheriff, his Deputy, and Clerk. These affidavits went to establish, that the errors complained of were entirely unintentional on the part of the Sheriff and his officers.

Mr. O'Farrell, at the conclusion of the reading of the affidavits, informed the Court that he was desirous of putting it in possession of certain facts known only to himself.

Mr. Justice Rolland having said that before hearing him he should like to know whether the gentleman now addressing the Court did so as Counsel or witness.

Mr. O'Farrell stated, he appeared as a witness for the Crown, and went on to say that at the last Term of this Court he represented seventeen clients of the Roman Catholic persuasion who were accused of an attempt to demolish Chalmers' Church, and that it was he who discovered the error in the summoning of the jurors for that term complained of against the Sheriff. This error had been committed for sectarian purposes, for he found that almost every Roman Catholic name was omitted from the panels returned by the Sheriff.

Mr. Justice Aylwin could not believe that Mr. O'Farrell meant from that to infer that a Catholic would not do justice as well as a Protestant, after he had taken an oath.

Mr. O'Farrell was proceeding to say that he had been offered a bribe of £10, when,

The Solicitor General objected to his interference in the hearing of the rule, and,

The Court interposed, by denying the right of any one to rise up unsolicited and assist the crown in this case. It intimated that if Mr. O'Farrell were acquainted with any circumstances which he thought the crown counsel was not aware of, his duty was to submit the same in the form of affidavits.

The argument on the rule, which was the same as that which took place in July last was then continued. Mr. Ross, in supporting it, paid the highest compliments to the Sheriff and his Deputy for integrity in the discharge of their duties, and characterised the error as an unfortunate mistake.

The Court took the rule into consideration.

Monday, Sept. 19th.
Judgment was delivered refusing to allow the challenge to the array of Grand Jurors, attempted to be put in by Mr. O'Farrell. The Court declared that a challenge to the Grand Jury, as a body, was a proceeding totally unprecedented and unheard of, though the challenge of any particular Grand Juror was always allowed, after sufficient objection had been made to him.

Mr. O'Farrell moved for leave to file an affidavit disclosing certain circumstances he was aware of relative to the Sheriff's case. The application was allowed by the majority of the Court.

In the case of Terence McHugh, against whom an indictment has been found for rescuing one of the persons accused of attempting to demolish Chalmers' Church, the Solicitor General moved to set aside the "plea in abatement" filed by the defendant, on the ground that it was not verified by affidavits. Mr. Ross cited several authorities in support of the motion, and stated he should not make it were he not candidly of opinion that the objection to the Grand Jury, as taken in the "plea of abatement," was captions, and that there was nothing which could go to impugn the Sheriff's panel. Mr. Alley opposed the motion, and argued, that as the Court had the panels before it, no affidavit was required. The plea, however, was quashed by the Court for want of the requisite formality, and the defendant pleaded "not guilty."

The Grand Jury came into Court and returned "true bill" against John O'Farrell, Esq., for assault.

THE EXPLODED FRAUD AND ITS AUTHORS.

(From the Toronto Leader.)

To cut in pieces a defunct snake may at first sight appear superfluous labor. To dissect a dead ass may under the same circumstances seem neither nice nor necessary. And yet both operations, viewed in another aspect, may admit of an excellent defence. We increase our knowledge of animal organism, show something of nature's monstrosities as well as her marvels, and so render the dead subservient to the instruction and amusement of the living.

That strange abortion, the Protestant Alliance—half snake, half ass—is dead enough, everybody knows. But before consigning it to the tomb of oblivion which awaits it and all its family, one further reference to its origin and history may prove at least of passing service. The task is not a pleasant one—meddling with carrion never is; but it may be useful nevertheless. The history of Cincinnati and its hogs proves the extent to which the meanest things may be made to minister to the comfort and wealth of man; and who will say that from this poor creation of the Browns and Middletons, some useful lesson may not be derived? We are wiser though we be not richer when we know the habits and hiding places of political vermin.

"Mark in the first place"—after the fashion of the preacher—how this mongrel creature came into the world. It was not fairly, honestly, naturally, as other

things have come; but stealthily, in darkness, and under cover of falsehood. Its birth was denied by its parents; then its size and features were untruly described; and now they cherish it, though dead, despite of all its ghastliness.

The aim of its life was worthy of its origin. It sprang from intolerance—unchristianity and persecution composed its nature. Everybody saw that the object of its existence was to revive unkindly feelings, to kindle afresh the embers of sectarian strife, and to plunge the Province into all the dangers of denominational war. The *Globe*—good and harmless thing—protested with one breath against the calumny; with another it said, "a position of defence will not do—we must attack"; and with the next, again, it spoke of "muskets, scythes, and spades" as the weapons with which the battle must be won. The *Gazette* smiled approvingly; and the *Bytown Palladium*, more frank than wise, added racks and thumbscrews, fires and gibbets, to the holy armory of the *Globe*.

The thing ended as abortions generally end. Public indignation bore down upon it promptly and without mercy; and, devoid as it was of all healthy vitality, it fell crushed and helpless. It died "as the fool dieth," unsatisfied, unrepenting, and unpitied; without having done injury to any except to those whose machinations gave it form. The parents live, and the remembrance of their bantling clings to them still. Their device failed, but the intent, being bad, will be a millstone round their necks through life. Professions of virtue, charity, or liberality will be a mere mockery from their lips now. They stand convicted of having planned persecution in the bitterest of all shapes—of fraud, direct and clear—of falsehood, palpable and repeated; and nought can save them from the consequences.

WHAT OUR NEIGHBORS THINK OF "RELIGIOUS MATTERS IN CANADA."

The following is from an American Protestant journal; and is interesting as showing the impressions produced, on the minds of intelligent foreigners, by the religions and social condition of Canada:—

"Upon crossing the Canada line, as soon as villages or towns came into sight, the little French Churches were the most prominent structures. They continued to improve in number, size and appearance till we approached Montreal, where the towers of Notre Dame, usually, though not properly, called the French Cathedral, are second only to the mountain itself in the back ground, and pre-eminent over every other feature in the landscape. Numerous other towers and roofs are surmounted with Catholic crosses. From Montreal to Quebec, on either side of the river, the country churches are the most striking, and the finest buildings before the eye. Quebec seems a cluster of churches and religious edifices—while almost every half hour no small portion of the Cathedral chime peals forth some summons or memento to the faithful, and nearly every fifteen minutes some Chapel bell repeats the strain. The "passing bells" which are rung for a quarter of an hour upon the decease of a church member, we soon learned to distinguish by their joyous—buoyant key—and, ever to our dull ears, they were full of beauty and meaning. Doubtless all the other peals have their significance and value. To us they seemed to be for fire or the Fourth of July. And we could not find that the coach drivers, market folks, or street people generally, of whom we inquired, knew why they were ringing.

"Below Quebec, the churches continued to hold the most prominent position, and one did not pass out of view till another came into sight.

"The missionaries and priests led the way, it will be remembered, in the discovery and settlement of this noble region. The persons that accompanied and followed them from France and Normandy were a very social people, and erected their habitations closely together, taking farms or lots, usually an acre in width, upon the street, and thirteen acres or more in depth from that line. The church was planted on the most central and eligible point in each hamlet. The same arrangement prevails at the present day, and the eye is immediately struck with the long and narrow parallelograms of the farms, the proximity of the houses, and the frequency of the churches. Along all the usual routes of travel, the appearance is that of a continuous street or village.

"The change of Government and the lapse of time have produced little or no effect upon the French portion of the people. In Montreal and Quebec they constitute four-fifths or more of the population; and in the country, the predominance is still greater.—French is universally spoken. French customs everywhere prevail. The inhabitants of one village, by intermarriage exclusively with each other, are said to be precisely what they were more than two hundred years ago, and what they would be in Normandy at this moment.

"The church and their clergy retain their original possessions and importance. A large part of the real estate of the cities and very valuable rural districts belong to them by the grants of the French crown, or the bequests of piety. A tithe of one 26th part of the produce of the lands is also still collected. You may trace to these revenues the ample provision everywhere manifest for the erection and repair of their churches—and for the maintenance of such an array of priests, nuns and religious persons, the standing army of the Catholic Church, whose ranks and whose uniforms seem as well filled as those of her Majesty's Regiments quartered so profusely in the Provinces.

"Very little of the money seems to go for mere outward show. The church exteriors are substantial as well as imposing—the interiors are by no means extravagant. The higher clergy may be a little self-indulgent, according to the vulgar rumor—but it is evident that the priests, generally, are worthy successors of those devoted French missionaries who won their way to the hearts of the Indian tribes by their self-denial, and annexed these regions, from the mouth of the St. Lawrence to the Gulf of Mexico, through rivers and lakes, created for a mighty empire, by the power of the Cross, to the French Monarchy.

"In the schools, hospitals, infirmaries and asylums of all kinds, you may still see the good work maintained.

"Henry VIII. gave us work-houses, poor laws, alms-houses, &c., in place of such religious retreats, and homes for indigence, calamity, illness, orphanage and exposure; and the private character of the bluff king lays us under about as much obligations for a bad private example as this act does for a bad public example. I should infinitely prefer to close my days in the wards of a Hotel-Dieu, or Catholic Home for the aged, than in any House of Industry that I have ever seen yet.

"We are learning the lesson better now-a-days; and instead of suppressing or destroying the Catholic establishments, are entering them to catch their spirit of considerate, tender, religious belief, and introduce it, with amendments, into all our own asylums. The Home for old Ladies, in Charles street, Boston, is finer than anything the best of the Grey Nuns or Sisters of Charity can show. Its whole foundation is religion, while it takes a juster and more liberal ground than Catholicism would feel to be safe.

"For nearly a week we travelled with a large party of priests upon one of their vacations. Their dress was of the same marked clerical character. At matins and vespers they read their breviaries,—and at the sight of a church, or a sound of its bell, they raised their hats most devoutly. But evidently they were no ascetics or Pharisees. Our ears are filled with their pleasant tones and hearty laughter. And they moved before our eyes with an intelligent, courteous, pure and honest look as we ever knew any men to wear. It was truly delightful to watch their intercourse with persons of the common classes and humbler ranks, or, in fact, with everybody. It was plain enough that they stood in relations to the whole great body of their people, which are not to be had without some portion of the spirit of a Fenelon or a Cheverus, or better still, of our common Lord and Master, Jesus Christ.

"And our impression was clear as noon-day, that if the Canadian French population are ever to have a better Church than the Roman Catholic, it will be only through the labors of men still more intelligent, liberal, and devoted, than the present excellent clergy."—*Christian Register, (Unitarian.)*

TOM SNOOPS.

"I never tried but once," said Tom, "to set naught, the authority of my wife. You know her way—cool, quiet, but determined as ever grew. Just after we were married, and all was nice and cosy, she got me into the churning. She never asked me to do it, you know, but then she—why, it was done just this way. She finished breakfast rather before me one morning, and slipping away from the table, she filled the churn with cream, and set it just where I couldn't help seeing what was wanted. So I took hold, regularly enough, and churned till the butter came. She didn't thank me, but looked so nice and sweet about it, that I felt paid.

"Well, when the next churning day came along, she did the same thing, and I followed suite, and fetched butter. Again and again it was done just so and I was regularly in for it every time. Not a word was said, you know, of course.

"Well, bye and bye, this began to be rather irksome. I wanted she would just ask me, but she never did, and I couldn't say anything about it, to save my life. So on we went. At last I made a resolve that I wouldn't churn another time unless she asked me.—Churning day came, and when my breakfast—she always got nice breakfasts—when that was swallowed there stood the churn. I got up, and standing a few minutes, just to give her a chance, I put on my hat, and *Walked out doors!*

"I stopped in the yard to give her time to call me, but never a word said she, and so, with a palpitating heart, I moved on. I went down town, and up town and all over town, and my foot was restless as the foot of Noah's dove. I felt as if I had done a wrong—I didn't exactly feel how—but there was an indescribable sensation of guilt resting on me all the forenoon. It seemed as if dinner time would never come, and as for going home one minute before dinner, I would as soon have cut my ears off. So I went fretting and moping round till dinner hour came.

"Home I went, feeling very much as a criminal must, when the jury are out having in their hands his destiny—life or death. And then I couldn't make up my mind exactly how she would meet me, but some kind of a storm I expected. Will you believe—she never greeted me with a sweeter smile—never had a better dinner for me than on that day—but there the churn stood just where I had left it.

"Not a word was said; I felt confoundedly out, and every mouthful of that dinner seemed as if it would choke me. She didn't pay any regard to it, however, but went on as if nothing had happened.—Before dinner was over, I had again resolved, and shoving back my chair, I marched to the churn in the old way. Splash, drip, rattle—Splash, drip, rattle—I kept up. As if in spite, the butter never was so long in coming, I supposed the cream standing so long had got warm, and so I redoubled my efforts. Obstinate matter—the afternoon wore away while I was churning. I paused at last from sheer exhaustion, when she spoke for the first time.

"Come Tom, my dear, you have rattled the butter milk quite long enough, if it's only for fun you are doing it."

"I knew how it was in a flash! She had brought the butter in the forenoon, and left it standing, with the buttermilk in, for me to exercise with. I never set up for myself in household matters after that."

"Sal," cried a young girl, looking out of the upper story of a small grocery, and addressing another girl who was trying to enter at the front door, "we've all been to camp meeting and been converted; so when you want milk on Sunday you'll have to come in the back way."

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Montreal, May 6, 1852. M. P. RYAN.

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