

# The Church.

"HER FOUNDATIONS ARE UPON THE HOLY HILLS."

STAND YE IN THE WAYS, AND SEE, AND ASK FOR THE OLD PATHS, WHERE IS THE GOOD WAY, AND WALK THEREIN, AND YE SHALL FIND REST FOR YOUR SOULS.—JEREMIAH VI. 16.

COBOURG, UPPER CANADA, SATURDAY, DECEMBER 14, 1839.

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## Poetry.

### CHURCHING OF WOMEN. FROM KEBLE'S CHRISTIAN YEAR.

Is there, in bowers of endless spring,  
One known from all the seraph band  
By softer voice, by smile and wing  
More exquisitely bland!  
Here let him speed: to-day this hallow'd air  
Is fragrant with a mother's first and fondest prayer.

Only let Heaven her fire impart,  
No richer incense breathes on earth:  
"A spouse with all a daughter's heart,"  
Fresh from the perilous birth,  
To the great Father lifts her pale glad eye,  
Like a reviving flower when storms are lush'd on high.

O what a treasure of sweet thought  
Is here! what hope and joy and love  
All in one tender bosom brought,  
For the all-gracious Dove  
To brood o'er silently, and form for heaven,  
Each passionate wish and dream to dear affection given.

Her fluttering heart, too keenly blest,  
Would sicken, but she leans on Thee,  
Sees Thee by faith on Mary's breast,  
And breathes serene and free.  
Slight tremblings only of her veil declare  
Soft answers duly-whisper'd to each soothing prayer.

We are too weak, when Thou dost bless,  
To bear the joy—help, Virgin-born!  
By thine own mother's first caress,  
That wak'd thy natal morn!  
Help, by the unexpressed smile, that made  
A heaven on earth around the couch where Thou wast laid!

\* When the woman came to this office, the rubric (as it was altered at the last review) directs that she be decently apparelled, i. e. as the custom and order was formerly, with a white covering or veil.—Wheatley on the Common Prayer, c. xiii. sect. i. 3.

## THE SERVICE FOR

### "THE THANKSGIVING OF WOMEN" AFTER CHILD-BIRTH."

A Sermon preached at the Carrying-Place, Murray, on Thursday, October 17th, before the Midland Clerical Association, by the Rev. R. D. Cartwright M.A., Asst. Minister of St. George's Church, Kingston, and published at their request.

1 TIMOTHY, II. 13, 14, 15.—"Adam was first formed, then Eve. And Adam was not deceived, but the woman being deceived was in the transgression. Notwithstanding she shall be saved in child-bearing, if she continue in faith and charity and holiness with sobriety."

Without entering upon the various interpretations which have been given of this passage of Scripture by commentators, there can be no doubt but that St. Paul here refers to that curse denounced by God upon the woman, in consequence both of her own disobedience, and her having seduced her husband to become her partner in guilt. "I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband; and he shall rule over thee." Daily experience amply proves that this word has not been spoken in vain. We all know how much grief and suffering to the mother, children are born into the world; her anguish and travail in that hour are proverbial. Some of the most striking illustrations of sudden and unavoidable danger, that occur in the Scriptures, are taken from her sorrow. But mark the condescension and mercy of God: He vouchsafed, even when pronouncing this proof of His hatred of sin, to console her who was to suffer so much on account of the transgression, with the gracious intimation that "her seed" should restore mankind to that state from which they had fallen through her fault; that He would send forth His Son, made of a woman, to redeem the race made sinners by her disobedience. Thus by early revealing the fact that He who "had taken upon Him to deliver man, would not abhor the virgin's womb," God gave honour unto the weaker sex even when He placed her under subjection, intending no doubt to prevent the husband from unduly exercising that authority, as well as to vindicate for the wife a befitting tenderness and respect. In accordance with this view we invariably find that women have been honoured and respected in proportion as the knowledge of God has prevailed.—What tender concern, may I not say, what delicate attentions, are required towards them by the law of Moses; and above all by the law of Christ? In the New Testament special care has been taken of that sex who ministered so faithfully unto the Saviour while on earth, who were

"Last at His cross and earliest at His grave," and to one of whom He first shewed Himself after He rose from the dead. Without multiplying passages, it may suffice to say that husbands are enjoined to "love their wives even as Christ loveth the Church." In short the Gospel, among other special benefits to mankind, has elevated women to their proper place in the social scale; and when we consider the immense importance of female influence rightly directed, we cannot be too thankful for this gracious and merciful interposition in their behalf. It was doubtless from conviction of the incalculable advantage of a pious mother being preserved from "the pain and peril of child-birth," to oversee her children and guide her house,—an advantage he remembered not merely to her own family but to the whole body of the faithful,—that the Church, as a careful and wise instructor, has appointed in her public service a peculiar office or form of thanksgiving for this particular mercy. The Church does not regard it merely as a private blessing, to be privately, or even publicly acknowledged in general terms: she considers that the whole congregation are interested, not simply on the ground that Christians are to "rejoice with them that do rejoice," but for an especial reason, viz. that the curse thus entailed by sin may be remembered with a holy fear, and that the members of our Jerusalem may rejoice and be glad that a mother in Israel has been preserved from "the snares of death that compassed her round about."

How long a particular office has been used in the Christian Church for this occasion, it would be difficult to say; but it is probably most ancient, since we find that all the Western Rituals and those of the Patriarchate of Constantinople contain such an office. That used by the Church of England occurs, with some little variation, in the ancient manual of the Church of Salisbury, known to have been compiled by Osmund, Bishop of Sarum, and Lord High Chancellor of England in the year 1078.\* It begins with a short address to the woman, followed by two Psalms. The Address seems peculiar to the present English Form, but two Psalms, the cxxi. and cxxviii. were used at the beginning of the office according to the

Salisbury Manual. The remainder of the office, viz. the short Litany and the concluding prayer, is almost literally translated from the Latin service of Bishop Osmund. If we were sufficiently acquainted with the first introduction of this service into the Christian worship, we should find in all probability that it was intended as a substitute for the Jewish ordinance of Purification, especially appointed by God, as may be perceived by referring to the 12th chapter of Leviticus. At this service, a sin-offering in memory of the original transgression, and a burnt offering in token of gratitude to God for her safe deliverance and bringing her again with her child into the sanctuary, were required of every mother. The probability of this service having been borrowed from the Jewish Ritual is strengthened by the fact, that in the first Book of Common Prayer the title was "The Order of the Purification of women"; it was altered, when our Liturgy came to be reviewed, into the present name, "The Thanksgiving of Women after Child-birth." And I would ask the most fastidious to say, whether it be not comely thus to acknowledge the mercy. Does it not well become not merely the individual, but the whole Church, to be thankful on such an occasion? Who can contemplate the loss which a mother's death would prove to her little ones, and not rejoice at her safety? Who can consider all the consequences of a Christian mother's care, not to the temporal but to the spiritual well-being of her children, and refuse to confess that the Church has well done in appointing this office? Is not the Church fully justified by the example of every age in attaching a more than ordinary importance to the preservation of one whose life is generally so beneficial?

How striking, how numerous are the proofs that the salvation of the soul of a child, humanly speaking, depends in a very great degree on the spiritual care of the mother? To use the words of Solomon in a sense somewhat different from their primary signification, "she builds up her house"; not so much by her prudent management and domestic economy, as by laying a good foundation of faith in the hearts of those whom God has given her,—by early impressions of fear and love towards His Holy Name. We have only to consider what the Scriptures have briefly recorded of the meditative disposition and thoughtful conduct of the mother of our Lord, to feel nearly certain that she early instructed the child Jesus in the knowledge of divine truth. When she found him in the temple seated amidst the doctors, asking questions, it is said that "all that heard him were astonished at his understanding and answers." Are we not warranted to infer that, according to the well-known practice of the Jews, and in obedience to the sixth chapter of Deuteronomy, the mother's care had been one means of this early ripeness in spiritual knowledge? We are, I know, to consider this as a peculiar case; the Spirit was given without measure unto Him "who spake as never man spake"; nor would I press the example beyond its legitimate application, only I would commend to the careful and attentive perusal of every mother the last twelve verses of the second chapter of St. Luke's Gospel, which speak of the childhood of Jesus. But to pass by this case, let us turn to another which all must admit not to be in the same marked sense peculiar. St. Paul, writing to his beloved disciple Timothy, says, "I am filled with joy when I call to remembrance the unfeigned faith that is in thee, which dwelt first in thy grandmother Lois, and thy mother Eunice." That unfeigned faith and sound zeal for the glory of God which was found in young Timothy, in which he had been "nourished" up, and which qualified him for the office of a Bishop or Overseer in the Church of God, was derived to him through the care of his mother and grand-mother whose instruction he followed.—"from a child he knew the Holy Scriptures." Is it not even so now? How often are faith and piety continued in a family chiefly by God's blessing on the anxious affection and earnest attention of the mother? In behalf of how many beside Augustine have a mother's prayers been heard, and the wanderer reclaimed to the path of holiness and peace? How many Samuels have been given as servants of the altar through a mother's devout thankfulness? Are there none present whose eyes fill with tears and whose hearts glow with grateful affection, whenever memory recalls those lessons which their infant years were taught on a mother's knee? Are there none who can testify that the lessons learnt in the home of their youth have never been wholly forgotten, but through grace have kept them from "the ways of the destroyer"? Nor is it difficult to account for the marked effect of maternal attention, when affection and spirituality combine to call it into exercise.—

"We are to remember always that the disease of man is in his heart." "The cure therefore to be effectual, must be applied there; nor is it less evident that it should in its first stage be applied early, since we are born in sin, and manifest its workings even from our mother's womb." Now who is most likely soonest to detect the evil manifestations of corrupt nature, or who, humanly speaking, is best able to control and check the particular infirmity or sinful disposition of the young child, as she whose disinterested affection never slumbers, and to whom the confiding infant invariably looks for direction? The first friend is the mother; the tender heart receives implicitly its first impressions from her who is always with the child, and by whom its every want is either anticipated or instantly supplied; who is not soon wearied, nor considers it an irksome task, but rather a pleasure, to mark the opening mind. Affection renders it any thing but tedious to the mother to reiterate line upon line and precept upon precept: she does not grow impatient at her little ones' dullness or inaptness; she is not solicitous to overload the infantine understanding to save trouble to herself. Of course I speak generally: there are exceptions; but as a general rule, the mother, under God, must have the chief place in the training up of the young children at the very beginning. What moral power is hereby conferred! What a door left open by Providence for good, if duly availed of! Surely in the first stages of life, mothers are answerable for very much of the behaviour of their children and for the forming of their character! Yes, daughters of Jerusalem, the work of man's salvation in a most important practical sense, remains open to your faithfulness. Mothers in Israel, on you it greatly depends whether the young are to be duly chastened in the tone and temper of their hearts, whose hearts are yet tender; your part it is to have a watchful eye to their lesser habits and leanings to what is wrong, ere they become by fatal indulgence a part of their very nature.—"The greatest need of all young minds (says the writer I have already quoted) is to be rendered *adulter and docile*." If then the wayward passions of the child are permitted to have free license, what is the after life to be but a

train of fatal self-indulgence? Perhaps it may be thought that I attribute too much to human agency. It may be said, no parent, no mother, can change man born in the likeness of sinful Adam. Most true is the sad corruption that has taken place in man by the fall of his first parent; a just and proper sense of this inborn corruption is most necessary to a right and hearty reception of the Gospel. Christian mothers, forget not this, I pray you. But I beseech you also, forget not that in Christ Jesus the old man may be put off and the new man put on, renewed after the likeness and image of God. Is not then such a likeness to be desired and aimed at? Has the humiliating doctrine of our natural corruption been revealed to excite us from exertion and justify sloth? Are you not by this very sad declaration, more than by any other else, bound to watch over your little children? If the corrective means ordained by God are unemployable and the restraints of wisdom are neglected, will you dare to solace your own faithless negligence by pleading imate sinfulness? Are we so to pervert the doctrine of man's corruption as to omit our efforts to check its fruitfulness? You hope all will yet be well. Wherefore? On what ground? By God's mercy and grace. A miracle indeed may, in an instant, convert a barren heath into a fertile field of corn; but what would be thought of the husbandman who, without culture previously bestowed, and without seed sown, counted on a sure crop from that neglected waste? Can we then in sober reason expect, that the neglected little ones grown to man's estate with an undutiful and disobedient temper past control, are then to be recovered from the snare of the tempter? Happy are they, it is true, who from being great sinners become true penitents! may God increase the number of such, how many soever they be, an hundred fold! but the ways of sin are so downward, the power of habit so strong, that the return to the way of righteousness is both difficult and rare. Happier therefore by far, and infinitely more safe, is the condition of those who like Timothy or Samuel have been taught to serve the Lord from their childhood; in whose hearts "the seed has sprung up, man knoweth not how; first the blade, then the ear, after that the full corn in the ear." There may be particular exceptions; it is admitted, but are we on that account to disregard a general truth? Parents, Mothers, be persuaded: untutored, undutiful childhood leads generally to licentious youth; that again conducts to a profligate manhood; and the end thereof too often is a heartless, chilling, hopeless death.

\* See a volume of sermons by Rev. J. Miller, Worcester College, Miller's Sermons, No. 15.

Stand forth, ye ministers of Christ,—ye whose office it is to visit the bed-side of the dying,—proclaim aloud in the ears of this people, that they may hear, the testimony of your pastoral experience. Among whom chiefly do you find "the working of God's Spirit, drawing up the mind to high and heavenly things," or softening the heart into penitential sorrow and godly contrition? Speak, ye servants of the altar, do you find these things frequently in those whose childhood has been suffered to continue ungoverned and neglected? Or rather, will you not one and all declare, that these gracious proofs of God's presence are chiefly perceived in those who have been the inmates of a home where God was acknowledged the Guardian, and Christ confessed, loved, and obeyed as the only Saviour? Will you not testify that the seed sown in a mother's tears, and apparently smothered by the evil-hered of unbelief and the hardened unconcern of filial disregard, has often at the last brought forth the fruit of repentance sought carefully with tears? Again then I say, Parents, Mothers, be not deceived: ungoverned childhood must lead to ungodly manhood; of those who like the children of Eli are permitted to go in their evil ways unrestrained, you will find even now that it must be said too truly,—"They are sons of Belial, they know not the Lord."

Before I conclude, I would speak a word or two of particular exhortation. I would desire to impress upon those mothers who are present, the duty of improving those periods of maternal trial to their own souls. Careful and busy about many things; occupied and probably engrossed with the ordering of your households and the management of your families, it may be that you do not find yourselves always disposed to devote due attention and care to private devotion and personal examination. Ought you not then to avail yourselves of the quiet enjoyed in that season from the ordinary cares of domestic life, to inquire into the state of your own hearts before God? might not your trial be thus sanctified to yourselves, and not to yourselves only, but to your houses also? I would also remind you of the Rubric which requires that "the woman who cometh to give her thanks must offer accustom'd offerings"; in other words "forget not the poor." When you come into the congregation to return thanks to God for his late mercy to yourselves, be mindful of the wants of others. Indeed if your hearts be duly impressed with a conviction that God has been gracious to you, you will be constrained to shew forth that you are sensible of what you owe Him not with your lips only; your own distress, if it have produced the effect intended, will cause you to feel for the distress of others and prompt you to give of your substance for their relief a thank offering unto God. If however you have nothing to give; if of silver and gold you have none, at least remember the injunction of the Apostle,—"I beseech you, by the mercies of God, that you present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service." Lastly, would I call your attention, Christian mothers, to a precept in the Jewish law: "The first-born of thy sons shalt thou give unto me." I would say to you, meditate upon the spirit of those words. Are they not worthy to be kept and pondered in your hearts? Why is it that while every worldly profession is filled, the service of the temple so grievously lacks helpers? Where the harvest is so plentiful, why are the labourers so few? Is it because it is not lucrative to serve the tabernacle or minister at the altar, that we find so few coming forward to do the work of Evangelists? Might not you, mothers in Israel, in some degree prevent this? Let me not be mistaken.—Let it not be supposed that I would encourage any to urge unduly on their children to engage in the ministry, or rashly to assume such a responsibility. All that I would desire is, that Christian parents would accustom their children to regard it as an honourable labour,—that they would not, by their example or their teaching, lead their little ones to infer that the acquisition of wealth is the main pursuit or true business of life; but rather let them see that the soul is beyond all price.

If this were done,—if the value of immortal souls were oftener impressed upon the young,—we should soon be gladdened with the sight of many coming forward to the help of the Lord against the mighty enemy. Instead of the handful of us who are now labouring in this extensive

Colony, we should then behold a host ready and desiring to testify the Gospel of the grace of God.

And now, brethren, I have no desire to trespass longer on your patience, having already extended my observations beyond my first intention. I would therefore send you away with one remark, viz.—that in this office, as in all her ordinary or special services, the Church of England has but this object,—to promote the glory of God and the edification of her members; to teach mothers that children are a gift and heritage that cometh of the Lord, whom they must bring up in His fear and nurture.

## THE ORIGIN AND MEANING OF THE WORD "CATHOLIC."

Experience has long since told us, that there is much in a name. In the history of no name, perhaps, has the truth of this proverb appeared more evidently than in the title of "Catholic." The word, as most of our readers well know, means universal; and, as truth is the same all over the world, and always, it should be held alike by all who profess the Christian faith: so that the Catholicity of any doctrine should be an evidence, to a considerable extent, of its genuineness. This, however, the Romanists alone, of modern Christians, seem fully to have understood, they have never ceased to lay claim to the title for the Church and doctrines. We of the Church of England have been rather inconsistent in the matter. That Catholicity was a true mark of the Church was indeed well known to those excellent men who purified our portion of the Church from the corruptions of Rome. So the word is used several times in our Liturgy; and for more than one hundred years after the Reformation our Divines invariably claim the character of Catholicity for the Church of England. In that dark period of our Church History, however, which followed the Revolution of 1688, the importance of the name "Catholic" generally to have been lost sight of and almost to have become forgotten in consequence of the preposterous claim to it asserted by the Romanists. So far in truth had ignorance upon the subject spread, that Romish Priests are credibly stated to have made more than one convert in Ireland by this simple fallacy: "The Catholic Church must be the true Church, for you pray for it in your Liturgy; ours is confessedly Catholic, therefore, ours is the right Church." It is now some years since the attention of learned and pious men has been more generally directed to ecclesiastical history; and the proper Catholicity of the Church of England has in consequence been strenuously re-asserted. The argument could not be without weight against Dissenters; for they, as is well-known, made no pretensions to the title, but ridiculed it. Here then comes the curious part of the story. Finding that an acknowledged want of Catholicity was becoming in the minds of thinking people a serious objection to their new-fangled tenets they have invented this ingenious device. I call it ingenious, and am willing to give them full credit for the discovery. They now adopt the word, in another sense, for themselves, hoping, partly by bringing the word into disrepute, and partly by bewildering people's minds by the use of the two senses to throw it back into the obsolescence from which it so lately recovered. Moreover, the new sense which the word bears in the dissenting vocabulary is so cunningly chosen, as while it possesses some semblance of truth to captivate the superficial observer, in reality it expresses the very opposite of its proper ecclesiastical signification. In the old sense, the Catholic doctrines or verities were the great essential truths of the Gospel, which, how considerable soever might be the differences in non-fundamentals, were agreed upon by all who named the name of Christ,—so that the more Catholic any doctrine was, the more distinctively Christian was it. Now, contrariwise, the less Christian any doctrine is, the more Catholic would it be called; thus, the doctrine of the Trinity, as compared with Deism, wants Catholicity; inasmuch as the latter is common to the Christian with the Jew, the Unitarian, and the Mahometan; while the other is peculiar to a section of the Christian world. It would be difficult perhaps to specify a more ingenious perversion of the sense of any word. The same process is now attempted with the word "Catholic."

I shall now briefly trace the history of the word "Catholic" in its legitimate ecclesiastical sense. Its nearest equivalent in the English language is "Orthodox." It was used of old to denote the doctrines of the Church as opposed to those held by heretics. Thus an epistle of Constantine the Great, preserved by Antianus, addressed to the orthodox party at Alexandria, is headed "To the Catholic Church in Alexandria." And the Emperor Justinian explains expressly that the term was meant to indicate those "who held the evangelical doctrine of the Trinity in Unity, and conformed to the Apostolic discipline." But the word is of much older date. It is first used in relating the martyrdom of Polycarp, A. D. 118, where we are told that he prayed for "the Catholic Church of Christ." And that the expression implied not universality in extent, but orthodoxy in faith, appears from what follows in the same narrative, he being there styled "the Bishop of the Catholic Church in Smyrna." It may be as well to add the authority of Bishop Beveridge; "Although the word properly signifies universal, yet the ancient fathers commonly used it in the same sense as we do the word orthodox, as opposed to the heretic, calling an orthodox man a Catholic, that is, a son of the Catholic Church; as asking it for granted that they, and they only, which constantly adhere to the doctrine of the Catholic or universal Church, are truly orthodox; which they could not do, unless they had believed the Catholic Church to be so. And, besides it is part of our very creed that the Catholic Church is holy, which she could not be, except free from heresy, as directly opposed to true holiness."

It has been well said, in reference to the dissenting use of the word, "There is a kind of Catholicism of opinion which honours truth in the same way as he who marries many contemporaneous wives, honours marriage; or as the man honours property who appropriates as much as possible of his neighbour's."—The Church Magazine.

## THE CHURCH OF ENGLAND BUILT ON THE PRIMITIVE MODEL.

From a Sketch of the Church of the two first Centuries, by the Rev. J. J. Blunt.

Thus have I brought before you, in as concise a shape as I could, the leading features of the Primitive Church of Christ, as we gather them from those who are usually termed the Fathers of the first two Centuries; and I have made it appear, I trust, that it was not the loose Society some seem to think it, without cohesion of parts, or unity of purpose, but that it had its regular succession of Ministers, (and those of the three orders,) whereby the qualification of the teacher to instruct was secured, duly appointed; its discipline, whereby heresy and schism were excluded, duly observed; its forms of worship, whereby the rash utterance of unadvised lips was guarded against, duly composed; and yet that it was no church of mere ritual, but that its doctrines, whilst conceived in all soberness, were also those which plain people must understand to be the great doctrines of St. Paul: the corruption of our nature, though the degree of it is left undetermined; the need of the Holy Spirit to restore it, the Holy Spirit communicated as at other times so mainly at the Sacrament; and the Incarnation, Cross, and Passion of God's blessed Son, whereby

this and every other good gift from above was worked out and won for us.

In all which particulars, the Church of England has no reason to shrink from a comparison with those days. For as I have made my argument tributary to the illustration of our Church as I have proceeded, so would I desire in the end, and upon a general review of my subject, to leave the impression on your minds, more especially in this season of reproach, that our Church is built upon the primitive model, allowance only being made, in common fairness, for such unessential differences as a change of time and circumstances may have dictated. For whatever may be alleged by enthusiasts against the structure and the forms of the Church of England, as restrictive and chilling, they will be found to be no straiter than is necessary to prevent confusion of doctrine and practice, and to secure peace in both; whilst the great evangelical truths of Scripture, no sectary, however ardent, can proclaim more unreservedly and insist on more perseveringly than does she. So that if at any time the preacher, forgetful for a moment of his commission, provide an essay and not a sermon for his flock, the spirit of his Church, as breaking forth in her Homilies, her Articles, her Liturgy, rises up and rebukes him; and thus eventually the pulpit, if for a season it chance to fall under other influence, recovers itself, and is restored to the faithful service of that Gospel, which our Reformers made to assert itself in every line that they penned. God grant that we her Ministers may be only true to her; act up to her spirit, work her theory out; recommend her to the people by presenting her unto them as it were in a sensible shape, (as the internal evidence of all her services proves it was meant to be,) that she may stand before them in all the beauty of activity and life; and sure I am, that so doing, we shall also be true to Christ's Church upon earth; we shall do all things decently and in order: we shall pray with the understanding and heart; we shall rest in a sound and settled faith, nor be beaten about by every wind of doctrine; and in our public and private ministrations, in the temple and in every house, we shall cease not to teach and preach Jesus Christ.

## EXTRACTS FROM HUME'S HISTORY OF JAMES THE SECOND.

DESERVING OF PUBLIC ATTENTION AT THE PRESENT CRISIS  
OF PARTIES AND OPINIONS.

"The first act of James's reign was to assemble the *privy council*, when after some praises bestowed on the memory of his predecessor, he made professions of his resolution to maintain the established government both in Church and State."

"The King, however, in the first exercise of his authority, showed that either he was not sincere in his professions of attachment to the laws, or that he had entertained so lofty an idea of his own legal power, that even his utmost sincerity would tend very little to secure the liberties of the people."

"The King, likewise, went openly, and with all the ensigns of his dignity, to mass, an illegal meeting, and by this imprudence he displayed at once his arbitrary disposition and the bigotry of his principles—those two great characteristics of his reign, and bane of his administration."

"Is it not the custom in Spain," said James to the Spanish Ambassador, "for the King to consult with his confessor?" "Yes," replied the Ambassador; "and it is for that very reason our affairs succeed so ill!"

"On all occasions the King was open in declaring that men must now look for a more active and more vigilant government, and that he would retain no ministers who did not practise an unreserved obedience to his commands."

"It must be confessed that no parliament in England was ever placed in a more critical situation, nor when more forcible arguments could be urged, either for their opposition to the Court or their compliance with it."

"When Coke, the member for Derby, rose up and said—'I hope we are all Englishmen, and not to be frightened with a few hard words,' so little spirit appeared in that assembly, often so refractory and mutinous, that they sent him to the Tower for bluntly expressing a free and generous sentiment."

"The next opposition came from the House of Peers, which has not commonly taken the lead on these occasions, and even from the bishops, where the Court usually expects the greatest compliance and submission."—Compton, Bishop of London, in his own name and that of his brethren, moved that a *vay* should be appointed for taking the King's speech into consideration. Jefferies, the Chancellor, opposed. The Bishop of London's motion prevailed."

"The smallest opposition towards the introduction of Popery must, in the present disposition of the people, have afforded reason of jealousy, much more so wide a step as that of dispensing with the tests, the sole security which the nation, being disappointed of the Exclusion Bill, found provided against those dreaded innovations."

"Four Catholic lords were brought into the *privy council*."—"The King was open, as well as zealous, in the desire of making converts, and men plainly saw that the only way to acquire his affection and confidence was by a sacrifice of their religion."

"But it was in Ireland chiefly that the mask was wholly taken off, and that the King thought himself at liberty to proceed to the full extent of his zeal and his violence. The Duke of Ormond was recalled, and though the primate and Lord Granard, two Protestants, still possessed the authority of justices, the whole power was lodged in the hands of Talbot, the general, soon after created Earl of Tyrconnell, a man, who, from the blindness and fury of his temper, was transported with the most immeasurable ardour for the Catholic cause."

"All judicious persons of the Catholic communion were disgusted with these violent measures, and could easily have foreseen the consequences. But James was entirely governed by the rash counsels of the Queen, and his confessor, Father Peters, a Jesuit, whom he soon afterwards created a *Privy Councillor*."

"The Church commenced an opposition to court measures, and Popery was now acknowledged the more immediate danger."

"James issued his proclamation, suspending all the penal laws in ecclesiastical affairs, and granting a general liberty of conscience to all his subjects."

"In order to procure a better reception for his edict of toleration, the King finding himself opposed by the Church, began to pay court to the Dissenters, and he imagined, that, by playing one party against the other, he should easily obtain the victory—a refined policy, which it much exceeded his capacity to conduct. His intentions were so obvious that it was impossible for him ever to gain the sincere confidence or regard of the nonconformists. They knew that the genius of their religion was diametrically opposite to that of the Catholics." &c. "Yet such was the pleasure reaped from present ease—such the animosity of Dissenters against the Church, who had so long subjected them to the rigours of persecution, that they everywhere expressed the most entire duty to the King, and compliance with his measures, and could not forbear rejoicing extremely in the present depression of their adversaries."

"But what afforded the most alarming prospect was the continuance, and even increase, of the violent and precipitate conduct of affairs in Ireland. Tyrconnell was now vested with full authority, and carried over with him, as Chancellor, one Fitton,

\* See Palmer's Antiquities of the English Ritual.



for the renewal of such bills. On the contrary, every bill of exchange bearing my signature has been regularly and promptly paid at Messrs. Dennison & Co's banking house, where all my acceptances are made payable.

As the paragraph above quoted is calculated to do very great injury to the shareholders in the Bank of the United States, as well as to all holders of its obligations, I have to request that, as the slightest possible reparation that can be made, you will insert this letter in your paper of to-morrow, under the same head of Money Market and City Intelligence.

Your obedient servant, S. JAUDON, Agent to the Bank of the United States.

The Times of the 15th November, published the above letter, accompanied by the subjoined comments: It must be highly gratifying to all persons interested in the affairs of Mr. Bidell's bank, to observe the extreme sensitiveness on the score of credit which is evinced in this letter. Nothing has more recently been talked of in the city for the last month or two weeks than the fact, which is not denied, that Mr. Jaudon has been compelled by the want of funds, or the want of remittances, to renew, or to exchange for other paper of the same kind, the post-notes and bonds of the bank for which he is agent, called "the United States Bank," but which, holding a charter only from the separate state of Pennsylvania, can have no just claim to such a title.

Of the various obligations for which such an institution is liable, the more sacred would be in such a case its post-notes and bonds, which only differ from the notes of its ordinary circulation in not being payable on demand. With respect to bills of exchange, which are essentially more of a commercial than a banking character, the rule as to credit would be, if any failure, rather less strict, but it seems that any imputation of failure or a hesitation on this point, is much more keenly felt. With private individuals the case would be otherwise, and they would not have been at one charge after another, sustaining the one, only to be again obliged to renew bills of exchange at all, at least, some evidence of remaining credit. To deal, however, with the special matter at issue.

The fact, as stated in the city, on Tuesday afternoon, on authority of such a nature as to obtain for it implicit belief, was that the agent for the Pennsylvania bank had raised money at an enormous rate of interest, for the purpose of renewing or taking up bills of exchange falling due in this week. After the public announcement of the stoppage of the bank in Philadelphia, the real question is that the agent should have been able to accomplish such a transaction as this at all. If a quibble is meant upon the word "renewed," then the bearing of the agent's letter will be fully understood, but it must not be expected to mislead the merchants of this country by any such evasion, or by attempting to persuade them that there is any difference in the score of credit between the renewal of a bill absolutely, and borrowing money at an exorbitant rate to meet it. But, if not material in this respect, it is of very great consequence to all persons deeply interested in the Philadelphia Bank, that its bills should not go back under forfeiture, since that might endanger the whole of its funds by the forfeiture of the charter, and hence there are to be found parties in this city who, being already far involved in its affairs, are willing, at a price, to do that which no strangers would assent to, and thus a further risk to secure ultimately a fair division of the property.

There is no occasion, however, to search into private transactions that find means for a sweeping condemnation of this bank which has done more mischief both in Europe and America than any other bank will ever serve to set right. For this its open and notorious acts will suffice, which have been too often adverted to need repetition. One alone, therefore, shall now be mentioned, which is the short career of the bank under the present charter, which was granted, we recollect right, in 1835, and the capital was then placed at \$5,000,000, or \$7,000,000; yet this bank, which was founded in 1837, in consequence of a borrowing of money at over Europe and America at rates varying from 6 to 24 per cent; and has again stopped payment in Philadelphia, on the 10th of October last! If people are incapable of any impression from facts like these, they must be left to their fate, and can receive no benefit from any warnings which we can give them.

An insurrection had broken out at Newport in South Wales of a very alarming character, but it was speedily subdued, chiefly by the arms of the Mayor and the gallantry of a small body of the 45th regt. The trucking conduct of the ministers to rebels and traitors of all kinds, has been mainly instrumental in bringing about this state of things, and their pusillanimity is universally condemned.

A Windsor letter of the 13th insts, "Prince Albert's return to England has been arranged to take place in March next, and we state upon the best authority, that, in the course of the following month, or early in May, the marriage of her Majesty with this "fortunate youth," will take place.

Admiral Sir Henry Trolopp, G.C.B.—We regret to learn that this gallant officer terminated his existence on Saturday evening, about eight o'clock, P.M., by shooting himself in a moment of temporary derangement. The melancholy event took place at Freshfield, near Bath, where he had been residing for some time. He had for the last forty years been subject to the gout, which latterly affected his head, and was no doubt the cause of his committing the rash act.—London paper.

The popularity of the Cabinet has reached its height. At the Lord Mayor's dinner on the 9th Nov. at which the Ministers were, according to custom invited, they were assailed by repeated plaudits from various parts of the Hall.

Cotton had advanced in consequence of large purchases on speculations. These purchases however were based on the position of our crop would be late in going forward, and short withal.—States, and more recently, French minister of war, was stated to be at the point of death. Mr. Hagerman, the eminent Paris merchant had died. A fire occurred at Constantinople in the factious quarters had been occasioned in Lombardy by the continued rains. The principle theatre at Calcutta was destroyed by fire on the night of the 31st May; no insurance. The President steamer, the Queen, will come out of dock next week, and will be completed in all respects except in machinery, which is fitted up in Liverpool. She will be ready to cross the Atlantic early in April next.

Spain. London, Friday, Nov. 15.—Half-past Twelve.—We have much pleasure in noticing the receipt of more favourable advices from the United States. The accounts are brought by one of the sailing packets, and reach down to the morning of the 23d ult. from New York, and to the 17th ult. from Canada.

Two o'clock.—The favourable intelligence from the U. States speaks of a great effect upon the public securities. The arrivals of specie from South America are expected to give energy to the market. The settlement of the account in the Foreign market presents any mark of depression at the present. Consols for immediate transfer have risen to 90 and 90½, and for time to 90½ and 90¾. Exchequer Bills have realized 1 dis., and 1 prem., but India bonds are at a dis., Bank Stock is at 170, and the new 3½ per cents at 90½ to 100.

ing too much the prudent instructions of Espatero. Upon the road from Camarillas to Fortunate, between Alcala and Cuernavaca, General Leon, with two divisions under his command, was assailed in a defile by four Carlist battalions lying in wait in the woods, and issuing from the neighbouring fort of Mirafvette, whither they were able to return after having killed several of Leon's men. This general despised his enemy; he marched without the necessary precaution of reconnoitering the wooded sides of the road, and forgetting that they passed at the distance of half a league from Cabrera's fortresses.

CHINA—THE OPIUM. The following answer has been sent by the treasury to the claims for indemnification for losses sustained in consequence of the delivery of opium to the Chinese government. The document has been published in the Times and Chronicle without comment.

"Gentlemen,—having laid before the lords commissioners of her Majesty's treasury your letter in which you apply for a settlement of certain claims for opium delivered to the Chinese government, and transmit certificates signed by Capt. C. Elliot; I have received their lordships' commands to acquaint you that parliament has placed at the disposal of this board no funds out of which any compensation could be made, and that the sanction of parliament would be required before any such claim could be recognized and paid.

"To prevent any misconception of the intentions of this board, my lords have felt it necessary to direct me further to state, that the subject has been under the attentive consideration of her Majesty's government, and to add, that her Majesty's government do not propose to submit to parliament a vote for the payment of such claims. (Signed) R. GORDON.

Treasury Chambers, Nov. 11, 1839. Liverpool, Nov. 13.—The Opium Question.—It is confidently reported, in well informed circles that orders have been sent to India for the ships of war on that station to proceed at once to China. The Druid, and some other frigates, are, it is said, ordered also to join the squadron, and blockade the Chinese coasts, seize upon their junks, and harass them in every possible way, until redress has been obtained in the shape of £2,000,000, for the opium lately taken possession of and destroyed by the Chinese government; and that, since the issuing of these orders, Lord Palmerston has invited all persons who have been lately resident in China, but are now in this country, to give him their opinions in writing as to the course which they would individually advise to be taken by the British government.

THE BRITISH TRIUMPH IN INDIA. From the Morning Herald.

The news from India is well fitted to excite a strong feeling of satisfaction throughout England. The British army of the Indus has achieved a series of triumphs worthy to be classed along with the unforgotten glories of the Peninsular war. To the officers and men composing that army—and more especially to its distinguished commander—the deep gratitude of the country is due. Sir John Keane has proved himself no unworthy pupil of the Duke of Wellington. Higher praise can scarcely be accorded to the gallant general.

But while we render all honour to the army of the Indus—and while we rejoice in the successful termination of the Indian war—we are little disposed to recognise the soundness of the policy that induced Lord Auckland to mix himself up with disputes, in which England had no obvious interest, and towards the successful adjustment of which his lordship did not appear to possess a sufficiency of available means. The justice of Shah Shoojah's pretensions to the throne of Cabool may be doubted; while the expediency of supporting these pretensions, in the first instance, is still less clear. The difficulties, however, which overshadowed these points have—thanks to the heroism of the British army, and the profound skill of its commander—been altogether dissipated;—and we are not disposed to withhold from Lord Auckland the credit which success ought to command, whatever may be decided as to the character of the policy to which his lordship had previously committed himself.

The glorious issue of the war will, we trust, be turned to good account; and, beyond all question, the fall of Ghuznee, and the dethronement of Dost Mahomed, will tend, in a very remarkable degree, to consolidate and extend the influence of England throughout the greater part of Asia. The effect of the recent campaign will not be lost on the ruler of Persia; while the intrigues of Russia in that quarter have been baffled more effectually by Sir John Keane's cannon, than by 10 years spent in such hollow negotiations as have recently marked our negotiations with the emissaries of the great northern power.

Our Indian empire is of almost boundless value. If wisely governed, that vast territory might supply to England the materials of inexhaustible strength. A system of government, in almost all respects, the reverse of wise, has, however, for a long time, prevailed throughout our Indian dominions. Let us hope that this system may be speedily amended; and that all necessary precautions will be adopted, in order to secure permanence to the ascendancy of England throughout India. With this view, our effective military force must be greatly increased; for not even in Canada, is the influence of England exposed to greater peril, than it has, for a long time, been throughout our Indian dependencies. An effective army, however large, is, besides, far "cheaper" than an army too small to serve the purpose for which alone an army is desirable. If we would avoid the risk and cost of war, let us always be prepared for war. Armies constitute a sort of international police; and no community ever suffered by the efficiency of a police force, however numerous. Armies, and police forces, properly managed, save, in fact, far more than they consume. Had our Indian army been thrice as numerous, the vast cost of the recent war might have been avoided altogether. If two years ago, our troops in Canada had amounted to 30,000, the millions of money which the Canadian rebellions have cost England would have been saved. So it is in regard to our naval force. Real economy would dictate the doubling of the navy of Great Britain. Should war find us unable to cope effectually with the most formidable of our antagonists—or with all of them in combination—more may be lost to England, in the course of a few weeks, than would suffice to keep the fleet of England in a state of efficiency for a century to come.

NEW SOUTH WALES. Papers and general advices have been received from Sydney to the 17th June last. From their contents it appears that Sir G. Gipps, the governor of that portion of our Australian colonies, opened the session of the Council on the 11th of June in the presence of the authorities usually in attendance. His Excellency commenced his address by congratulating his hearers on the termination of the late calamitous drought, adding that the abundant rains which had fallen had revived the hopes of the colonists, though he thought that grain would remain for some time at a high price. Acting on the advice of the Executive Council he stated that, in April last, he had adopted measures to insure a supply of corn from the markets of India or South America, and that the Secretary of State had approved of his opening the Council Chamber during debate to the public. He then informed them that a British Consul would be appointed to New Zealand, and that, when the appointment was confirmed, the office of British residence would be abolished. His Excellency then proceeded to mention that during the session he proposed to propose a committee on emigration, and another on the insolvent laws of the Colony, as well as one upon the police establishments. After which he said—

"Upon the important subject of the education of the people it is my intention to submit to you a proposal when I bring forward my financial statement for the year. The basis of the arrangement I then shall propose will be that the schools under the immediate control of the government or of a board of education, shall be established on the principles of the British and Foreign School Society—leaving to every religious community the option of continuing their own schools, or of founding new ones, on the under-

standing that they will still receive from the government pecuniary assistance towards the support of them equal in amount to what they derive from private contributions."

In conclusion, His Excellency stated that the government contracts had been very high, and therefore the expenditure was larger than the estimates; that the revenue of the colony continued to improve; that he saw no reason to suppose that the colonial finances would become embarrassed, or that the whole proceeds of the sales of crown lands might not be devoted to the object of emigration.

The corn markets were still unsettled. Flour was 37s., and seconds and thirds 35s. and 33s. Wheat was rather lower, and in supply at 12s. per bushel; Van Dieman's Land wheat was 13s. and 14s., and other provisions were on the decline.

The Waverley convict ship, from Dublin, had arrived safely at her destination. Upwards of 170 criminals were on board. The increasing ferocity of the blacks in South Australia has afforded no inconsiderable degree of apprehension to the colonists. A meeting was held for the purpose of devising some method by which the protection of the residents might be effectually secured, and the friendly intercourse which had previously been maintained between the natives and the residents renewed.

Graham's Town papers to the 16th have been received. The deprecations of the Caffres are again becoming a subject of annoyance. The advices from Port Natal confirm the fact of the return of the expedition sent to meet Dingaan, and finally conclude the arrangements for peace, as well as to receive back the cattle and stores which had been captured. The latter had been delivered up to some extent; but the expedition returned without coming to any final arrangements with Dingaan, although with two of his captains engagements to the effect were entered into.

TRIAL VOYAGE OF THE HON. EAST INDIA COMPANY'S LAR STEAMER CLEOPATRA.—On Tuesday this splendid vessel (lately launched from Mr. Pitcher's Northfleet Dockyard) left her moorings at Blackwall on the trial voyage. She proceeded to Queenhithe, and although drawing 14 feet of water, positively contrived to pass the fleetest Gravesend packets. The engines worked beautifully, and have deservedly excited the admiration of all who have seen them. On her return to her moorings, a sumptuous entertainment was given on board by Lt. Saunders, R.N., to a select party, who separated highly gratified with the day's excursion. The cost of the copper boilers alone will amount to nearly £20,000, and it will require £100,000 to cover the total outlay on this magnificent vessel.

MUNICIPAL BEQUESTS TO HARROW SCHOOL.—Mr. R. Gregory, F.R.S., F.A.S., of 56, Berners-street, and county Galway, Ireland, has, by codicil to his will, dated October 22, 1838, bequeathed to Harrow School—1st, 140 volumes of Roman Classics; 2d, an annual gold medal, value 10 guineas; and 3d, £100 a-year for ever, to fund an exhibition for boys educated at Harrow school to either university. These bequests, together with Mr. Need's bequests, founded a few months ago, we believe, to come into immediate operation.

LORD STANLEY.—His lordship has the character of a good and kind landlord;—some years ago he remitted the rent of several of his tenants, and gave them money to enable them to go to America. He also endeavours to compensate for his unavoidable absence during the sitting of parliament by residing in Ireland during a considerable part of the recess. This residence he devotes to the improvement of the country, by attending to the agricultural meeting which he has established—by promoting in every practical way, an improved system of agriculture—and by encouraging cleanliness, morality, and good feeling amongst the people. If all absentee landlords like Lord Stanley, Ireland would soon be restored to prosperity and peace.—Binns' Miseries and Beauties of Ireland.

COLONIAL HOUSE OF ASSEMBLY. Tuesday, December 3, 1839.

The members having returned to the House, the speech was read, and the Hon. the Attorney General, who, while he apologized to the Honorable Speaker, expressed a hope that the House would agree with him that the occasion was such as to warrant the interruption.—The House was aware that during the last session it was intended to send a commission to England, of which the hon. Speaker was nominated a member; and in consequence of the motion being brought from some cause or other, afterwards rescinded, the Speaker, he believed, had been led to suppose that some disrespect was intended towards him. He hoped he would be permitted to say that it was not so, and if it were, he hoped that any honourable member who thought it would rise and say so. He trusted the hon. Speaker would abandon his intention, especially as disunion was to be deprecated in this the last session of the present House, when unity of interest and cordiality of feeling were so desirable.

Mr. Cowan thought the whole proceeding was out of order, but as it involved a personal consideration in regard to the Speaker, he would not press his objection. The hon. member then went on to say, that if the Speaker had desired to resign, his course was to have communicated his design to the head of the Executive,—in which case the house would have been ordered back to choose a Speaker, and to present him to-morrow. The Speaker, however, having taken the chair, and resumed his duties, he ventured out of order to discuss this matter, as there was no question before the House.

The Attorney Gen. proceeded, and expressed a desire that all those members who agreed with him would be pleased to rise.—Nearly every member standing reply. He said that he had considered the cause of the motion referred to as an expression of a want of confidence in him; but he was most happy to find by the expression now made by the House that he was mistaken. Mr. Thornburn moved the usual question respecting postages, and gave notice of a motion for examining the public accounts. Mr. Carterwright moved for the printing of 500 copies of the speech. Several other notices of motions were given, and the House adjourned.

Wednesday, Dec. 4. The answer to the speech from the throne was read a first time, and ordered for a second reading to-morrow. There was rather an animated debate on a motion for an amendment, made by Mr. Gamble and seconded by Mr. W. B. Robinson, reflecting on the conduct of her Majesty's Ministers, and attributing to their want of energy in not demanding from the American government indemnity for the past and security for the future, the repeated aggressions upon our territory by brigands from the neighboring U. States.

The Att. Gen. opposed the amendment on the ground that it was mere assumption on the part of the hon. member, that reparation had not been demanded. He knew that the matter was now in course of adjustment between the two governments, and it was not for the House to interfere at this stage of the affair. Several members spoke on both sides, and the amendment was lost by a large majority,—only 77; in a very full house, voting for it. A Printing Committee was appointed; and after a number of notices being given in, the house adjourned.

Yesterday the answer to the speech was agreed upon, and is to be sent up to-morrow; but as it is nothing more than an echo of the speech, we have not thought it necessary to delay our paper on account of it.

From the Toronto Commercial Herald.

In the Assembly nothing has been done, beyond the introduction of some bills, only two of which have been considered, viz. a Bill for constituting a Commission to examine Public Accounts, and a Bill to improve the manner of holding County Elections, by taking the Poll at various parts of the County simultaneously, which last has been ordered for a third reading to-day. We shall give the substance in our next.

Mr. Boulton has given notice that he will bring in a bill to prevent persons having taken up arms during the rebellion, and others connected with the hunters' lodges, or corresponding with traitors, from voting or becoming candidates at elections.

A Message from the Governor-General, received on Saturday, informs the House that it is Her Majesty's pleasure that a Union of the Provinces, with equal representation, should take place, and promising further information. Orders for consideration on Tuesday.

We are sorry to perceive that the Viceregal sun, as the Montreal Courier expresses it, is thawing the ice of opposition in certain quarters, where more firmness was expected. We say no more at present.

From a Supplement to the U. C. Gazette. The following Despatch, addressed to the Lieutenant Governor of Upper Canada, has been received by the Governor-General, and is published by His Excellency's command, for the information of all parties concerned.

DOWNING STREET, 16th October, 1839. Sir,—I am desirous of directing your attention to the tenure on which public offices, in the gift of the crown, appear to be held throughout the British Colonies. I find that the Governor himself, and every person serving under him, are appointed during the Royal pleasure, but with this important difference,—the Governor's commission is in fact revoked whenever the interests of the public service are supposed to require such a change in the administration of local affairs,—but the Commissions of all other public officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that, during the present or the two last reigns, a single instance has occurred of a change in the subordinate Colonial officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice which formerly prevailed, of selecting all the higher class of colonial functionaries from the army, at the time of their appointment was afforded in this country, and amongst other motives which rendered such persons a virtual security for the continued possession of their places, it was not the least considerable that except on these terms, they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy climates. But the habit which has obtained of late years, of preferring, as far as possible, for places of trust in the colonies, persons resident there, has taken away the strongest motive which could thus be alleged in favor of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed; and the object of my present communication is to announce to you the rules which will hereafter be observed on this subject, in the Province of Upper Canada.

You will understand, and will cause it to be generally known, that hereafter the tenure of Colonial offices, held during Her Majesty's pleasure, will not be regarded as equivalent to a tenure during good behavior; but that not only such officers will be called upon to retire from the public service, as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the Governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries—subject, of course, to the future confirmation of the sovereign.

These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether Ministerial, and which do not devolve upon the holders of their duties, in the right discharge of which the character and policy of the government are directly involved. They are intended to apply rather to the heads of departments, than to persons serving as Clerks, or in similar capacities under them; neither do they extend to officers in the service of the Lords Commissioners of the Treasury. The functionaries who will be chiefly affected by the new mode of appointment, are the Colonial Secretary, the Treasurer or Receiver General; the Survey General, the Attorney and Solicitor General; the Sheriff, or Provost Marshal; and other officers who, under different designations from these, are entrusted with the same or similar duties. To this list must also be added the Members of the Council, especially in those colonies in which the Legislative and Executive Councils are distinct bodies.

The application of these rules to officers to be hereafter appointed, will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shown for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disengagement, even by pecuniary grants, when it may appear unjust to disperse with their services without such an indemnity.

I have, &c. JOHN RUSSELL. (Signed) Message from His Excellency the Governor General on the subject of the UNION OF THE PROVINCES. Transmitted 7th December, 1839.

C. POULETT THOMSON. In pursuance of his intention expressed in his speech from the throne, the Governor General desires now to bring under the consideration of the House of Assembly, the subject of the re-union of this province with Lower Canada, recommended by Her Majesty in her gracious Message to both Houses of Parliament on the 3d of May last.

For several years the condition of the Canadas has occupied a large portion of the attention of Parliament. That they should be contented and prosperous—that the ties which bind them to the parent state should be strengthened—that their administration should be conducted in accordance with the wishes of the people, is the ardent desire of every British statesman—and the experience of the last few years amply testifies that the Imperial Parliament has been sparing neither of time, nor of expenditure to the investigation of their affairs, nor of the expenditure it has sanctioned for their protection.

The events which have marked the recent history of Lower Canada are so familiar to the House of Assembly, that it is unnecessary for the Governor General further to allude to them. There, the Constitution is suspended, but the powers of the Government are inadequate to permit the enactment of such permanent laws as are required for the benefit of the people.

Within this province the finances are deranged—public improvements are suspended—private enterprise is checked—the tide of emigration from the interior of the country, and the ties which connect it with the British connection, has ceased to flow—while by many, the general system of government is declared to be unsatisfactory. After the most attentive and anxious consideration of the state of these provinces, and of the difficulties under which they respectively labor, her Majesty's advisers came to the conclusion, that by their re-union alone could those difficulties be removed.—During the last session of the Imperial Legislature, they indeed refrained from pressing immediate legislation, but their hesitation proceeded from no doubt as to the principle of the measure or its necessity. It arose solely from the desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both Provinces.

The time then is now arrived beyond which a settlement cannot be postponed. In Lower Canada it is indispensable to afford a safe and practicable return to a Constitutional Government, and so far as the feelings of the inhabitants can be there ascertained the measure of the re-union meets with approbation.

In Upper Canada it is no less necessary to enable the Province to meet her financial embarrassments, and to proceed in the development of her natural resources. These objects can only be accomplished in the provinces of fulfilling the pecuniary obligations which have been contracted, but by a great increase in the local revenues. But so long as Lower Canada remains under her present form of government, neither province possesses any power over the only source from which that increase can be drawn. Nor even, were it possible to restore a representative constitution to Lower Canada, unaccompanied by the Union, would the position of this province be much improved; since past experience has shewn the difficulty of procuring assent to any alteration of the customs laws suggested from hence.

This province has engaged in undertakings which reflect the highest honor on the enterprise and industry of her inhabitants. The public works which she has completed or commenced have conceived in a spirit worthy of a successful result. But additional means are indispensable to avert the ruin of some, and secure the completion of others. Nor will that alone suffice;—Lower Canada holds the key to all those improvements. Without her co-operation, for which nature has done so much, for which this province has so deeply burdened itself, must remain incomplete, and a barrier be opposed to the development of those great natural resources which the hand of Providence has so lavishly bestowed on this country.

With a view to remove all these difficulties,—to relieve the financial embarrassments of Upper Canada; to enable her to complete her public works; and to develop her agricultural capabilities;—to restore Constitutional Government to Lower Canada; to establish a firm, impartial and vigorous government for both; and to unite the people within them in one common feeling of attachment to British institutions and British connexion, the Union is desired by her Majesty's government; and that measure alone, if based upon just principles, appears adequate to the occasion. Those principles, in the opinion of her Majesty's advisers are: a just regard to the claims of both provinces in adjusting the terms of the Union;—the maintenance of the three estates of the Provincial Legislature; the settlement of a permanent Civil List for securing the independence of the Judges, and to the Executive Government that freedom of action which is necessary for the public good; and the establishment of a system of local government adapted to the wants of the people.

It was with great satisfaction then that Her Majesty's Government learnt that upon the question of the Union itself, the House of Assembly had pronounced their decided judgment during their last session, and that only remain for the Governor General now to invite their assent to the terms upon which it is sought to be effected. Their decision was indeed accompanied by recommendations to which the government could not agree, but the Governor General entertains no doubt that under the altered circumstances, they will no more be renewed. It will be for the Imperial Parliament, guided by their intimate knowledge of Constitutional Law, and free from the bias of local feelings and interests, to arrange the details of the measure.

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The first of the terms of re-union to which the Governor-General desires the assent of the House of Assembly, is, the equal representation of each province in the United Legislature. Considering the amount of the population of Lower Canada, this proposition might seem to place that province in a less favorable condition than Upper Canada. But, under the circumstances in which this province is placed, with the increasing population to be expected from immigration, and having regard to the commercial and agricultural enterprise of its inhabitants, an equal apportionment of representation appears desirable.

The second stipulation to be made in the grant of a sufficient electoral list. The propriety of rendering the Judicial Bench independent alike of the Executive and of the Legislature, and of furnishing the means of carrying on the indispensable services of the government, admits of no question, and has been affirmed by the Parliament of Upper Canada in the acts passed by them for effecting those objects. In determining the amount of the Civil List, the House of Assembly may be assured that the salaries and expenses to be paid from it will be calculated by her Majesty's government with a strict regard to economy and the state of the provincial finances.

Thirdly, the Governor-General is prepared to recommend to Parliament that so much of the existing debt of Upper Canada as has been contracted for public works of a general nature, should, after the union, be charged on the joint revenue of the united province. Adverting to the nature of the works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that province should bear a proportion of their expenses.

On these principles the Governor General is of opinion that a re-union of the two provinces may be effected—equitable and satisfactory in its terms—and beneficial in its results to all classes.—He submits them to the consideration of the House of Assembly, in the full conviction of their importance, and in the hope that they will receive the assent of that House. Fortified by the expression of their opinion, her Majesty's Government and Parliament will be able at once to apply themselves to the full development of the scheme, and to the consideration of the provisions by which it may be carried into effect with the greatest advantage to the people of both provinces.

If in the course of their proceedings the House of Assembly should desire any information which it is in the power of the Governor General to afford, they will find him ready and anxious to communicate with them frankly and fully, and to aid by all the means in his power that settlement on which he firmly believes that the future prosperity and advancement of these Colonies mainly depend.

[Resolutions have been introduced into both Houses, founded upon the above Message; but at the last accounts from Toronto, they had not been discussed.]

THE SPEAKER OF THE LEGISLATIVE COUNCIL. From the Toronto Patriot.

The Colonist, in the last two numbers, has fallen into a deep melancholy, in consequence, as he says, of the injury done our Constitutional rights by "Mr. Justice Jones" officiating as Speaker of the Legislative Council! Commiserating our contemporary's alarm we have given some research to the subject—and the result of our inquiries which we now offer to our readers, has abundantly convinced us, and we think will amply satisfy the public, that the Council has been started only by a shadow.

Our contemporary says, "It will be difficult to point out the legality of the appointment," and "it falls more than implied by the Constitutional Act that the Speaker of the Legislative Council shall be a Member of that body." Now the Act 31st, Geo. 3rd Chap. 12, provides, that the Governor, &c. shall have power "to constitute, appoint and remove the Speaker of the Legislative Council." We do not pretend to be wiser in this matter than our contemporary, but our common sense refuses to understand the meaning of this clause even by implication, in the spirit on which the Colonist insists. With the quotation of this chapter of the Act we might leave the question as conclusively answered; but for the better information of the Colonist and its readers, we will proceed a step further in our refutation of this erroneous doctrine. In the absence of any positive declaration in the Constitutional Act, that "the Speaker of the Council shall be a MEMBER of that body," where ought the constitutional lawyer to look for precedents to determine a doubt in Colonial Legislation? Assuredly to the records of the Imperial Parliament, and to the Commentaries on the British Constitution, of which ours is declared by the reformers to be the exact image and transcript. Blackstone then tells us, vol. 1, chap. 2, p. 6, that "the Speaker of the House of Lords is the Chancellor, or keeper of the Great Seal; or, any other appointed by the King's Commission"—and, by way of practical illustration, the Lords' Journals inform us, that Sir R. Richards, Chief Baron of Exchequer, (not a Lord of Parliament,) sat as Speaker in the absence of the Chancellor (1819, 59th Session, Geo. 3rd)—also that Sir C. Abbott, C.J.K.B., (not a Lord of Parliament,) officiated during that Session in like manner—also that Sir John Leach, Mstr. Rolls, (not a Lord of Parliament,) sat as Speaker pro tem. (8th Session, Geo. 4th)—and also, what is more emphatic, that at the same time, Sir Wm. Alexander, C.B. E., (and not a Lord of Parliament,) was, by Royal Commission, appointed to be Speaker of the Lords, in the absence of the Chancellor; the keeper of the Great Seal; and the Master of the Rolls. Many other cases might be cited, but enough, we think, has been adduced to shew, that, as in the Imperial, so in the Provincial Parliament, the Speakership of the Upper House is compatible with the office of Judge, and that when a speaker of the Lords, who was not a Lord of Parliament, ("AN ALIEN to their body thus thrust upon them") as the courteous Colonist terms Judge Jones)—has presided over the deliberations of the HIGHEST ESTATE OF THE REALM; surely our Legislative Council is not been required either "to sacrifice its independence" or "to submit to an indignity," in having Mr. Justice Jones "to preside there, and manage the formality of business?" as Blackstone declares his duty to be.

Perhaps the Colonist considers the 28th clause of the Act 31st Geo. 3rd, will assist his exposition of the law of Speaker—as it enacts, that both in the Council and Assembly, all questions shall be decided by a majority of the MEMBERS present; and that, in either house, in an equality of votes, "the Speaker shall have a casting voice;" but we can perceive nothing therein to contradict our argument; all that it implies being the express provision that the practice of the house of Lords, where the Speaker has no casting voice, and where an equality of votes decides a question in the negative, shall not prevail in the Provincial Legislative Council.

Mr. Justice Jones, therefore, merely by way of practical illustration, which from his well known ability we shall especially especially qualify to perform—and, so long as he neither speaks to, nor votes on the question before the council, we contend his appointment has been made legally and constitutionally, and that "questions upon which members may be equally divided" need not "remain undecided," as the Colonist asserts, inasmuch as the present Speaker, being as we have shewn legally appointed, of course, in the words of the act, he has shewn "ceasing voice."

The Colonist has strongly urged the spirit of the Constitutional Act, interpreting its application—and we have marvelled that, according to his reading of it, he has not also moved the question of the Speakership of the Assembly being illegally and unconstitutional, if not unconstitutional—decided—for there is no clause of the act which appoints either the office of Speaker of Assembly, or the manner of appointment thereto—it is in the 28th clause only that the Speaker of the Assembly is even alluded to; but would it be in the spirit of the act, therefore to insist that the members of Assembly had no constitutional right to elect, from among themselves, a Speaker? Assuredly not; for, in the absence of a direct provision on this head, we must apply the same rule to the Commons House that we did to the Council; and in the records of Law and precedent for the Commons of England, we should find the rule of practice for the Provincial Assembly. If, then, the practice of the Imperial Parliament is acknowledged to have been the constitutional authority and guide of the Commons of Canada, the same argument must be admitted as deciding the legality of the question as it affects the Legislative Council, and in consequence, indisputably demonstrates the present Speaker of the Legislative Council to be the lawful incumbent.

Kemptville, Dec. 9th, 1839. To THE MEMBERS OF THE EASTERN LEGISLATIVE COUNCIL. Dear Brethren, In consequence of the removal (from within the bounds of the Association) of the Brother at whose residence we were to have assembled; the next meeting of the Society is unavoidably postponed to the first Wednesday in February, when you are invited to meet at the House of the Rev. M. Harris, Rector of Perth.

I remain, Very fraternally yours, Hy. PATTON, Sec'y.

DIED. On the 6th instant, aged 3 years, Emma, youngest daughter of Archibald McDonald, Esq. of Marina, near Cobourg. At his residence, in South Gower, on the 3rd inst. William Kay, Esq. J. P.

LETTERS received to Friday, Dec. 13th.— J. B. Ewart, Esq.; Rev. W. H. G

