

On Difficulties in Ascertaining the Character of Young Women in the Upper Ranks of Society, and the consequences of those Difficulties.

BY THE REV. THOMAS GIBBORNE.

I speak not of special examples of individuals, in whom either Christian excellence, or the absence of it is disclosed by marks so plain and concurrent, that a moderate share of intercourse with the person suffices to preclude misapprehension as to the character. I speak of general cases. The actual character of a young man frequently is not easy of investigation. Smoothness of temper, speciousness of manners, outward regard to moral decorum, customary acquiescence in the forms of religion, literary attainments, professional industry, may co-exist with depraved habits, and with unfixed or abominable principles; and may spread over those habits or principles a veil scarcely to be penetrated by common eyes, and for a season impervious even to an attentive observer. In general, however, there are circumstances which, notwithstanding any ordinary exertion of the art of concealment, open outlets of observation into the interior. A young man acts in some measure before the public. His line of life is known. His companions are known. His proceedings, whether of business or of amusement, are usually connected of those of other men; and in a greater or a less degree are conducted publicly. Hence arise means of observation, sources of inquiry, grounds of judgment.

To gain a complete insight into the character of young women is, on various accounts, a harder task. To portray an exact resemblance of the strong features of a man is an effort less trying to the painter than to fix on his canvass the softer undulations and the less prominent lines of the female countenance. The analogy may be extended to the discernment of the mind and the dispositions. The process of fashionable education, operating in the case of young women on less rude materials than in the other sex, produces a greater similarity of general deportment; and, in proportion, arise impediments in the way of discrimination. Nor do feelings of propriety or the usages of polite life allow the same liberty of pressing subjects in conversation with a young woman, for the purpose of acquiring solid knowledge of her sentiments and frame of mind, which might be exercised towards a young man without obtrusiveness or fear of offence. Female life too, unmix'd with professional concerns, is passed more in private than that of men; and thus affords less scope for information to the inquirer. And farther: a young woman necessarily follows the routine of the parental family in which she is living; and is guided or controlled by the opinions and habits of her parents in a greater degree than her brothers, who, being stationed in their several professions, are no longer domesticated under their father's roof. Hence the difficulty is increased of ascertaining what is the general tenor of her views and inclinations; and what will probably be the prevailing colour of her character and proceedings, when she shall feel herself removed from such restraints by marriage, and shall be placed at the head of a household of her own.

To these obstacles is to be added another, which I disjoin from all the former, because, though of no trifling effect, it may be regarded as subsisting equally in the youth of either sex: the portion, namely, be what it may, of disguise, intentional or unintentional, spread over the character through the desire of being agreeable. No young woman who is not anxiously vigilant to be "an Israelite indeed, in whom is no guile," will at all times keep herself pure from a tinge of unreal concurrence in sentiments avowed by a person whom she is solicitous to please. It is an exaggerated approbation of conduct habitual or evidently acceptable to him; and from a variety of small and nameless accommodations calculated to assimilate her in his eyes to himself. In a female who partakes of a designing disposition, the amount of this favourable misrepresentation of herself is frequently found, by subsequent experience, to be very great.

When we place before us the combined influence of all the circumstances which have been specified as obscuring insight into female character: we shall not be surprised if it is not a rare occurrence that a person of the other sex, after spending some length of time in common society with young women, remains in suspense as to some mental point, which will assuredly have a very important bearing on the domestic happiness of their future husbands. He perceives, to put a possible case, the attractive female to be, like her companions, well bred, accomplished, of good understanding, apparently good humoured, and, in popular language, of good intentions. But all beyond is dim. He has not been able to attain grounds for judging whether she is under the prevailing influence of that scriptural piety, which supplies the only rational basis of happiness in matrimonial life. He doubts whether her wishes are formed to seek their gratification in the calm pleasures and quiet duties of domestic retirement: or whether her heart be not in reality devoted, even if in some measure unknowingly to herself, to publicity, to dissipation,

"To glaring show and giddy noise, The pleasure of the vain,"

to the love of shining and a thirst for admiration. He gazes on the questionable object of his solicitude; and doubts whether she may not be a counterpart of one of the elevated villas in the vicinity of Rome pervaded amidst its beauty and captivity by a hidden malaria, with which imperious considerations respecting his welfare and comfort must forbid him to be associated.

"The risk," eager Hope may reply, "is not so formidable, even should the young female, settled in married life, prove at first addicted in heart to the world; her situation of itself prompts her to better things. New duties press upon her: a young family calls upon her affections, and takes possession of her thoughts; and she becomes such as you were desirous to ascertain her to be beforehand."—But what if she should not become such?—

Wherein that case is comfort? Allow that she perhaps may become such. Is comfort to be staked on the perhaps?—Are not examples of women, in whom marriage has not wrought the supposed change, present on every side? Might not it be rationally expected that the worldly-minded was to violate duty, was to disregard the decisive declaration, "whosoever will be a friend of the world is the enemy of God," what assurance is there that subsequently to marriage, Christian duty is likely to be fulfilled, that the declaration is likely to be revered? The new situation introduces new objects of attention, it commonly increases the facility of gratifying antecedent desires. If it raises some fresh impediments, it removes some which existed before. The impediments which it raises are easily pushed aside by the hand of inclination. The children have charming constitutions, and rarely have any thing amiss with them. The boys go to school. The girls are fortunate in an admirable governess. Some general superintendence on my part concludes the lady, "will of course keep every thing right, and will require little of my time." The rest she places at the command of her habits and desires.

If such then be the difficulties of ascertaining the character of young women in the upper classes of society, and such the consequences of those difficulties: what is a young woman to do? These two things, First: to cultivate the modest ingenuousness and transparent simplicity of character, which enables a candid observer, possessed of reasonable opportunities, to discern what the internal dispositions and habitual views really are. Secondly, to labour, under the grace of God, by the constant study of the scriptures and by the watchful application of them day by day to her own heart & conduct, so to form her character, that it may manifest to such an observer indubitable, and consistent marks of Christian piety: of affections set on things above: and of that "ornament of a meek and quiet spirit which is 'indispensable to domestic felicity, and is 'in the sight of God of great price."

THE AMERICAN FOREST GIRL.

BY MRS. HEMANS.

Wildly and mournfully the Indian sang,
On the deep hush of moonlight forest broke:
"Sing us a death song, for thine hour is come,
So the red warriors to their captive spoke.
Still, and amidst those dusky forms alone,
A youth, a fair-hair'd youth of England stood,
Like a king's son; tho' from his chieftan had
The mantling crimson of the island blood,
And his oress'd lips look'd marble—Fire-ly
light, and high around him, blaz'd the fires of
night,
Reeking beneath the cedars to and fro,
As the wind pass'd, and with a fitful glow
Lighting the victim's face:—but who
could tell
Of what within his secret heart befell,
Known but to heaven that hour—Perchance
a thought
Of his far home then so intensely wrought
That its full image, pictured to his eye
On the dark ground of mortal agony,
Rose clear as day!—and he might see the
band
Of his young sisters wandering hand in
hand,
Where the laburnums droop'd; or haply
binding
The jasmine, up the door's low pillars
winding;
Or, as day closed upon their gentle mirth,
Gathering with braided hair, around the
hearth
Where sat their mother;—and that mother's
face
Its grave sweet smile yet wearing in the
place
Where so it ever smiled—Perchance the
prayer
Learn'd at her knee came back on his des-
pair:
The blessing from her voice, the very tone
Of "Good night" might breathe from
boyhood gone!—
He started and look'd up:—thick cyprus
boughs,
Full of strange sound, waved over him,
darkly red
In the broad stormy firelight;—savage
brows,
With tall plumes crested and wild hues
o'erspread,
Girt him like feverish phantoms; and pale
stars
Look'd thro' the branches as thro' dungeon
bars,
Shedding no hope—He knew, he felt his
doom—
Oh! what a tale to shadow with its gloom
That happy hall in England!—Idle fear!
Would the winds tell it?—Who might
dream or hear
The secret of the forests?—To the stake
They bound him, and that proud young
soldier strove
His father's spirit in his breast to wake,
Trusting to die in silence! He the love
Of many hearts?—He fondly rear'd—tho'
fair,
Gladdening all eyes to see!—And fetter'd
there
He stood beside his death-pyre, and the
brand
Flamed up to light it, in the chieftains
hand.
He thought upon his God—Hush! bark! a
cry
Breaks on the stern and dread solemnity,
A step hath pierced the ring!—Who darest
intrude
On the dark hunters in their vengeful
mood!
A girl—a young slight girl—a fawn-like
child
Of green savannas and the leafy wild,
Springing unmark'd till then, as some lone
flower
Happy because the sunshine is its dower!
Yet one that knew how early tears are
shed—
For her's had mourn'd a playmate brother
dead.

She had sat gazing on the victim long,
Until the pity of her soul grew strong;

And by its passion's deepening fervour
sway'd,
Even to the stake she rush'd, and gently
laid
His bright head on her bosom, and around
his form her slender arms to shield it
wound
Like close Lianues; then raised her glitter-
ing eye
And clear-toned voice that said, "He shall
not die!"
"He shall not die!"—the gloomy forest
thrill'd
To that sweet sound. A sudden wonder
fell
On the fierce throng; and heart and hand
were still'd,
Struck down, as by the whisper of a
spell.
They gazed—their dark souls how'd be-
fore the maid,
She of the dancing step in the wood and
glade!
And, as her cheek flash'd thro' its olive hue,
As her black tresses to the night-wind flew,
Something o'er-master'd them from that
young mien—
Something of heaven, in silence felt and
seen;
And seeming, to their child-like faith, a
token
That the Great Spirit by her voice had
spoken.
They loosed the bonds that held their cap-
tive's breath;
From his pale lips they took the cup of
death:
They quench'd the brand beneath the cy-
press tree;
"Away," they cried, "young stranger,
thou art free!"

From the Athenaeum, SALATHIEL: A Story of the Past the Present, and the Future. 3 vols. 12mo. Colburn, London, 1828.

A copy of this interesting and power-fully written work having just come into our hands, we are anxious to give our readers an opportunity of judging of its very peculiar beauties and originality of style. For this purpose we have selected several extracts; but, as the work itself is not yet complete, we must defer giving a detailed opinion of it, till we are able to read the conclusion. We must, however, mention, that the story commences with the crosses that followed our Saviour's Crucifixion and the Siege of Jurealem; that the scene is Judea, and the principal character, that mysterious being on whom the doom is supposed to have been passed of existing upon earth till the Second Advent.

The Demon Epiphanes.

"In one of those wanderings, I had followed the course of the Kedron, which, from a brook under the walls of Jerusalem, swells to a river on its descent to the Dead Sea. The blood of the sacrifices from the conduits of the altars curdled on its surface, and stained the sands purple. It looked like a wounded vein from the mighty heart above. I still strayed on, wrapt in sad forebodings of the hour when its stains might be of more than sacrifice: until I found myself on the edge of the lake. Who has ever seen that black expanse without a shudder? There were the engulfed cities.—Around it life was extinct—no animal bounded—no bird hovered. The distant rushing of the River Jordan, as it forc'd its current through the heavy waters, or the sigh of the wind through the reeds, alone broke the silence of this mighty grave. Of the melancholy objects of nature, none is more depressing than a large expanse of stagnant waters. No gloom of forest, no wildness of mountain, is so overbearing, as this dreary, unrelieved flatness: the marshy border—the sickly vegetation of the shore—the leaden colour which even the sky above it wears, tinged by its sepulchral atmosphere. But the waters before me were not left to the dreariness of a saddened fancy:—they were a sepulchre. Myriads of human beings lay beneath them, entombed in sulphurous beds. The wrath of Heaven had been there.

"The day of destruction seemed to pass again before my eyes, as I lay gazing on those sullen depths. I saw them once more a plain covered with richness; cities glittering in the morning sun; multitudes pouring out from their gates to sports and festivals; the land exulting with life and luxuriance. Then a cloud gathered above. I heard the voice of the thunder:—it was answered by the earthquake. Fire burst from the skies:—it was answered by a thousand founts of fire spouting from the plain. The distant hills blazed and threw volcanic showers over the skies. Round them was a tide of burning bitumen. The earth-quake heaved again. All sank into the gulf. I heard the roar of the distant waters. They rushed into the bed of fire; the doom was done: the cities of the plain were gone down to the blackness of darkness for ever. I was idly watching the bursts of suffocating vapour that shoot up at intervals from the rising masses of bitumen, when I was startled by a wild laugh and wilder figure beside me. I sprang on my feet, and prepared for defence with my point: the figure waved his hand in sign that sheathe the unnecessary weapon; and said, in a tone strange and melodious, 'You are in my power; but I do not come to injure you. I have been contemplating your countenance for some time: I have seen your features deeply disturbed—your warring hands—your convulsed form; are you even as I am?'

"The voice was singularly mild; yet I never heard a sound that so keenly pierced my brain. The speaker was of the tall stature of man—every sinew and muscle exhibiting gigantic strength; yet with the symmetry of a Greek statue. But his countenance was the true wonder—it was of the finest mould of manly beauty: the contour was Greek, but the hue was Syrian; yet the dark tinge of country gave way at times to a more than corpse-like paleness. I had full leisure for the view; for he stood gazing on me without a word; and I remained fixed on my defence. At length he said, 'put up that pointed! You could not more hurt me, than you could resist me. Look here!' He wrenched a huge mass of rock from the ground, and whield it far into the lake, as if it had been a pebble. I eyed with speechless astonishment. Yes, perceived the figure, they throw me into their prisons—they

lash me—th stretch me on the rack— they burn my flesh.' As he spoke he flung aside his robe, and showed his broad breast covered with scars. 'Short-sighted fools!' little they know him who suffers, or him who commands. If it were not my will to endure, I could crush my tormentors as I crush an insect. They chain me too,' said he with a laugh of scorn. 'He drew out the arm which had been bitten with links of iron of prodigious thickness. He grasp'd one of them in his hand, twisted it off with scarcely an effort, and flung it up a sightless distance in the air. 'Such are bars, and bolts to me! When my time is come to suffer, I submit to be tortured! When my time is past, I tear away their fetters, burst their dungeons, and walk forth trampling their armed men.'

To be continued.

DOMESTIC.

OFFICE OF THE LOYALIST.

York, Saturday, 12th July, 1828.

The bustle of Election week, and the consequent almost total suspension of ordinary business which unavoidable took place in our office, as we believe it did with almost every other occupation, compels us to offer our apology to our readers for the non-appearance of our paper this week. Our next will be issued on the regular day, when we shall give a more detailed account of the occurrences of the week—in the meantime we shall briefly advert to them for the information of our readers.

The Election for the Town of York commenced on Wednesday morning last—Wm. B. Jarvis, Esq. Sheriff of the District Returning Officer.

John B. Robinson, Esq. was proposed by Alexander McDonald, Esq. seconded by Mr. Robert Meighan. Mr. Thomas D. Morrison, was proposed by W. W. Baldwin, Esq. seconded by Mr. Joseph Cawthra. The Candidates having addressed the Electors, and a Poll being demanded, on a show of hands, the Returning Officer proceeded to take the votes. At the close of the Poll, on the first day, the result was, for Robinson, 49 Morrison, 26

On Thursday, at about 5 o'clock, the Poll was closed, when the votes stood as follows:—

Robinson,	110
Morrison,	93

Majority 17 in favour of Mr. Robinson.

The Returning Officer having declared John B. Robinson, Esq. to be the Member Elect, the usual honours were paid him by his Electors and Friends, chairing him and cheering him through the Town, with colours flying—music playing, &c.

YORK MEETING.

We have seen with utter astonishment in the Observer of 7th inst. an account by the Editor, Mr. John Carey, of a meeting held in York, on the Saturday previous, for the purpose of petitioning for a redress of grievances, and presenting an address to Judge Willis—an account so grossly false in almost every particular, that it is due to the character of the country to declare the truth.

It is stated by the Editor of the Observer, that the meeting "was numerously attended—that from 7 until 12, there was a continued stream of pedestrians, horses and wagons, filled with farmers, pouring in from all parts of the country,—that there were not less than 1000 persons present—that a great number of persons addressed the meeting on the dismissal of Judge Willis—that a procession went from the meeting to Judge Willis' quarters, headed by all the Editors of papers— 12 Members of the Bar—5 Medical Gentlemen—47 Officers of Militia, and 11 Magistrates, & that 500 persons within an hour signed the Petition."

The plain truth is—that a meeting was called, by a very inflammatory and unwarrantable placard, for the purpose of discussing Judge Willis's removal from office—much industry was used to procure a numerous attendance of people of the town and country, but the attempt was a perfect failure. No person walking through the town from 7 to 12 would have discovered any unusual number of persons assembled. About 12 or 1, from 200 to 250 persons were assembled in the market place, not more than are often collected by any accidental or unusual occurrence—the number never was greater, and of these a great number were mere spectators, neither partaking in feeling or conduct with those who called the meeting, and many of them boys. There was absolutely no influx of strangers. Of those who attempted to address the meeting, scarcely one individual was suffered to be heard, but such as spoke in favour of it, several of those named attempted to do so, but were not allowed. Three Editors out of four in Town did go from the Meeting to Judge Willis' among them was the Editor of the Observer.—5 Members of the Bar—2 Physicians—if there were any Militia Officers, besides one or two who harangued the Meeting we did not observe them, though it is possible there might be 2 or 3.—Not one Magistrate.—This is true—the rest of the Statement is an invidious barefaced falsehood.

It was evident, that the whole movement was prompted by a desire to influence the Election in the Town, which was to commence on the Wednesday following, and that it was any thing but respectable either in its conduct or result. How far its object was attained, is best proved by the result of the Election.

The Editor of the Canadian Freeman, while evidently desirous of producing the same impression with respect to this Meeting, has certainly been more guarded in his expressions—he tells us that such a meeting "was never before seen in York." This is true, but not in the acceptance which he would have attached to it.—For confusion—irregularity—and want of common decency towards those who attempted to address the meeting—"on the other side of the question"—such a meeting truly "was never before seen in York"—no nor any where else we believe. We are told

too that "Farmers from 30 to 40 miles distance" were present—how many?—we are not told—were there 20—we doubt it much. How many "Farmers," in Town the night before, left it the morning of this famous meeting, to attend to their "Hay Harvest?"—a great many.

JUDGE WILLIS.

From the Bathurst Examiner.

Judge Willis has been suspended from the functions of his office. The news of his dismissal was conveyed to Kingston, by Mr. Henry Sherwood, who was also the bearer of a commission, from his Excellency, Sir Peregrine Maitland, conferring on C. A. Hagerman Esq. the temporary appointment of Judge of the court of King's Bench. At the opening of the court, Judge Willis gave it as his opinion that the court, was illegaly constituted and therefore could not proceed to business. Upon Judge Sherwood's continuing to persevere in the old course, Judge Willis withdrew from the Bench. The council, after long deliberation, recommended to his Excellency the necessity of removing him from office until the decision of His Majesty should be known. As usual, the Rajedy papers teem with abuse for an act, which on the part of his Excellency was unavoidable. Had this step not been taken all business, in this court, would have been at a stand, and incalculable loss and inconvenience must have arisen from the willm of an individual, whose ruling passion, since he commenced his reformation, in his Province cannot be concealed. Yes, popularity that "echo of folly and shadow of renown" appears to be the "Alpha and Omega" of all the opposition which Judge Willis has shown.

In this he will not be altogether disappointed. He will share the commiseration and gain the most wide mouthed popularity of the Radical tribe—such popularity is however "gained without merit and lost without a crime." The whining cry of vindictive vengeance, which is now raised, is so pitiful as to excite nothing but a smile of contempt.

In accordance with our own opinion of Judge Willis' conduct, is that of the Montreal Old Gazette—a paper which for loyalty, patriotism, sound principles of Government and just views of public measures, is not inferior to any in the Province.

From the Quebec Star.

The late occurrences in the King's Bench of Upper Canada adverted to in a letter which you did me the honor of inserting in your last number but one, seemed to be so surprising as not to be likely to be surpassed in novelty.—A judgment seat converted into a tribune's rostrum.—A Judge into a haranguer of the populace, abandoning his seat, and inciting them to level it to the ground, might well excite pity for the short sighted individual, if the dangerous consequences to which such extraordinary conduct might lead left room in the breast of the well disposed for any other feeling than alarm and indignation.

Amongst the illiterate and uninformed arguments of the learned Judge might be presumed to have had some weight; but that they should have been adopted by professional Gentlemen—nay, acted upon too, is marvellous indeed. It is said in the York Freeman republished in the Quebec Gazette of Monday last, that three Lawyers after making protest, threw off their gowns and left the Court. One may refer to this as it has appeared in print and has not yet been contradicted. It would not be fair again to repeat the names of these gentlemen unless this now incredible story received further confirmation. The ground upon which its truth may be questioned, is, that it is quite impossible professional Gentlemen of the ability and standing of those referred to, could have adopted the wild and visionary notions of the learned Judge. At the same time it renders it futile to enter into an examination of the reasons given by that learned Judge, for his extraordinary opinions; more minute than their intrinsic merit would seem at all to require.

The opinions attributed to the learned Judge in question, are two.—First that the Court of King's Bench in Upper Canada is not competent to proceed to business in the absence of the Chief Justice of that Court.—And secondly, that the Chief Justice having absented himself from that Province without leave first obtained from the Governor in Council; such absence created and absolute forfeiture of his office. It is obvious to the most casual observer that the second question did not come at all before the Court for if it were true, as held by the learned Judge, that the presence of the Chief Justice was essential to the constituting of Court, then it became a matter of idle or ill-natured curiosity, so far as the particular Judge was concerned, to inquire why he was absent, and this long obiter dictus of the learned Judge might well have been dispensed with.

In reference to what is said by the learned Judge of the forfeiture of the Chief Justice's office it is to be observed, that when Judges are guilty of acts of misfeasance or non-feasance in their office, they are like the rest of His Majesty's subjects amenable to the laws, before a proper tribunal; but in common with the meanest of His Majesty's subjects they have a right to be heard before they are condemned. It is not through the back door stairs of an Executive Council Office that evidence is to be hunted up against them or for them. They are not to be condemned unheard by a single individual of their own body arrogating to himself an authority which the law has not given to him. If then the learned Judge had rightly determined this question as to the vacating of the office of the Chief Justice of Upper Canada, over which, sitting in that Court, he had no jurisdiction, his judgment would have been an illegal one, because of his want of jurisdiction. It will be presently shown that in the exercise of this assumed jurisdiction he has committed a great error. If he has done that which he ought not to have done it affords him no excuse that he has omitted to do that which he ought to have done. If on the one hand he has taken upon himself to decide the question of the effect of the absence of the Chief Justice which was not within his cognizance, it

can easily be shewn that in refusing to continue to sit as Judge and in denying the jurisdiction of himself and his associate Justice he has abdicated, as it were, the office and powers vested in him by law.

The question is a great constitutional one not at all to be examined in the way or with the minute and obscure diligence of a Chancery Special pleader. His decision is to be found not merely in the Judicature act of Upper Canada which has been already adverted to, but in the first in the order of time, and the most important in point of matter, of the laws to be found in the Statute book of that Province.

By the Provincial Statute 32 Geo. III. c. 1. intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America and to introduce the English Laws as the rule of decision in all matter of controversy relating to property and civil right,'" it is enacted that from and after passing of this act, in all matters of controversy relative to property and civil rights, resort shall be had to the laws of England, as the rule for the decision of the same." Englishmen or descendants of Englishmen, the inhabitants of Upper Canada were desirous not merely of assimilating their laws and institutions to the laws and institutions of England, but of entirely adopting the latter. They were desirous of appropriating to themselves the collected legal wisdom of their ancestors, to which they might confidently refer in cases of doubt and difficulty, and if the learned Judge had done so upon the present occasion he would not have hazarded the dangerous opinions here combated.

Independently of the considerations already stated in a previous letter it must be continually borne in mind, that the Judicature Act of Upper Canada is posterior to the act just mentioned and must be construed conjointly with it. It was so construed at the time of its passing and has been so uninterruptedly, down to the discovery made by the learned Judge.—Let it be observed also that in that tract of time the Bench of Upper Canada can boast of men of high merit.—Mr. Osgood, the first Chief Justice of Upper Canada was a man who would have adorned any his successor was an able lawyer and a most accomplished scholar. If Mr. Alcock who succeeded him had sacrificed less to the graces and to polite letters, it was because his time had been exclusively devoted to the study of his profession, and he too was a most noble lawyer. The supplement of Viner's abridgement attests his industry and ability. He had the extraordinary merit too, though bred at the Chancery bar, of understanding and appreciating the sound and sterling principles of the common Law of England. It is to be hoped that these men have been worthily succeeded.

Without entering into a minute examination of the reasons offered by the learned Judge, it may be observed generally that the authorities which he refers to, concerning the strict interpretation to be given to Statutes creating Courts of Justice, apply to Courts having a particular Jurisdiction, the Court in Upper Canada has a general Jurisdiction. Most of these particular Courts are in abridgment of the common Law.—The Court of King's Bench in Upper Canada is in furtherance of the common Law.

Proceed we now to the consideration of the second position of the learned Judge wherein he still more lamentably titubates. The absence of colonial Officers from their duties has from the earliest period of colonial history been a great evil, to which it has been the object as well of the Executive Government of the parent state as of its Legislature, to apply a remedy, which which promised to be the most effectual is to be found in one of the earliest of the King's instructions, whereby it is provided that after six months' absence the pay of the officer shall be stopped until his return to the colony. But this instruction was disobeyed by the governors of the colonies, and great abuses and consequent complaints arose. It was to remedy these abuses that the Statute referred to by the learned Judge were passed. The first in order of time is the 22d Geo. c. 75.—The first section of which provides that from thenceforth no office to be exercised in any British colony or Plantation shall be granted or grantable by patent for any longer term than during such time as the grantee thereof, or person appointed thereto, shall discharge the duty thereof in person & behave well therein." The second section authorises the Government and Council to remove officers who shall be wilfully absent from the Colony or Plantation wherein the same "or ought to be exercised, without a reasonable cause," to be allowed by the Governor and Council for the time being of such Colony or Plantation, or shall neglect the duty of such office or otherwise misbehave therein, with an appeal to His Majesty in Council.—The third section provides that "I shall be lawful for the Governor and Council of any Colony or Plantation to give such leave of absence as they shall see occasion; and in such case, as likewise in the case of vacancy occasioned by death or amotion to provide for the due discharge of the duties of such office or offices, until the King's pleasure shall be known." The fourth and last section provides "that nothing therein contained shall operate to the prejudice of any subsisting grant of such office or offices, or to prevent any office being granted determinable at pleasure." Now this is the whole of the 22d Geo. III.—The statute 54 Geo. III. c. 61, was passed, as is expressed as well in its title as in its preamble, to amend the before mentioned statute 22 Geo. III. The latter Statute was confined in its operation to patent offices. Its provisions are by the 54 Geo. III. extended to offices granted by Commission under His Majesty's sign Manual or by any other commission, warrant or instrument under which offices in colonies have been heretofore or may hereafter be granted." Governors of colonies by the 2d section of this Statute, are required "within one week of granting the same (leave of absence)" to report the same to one of His Majesty's principal Secretaries of State for confir-