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**SELECTED POETRY.**

**DEATH OF MARY.**

By the late Rev. Charles Wolfe.

If I had thought thou couldst have died,  
I might not weep for thee;  
But I forgot, when by thy side,  
That thou couldst mortal be;  
It never through my mind had passed,  
That time would e'er be o'er,  
When I on thee should look my last,  
And thou shouldst smile no more.

And still upon that face I look,  
And think 'twill smile again;  
And still the thought I will not brook,  
That I must look in vain;  
But when I speak thou dost not say  
What thou wilt or left'st unsaid;  
And now I feel—as well I may,  
Sweet Mary thou art dead.

If thou wouldst stay e'en as thou art,  
All cold and all serene,  
I still might press thy silent heart,  
And where thy smile has been;  
While e'en thy chill bleak corse I have,  
Thou seemest still mine own,  
But there I lie in the grave,  
And now I am alone.

I did not think where'thou art,  
Thou hast forgotten me;  
And I perhaps may soothe this heart  
In thinking still of thee!  
Yet there was round thee such a dawn  
Of light e'er seen before,  
As fancy never could have drawn  
And never can restore.

**MISCELLANY.**

**SKETCHES OF SOCIETY.**

**The Polong.**—The Polong is one of the many evil Spirits in the existence of which the Malays believe; and as it is obviously different from our fairies or vampires, a few particulars respecting it, from the Indo-Chinese Gleaner, may be amusing. The Malays say that the Polong is capable of being conveyed down from parents to children. According to their laws, it is death to keep one of these supernatural beings; and the possessor uses for this purpose a small earthen bottle with a neck of sufficient size to admit a finger. The Polong feeds on human blood.—The keeper cuts the tip of his fore-finger once or twice a week, either Friday or Monday night, till blood issues, and he then puts his finger into the vessel for the spirit to suck his fill. If neglected to be fed regularly he comes out, and sucks the whole body to such a degree that the skin becomes all over black and blue. The Polong is seldom kept by males, generally by females; and the woman, however ugly by nature, is endowed, through his influence, with surprising charms in the eyes of every beholder. If the keeper of a Polong entertains a grudge against any one, or if asked for or hired by another, he is let loose upon the person whom it is wished to injure.—The marks of his vengeance are numerous. As soon as he enters the victim, consciousness leaves him, and he screams and falls down; sometimes he becomes speechless and deathlike; sometimes there is no appearance of ailment, but he talks incoherently; sometimes he begins to beat all about him; and sometimes sudden death ensues. The Polong always strictly obeys his orders, and inflicts the punishment which is commanded. Occasions occur in which his inflictions are infectious, and from one to twenty individuals suffer similar evils with the party originally visited. The people are so well acquainted with the power of this demon, that as soon as they see any one afflicted they send for a physician skilled in necromancy and the occult sciences, who administers medicaments, or more frequently employs spells to cure the patient. One of these is to draw a fantastical figure (pretended to be that of the foul fiend) on the inside of a white basin, into which water is poured for the sufferer to drink. Then the doctor takes hold of the end of his thumb, that being the door of the human body by which the Polong makes his entrances and his exits, and interrogates him in the following style: "Why do you torment this man?" Then he answers through the patient, "My father (so he designates his keeper) has a grudge against him." "Who is your father?" "What has he told you to do?" "To eat his heart and entrails," (the usual phrase for torment). But sometimes the Spirit braves all exorcisms, and refuses to speak; and at other times he lies and gives wrong names. When however he

does confess, the operator tries to discover his local habitation, (for though invisible and spiritual, he has dimensions and substantial shape,) and for this purpose feels the body all over, to detect his lurking place, between the flesh and skin. When found in the arm, or behind the ear, or in any other part, the process of expulsion commences. The soothsayer first exacts an oath that he has spoken nothing but the truth, and further, that he will never return. He is then permitted to escape; and where the power of the physician is very great, he is even sent back to plague his own keeper.

The Penanggalan (a derivative from the verb to "Pull out") is another creature of Malay demonology. It is described as a human head and neck, with the intestines hanging to this odious conception. It has a female body to inhabit, but frees itself at pleasure from this covering to pursue its excursions through the air, and pounce and prey upon all kinds of garbage. The Penanggalan also sucks the blood of its victims. The body which it inhabits is, like that of our witch, devoted to the devil. Nothing can expel the disgusting attributes and actions ascribed to this abominable and loathsome imagination.

**From English Papers.**

Mr. Mantell has discovered in the iron-stone of this country the teeth of an herbivorous reptile of a gigantic magnitude. This animal appears nearer to the Iguanodon of Barbadoes, than to any other recent lizard, and it is proposed to distinguish it by the name of *Iguanodon-Laurus*. Detached parts of the Skeleton, as Vertebrae, thigh bones, &c. have also been found. Mr. Mantell has part of a thigh bone in his possession, which there is every reason to conclude is referable to this animal; its size is so great, that upon a moderate computation, the individual to which it belonged, must have equalled the Elephant in height, and been upwards of sixty feet long.—*Leeds Journal*.

A young man of the name of Patterson, a blacksmith at Doune, produced a few days ago, the blade of a pen-knife, in the centre of which he said would be found a portion of straw entire, and without having suffered in the smallest degree from fire. The blade, which was well tempered and without the least flaw, was accordingly broken in the presence of several respectable individuals, when a piece of straw as described was found inclosed.—although the metal had to be heated repeatedly before it was properly tempered. The young man had been induced to exert his ingenuity in this way, in consequence of having seen in the newspapers an account of a feat of the same kind produced by the workmen of London, who challenged the workmen of some other place to equal it. He is only 20 years of age; an untutored country Smith. Yet he has produced specimens of his ingenuity in various ways that would have done credit to the more experienced artists of the Metropolis.

**Fatal effects of Laughing Gas.**—The foolish experiments upon the Laughing Gas, now so much in fashion, were attended with the death of a person at Bourdeaux in February last. We recommend the public to set their faces against further exhibitions of this dangerous practice; every thing which operates on the sensorium, so as to derange it, even temporarily, is dangerous. The same quantity of this gas inhaled by different people, will produce vastly different effects. One may be but gently stimulated by it, while another, from peculiar physical construction in the Brain or blood-vessels, may drop down in apoplexy.

A letter from Paris says, "In all the Military Schools, a decided preference is given to the German language.—German teachers have been appointed to all the institutes connected with military education.

Among the curiosities lately deposited in the British Museum, are some Roman jars, of the year 105 before Christ. It is a singular fact that the first Bible Society that ever existed was established by some Roman Catholic Prelates in France, in 1773.

The unfortunate contest between the Cotton Spinners and their masters, still continues at Glasgow, and thousands who have nothing to do with the matters in dispute, are famishing in consequence.

Great supplies of Timber have been received at Plymouth, and indeed at all the yards in the course of the last summer. Africa, Dalmatia, America, &c. have furnished their liberal supplies, and thus the consumption of British Timber is considerably lessened.

There are now fitting out at Liverpool, two beautiful and superb Steam-Bouts, of nearly 400 tons each, for the service of the Emperor of the Brazils.

One single statue of the Virgin, which decorates the Altar of the Cathedral, at Bologna, in Spain, is ornamented with 1348 Diamonds, 1295 Emeralds, 59 Amethysts, a large Topaz, a Hyacinth, and 372 Pearls; the pedestal alone is enriched with 609 Amethysts. The labour of the Artist cost 4000 piastres.

The Dutch have discovered and opened tin mines in Billiton and a considerable resort of Chinese to that island has been the consequence.

The landed proprietors of the North of Scotland are about to apply to government to assist them in diffusing the use of the English Language in the Highlands.

There are at present nine public gaming houses at Paris, licensed by the French Government, and the holders of them pay annually to the Government £250,000 for permission to keep them.

The Wine called *Hock* derives its name from Hockheim a small town near Mintz, in Germany; it only contains eight acres of Vine-Yard, and grows about thirty two thousand vine plants, worth as many deucats. Twelve large casks of Wine annually, worth about £15 each, is the whole of its veritable produce to supply all the civilized world. There is more Hock drunk in the Taverns of London alone than is made at Hockheim during the year.

A man, born at Bourg, in France was condemned, when twenty years old, to the Gallies for 101 years.—The term of his sentence having expired, this convict returned to his native Town a few days ago, at the age of 121 years. He did not recognize Bourg, until he beheld the fine Gothic Church of Bron, which he recollected perfectly well. He found neither relatives nor friends.

20,000 News Papers pass weekly through the Edinburgh Post Office.

The Love Letters of Mary Queen of Scots to James Earl of Bothwell: with the Love Sonnets and Marriage contracts (being the long missing originals from the Gilt Casket) explained by State papers, and the writings of original historians so as to form a complete history of the origin of the Scottish Queen's Woes, collected by Hugh Campbell, illustrator of Ossian's Poems, is in the London Press.

A premium of £200 offered by the Lords of the Admiralty for the best chronometer, was awarded to Mr. Murray, of Cornhill, who made one which did not vary in its mean daily rate more than one second and eleven hundred parts of a second for one year.

The Ormonde Estates have sold for £492,432. Mr. Arkwright, who purchased the Marquis of Ormonde's Park and Mansion for £217,000 already possesses lauded estates of nearly a similar description, for which the wealthy proprietor has given upwards of £300,000.—Mr. Arkwright and Sir Robert Peel are supposed to be the richest commoners in England.

The memoirs of Dr. Antonmarchi relative to the last moments of Napoleon are now in the Press.

A field pea dropped last spring in the garden belonging to the Rev. Mr. Taylor, and adjoining to his church at Blackfriars, Kinross-street, sprung up and ripened in the progress of the season. Felled some weeks ago, it contained upwards of 200 pods, which contained 515 peas.

*Perthshire Courier.*

The subscription for a Rail-Way from the Cromford Canal to the Peak Forest Canal, in Derbyshire, is near-

ly filled up. This Rail-Way rises from inclined planes to the summit level of 1000 feet above the former Canal, and then descends 760 feet to the Peak Forest Canal.—The country being very mountainous and irregular, embankments and tunnels will be necessary; yet the engineer (Mr. Jessup) is certain, that the expense will not exceed £4000 per mile on an average. It is proposed to use locomotive engines on the level parts, and stationary at the inclined planes. The total expense is stated at £150,000, and the probable revenue at £16,878, from which, when £1040 are deducted for agency and incidental expenses, and £960, or £230 per mile for keeping in repair 32 miles of Rail-Road, eleven per cent profit is left. The carriage of coal, lime, stone, timber, iron, &c. is calculated at one penny per ton per mile, and grain and goods at 2d. per ton per mile; this is exclusive of one penny per ton per mile, which it is in contemplation to charge for the cost and maintenance of the steam engines. The report from which these statements are extracted, is dated September 2nd. 1824.

**Post Office Accuracy.**—In 1795, a letter, containing a one pound note of the British Linen Company's Bank, was addressed by a man in this town to J. McDonald, private, light company, 78th regiment, then in England.—Before the letter arrived at its destination, however, McDonald sailed for India, and the letter followed him. From India it followed him through the various routes of his company; and came back again to Inverness about ten years ago. Shortly before then McDonald died at Dochfour.—There was therefore no claimant for the letter, & it was returned to the General Post Office. From that Office it was again sent after the 78th regiment, followed by McDonald, and about ten days ago was sent back after McDonald to Inverness, still containing the identical one pound note. It is now claimed by the person who despatched it, who is still living.—*Inverness Courier*.

In the Court of King's Bench, on Monday week, a rule was obtained to show cause why a criminal information should not be filed against the proprietor of the Sunday Times for a libel on the Marquis of Hastings, in imputing to him acts of entrenchment.

**DOMESTIC.**

**PROVINCIAL PARLIAMENT. OF LOWER CANADA. HOUSE OF ASSEMBLY.**

Monday, 24th January, 1825.

The following Petitions were presented and referred, viz: A Petition from divers persons of St. Pierre, in the County of Buckinghamshire, praying for the establishment of regulations for persons bringing down Lumber in Rivers flowing into the St. Lawrence; by Mr. Bourdages.

A Petition of divers freeholders of the County of Montreal against a Turnpike Road about to be established between Montreal and Lachine, by Mr. Bourdages.

Two similar Petitions to the above, also from divers freeholders of the County of Montreal; by Mr. Bourdages.

Mr. Heney presented the Report of the Commissioners for the relief of the Lunatic mad others in the District of Montreal.

According to Order, Mr. Neilson laid before the House Copy of a letter from L. J. Papienau and John Neilson, Esqs. entrusted with the Petitions of the Inhabitants of Upper and Lower Canada, and with the Resolutions of the Assembly of the latter Province, of the 20th January 1823, against the Bill for uniting the Legislatures of the two Provinces, delivered to Mr. Wilmot, Under Secretary of State for the Colonies, on the 12th May 1823.

The House went into Committee on the Petitions against the Election of Mr. Leterriere, for Northumberland; Mr. Young, for the Lower-Town of Quebec; and M. M. Desaulles and De St. Ours, for Richelieu, respectively, and resolved unanimously that if the allegations contained in the Petitions be true, they are sufficient to make void the Return of these gentlemen.

The Order of the Day for the House in Committee to consider of the expediency of establishing Register Offices in the Province was postponed to Monday next.

The Petition of Messrs. Desaulles and De St. Ours was, on Motion of Mr. Taschereau, referred to a Special Committee.

Tuesday, 25th January.

A Message from the Legislative Council by Mr. De Léry, one of the Masters in Chancery, was received informing the House that they had passed, and desired the concurrence of the House to the following two Bills, viz. An Act to amend and continue an Act for the summary trial of small causes in the Country Parishes, and an Act to confirm certain Marriages heretofore solemnized in the Province.

The following Petitions were then presented and referred to Special Committees.

A Petition from Mr. Leterriere, Member of the House, praying that the surtax given to contest his election may be declared insufficient; by Mr. Berthelot.

A Petition from divers Inhabitants of Saint Thomas, County of Devon, praying that they may not be deprived of the right of purchasing (for the use of the Public) the Bridge built by Jacques Morin, over a Branch of the River Saint Nicholas; by Mr. Despres.

A Petition from Mr. Attorney General Uniacke, Member of the House praying that the House, may set aside the recognition entered into by the Petitioners against his Return on account of irregularities; by Mr. Viger.

Mr. Neilson presented the Report of the Agricultural Society for the District of Quebec.

Mr. Taschereau from the Committee on the Bills to continue two Acts relative to Houses of Correction in the Province, and another providing a temporary House of Correction for the District of Three-Rivers, reported that they had gone through the Bills without amendment; ordered that the Bills be referred to a Committee of the whole House on Friday next.

Mr. Belanger from the Committee on the Bill to facilitate the recovery of rents appertaining to Proprietors and Lessors, reported the Bill with an amendment, and the Bills were ordered to be taken into consideration by the whole House on Friday next.

Mr. Neilson from the Committee on the Petition of the Inhabitants of Beauport, respecting their Fisheries, made a Report to the House, which was ordered for consideration on Friday next.

Mr. Blanchet from the Committee on the Petition of the Quebec Fire Assurance Company, praying an Incorporation, reported that the prayer of the Petitioners should be granted; and a Bill was accordingly introduced, read a first time, and ordered for a second-reading to-morrow.

The report of the Justices of the Peace of Quebec, under whose direction the monies appropriated for the relief of sick and indigent emigrants was on motion of Mr. Blanchet referred to a Special Committee.

Mr. Cuvillier from the Committee on the bills to incorporate the cities of Quebec and Montreal reported the bills without amendment; and they were referred to a Committee of the whole on Friday next.

The petition of the inspectors of Lumber, praying for an increase of fees, was on motion of Mr. Lagueux, referred to this Special Committee on the acts relating to the Lumber trade.

On motion of Mr. Blanchet it was ordered that it be an instruction to the Committee on the bill to remedy improvident grants of the Waste Lands, to inquire if it be expedient to adopt measures to remedy the difficulties rising from the intermixture of the Crows and Clergy reserves under patent.

Mr. Bourdages obtained leave to bring in a bill to extend the provisions relating to purchasers of real property sold at Sheriff's Sale—presented; read a first time and ordered for a second reading on Saturday next.

The bill to enforce the ancient laws of the Province compelling seignours to grant their lands subject only to rent and services; and to facilitate the reuniting of lands to the domain, was ordered to be referred to a Committee of the whole house to-morrow.

The bill to authorize Francois Cloutier to erect a toll bridge over the river St. Anne, was referred, after a second reading, to a Special Committee.

The house in committee on the petition against the election of M. Attorney General, resolved that the allegations contained therein, if true, are sufficient to make his return void.

Wednesday, January 26.

A petition from sundry Inhabitants of Montreal, praying for a Market-place near the Suburbs of Ste. Ann, was presented to the House and referred to a committee of five members.

A petition of divers Physicians and Surgeons of the District of Montreal, praying for some further regulations for that body, was presented to the House and read.

The special Committee on the Petitions of the Inhabitants of the River du Loup and Yamachiche, in the District of Three-Rivers, relating to their respective Commissions, reported their opinion thereon, and the report was ordered to be considered in a Committee of the whole on Friday next.

The Special Committee on the Petition of J. B. Lague, praying for the privilege of erecting a tollbridge over the River des Hurons, in the District of Montreal, reported their opinion thereon, that prayer of the petitioner ought to be granted.

Mr. Neilson moved to resolve that Philippe Panet, Thomas Wilson and Louis Massue, Esquires, be appointed commissioners for the purpose of examining the witnesses of Joseph Doriou and others, and John Campbell, Esq., on Tuesday the 22nd. day of February next, and the following days, at the hour of ten o'clock, in the forenoon, in the public room of the parsonage house of the parish of Point aux Trembles, in the County of Hampshire, and that Philippe Panet, be the Chairman of the said Commissioners; the consideration of which motion was postponed till Friday next.

Leave was then given to bring in a bill to authorize an enumeration and return of this Province; and the said bill was read a first time and ordered to be read a second time on Monday next.

Mr. Clonet from the Committee of the whole house on the Bill to regulate and grant for a limited time, certain fees to the Clerks of the Markets, in the Cities of Quebec and Montreal, and in the Town of Three-Rivers, reported the amendments made to the bill by the said Committee, which being agreed to by the House, the bill was amended, and ordered to be engrossed.

A bill to extend certain privileges to the Wesleyan Methodists, was read a second time, and referred to a committee of five members.

The second reading of the bill to authorize the appointment of Commissioners for administering oaths to public accountants, and to persons having claims against His Majesty's Government, and for other purposes, was postponed till Monday next.

A bill for establishing Post Houses in the different parts of this Province, was read a second time, and referred to a Committee of five Members.

A bill for the encouragement & relief of certain persons, and authorizing them to associate themselves by the name of the Quebec Friendly Society, was read a second time, and ordered to be considered in a Committee of the whole on Saturday next.

According to order the House resolved itself into a Committee to consider the expediency of amending the Act of the 36th Geo. 3d. cap. 9, and the Act 39th Geo. 3d. cap. 5, commonly called the Road Acts, came to a Resolution, "that it was expedient to amend the said Acts," which being reported to the House and agreed to, a Committee of seven Members was appointed to consider and report, by bill or otherwise, the necessary amendments to be made to the said Acts.

According to order the House went into a Committee on the bill to enforce the ancient Laws of this Province, compelling Seigniors to concede their lands subject only to rents and services, and to facilitate the reunion of Lands to the Domain, in cases where by Law the same can be demanded, made some progress and obtained leave to sit again.

The order of the day for the House in committee to consider the expediency of establishing new Jurisdictions in the Districts of Quebec and Montreal, was postponed till Friday next.—Then adjourned to Friday next.

**PROSPECTUS OF THE SAINT LAWRENCE COMPANY.**

IN detailing the various advantages that will result to the Canadas at large by the immediate improvement of the River Saint Lawrence, it is hardly necessary to dwell on the great benefit that will be derived therefrom by the Inhabitants of British North America, and more particularly by those residing in Upper Canada, to whom, at first view, it appears more directly applicable; but it can easily be proved that it applies with equal advantages to the Inhabitants residing in other parts of British North America. The Trade and resources of this Country will be greatly improved, independent of an easy and expeditious mode of access being opened to Upper-Canada, a country hitherto very little frequented, owing to the dangers and difficulties attendant on travelling to the Upper Lakes.

The Committee would more particularly direct the attention of Capitalists and Men of property to this object, by stating that the Merchant will derive great facilities in transacting business; the Landholder or Capitalist will increase his income; the forwarder will be enabled to transport property with greater facility and more certain profit; and the community at large will derive incalculable advantages by making the access to the Lakes for carrying Five hundred barrels water cover equally easy with that to the Harbours of Quebec and Montreal.

By these means a direct Trade may be opened with the Lower Ports of the Gulph and parts adjacent; and were a rail-road from Bay Verte to Chignecou Bay in the Bay of Fundy formed, a vessel of the above description might reach the Town of St. John's, New-Branswick, from Niagara, without breaking bulk in nearly the same time that a Boat can descend to New-York by the Erie Canal at a much greater expense. The contemplated improvements it is confidently expected might be effected in the course of the ensuing season.

The freight of a barrel of Flour from Kingston to Montreal is now 2s. 9d. a boat takes from ten to twenty days in making a trip, with from 5 to 8 men, and other great expenses attendant in towing up, at different places in the Rapids, with Oxen, Horses, &c. &c.

The proposed plan embracing three Steam Tow Boats, with Chains and fixtures, will assuredly surmount all difficulties, in returning boats up the rapids, &c. so that the crews of two or three Boats, with the assistance of Horses, most certainly now take up one Boat; for it is evident that a Steam Engine of twenty horse power is a greater power than any force hitherto applied at some places in a very injudicious manner; whereas upon the contemplated plan, the full and efficient force of the Engine will operate in towing. With respect to the other advantages to be obtained, they are as follows:—A Durham Boat or Bateau will make two trips to one in the same given time with half the number of men; that is, 50. 6. instead of 25. 9d. down, and 14s. instead of 7s. per barrel, up.—The Proprietor will save at least 60 upon a barrel, on all produce down, in coarage, damages and other of various, independent of that on his freight up, which is incalculable when breakage, leakage and damages, &c. are taken into account, exclusive of interest, risk and detention on Goods forwarded up and down, with the loss of those great advantages accruing from quick sales and returns, which a facility of intercourse naturally occasions. To obtain these advantages it is proposed that a Company be formed

with a capital of not less than £100,000, having the exclusive privilege for a certain number of years of navigating the Rapids of the River St. Lawrence, with the following allowance, should the wisdom of Government, or the Legislature devise no other mode of proceeding.

A Tonnage duty of 4s. on all measurement Goods down and 4s. per ton on all Goods proceeding up the River—3s. per ton on all coarse Goods sold by weight or measure, such as Salt, Coals, Iron, Lead, &c. up; and 3s. down; with a duty of 6s. per ton register measurement on all Boats, or Bateaux using the Tow-up, none to be entitled to the privilege of using the Tow-up, who do not pay the dues proceeding down the River, otherwise advantage would be taken of the Company, as the principle freight is down, and by the Boats returning speedily at a reasonable charge, they will be enabled to double their gain in short space of time. This, with 1s. on every passenger, the Committee feel assured will enable Stockholders to derive a profitable interest on the money they may invest; which is offered to the public in shares of £25. The Company to have the power of regulating the charge on intermediate distances, as may be deemed most expedient, and at a proportionate rate.—By Order of the Committee. JAMES GEORGE, Secy. to the St. Lawrence Association. Quebec, 10th December, 1824.

From the Quebec Gazette, 27th inst. The ice between the north shore and the Island of Orleans became stationary on Sunday last, and on Monday evening some cargoes came up to town. The ice has since grown firm and the farmers flock to market with their produce, which has been on their hands a month longer than usual. The number of persons employed at the large ship, however, afforded them some relief, & we are informed that produce of every description from the different parts of the island, was brought up to the ship-yard and there exposed for sale.

There are numerous complaints in the city and its neighbourhood of pilfering and stealing articles of small value from out-houses and even inhabited houses. There is a description in town who frequent the public markets in the character of loafers and who often have articles of little value which they offer with great importunity, that have always a very suspicious appearance, the markets and at auctions all the places where they loiter for their calling of whatever nature it is, the public cannot be too much on its guard against thieves of the kind we have spoken of.

The Montreal Herald speaking as we learned and important persons the editors of newspapers usually, do in the name of the country, says that it is a matter of much regret that the House of Assembly has placed an interdiction on a more full and detailed report of its proceedings! We dare say that such an interdiction would be a matter of much regret throughout the country! But it has not hitherto, and probably never will exist—Business is quite differently transacted in England, says the Editor of the Herald. "There every possible facility is given to the publications of the proceedings of the Parliament." Now, we assert, that our House of Assembly gives far greater facility for the publication of its proceedings, than ever was given in the House of Commons. The doors of the House of Assembly are always open to the public, & the space allotted to them in the House of Commons, where each stranger pays half a crown for admission.

The minutes of the proceedings of the Assembly, containing the names of the movers of any measure, and the names of every division, when names are taken down, are open to the public, which is not the case in England; and all editors of newspapers are suffered to have access to these minutes, which is not allowed there. What prevents the proprietors of the Montreal Herald, or any other newspaper proprietors, from having reporters in the gallery, to take down the debates, and large and numerous as are the columns of the Herald, we can assure them that they may fill them with the Debates of the Assembly fuller than ever were those of the Times, Morning Chronicle or Herald of Debates in Parliament. Why do they indulge in idle speculations, and then say, that the Assembly prohibits a full report of its proceedings? The Debates of our Assembly have been reported, sometimes correctly, much oftener falsely and with shameful misrepresentations of what was said or done by individual members, yet the Assembly never exercised its undoubted privilege of punishing the printers and publishers of those falsehoods or misrepresentations; and the Herald says there is an interdiction!

Having heard some speculative opinions on the question of SALVAGE arising from the loss of the Harlequin, we have the authority of some mercantile gentlemen in stating that the opinions of intelligent merchants and the decisions of London juries may be taken as resting on the following grounds:

The Captain of a Ship is by law and that law admitted and acted upon by the Committee of Lloyd's to be agent for the underwriters. He has right under all circumstances of peril and danger to do the best for saving all or as much as he can of Ship and Cargo or Property committed to his charge, it therefore follows that any arrangement entered into by him for the good of all concerned when done with judgment and honesty is binding on the parties, and cannot be laid aside.

It is doubtful if Consignees of goods even when not insured can do away or interfere with such agreement entered into by the commander of a Ship; when the cargo is insured every right of interference by Consignees with the act of the Captain is ineffectual and illegal so far as the same goes to counteract or oppose his arrangements; and if Consignees are so imprudent as to interfere in such manner it becomes matter of doubt if such act does not vitiate the insurance by taking the responsibility into their own hands and exonerating the underwriters.

This being the Season for useful reading we recommend the perusal of Evelyn's Sylva, a book that ought to be in the hand and mind of every Landholder in Canada.

About the beginning of last century Mr. Evelyn very much encouraged the planting of Oak and other kinds of useful timber in England;—He recommended poplar for the floors of dwelling houses, as it rather moulders away than burns.

Boxon he thinks introduced the Plane; Archbishop Grindal the Tamaric; Evelyn himself obtained the seeds of the Cedars from Libanus, and the Chestnut from the Levant.

The present Duke of Athol has planted millions of trees on his Estates in the Highlands of Scotland, chiefly Larch, or what is there pronounced Larik and it is generally known that his plantations have furnished Masts (of the Duke's planting) for the Navy of Great Britain; by these improvements his property is greatly increased in value.

At Fairfield in Connecticut a Gentleman residing there was some years ago selling trees of his own planting at five dollars each.

In clearing woodlands it would certainly add to the wealth of the soil and the future value of the lands if what is called Balsam were judiciously left growing.—16.

Sixty vessels amounting to 16,000 tons have been registered this year in the port of St. John's, N. B. Beside that number there have been launched three ships and six brigs which are included in the above statement.

## CANADIAN SPECTATOR,

MONTREAL, WEDNESDAY FEB. 2, 1825.

There is no intelligence from Europe. Information has been received at Baltimore, by a vessel which left Calcutta on the 22<sup>nd</sup> of December, that accounts have been received there, by way of Panama, stating the Junction of all the reinforcements from Colombia with Highmore, in Peru and that the Liberator was pursuing a victorious career.

Mexican papers to the 30th of November, have been received. The Congress had proposed measures of great consequence in regard to naturalizing foreigners, in consequence of an apprehension that members of the Holy Alliance might be admitted unwares. Some regulations of what may be called court etiquette, have been solemnly determined by the Congress—not much to their credit as republicans.

In regard to the Church, the Catholic Religion is established, and the federal government have determined to exercise the same authority over the exterior government of the Church, which has been exercised by all the sovereign states of the Catholic world. All concordats agreed

to between the federal Congress and the Apostolic See are religiously to be observed.

We much apologize for not inserting the prospectus of the "Globe and Emerald" in the Number. It shall appear in our future Numbers, our motive for this is solely our approbation of the general spirit and Manner of this paper.

The Bahama Legislature—and the conversion of the Montreal Herald.

The Montreal Herald has at last come to a proper way of thinking on the subject of the great misconduct that has been practised with regard to the finances of this Province, and of the unreasonable spirit of discord which hitherto has defeated the efforts of our Assembly to provide for the government legally. The Herald has seized upon the proceedings which attended the opening of the Legislature of the Bahama Islands on the 20th November to read his recantation in the frankest manner possible, and with great courage to place the saddle on the right horse. In this he has followed the example of other great and eminent men who have seized upon some passing occurrence and made it a peg whereon to hang, for the benefit of the world, a memorial of their profound views & generous sentiments.

We have no doubt that it was Martin who wrought in the Herald this change which he has so conscientiously published. It behoves every eminent convert however who wishes not to fall in public estimation to display the reasons which induced the change: we would therefore recommend him, for his credit sake, to burst the inhibition, to break the sacred censorship, and publish *Acta*.

For the edification of our readers we will point out the adroit manner in which the excellent Herald, the wisest and most clear sighted of all Journals, has contrived to range itself on the side of our House of Assembly.

The Governor of the Bahamas opened the Legislature of the Bahama on the 20th November last. As usual in such cases he first addressed the Council and the Assembly together, and then addressed the Assembly by itself thus:

"Mr. Speaker and Gentlemen of the House of Assembly. The accounts and estimates are directed to be in readiness for your inspection, and I make no doubt that the necessary supplies for the exigencies of the colony will be furnished with your usual willingness and discretion."

The House of Assembly in their reply answered this passage in these words:

"When the public accounts, and estimate of expenses for the ensuing year, are laid before us, such provision will be made by us, for the necessary supplies of the colony as shall appear consistent with the present circumstances of our constituents."

Thus our readers will perceive, as the Herald joyfully perceived, that the House of Assembly of the Bahama assure the Governor, 18th. That they will make provision for the ensuing year only. 20th. That they will exercise their discretion in granting to the government just as much of the Taxes as the interests of their constituents will permit & no more. After pondering with delight upon this exposition of principles by the Bahama House of Assembly the Herald gives vent to his reformal sentiments in the following passage:

We have much satisfaction in being able to lay before our readers the proceedings which attended the opening of the Legislature of the Bahama Islands on the 20th of November. It is most gratifying to find that the best understandings, seems to prevail in the Colony between the people and governor, and they are strangers to those feuds, which are so much the subject of complaint in other quarters. It is none by a strict adherence to the spirit of the British Constitution in so far as it can be made applicable to the affairs of the Colonies that that peace and prosperity is to be found, which so much redounds to a country's glory; and in the instance of the Bahamas, we can easily perceive whence that spirit arises which has so much redounded to the glory of that island.

Here then is the case: the worthy Herald has heretofore been abusing (we will not say reasoning against) the House of Assembly for presuming to act, precisely on the principles which look so delightful in the Bahamas; he becomes sorry for his Misconduct; and he determines, in a manner distinct but delicate, to announce as much: for that he should not be so very on this case.

18th. He rejoices at the Proceedings on the opening of the Bahama Legislature in which these privileges, claimed by our House of Assembly, are openly announced.—This at once gives us a view of the general change operated.

19th. He lets us know that in the Colony where these privileges are acted on there is the best understanding between the Governor and the people, and that they are free from the feuds existing in other Colonies.—intimating pointedly enough that in Lower-Canada, where the privileges acted on with such happy results in the Bahamas are denied to our Assembly, misunderstandings have taken place with the Governor and the Legislature; and, by consequence tracing up these evils with great accuracy of reasoning to the party that will not act as done in the Bahamas.

20th. From contemplating the gratifying proceedings in the Bahamas he is led to this capital conclusion, namely, that it is by a strict adherence to the spirit of the British Constitution that the Peace and prosperity of a Colony is secured.

21st. His concluding sentence is a delicate and happy compliment to Sir Francis Burton, viz. in the instance of the Bahamas, says he, we can easily perceive whence the spirit arises which is at present the cause of so much cordiality. We have seen that he is become a decided friend to the privileges claimed by our House; that he attributes the discord & misunderstandings which have harassed us to the party resisting and tripping on the principles so happily operating in the Bahamas; and he then kindly hints in the sentence we have just quoted, that as the acknowledgment of these principles has left every thing in peace & happiness there so the good sense & constitutional knowledge of Sir Francis Burton will effect the same prosperity in this Province, by acknowledging the rights of the House and the People, and adhering to the spirit of the British Constitution.

The gaining of so difficult a proselyte as the Herald is an argument of an amazingly strong cause; reasoning will succeed easily with those guided by reason; but to conquer those who are directed by prejudice, and governed by a spirit of obsequiousness and servility is a herculean task.

It is therefore a most magnificent thing to behold the Herald thus giving in his adhesion.

Quebec—Ecclesiastical.—Ordination.—On Tuesday last (being the Conversion of St. Paul) Mr. ROBERT SHORT, Student of the Incorporated Society for the propagation of the Gospel, was admitted to Deacon's Orders by the Lord Bishop of the Diocese, in the Cathedral Church of this City.—Mr Short proceeds immediately to the Mission of Sandwich, at the upper extremity of Lake Erie.

Monday the 24th ultimo, the Curé of Quebec accompanied by the Bishop, his Clergy, and a considerable number of citizens performed a solemn Service in Honor of the Memory of the late Messire André Doucet, Priest, whose premature death and excellent qualities are sincerely regretted here.—Quebec Gazette.

On the 25th ultimo, the anniversary of the consecration of the Revd. the Catholic Bishop of Quebec, Monseigneur J. O. Plessis, was celebrated by him with the customary religious ceremonies in his Church of St. Roch Suburbs, Quebec. 30 Priests were present at the Ceremony and dined with him on that day at the College of St. Roch.

The Bishop has been a good friend to Education.—The College of St. Roch, and many Schools in that Suburb are due to him: The people on account of these benevolent acts feel a lively regard for him; and on the day of this aforesaid Celebration, while he was sitting in the midst of his Clergy and fellow Citizens, they took an opportunity of indicating these feelings, & presented to him, by the Hands of Mr. Boisjour their Representative, a full Portrait of himself, executed by a Canadian Artist.

The Revd. Mr. Lartigue, Bishop of Tenezese performed the Ceremony of his consecration on the 21st ultimo, at Boucherville, accompanied by 18 of the Priests of the District.

We have been informed on the authority of a Letter from Scotland, dated 15th October last—that Lord Dalhousie had received intimation that he might have an

interview with the Ministers in the month of January then following.

The following is the constitution referred to in the communication signed SNEYK which appeared in our list.

MAY 24, 1825.

This day the Special-Committee met pursuant to appointment and unanimously approved of the following Resolutions, viz:—

Resolved 1st. That the Scotch Presbyterian Church in St. Peter Street, Montreal, shall be used for Divine Worship and for no other purpose, and that the Premises including a House and Lot shall be applied for the benefit of the Congregation whatever disposal shall be made of them.

2nd. That the said Church shall be connected with the associate reformed Synod in Scotland, commonly called the Burgher Secession and shall never be turned out of that Religious Connection on any pretext whatever.

3rd. That Seven Trustees shall be chosen by the Congregation and that number always kept up, if possible, six of the Trustees shall be members of the Congregation, that is, regular hearers and communicants, they shall remain in office as long as they reside in the place, provided they do nothing contrary to the trust reposed in them in which case they shall be excluded from office.

The Seventh Trustee shall be the Synod above named which being once chosen by the Congregation shall continue a Trustee ever after on a Presbytery of the same body if such should ever be formed in Canada.

4th. That in case of a Minister being wanted for the said Church and in the case of any gross and obstinate misconduct of the Minister or the people tending materially to injure the Congregation it shall then be the duty of the Six Trustees residing in and about Montreal in conjunction with the Elders to transmit a statement of the case to the associate Synod in Scotland for their council and interference.

5th. That none of these Resolutions as they form the Constitution of this Church shall ever be dispensed with or changed for others without the consent of all the Trustees and of a majority of Elders and of Communicants in the said Congregation.

6th. That if the above Resolutions shall ever be changed or set aside or if the Congregation shall cease to exist in the Religious Connection in which it now stands the monies raised for the building the Church within the said Connection in the United States shall be reimbursed and deposited in the Synodical fund of that Body in the States.—Approved by the Special-Committee this day being 24th May, 1825.

(Signed) R. TAIT, Secy. June 3, agreeable to public notice given, the Congregation met at the Meeting House this day when the foregoing Resolutions as forming the Constitution of this Congregation were called for and read and were unanimously approved by the Congregation then present.

(Signed) ROBT. TAIT, Clk. Com.

COURT OF APPEALS. JANUARY SESSIONS, 1825.

W. Fleming Appr. and the Secretary of Montreal Respondt.

This important cause in which the corporate existence of the Seminary of Montreal, and its competency to exercise Seigniorial rights over the Island of Montreal are denied, was argued on both sides with great ability in the Court of Appeals in January, 1824. The Judges of that Court being equally divided in opinion were unable to decide the cause, and ordered a re-hearing. The Seminary appeared desirous of avoiding the *ultra vires* question, and Vallières of Counsel for them moved in the last term (January 1825) a rule to show cause why the opinions of the Chief Justice and the Honourable Mr. Smith, brothers in law, should not be reckoned but one, and why Judgment should not accordingly be entered up in affirmance of the Judgment of the Court below.

Bédard and Vallières in support of the rule contended, that by an edict of January 1681, and a declaration of August 1708 (and Edicts of Ordinance, vol. 1. p. 397.) the King of France had directed that the opinions of all Judges bearing to each other the affinity of father in law, son in law, and brother in law, should, when uniform, be reckoned but one opinion. These laws having been registered in the *Conseil Supérieur* of Quebec, were in force in this country. That they were only declaratory of the Common Law of France. That the two Honourable Judges before mentioned came within the operation of those laws, and a majority of votes being thus established in favor of the Seminary, that judgment should be rendered confirming the decision of the Court of King's Bench at Montreal. Bayart, p. 129. Pothier, Proc. Civ. p. 90. That the functions of Judges in England materially differed from those of Judges in Canada. In England their labors were applied to the interpretation of laws, the facts being ascertained by a Jury. *De jure respondent* *judices, et facti respondent juratores*. On the contrary the Judges in this country enquired concerning the facts as well as the law of a case. That they are reasonable in like manner as in England jurors are subject to be challenged.

It was argued by Buchanan, the appellant's Counsel, against the rule:— 1.—That these edicts of the French King had been rendered wholly inoperative by the judicature Act, 34 Geo. III. ch. 8. sect. 28. which, in creating a Court of appeals, qualifies all the members of the Executive Council to be Judges of that Court, with the single exception of the Judges who sat in the same cause in the Court below. This sole exception shewed the generality of the rule, according to the maxim, *Exceptio firmat regulam*.

2.—That these laws of the French King could not be enforced without annihilating or at least abridging one of the King's highest prerogatives, which consisted in naming without control all officers to administer justice in his dominions. As to the Royal Prerogatives, it was a well settled distinction, that the King exercises over a conquered country, the major or transcendent prerogatives annexed to the Crown of England, and that the local jurisprudence of the subjected dominion regulated the minor prerogatives of the Sovereign.—

*Bl. Com. vol. 1. p. c39; Chitty on the Prerog. p. 25-6.* The one of the noblest attributes of the King of England was that of being considered the Fountain of Justice, a prerogative which he would not exercise without the unlimited power of appointing his officers, of whose fitness and capacity he was according to the law of England the only proper Judge.—*Chitty, p. 6-75; Bac. abridg. v. Prerogativa, D. 3. p. 531, F. 1. p. 573, v. Courts; B. p. 97.*

That the recantation of Judges, although not now permitted in England, was formerly practised according to the jurisprudence of that country, the earlier writers stating distinctly that Judges could be refused or challenged for good cause. That it does not appear that they departed from this practice because the Judges had not the power of enquiring into facts, a reason which would have appeared at a period long anterior; but because such a proceeding was deemed derogatory to the dignity of Judges, and subversive of the veneration for them which the law of England has for its policy to inculcate upon the people.—*3. Bl. Com. p. 361; Bac. abridg. Courts, p. 97.*

That allowing our Judges to be assuallated to Jurors, it does not appear that affinity in any degree between two Jurors would be a reason of challenge to one of them. In Scotland, where a similar system of administration had prevailed, recantation *ratione suspecti judicis* had never been extended to consanguinity or affinity between members of the Court, such a relative situation of a Judge to one of the parties being there the utmost extent of this species of challenge.—*Erskine's Inst. p. 19.*

In truth the necessity of such a regulation in France might be easily imagined a country where judicial offices were venal. (*Dumol. vol. 2. p. 414*) and might be purchased to any extent by persons of the same family; but in the British empire the same reasons could not be alleged in favour of such a principle as the King appointed his Officers from a consideration of their integrity and ability.

Vallières in reply:— There could be no implied repeal of the edicts the Judicature Act, as those laws could well subsist, the latter merely erecting a Court of Appeals, the former only directing the mode in which all Courts should administer Justice. He admitted the King's attribute as Fountain of Justice, it is a prerogative which our sovereign enjoys with the King of France & great Princes. But he contended that there was nothing in that prerogative which exempted His Majesty from administering the laws according to the jurisprudence of this country; that Jurisprudence

which the late King by the 14th of his reign had bound himself to observe in the Province.

That if there was no analogy between the office of Judge in this country and that of Jurors in England, at least there was a similitude between a Sheriff considered as a judicial officer in England and our Judges; and it could not be denied that suspicion of partiality in a Sheriff was cause of challenge to the array.

That the present application differed from recantation, as it did not tend to exclude the Judge from his seat, but went only to regulate the weight which his opinion should be entitled to under peculiar circumstances.

On the 19th January last, the Court ordered that the Respondents should take nothing by their motion, and dismissed the same with costs.—Herald.

## Bird.

On 29th inst. Paul Edward Develuy, N. P. and Esq. sign in the 3rd Battalion of the Montreal Militia. A respectable concourse of the Inhabitants of this City attended his obsequies on Monday last at the Catholic Parochial Church; from which place his remains were conveyed to Varennes there to be interred by the side of his Mother.

At Chambly yesterday morning Mrs. Louise Boucher de Niverville widow of the late David Lukin Esq.

## Auction Sales.

BY SPRAGG & HUTCHINSON.

THIS DAY, WEDNESDAY, 2d. February, at the Subscribers Stores.—A general assortment of Seasonable DRY GOODS.

Sale at ONE o'Clock. SPRAGG & HUTCHINSON. 2nd. February, 1825. A. & B.

THIS DAY WILL BE SOLD AT THE SUBSCRIBERS AUCTION ROOM,

A General assortment of Woollen, Linen, Cotton and Silk Goods. With a Variety of other articles.

Sale at ONE o'Clock. SPRAGG & HUTCHINSON, A. & B. Montreal, 2d. Feb. 1825.

## IMPORTANT SALE OF RUM, &c.

WILL be sold in front of the Subscribers' Stores on FRIDAY next the 4th February, positively without reserve:—

108 Puncheons strong Grenada Rum, 50 do. Jamaica Spirits, 25 do. Molasses, 30 Hhds. } Bright Muscovado Sugar, 75 Bbls. } 200 Boxes window Glass, (assorted sizes) 25 bags E. I. Sugar, 1 chest ditto Indigo, 300 lbs. Cotton Wicking.

With a variety of other articles. Sale at ONE o'Clock. SPRAGG & HUTCHINSON, A. & B. 2d. Feb. 1825.

On SATURDAY next 5th Inst. at the Subscribers' Auction Room:

FIVE Bales Sup. Fine, fine and common Cloths, 80 Ps. Flannel, Red, White and Yellow, 40 Ps. Flushing, Drab and Olive, With an assortment of Calicoes, Cambrics, Muslins, Shirting, Striped Cotton, Checks, and Bengals, Irish Linens, Bed Ticks, Black Silk Handkerchiefs, Thread, Tape, Needles, &c.

Sale at ONE o'Clock. SPRAGG & HUTCHINSON, A. & B. 2d. Feb. 1825.

## EVENING SALE.

WILL be Sold at the Subscribers Stores, on SATURDAY evening 5th February, positively without reserve:—

1,000 Volumes English and French Books, Violins, Flutes, Flageolets, Clarionets, Musical Snuff Boxes, Writing Paper, and an extensive assortment of Choice Jewelry.

Sale at half past SIX o'Clock. SPRAGG & HUTCHINSON, A. & B. 2d. Feb. 1825.

## SALE OF HARDWARE, &c.

WILL be Sold at the Stores of the late Mr. A. DUMAS, St. Paul Street, opposite the Courant Office, on FRIDAY the 11th day of February, 1825,—the whole of his Stock of HARDWARE, positively without reserve.

Conditions. Purchasers under £25, Cash—above £25, ninety days credit.—Catalogues will be ready three days previous to Sale.

Sale at TEN o'Clock. SPRAGG & HUTCHINSON, A. & B. 2d. Feb. 1825.

BY AUSTIN CUVILLIER, SEGARS.

AT his Office on WEDNESDAY next, will be sold 200 Boxes Best Spanish SEGARS, 50 do Common do. AUSTIN CUVILLIER, A. & B. 2d. February, 1825.

## MORAL AND ENTERTAINING THEATRE.

HOM SOIT QUI MAL Y PENSE.

THE Gentlemen Canadian Amateurs beg to inform their friends that their next Representation will be on Saturday the fifth inst. They have conceived it to be their duty to yield to the wishes of a great number of their friends by representing "GILES RAVENBERG" for the second piece instead of "Contretemps sur Contretemps". Tickets of Admission may be had at Mr. Raymond Fabre's opposite the Court of Justice, Notre-Dame St. Montreal 2d. February, 1825.

## THEATRE MORAL ET RECREATIF.

HOM SOIT QUI MAL Y PENSE.

MESSEIERS les Amateurs Canadiens croyent devoir informer leurs amis que leur prochaine représentation aura lieu SAMEDI, le cinq du courant. Ils ont cru devoir se rendre au vu d'un grand nombre de leurs amis, et répéter "GILES RAVENBERG" pour seconde pièce au lieu de Contretemps sur Contretemps. On pourra se procurer des Cartes d'admission chez Mr. RAYMOND FABRE, au face du Palais de Justice, rue Notre-Dame. 2 Février, 1825.

## ENGLISH AMATEURS.

Non ignara mali miseris succurrere disco.

FOR THE BENEFIT OF THE ORPHAN ASYLUM THE English Gentleman Amateurs, intend to perform at the Play of LOVER'S VOWS and the Farce of FORTUNE'S PROTECTOR, on SATURDAY the 12th instant at the MONTREAL PAVILION.—Tickets are left at Messrs. NICHOLS', RAYMOND, and LUCKIN. 2d February, 1825.