the season the navigation is more difficult and hazardous by far than any that is known on the Atlantic coast. The aid and security that would be afforded to this commerce will be better understood by looking at the extent and increase of the trade itself.

In 1821 there was one steamboat on Lake Erie and the upper lakes. In 1840 there were more than 50 steamboats on the same waters, from 130 to 750 tons burthen, averaging 300 tons burthen each; making in the aggregate of this class of vessels, twenty thousand tons. In 1825 the number of sail vessels was 30 and in 1840 about 300, varying from 40 to 300 tons burthen, averaging about 150 tons; making an aggregate of tonnage in this class of vessels of 45,000 tons. Tonnage in steamboats and vessels, 65,000 tons, all employed in voyages that extend from four to twenty-five or thirty days. Many of these sail vessels are ships, brigs and schooners, of the best class for size, model and rig, and are all fully and profitably employed. And these steamboats are not surpassed for size, model, or finish by any in America. The average cost of the steamboats is about $50,000; making an aggregate cost of steamboats of $2,500,000, and the average cost of the vessels is about $4000; making an aggregate cost of vessels of at least $1,200,000—showing an investment in vessels for this trade of the sum of $3,700,000. The immense amount of property carried in these vessels cannot be understood without looking at the number of arrivals and departures for a year; and to show the increase, we give them from 1815 to 1840 inclusive, thus—in 1815 the number was 61; 1816, 80; 1817, 100; 1818, 100; 1819, 96; 1820, 120; 1821, 150; 1822, 200; 1823, 236; 1824, 286; 1825, 350; 1826, 418; 1827, 972; 1828, 1520; 1829, 1800; 1830, 2052; 1831, 2100; 1832, 2560; 1833, 2730; 1834, 2975; 1835, 3280; 1836, 3550; 1837, 3595; 1838, 3895; 1839, 3955; 1840, 4061. We may suppose that estimating the steamboats and vessels, they would average 250 tons burthen each, and we set the aggregate tonnage of our trade for the year 1840, in the enormous amount of one million sixteen thousand two hundred and fifty tons.

In view of the premises herein minutely detailed, we humbly submit—*First*—That the law in question should be immediately executed by building a steam vessel of war, of ample dimensions, superior speed, and mounted with a battery of guns of large calibre. *Second*—That such vessel should be built at this point, where there is by far the best concentration of the means of defence that can be found on the lake; and *Third*—That she should be built under the superintendence of Capt. Stephen Champlin, who is a citizen of this place, and whose superior knowledge of the people and business of this section of the country would eminently fit him for such superintendence; and that when completed, such vessel should be commanded by the same brave and veteran officer, whose appointment to the command of the naval force of these lakes would be triumphantly vindicated by reference to the history of Perry's battle on Lake Erie, where the intrepid Capt. C. rendered such service to his country as should challenge his country's gratitude.

We therefore respectfully request that the law above referred to may be carried into immediate effect by the construction of a steam vessel of war, such as was intended by law.

Very respectfully.

McLeod's Trial.

From the N. Y. Com. Advertiser.

After the Jury was empanelled,

Willis Hall, Esq., Attorney General, opened the case on the part of the people as follows:—Gentlemen of the Jury—I stand before you in obedience to the law and in the name of the people of the State of New York, to make good before you the charge of murder against Alexander McLeod, the prisoner at the bar. The grand inquest under the solemnity of their oaths have denounced the prisoner at the bar, as guilty of the blackest in the catalogue of crimes, and it now devolves on me to place before you the evidence of his guilt. Gentlemen of the Jury, it cannot be disguised that this trial has produced an extraordinary excitement in the public mind; we see it in the crowding masses of anxious citizens who have collected to witness the proceedings of this day. Perilous to juries are these paroxisms of popular agitation. And for that reason, and to warn you against your danger, I advert to this circumstance; they are stumbling blocks in the way of your oaths, over which hundreds have fallen. Whatever then may be the extraneous causes which have produced this great popular excitement, it is to you and I nothing: neither you nor I have any concern with them, except to shut our eyes and our ears, and to close every avenue to our minds against them. If possible we should suppose that we are alone with the prisoner and his witnesses; we should forget that there is around us any ear to hear, or any eye to see, save that alone of the all-seeing God of justice.—My duty, gentlemen of the Jury, like yours, is as plain and easy to be discerned, as it is difficult to be performed. To array and present to you, to examine, and force, and urge upon you testimony which bears against the life of a human being, is always a painful duty.

But it is a duty as peremptory and paramount as it is painful. But, gentlemen of the jury, thank God, it is no part of my duty to attempt to blind, mislead or deceive you. I am not required to insist upon any principle which I do not believe to be law, or upon any evidence which I do not believe to be true. The task to which my oath binds me, is with a calm, resolute and unshrinking mind, to elicit the truth and place it before you. The task in this trial, embarrassed by what we see round us, prejudiced in many quarters by unfounded and absurd rumors—prejudiced in all quarters by the fears, the interests, and the passions of men, which it has excited—a task which overwhelms me with a sense of the greatness of my responsibility, and the inadequacy of my powers, and drives me reluctantly, with unfeigned humility, to throw myself upon your indulgence, and pray you not to let the cause of justice suffer for want of power in the people's advocate. If, from base fear, or innate weakness, I do not press the cause with the vigor essential to the developement of truth, redouble your own vigilance, lest truth be crushed by error. On the other hand, if in my efforts to sustain my cause against the powerful array of talent and eloquence which is enlisted on behalf of the prisoner, I should appear captious or over-zealous, set it down against me. But, I pray you, let it not turn your hearts against the truth and justice of the cause presented before you.

Gentlemen of the Jury—The indictment which the Grand Jury have found, and which is now presented for your consideration and investigation, charges Alexander McLeod with having murdered on the 29th day of December, 1837, Amos Durfee. This charge is presented in various forms of courts, seventeen in number. the facts are presented in such various forms in order to meet the testimony, as it will be presented. The first count charges the prisoner with having assaulted Amos Durfee, and with a gun loaded with powder and one leaden bullet, shot the said Amos Durfee and thereby caused his death.

The second count states the same facts as the first, but states that it was done with a pistol instead of a gun. The third count states that it was committed by John Mosier, and that Alexander McLeod was present and aiding. Mr. Hall then proceeded to enumerate the various counts of the indictment, the substance of which, and all the charges, is, he said, that Amos Durfee, a citizen of the United States, and of this State, while in the county of Niagara, in this State, was killed by the prisoner at the bar, or by some persons with whom he was nearly or immediately connected and assisting. To sustain this indictment it will be proved before you that on or about the 28th of December, 1837, an American steamboat called the Caroline, a boat of about 36 or 40 tons, left the harbor of Buffalo for Schlosser, about 18 miles below Buffalo Falls, and 2 miles above Niagara Falls. The boat was manned by American citizens, regularly enrolled at the Custom House of Buffalo, according to the laws of the United States, and had a regular license from the Collector of that port, to ply between Buffalo and Schlosser. At that time, gentlemen of the Jury, some 2 or 300 Canadian insurgents had taken possession of Navy Island, which they possessed and claimed and held in the name of the Provisional Government of Upper Canada. There had been great excitement in Canada, and this excitement extended all along our border. Efforts were made by the Canadian insurgents to enlist our citizens in their cause. The fugitives from the terrible massacre at St. Charles and St. Eustache, whose houses had been burned, and their property destroyed, wives and children driven into the snows of a Canadian winter, found our firesides when telling the tales of their direful sufferings, in exciting the feelings and sympathies of our [illegible]. And it was an easy and natural step from being sympathizers with the sufferers, to [illegible] with their cause. And thus [illegible] the insurgents on Navy Island.

[illegible] was an accomplice of this act, [illegible] it as a [illegible]. It is no part of my [illegible] to denounce the patriots or insurgents, but [illegible] not be understood to state that for, that [illegible] [illegible]

[illegible]

Your own recollections of history will give you numerous examples. The Swiss served in every army of Europe, and who ever complained of that, or ever thought of holding them responsible. When Lord Cochrane assisted the States of South America, or Lord Byron, by devoting his life and fortune to aid the Greeks in their struggles for liberty from Turkish bondage, did any person ever complain of it or pretend that by such acts, they violated any law of nations. Nor did any country complain, when the great, good and glorious Lafayette devoted his life to his love of liberty, and gave his princely fortune and himself to assist the patriots of our own soil.

It will appear from testimony, that the objects of the owner of the Caroline were totally of a different character. The collection of people at Navy Island had excited great curiosity. At that time of the year, the lake and canals were closed with ice, and the men who navigated them were relieved from their labors. Winter was set in, and the farmers and laborers were released from their toil. It was at the time of the Christmas holydays, and they had congregated at Schlosser, which was the nearest point to Navy Island. Was it extraordinary that one of our countrymen, and especially one of our eastern brethren, should see an object of enterprize in the circumstances which then existed in his neighborhood. Such was the fact. Mr. Wells saw that a great curiosity was drawing persons to Navy Island, not one of whom were connected with the insurgents on that place, and Mr. Wells saw an opportunity of making gain by his boat, which was then lying idle and unprofitable at Buffalo. With this idea, and intending no offence against God or man, he started from Buffalo to Schlosser. He stopped at the intermediate landings of Grand Island, Navy Island, and Schlosser. After reaching Schlosser about 2 o'clock, he crossed to Navy Island, made two trips that afternoon, carrying passengers and such other articles as might be carried on board any other ferry boat making this passage. It will appear that among the articles on board the Caroline was a cannon. Much stress has been, and probably will be laid upon this in the course of this trial, and I now pause to comment on that, in order that you may see what a feeble bearing an act of this kind should have on the case. It was an article which the vessels of nations who are not at war, are forbid to carry under penalty of forfeiture and no other. If a neutral vessel is taken in possession of articles which she is forbidden to carry by the laws of nations, they are forfeited; but when they are landed she is not liable to be seized or molested. This applies to the high seas, the common property of all nations. At the same time when this vessel was passing between Schlosser and Navy Island, a ferry boat was plying between Buffalo and Waterloo on the Canada side, and daily and hourly carrying arms and munitions of war, and the Canadian army was fed from the American shores, and there again, I do not say it with pride, American citizens were found in the ranks of the British army in Canada, and this at a time when it was charged that the interference of our citizens was unjustly and iniquitously made, a charge which is not founded in fact. After having made these trips the steamboat Caroline was moored at Fort Schlosser, as it is called, but be not deceived gentlemen by the name, there is no fort there; the site of the old fort is now covered by luxuriant corn, and the only two houses near it were a warehouse on the end of the wharf and Field's Tavern about 50 or 60 rods off; there was scarcely another house within two miles of the place. At this tavern, which was the only house in the neighbourhood, hundreds of persons were congregated, and applied to Mr. Wells for permission to lodge on board the Caroline in consequence of not having room at the tavern, and he gave them permission, in accordance with which some 18 or 20 took up their lodgings on board the boat that night. This boat was not armed, had no equipment of her own, none of her men were armed, nor were any of those who went on board that night armed. About 11 o'clock the watch was set, as is usual, and the persons on board retired to repose, unsuspicious of danger as they were unconscious of wrong. About 12 o'clock (the testimony may vary from half past 11 to 1 o'clock) the captain was aroused by the watch, who told him that boats filled with men were coming on board. Soon a noise of trampling and shouting was heard, and the men, aroused from their slumbers, rushed forth, with what articles of clothing were at hand. They rushed for the companion way, the gang way, and every avenue that might afford chance of escape for their lives—some were so fortunate as to escape—others were met by armed men, who thrust at them with swords and pikes, and though severely wounded, yet they escaped. It is but too probable, Gentlemen of the Jury, that there were others who, alarmed at the sudden onset, by the cries and shouts, by the firing of pistols and the cries of "No Quarter," and apprehensive of being put to death, secreted themselves around the boiler and other places, and came forth after their ruffianly assailants had left, only to meet the rushing of the flames, and listen with bewildering horror to the roar of Niagara.

But, Gentlemen, those who had escaped from the boat, had not thereby escaped from danger. Some who had escaped their assailants on the deck, were pursued into the warehouse, which was searched with lights, to ascertain—in the language of themselves—"If some of the d——d Yankees were not there!" Amos Durfee, whose sad fate is the immediate cause of your being empannelled, was found on the wharf, some few rods from the boat, with a ball shot through his head, the gun or pistol being fired so near him that [illegible] He was doubtless shot at the spot, and died instantly of his wound. It will appear before you gentlemen, that the assailants who committed this bloody deed, were a band of armed men, between 40 and 50 in number, who came from the Canada shore. It will appear, that it was a secret and volunteer expedition got up for the purpose of destroying the Caroline.

At that time, gentlemen of the Jury, there was on the Canada shore an army of 2500 men, who were collected on the occasion of the seizure of Navy Island, by a body of insurgents. They were there avowedly for the purpose of repelling any invasion by the insurgents. From this it has been alleged, that it was a transaction more of a military than civil character—that being so organized it was not to be governed by the rules which prevail in courts of justice where the civil and municipal law alone prevails. It is right, gentlemen, that your minds should be disembarrassed from all questions of that kind, and to that end I present this case broadly in order that when the evidence comes before you, you may see its force and bearing upon the case. I will, therefore, submit to you the decision of the Supreme Court of this State in the case, giving a statement of facts, submitted by the affidavit of the prisoner himself. A decision given after an able and learned argument by the counsel for the prisoner, and after great deliberation, which has given great and new honors to the judiciary of our State. After that decision, that question is entirely disposed of, and the questions which it is your province to decide, are distinctly pointed out to you.

Mr. Hall then read the very able opinion of Judge Cowan, delivered before the Supreme Court in New York, which has already been published.

Mr. Hall then continued—

Gentlemen—Let me now call your attention to what has been decided in the case. The Supreme Court has decided in the 1st place, that it was not to be governed by the laws of war, nor by the laws of Canada, but by our own civil laws. Therefore the question before us contains nothing more than if one man had killed another, and was put upon his trial for the murder. It comes under the cognizance of the same laws under which we all live. It has been decided, 2dly, that no order from the British Government can justify, excuse or palliate. Another point is, that in order to excuse the act on the ground of self defence, or defending the country, it must have been done to resist an immediate, direct and pressing assault.

The offence was committed against our laws alone, and not against the laws of any other country. Blood has been shed upon our soil, and we are responsible for it [illegible] he cannot be punished here [illegible] punished in Canada. He has violated no law of Canada, no law of the United States. Here and here alone, [illegible] of the prisoner. The Supreme Court proceeds on the oath of this prisoner, assuming all the statements to be true, and takes ground that Durfee was [illegible] at Navy Island [illegible] the Canadians.—[illegible] Van Rensselaer or any other [illegible] had been killed instead of Durfee. But the testimony will show you that the man killed had no little connection with it [illegible]. It will be shown [illegible] that he was there in pursuit of his own lawful avocations.

The sole question left for you to decide is, a [illegible]

tion then is, was the prisoner one of the party who destroyed the Caroline? On this point we will examine numerous witnesses, some of whom saw that amongst those who were avowedly of the expedition the prisoner has declared he was one. We will shew that previous to the expedition the prisoner was one of those most actively engaged in getting it up. That the day before he went to Buffalo to ascertain whether the Caroline was coming down to Schlosser. That he took a deep and active interest in the affair, and that on that very evening he was engaged enlisting persons for the expedition. That on several occasions he exhibited a sword, and pointing to blood upon it, said that was *the blood of a d——d Yankee.* Other witnesses will prove that they saw him go with the boats on the expedition, and others that they saw him on his return from it.

Such is the nature of the testimony, shewing you what part the prisoner took in the expedition to destroy the Caroline, in which Amos Durfee met his death. Little now remains for me, but to lay down a few simple propositions, which you will keep in your minds in order that you may properly judge of the weight of evidence. Having now stripped the case of all extraneous and foreign law, we come to try it by our own law, as it has been administered since we have been a State independent of England, and as it is administered in England.

"Every homicide is presumed to be malicious, and therefore murder, until the contrary appear. It is for the accused to show any matter of justification or excuse."

1st. Proposition—Roscoe's Criminal Evidence, 651. The malice necessary to constitute the crime of murder is not confined to an intention to take away the life of the deceased, but includes an intent to do any unlawful act which may probably end in depriving the party of life.

4 Blackstone's Commentaries, 199—The malice prepense, essential to murder, is not so properly spite or malevolence to the individual in particular, as an evil design in general; the dictate of a wicked, depraved and malignant mind.

2d Revised Statutes, 546; to the same.

3d Proposition.—If an action, unlawful in itself, be done deliberately and with intention of mischief, or great bodily harm to particulars, or if mischief indiscriminately, fall it where it may, and death ensue, against or beside the original intention of the party, it will be murder.—2 R. S. same proposition 546.

4th Proposition—Roscoe 649—In order to convict the prisoner of murder it is not necessary to prove that the fatal blow was given by his hand.

R. C. C. 21—If he was present, aiding and abetting the fact committed, he is a principal in the felony. The presence need not be [34] an actual immediate standing by, within sight, or knowing of the fact.

Foster 350.—If several persons set out together, or in small parties upon one common design, be it murder or other felony, or from any other purpose unlawful in itself, and each takes the part assigned him, some commit the acts, others to watch at proper distances and stations to prevent a surprise, or to favor, if need be, the escape of those who are more immediately engaged, they are all, if the first be committed, in the eye of the law present at it.—[Read also, the Tossing hunt-house case, 1 Hale, P. C. 466.]

These are the principles and rules of law, which must govern this case. There can be no dispute about them. They are principles well established; it is only for you to apply those principles of law, and if the evidence brings the prisoner within the full purview of the law, you must find him guilty. Before you find him guilty, you must be satisfied of these facts: 1st, that Amos Durfee was killed. 2nd, that he was killed in Niagara county. 3d, by a pistol or musket shot, or a weapon of a similar character. 4th, that he was killed by the prisoner.—5th, or that he was killed by those he was knowingly aiding or abetting. If either of these facts are established, your verdict must be one of guilty.

I have endeavored to place the leading features of this case before you, both as to law and as to fact, so far and no farther than it might be understood to apply to the evidence.

The interests committed to your charge are of inappreciable importance. To the prisoner—his life is in your hands. To the people—they have committed to you the vindication of those laws on which all our lives depend. If the prisoner is proved guilty, and you find him innocent, you will sap the very foundations of justice.

Gentlemen, this trial must necessarily be long, tedious and painful. Let me urge you to arm yourselves with patience; as you would consult your own future peace. This trial will be an epoch in your lives. You will think of it on your farms—at your firesides—and in your way-side wanderings through the world—and when the last dread hour of review arrives, when your past lives and reminiscences arise before you,—when the dark things of this world are about to be illuminated by a light from eternity, this trial will stand forth as one of your most important acts, and the greatest and most solemn of your responsibilities, if from fear, favor or partiality, or from any other weakness,—if through overlooking the law and testimony, which you are bound to observe by the solemnity of your oath—if by any unwarranted assumption you attempt to decide upon the expediency of this trial or conviction, the consideration of which belongs to the Executive,—if by any vain presumption you attempt to weigh the consequences, which belong to God alone,—if from any or all of these causes, you find a false verdict at that last dread hour you will bitterly lament it.

I have but one [illegible] entreat you, during the whole [illegible] beginning and the end, and every stage of it, to keep before you, as if written in letters of fire, the words, "*Be just and fear not.*"

[*To be continued in our next.*]

From the New York Commercial Advertiser, October 9.

ANOTHER MYSTERY!

The morning papers announced that the body of Mr. Payne the affianced lover of the late Mary C. Rogers, was found last evening at Hoboken, near the water's edge, where the body of Miss Rogers was discovered.

Two of the penny journals add that he was found with his throat cut. It was further stated that Mr. Justice Merritt, of Hoboken, had last evening empannelled an inquest to sit upon the body at 11 o'clock, this morning.

In consequence of these publications, we repaired to Hoboken this morning, and were in attendance upon the inquisition until one o'clock, when we left in order to give the results of the investigation thus far. We have no space, however, to give the testimony elicited in detail, and a very summary narrative must suffice.

In the first place it is not true that the throat of the deceased was cut. On the contrary there is no wound upon the body but a severe mark upon his nose, as though it had been scraped by a fall. This mark, moreover, was upon his face, according to the testimony of his brother—a very respectable looking man—at dinner on Thursday.

It appears by the testimony of this witness that the deceased was strongly attached to Mary Rogers.—Since her death he has been moody, and as witness thought, not exactly in his right mind. He has not been habitually intemperate. Witness had only seen him in liquor once during the last three years. On Thursday of the present week he dined at home.—He appeared melancholy, and as though he had been drinking a little. Observing the scratch upon his nose, witness asked him how it came. He said he did not know. Witness had not seen him after dinner on that day, until he saw his dead body.

In regard to the time and manner in which the deceased came by his death, a Dr. Griswold, of New York, testified that he was walking with a friend along the gravel path toward the grotto at the point, when they saw a man prostrate upon one of the seats by the way-side, near where the body of Mary Rogers was found.

His head was down upon the gravel and his legs across the bench. He and [illegible] raised him up—saw he was near his end—observed a convulsion of the chest. He died in two or three minutes. He had no hat on, but an old chip hat laying near him. [This hat was produced.]

While another witness was under examination, testifying to no material point, additional interest was excited by the arrival of two young men from the spot where it is supposed Mary Rogers was murdered, bringing with them a hat, a white pocket handkerchief, and the fragments of a vial, the body of which yet contained a few drops of laudanum. It was labelled laudanum, from [illegible]'s.

Mr. Payne at once identified the hat as belonging to his brother. He purchased it in Chatham street; and it had the crape which the deceased had placed upon it in mourning for Mary Rogers. Of the handkerchief the witness knew nothing.

The pocket-book, (or large wallet,) with some papers, together with a segar case, and the spectacles of the deceased, were identified as his by Mr. Payne.

The manner of the discovery of the hat was this. The deceased was a cork-cutter by trade. The two young men who came in with the hat are of the same trade.

Seeing the paragraph in the morning papers, they went over to Hoboken at 9 o'clock, and supposing that the [illegible] where the body was found, they wall[ed] [illegible] way to last place—and taking in with a stra[nger] [illegible] and inquired the way to the place w[here] [illegible] is supposed Mary was murdered. They went [illegible] Nick Moore's house, and Mrs. Loss, the landl[ady] [illegible] directed them to the place. They found i[t] [illegible] has often been described—secluded—overgrown with shrubbery, like an arbor. On looking in [illegible] saw the hat, and on going in discovered also [illegible] handkerchief and the broken pieces of the vial. With these they immediately returned, and inquired [illegible] the coroner's inquest. The hat is nearly new, [illegible] brushed, or ironed, and quite glossy.]

From the [illegible] testimony which we heard, it was proved that [illegible] evening on Thursday, a man, supposed to be the deceased, was seen by two men, who were passing by, sitting by the entrance into the bower of the murder, apparently engaged in writing. One of the passers-by remarked—"the man who murdered Mary Rogers ought to be hung up that tree." The person in writing did not look up, or appear to notice the remark.

The next heard of the deceased was at about ten o'clock on Thursday night, when he came into the tavern of Mr. Smith in the village of Hoboken, without a hat. Said he had lost his hat half a mile off, and wanted another. He looked as though he had been drinking somewhat. He called for brandy, and drank about half a tumbler. Paid one shilling for it. He talked rationally. Said he was the man who was engaged to be married to Miss Rogers; that he was a man of a good deal of trouble. He talked of coming over to the city. Was told that the ferry boat had stopped for the night; wanted to hire a passage over, but said he was short of cash; inquired for Vauxhall Garden, and was shown the direction, when he left.

By another witness it appeared that he was next seen between five and six o'clock yesterday morning, lying among some tall weeds about a quarter of a mile from the place last mentioned. He groaned heavily.

The witness who found him, called another man, and they went and lifted him up. He groaned again and could hardly breathe—fell down several times. They took him to a small tavern, but the landlord, supposing him drunk, would not let him in. Gave him a gentle shove back, and he fell down. Witness seated him upon the stoop, and left him to go to his work.

The next notice [illegible] of him was the account of his death, as stated by the first witness. The place where he was found was about a half a mile from the tavern last mentioned.

Mrs. Loss, the landlady of "Nick Moore's House," testified positively that the deceased was not the man whom she saw at her house with Mary Rogers on the 25th of July. That man was both younger and smaller than the deceased.

The strangest feature in this tragic story, is the fact that the hat [illegible] handkerchief were perfectly dry when found. It had rained, as we all know, yesterday, nearly all day, and much in the night.

The Master of [illegible], and Justice Taylor and Stevens, are assisting Justice Merritt at the examination.

Chronicle & Gazette.

WEDNESDAY, OCTOBER 13, 1841.

Alex. McLeod Acquitted.

A private letter received in Town this morning, from Utica, states that McLeod has been acquitted.

A Monument to the Memory of the late lamented Governor General.—We would urge upon the people of this Province, and of this City in particular, the propriety of taking immediate steps to erect a monument to the memory of the first Governor of United Canada. It behoves the inhabitants of Kingston above all others to show this last sad mark of regret for his irreparable loss. Kingston has been the favored spot selected by Lord Sydenham as the capital of United Canada, and one of his last expressed wishes was, that his mortal remains might rest among us. He has bestowed an importance upon this place, and has conferred benefits upon it greater than the most sanguine could have expected to see realized, and it will be deeply disgraceful to us if we do not take the lead in erecting a monument to his memory, in the place where his ashes repose, which will remain as a mark of our gratitude to the latest posterity. No pains, no expense should be spared in attaining this object, and we are sure that men of all political parties and opinions will be happy to have the opportunity of testifying their sorrow for his untimely fate, by sprinkling incense on the tomb of the departed.

Lord Sydenham has forever identified his name with the future history and destinies of Canada, and the important measures carried out by his administration will be a monument to his fame, more enduring than [illegible]. When he had affixed his signature to the last official document laid before him, well might he [illegible] him with the Roman lyric poet [illegible]

It then only r[emained] [illegible] for him to see the tree flourish [illegible] constitution which [illegible] the harmonious working of the [illegible]. But at the moment his vigorous mind had established, and all his designs brought to maturity—when his plans were accomplished, when he was about to return to his native land and receive the grateful thanks of his Queen and Country—at that very moment the hand of Providence interfered; his sun was doomed to set in all the brilliance of its meridian splendour, and he expired breathing an aspiration to Heaven for the future welfare and prosperity of Canada. What a striking illustration of the futility of all human dreams of greatness. Though the foul and blasting breath of calumny has not hesitated to attack his private as well as his public life, yet they have [illegible] the pure gold through the [illegible] out of the furnace.

Wolfe when he had received his mortal wound on the Plains of Abraham, and was told that the enemy were retreating, exclaimed "I die happy!" Lord Sydenham, when the last sands of life were nearly run, being informed that the last Act of the political drama had been concluded, and that the Legislature had been prorogued, expressed himself in nearly similar terms. Both [illegible] in the arms of victory. But how much greater the satisfaction which thrilled the bosom of the dying Statesman than that of the dying Soldier. Lord Sydenham's victories were those of peace, [illegible] of war; his laurels were not stained with blood; he never caused the tears of the widow and the orphan to flow, but the only tears shed were those of sorrow for his early doom.

The Duke of Richmond in his last moments expressed his wish to be buried [illegible] Quebec, on the ramparts like a soldier, there to [illegible]—How much more becoming is it for Lord Sydenham, whose energies have been exhausted in [illegible] peace and prosperity to a Colony which he found convulsed with long years of political agitation and civil strife; and whose life was sacrificed in [illegible] performance of his duty—how much [illegible] is it that he should rest within the [illegible] precincts of an edifice devoted to the worship of the God of peace. In this his chosen spot, and within those walls which contain his dust, let us hope [illegible] to see placed a memento which shall tell to future generations the respect in which his memory is held by the people of Canada.

At the commencement of the administration of the late lamented Governor [illegible] the doctrine that those who lived by [illegible] was expected to support it, was received [illegible] by many in this country with feelings very much akin to disgust. We find, however, that the [illegible] so much disclaimed by Lord Sydenham on this subject [illegible] at this moment recognized and acted upon [illegible] Britain under the present Conservative administration. The London Morning Post received by [illegible] states that His Royal Highness Prince Albert had lately expressed to the gentlemen of [illegible] in Parliament, the deep regret [illegible] deprived of their services [illegible] the same time His Royal Highness [illegible] that each of them was [illegible]

political life or to afford their Parliamentary support to Her Majesty's Government.

Attempt to destroy our War Steamers on Lake Erie.—We mentioned briefly in a recent number of this paper, a most desperate attempt which was made by some miscreants on the morning of the 17th ult., to destroy H. M. Steam Vessels *Toronto* and *Minos*, then lying at anchor at Chippewa. The following particulars may be relied on as strictly correct.

At about 10 minutes before 3, A. M. the sentry on the forecastle of the Toronto saw a light approaching the vessel, apparently two or three hundred yards a-head. He hailed it twice, but received no answer; he was in the act of calling the attention of the Sergeant of the Watch, when it exploded with a tremendous noise, shaking the ship to her centre—and as it afterwards appeared, breaking the windows in several houses on shore. As the smoke cleared away a boat was seen pulling with great swiftness towards Grand Island. She was immediately pursued by a boat from the *Toronto*, but without success.

The next morning a cask was seen sticking in the mud close to the bank near the spot where the explosion took place. On examination it was found to be full of powder, ingeniously fitted into a kind of platform to make it float steadily, and with a fuze half burnt, fixed in the bung hole. To the cask was attached several fathoms of whale line by which it must evidently have been connected with the one that exploded—and the use of which was no doubt to take across the bows of the vessel so as to bring a cask on either side of her as they floated down with the stream.

On the arrival of Commodore Sandom, on the 23d ult., an enquiry by a board of Magistrates took place, and several depositions of parties who witnessed the affair were taken; the only circumstance of importance that was elicited, was, that on the same morning a farmer on Grand Island in going round his fields, found four men lying asleep in a shanty, and a boat hauled up on the beach close by: the men were armed, and one of them he knew to be from Buffalo, and an accomplice of the notorious Lett—who has since openly expressed his regret at the failure of the attempt. The barrel bore the mark of a brewery in Buffalo, and contained upwards of 100 lbs. of gunpowder. A musket shot was fired from the upper end of Navy Island at the Toronto's boat as she passed in pursuit.

Fatal Accident.—On Saturday last, Mr. Lavery, who kept a tavern at Kingston Mills, was returning with his wife in a skiff from Wolfe Island, where they had been visiting a relative, and having set a sail was in the act of lowering it at the second bay below Cedar Island, when losing his balance he fell into the water, which was rough at the time; his wife was unable to manage the boat which was half full of water, and it drifted with her on a ledge of rocks. Mr. Lavery struggled for a few moments on his back within 50 yards of the shore, but having a dushing coat on, and boots, he sank, calling out to his wife "quick! quick! save me!"—he disappeared before her eyes. Four men of the Light Company 14th Regt.,—Corporals Issett and Mullens and Privates Addison and High—went to her assistance, having heard her cries at dusk as she stood at a distance from any house, and up to the knees in water holding on by her boat. She was brought to Fort Frederick and every assistance rendered her. On the two following days, drags having been supplied from the Dock Yard several men of the Light Company searched diligently for the body and at last found it, by following an old hunter's receipt, (Mr. T. McConnell's) namely, "floating a piece of White Cedar down the stream near the supposed place of drowning, and watching where it stopped and whirled round"—the chip on this occasion, from some mysterious attraction, whirled round for upwards of a minute in 12 feet water, and the corpse was seen immediately below and dragged up.

We learn that the Magistrates now in General QuarterSessions assembled, have directed the Treasurer to pay the sum of 40s. to the four soldiers above mentioned, as a reward for their praiseworthy conduct on this occasion.

The October Sessions.—The Court of General Quarter Sessions of the Peace, in and for the Midland District, was opened in this place yesterday at noon, by Isaac Fraser, Esq. Chairman. We are happy to learn that there is not much business before the Court. The Criminal Calendar is unusually [illegible].

At the opening of the Court the worthy Chairman addressed the Grand Jury as follows:

Gentlemen of the Grand Jury,

You are assembled to discharge the duties assigned to you by the laws and Constitution of the Province—which duties consist, generally in carefully and impartially investigating the charges and accusations, brought before you by indictment (or otherwise) and in presenting for trial such only as shall appear to you properly supported by credible evidence.

You will bear in mind Gentlemen that one great object for which Grand Juries were instituted, is to shield the innocent from the disgrace of a public trial when the accusation rests on slight and insufficient proofs—and another equally important object is that the Guilty shall not escape, when the charges against them are satisfactorily proved.

I am not aware of any thing in the present Calendar that requires particular remark. It will be your duty Gentlemen to visit the Gaol and examine, and report your views as to the comfort and safe-keeping. Among the important acts passed at the recent Session of the Legislature, is one for the establishment of District Councils, which will come into operation on the first day of January next, under the authority of which all the local and financial concerns of the District, will be placed under the management and control of the Council which will be chosen by the rate payers at the annual Township Meetings, and much of the benefits anticipated from this important measure, will depend on the prudent choice of persons duly qualified to promote the welfare and local improvements of the District.

Under these circumstances, Gentlemen, should you think proper to suggest any urgent matter, respecting the repair of Roads, Bridges, School Houses or other local matters—the Court will have great pleasure in bringing the same under the notice of the District Council, who will have ample power to carry such suggestions into effect.

ISAAC FRASER.

October, 1841.

Captain Boxer, R. N. late of H. M. Ship *Pique*, arrived in Town on Sunday. He came a passenger in the "Unicorn" on her last trip from Halifax. We understand that he was the bearer of Despatches to His Excellency Sir Richard Jackson. He returned yesterday to Lower Canada. It is mentioned that Captain Boxer has received an appointment in the West Indies.

We have to acknowledge the receipt of the two first numbers of the Official Gazette, published at the Seat of Government, by Stewart Derbishire and George Desbarats, Esquires, Her Majesty's Printers. These numbers contain several of the Laws passed during the late Session of Parliament, and various official notices. The Gazette is neatly printed on an excellent sheet, and makes a handsome appearance.

People's Library, or Magazine of choice and entertaining Literature.—We have received the 1st No. of this new monthly Magazine, published at Philadelphia, by Mr. Morton McMichael. It is neatly printed and contains 96 pages of closely printed matter, and a beautiful Steel Engraving.

See Prospectus in another column.

We observe by yesterday's Herald, that Mr. [illegible] has disposed of his establishment to Mr. [illegible] Woodley, formerly editor of that paper.

We are informed that Richard Eaton, Esq. one of the Ordnance Commissioners, has left this Province for England. The duties of the Commission now devolve solely on his colleague, J. S. Elliot, Esquire.

We are again indebted to the polite attention of Mr. *Charles Willmer*, the new Newspaper agent, of *St. Vincent street*, Liverpool, for the latest London news by the *Acadia*, having received from him a copy of the *London Standard*, published at seven o'clock on the evening of the 18th September.

From the London Colonial Gazette, Sept. 15th.

More of the Ministerial appointments were officially announced in Friday's Gazette, with a few new names,—Earl Jermyn, the Honourable Dawson Damer, Earl Delawarr, Lord Forester, the Marquis of Lothian, the Dutchess of Buccleuch, the Marquis of Ormonde, the Earl of Warwick, the Earl of Morton, the Earl of Hardwicke, Viscount Sydney, Lord Rivers, Mr. John Ralph Ormsby Gore, Earl of Rosslyn, Lieutenant Colonel Charles George James Arbuthnot, Lord Lowther, Mr. Gladstone, (as Master of the Mint,) Sir Edward Knatchbull, Dr. Nicholl, Sir George Murray, Colonel Jonathan Peel, Captain Boldero, Mr. Francis Robert Bonham, and Mr. Duncan McNeill.

The following is a complete list of the new Ministerial appointments, copied from the *Times*; with the addition of three minor appointments, first announced in last Friday's Gazette, and the announcement by the *Morning Post* of Mr. Pennefather's appointment.

CABINET.

Duke of Wellington.

First Lord of the Treasury,	Sir R. Peel,
Lord Chancellor,	Lord Lyndhurst,
Chancellor of the Exchequer,	Mr. Goulburn,
President of the Council,	Lord Wharncliffe,
Privy Seal,	Duke of Buckingham,
Home Secretary,	Sir James Graham,
Foreign Secretary,	Earl of Aberdeen,
Colonial Secretary,	Lord Stanley,
First Lord of the Admiralty,	Earl of Haddington,
President of the Board of Control,	Lord Ellenborough,
President of the Board of Trade,	Earl of Ripon,
Secretary at War,	Sir H. Hardinge,
Treasurer of the Navy and Paymaster of the Forces,	Sir E. Knatchbull,
Postmaster-General,	Lord Lowther,
Chancellor of the Duchy of Lancaster,	Lord G. Somerset,
Woods and Forests,	Earl of Lincoln,
Master-General of the Ordnance,	Sir G. Murray,
Vice-President of the Board of Trade and Master of the Mint,	W. E. Gladstone,
Secretary of the Admiralty,	Hon. Sidney Herbert
Joint Secretaries of the Treasury,	Sir G. Clerk, Sir T. Fremantle,
Secretaries of the Board of Control,	Hon. W. Baring, J. Emerson Tennent,
Home Under-Secretary,	Hon. C. M. Sutton,
Foreign Under-Secretary,	Lord Canning,
Colonial Under-Secretary,	G. W. Hope,
Lords of the Treasury,	Alexander Pringle, H. Baring, J. Young, J. Milnes Gaskill,
Lords of the Admiralty,	Sir G. Cockburn, Admiral Sir W. Gage, Sir G. Seymour, Hon. Capt. Gordon, Hon. H. L. Corry,
Storekeeper of the Ordnance,	J. R. Bonham,
Clerk of the Ordnance,	Captain Boldero,
Surveyor-General of the Ordnance,	Colonel J. Peel.

The Queen held a Privy Council at two o'clock yesterday afternoon at Windsor Castle. It was attended by his Royal Highness Prince Albert, the Duke of Wellington, the Lord President, the First Lord of the Treasury, the Secretary of State for Foreign Affairs, the First Lord of the Admiralty, the President of the Board of Control, the Paymaster-General, the Lord Steward, and the Master of the Horse. The Marquis of Exeter, Earl Delawarr, the Earl of Rosslyn, Lord Forester, the Honourable George Lionel Dawson Damer, and Dr. John Nicholl were sworn of the Privy Council, and took their places at the Board. Dr. Nicholl kissed hands on being appointed Judge Advocate-General.

The London correspondent of the *Dublin Monitor* gives a very minute account of the Royal grief at parting with the Whig Household—

"There was a general gloom throughout Claremont on Thursday, (the 2d,) as it was known that it was to be the last day on which the late Household would all meet together at the Royal table. During dinner there was a general gloom. Scarcely a word was spoken. The Queen retired much earlier than usual; and in the presence of the Ladies of the Household only gave way to those feelings of sadness and sorrow which she had up to that period succeeded in suppressing. It is needless to say that tears were shed in abundance by every person present, and the scene had more the deep and solemn character of an eternal farewell than that of a separation for a period. As if aware of some such circumstance, the good men did not come for the drawing-room for some time later than ordinary. When her Majesty had [illegible] but her feelings again got the better of her usual firmness, when, on retiring for the night, she bade each of the members of the Household farewell.

"One word of comment after this briefly alluding to—for it would be impossible to describe—such a scene, would be the height of impertinence."

The Queen has subscribed £25, towards the Wilkie Monument; and the Queen Dowager a like sum.

Her Majesty the Queen of England has sent the conductor of the *Gazette Musicale* a gold medal, with her portrait, in reward for the constant efforts made by him for the progress of music, as evinced by the publication of that journal, and of the collection of the classical chiefs-d'oeuvre of ancient and modern masters. Mr. Schlesinger lately received, for the same reason, a similar distinction from the Empress of Russia.—[Gazette Musicale.

Despatches were received at the Colonial Office, on Sunday, from the Governor of Gibraltar.

Lord Stanley gave interviews, at the Colonial Office, on Wednesday, to Sir Henry Bouverie; on Thursday, to Mr. Colville; on Saturday, to the Earl of Mountcashel and Sir Charles Bagot; on Monday, to Mr. W. H. Yablain and Mr. W. D. [illegible]; on Tuesday, to Mr. Simms and Mr. Crowdy, delegates from Newfoundland, and to Mr. Colvile.

Sir Charles Bagot transacted business at the Colonial Office, on Friday. On Monday, Mr. Archibald, Registrar of Newfoundland, transacted business at the office.

Friday's Gazette announced that the Queen had directed letters patent to be issued conferring the dignity of knighthood on Colonel Francis Cockburn, Governor of the Bahama Islands.

THE NEW GOVERNOR OF CANADA.

The appointment of *Sir Charles Bagot* as Governor-General of Canada, is to a certain extent at variance with the hopes that we have expressed as to the Canadian policy of the present Government. *Lord Sydenham's* successor is wholly unknown in Colonial, and, it might be added, in Home politics. His public life has been passed in the diplomatic career. Whatever his eminence in that line, whatever his qualification for representing the British Crown in *foreign* countries, he has done nothing, and has never had an opportunity of doing anything, to show any aptitude for the task now imposed on him. For aught the world can tell, he may be specially qualified for managing such a body as the Representative Assembly of United Canada; but he may be equally unfit. As Governor-General of Canada his name indicates absolutely nothing. But the appointment is not entirely without significance; it shows that the *Peel* Government is conscious of the importance of appointing a successor to *Lord Sydenham* from whose name [illegible] the policy of the Home Government towards Canada [illegible] have been inferred. [illegible] we are disappointed, but not [illegible] for our own opinion [illegible] what that policy will be remains unknown [illegible] however, we shall probably be able to speak at length on the subject.

NEWS OF THE PRESIDENT.

The following letter, from an intelligent and trustworthy correspondent, will be read with interest, as apparently throwing some light upon the fate of the President—

"To the Editor of the Vindicator.

"Sir,—On arriving in Belfast from Brazil, I find [illegible] the announcement relative to the loss of the President steamer, and as any thing, however trifling, connected with that vessel, must be interesting to some readers, I hasten to lay before them the following fact, [illegible] during the [illegible]. On August 29th, [illegible] in the vicinity of the Azores, [illegible] was [illegible] the distance what he [illegible] passed. On his [illegible] the captain of [illegible] the ship to be [illegible] we found it was the side of an immense vessel having the beams [illegible] the whole [illegible] was away.—[illegible] that it was the wreck of a large steamer. [illegible] or it may not have been part of the hull of the President. If, as has been conjectured, the above named vessel struck on the ice of Newfoundland, it is highly probable that the great Atlantic current which sets in from the North during the summer, may have drifted the ill fated ship thus far to the Southward. At all events, it was the wreck of a very large vessel, and may yet prove disastrous to any crew who may have the misfortune to run foul of it during the night.

"I am, sir, yours, &c.

"VINCENZO GUERRINI."

Destruction of Two Indiamen.—Intelligence [illegible] on Monday last received by the authorities at Lloyd's through the medium of the overland mail, of the destruction by fire of two first rate Indiamen, the David Scott and the Republic, which occurred at the port of the Mauritius in the month of June last, but fortunately unattended with loss of life. The David Scott belonged to London, and arrived at the Mauritius from Calcutta on the 1th of May, having on board a rich cargo, consisting of a [illegible] hundred quarters of wheat, 6,553 bags of rice, [illegible] planks, besides merchandise to a vast extent. The vessel was 753 tons burthen, and was on her voyage homeward, having several passengers on board.

On Saturday evening, the 12th of June, about [illegible] o'clock, while the steward and a seaman were in the spirit room in the after part of the ship drawing some rum off, a spark fell from the candle which they had with them into a quantity of the spirit that was on the floor, which not only ignited, but the blaze immediately extended to the casks in the room. The steward and the seamen used every effort to extinguish the flames, but were unable, and in a few minutes the chief cabin caught, and the fire was issuing from the windows with great violence.

Directly on the alarm being raised, the commanders of the numerous ships at anchor in the port proceeded with their crews to assistance, and the utmost possible means were used to save the ship, unfortunately without success, and in three hours the vessel was burnt to the water's edge, consuming the masts and every article of property on board. The loss is given out to be £[illegible], but it could not be ascertained whether the vessel or cargo was insured or not.

On the 21st of the same month another terrible fire happened on board of the magnificent ship Republic, and in consequence of a suspicion of there being a large quantity of gunpowder and saltpetre on board, no one would render assistance, and the vessel was totally consumed. The cause of the catastrophe is not exactly known, but it is supposed to have arisen through accident. The ship is insured.

BYTOWN AND THE OTTAWA.

Bytown is not a *hot* place although but of recent growth. It is equally remarkable for its position and its progress. It might be called Hightown. It stands on an eminence, on the south side of the Ottawa, and commands a view of some of the most beautiful scenery in nature; the broad expanse of the Ottawa, above the town to the foot of the Chaudiere falls, the falls themselves, the islands which divide them, the distant western course of the river beyond the fall, the mountain chain extending through, the rich level country at the confluence of the Gatineau, thriving settlements, villages spires, and the broad and winding course of the river seeming towards the St. Lawrence; all these strike the eye from the heights and are worthy of admiration.

The site of the town is on a limestone rock, rising from 100 to 150 feet above the level of the Ottawa, the highest part, to the west, forming a steep [illegible] forming the entrance of the Rideau Canal, the navigation of which westward starts from a Basin excavated to the south of the town, and is carried by a deep cut and embankment along an eminence, till it reaches the river of the Rideau; or curtain falls, which pour into the Ottawa, about a mile below over a perpendicular bank, apparently a hundred feet in height, having the appearance of *two* white curtains at a considerable distance from each other. It is at five miles from Bytown that there is a [illegible] called the Hog's back has been erected, [illegible] the breaks in which [illegible]

The town, which [illegible] dates from 1827, is considerable. It is divided into two parts, the Upper and Lower Town, the former to the west, and the latter to the south, with an extensive [illegible] ground between [illegible] buildings, and the [illegible] which have been [illegible] the whole [illegible] closure and the ground gradually ascending towards the south, till it [illegible] the principal [illegible] ground would be a place of strength, but there neither fortifications nor soldiers.

The population is stated at 1,500 or 2,000; there are two good streets, some handsome houses, shops or "stores," and a good Hotel kept by Mr. Doran, formerly of Quebec. The canal for the steam and steamboat wharves is near the [illegible] eminence along the [illegible] frequently found in the harbour, which, though small, seems to be deep and safe. The steamboats go down, however, only to the head of the Grenville Canal, distant 60 miles, and when the waters are not low, other steamboats take up the passengers at Carillon, after they have gone twelve miles in stage coaches, and proceed to Lachine, distant about 9 miles, or 120 miles in all, from Bytown to Montreal.

Other steamboats above the Chaudiere falls proceed up as far as the head of Lac des Chats, a distance of fifty or sixty miles, and the settlements extend to about 150 miles above Bytown, and it is expected a steamer will be in operation above the Chats to the last mentioned distance next season.

The settlers on the Ottawa are mostly old country people. At the Gatineau, opposite Bytown, there is a settlement of French Canadians and a Catholic Church. The lumber business is the chief trade of the river, and there are large establishments for getting out and rafting timber, and for supplying the people with imported goods.

Proceeding down the river from Bytown, the scenery loses nothing of its beauty, and is probably not surpassed by any thing in America. The settlements on the banks of the river, are, however thinly scattered, which is partly owing to the lowness of the land near the river, and the great rise of the waters of the Ottawa, which at certain seasons amounts to from 12 to 15 feet perpendicular. Back from the river on the north bank the land is high, rising in some places to mountains, which are the south western termination of the ridge which extend from Quebec, at a less or greater distance on the north shore of the St. Lawrence, but [illegible] visible, generally from the river.

At the Seigniory of the Petite Nation, above the Long Sault, there is a French Canadian settlement, where was found [illegible] by the late Mr. Papineau, about 30 years ago, and where he resided for some time on the Isle Roussin. There the two chimnies of a house erected by him are still standing. There is a respectable looking Church and *Presbytery*, back some distance from the river, numerous and apparently comfortable dwellings and extensive clearings. The land back is, however, mountainous. The seigniory still belongs to the son of the founder, the late Speaker of the House of Assembly of Lower Canada, and one of his brothers resides on and manages the property. Further down there are no thick settlements extend along the *Rivière du Nord*.

Altogether the banks of the Ottawa offer a healthy and promising field for improvement, and with [illegible] and the increase of a moral and industrious population, cannot fail to form one of the most valuable and agreeable parts of Canada.

Harmony among the mixed population of which the settlements are composed, freedom and justice to all, which include a mutual and equal respect for the opinions, rights and interests of others, will greatly add to the comforts and welfare of the whole population, and secure peace and prosperity to that part of the country.

Quebec, 2nd October, 1841.—[Nelson's Gaz.

The Montreal Herald of the, 6th inst.; speaks of Grogan as follows:

Release of Grogan the Loyalist.—We are very happy to be able to record an important event in our information respecting the [illegible] of Grogan to his virtuous companions of Vermont. We understand that our Government having become convinced that the scoundrel had not [illegible] in the regular way, determined that he should not [illegible] and accordingly sent him [illegible] the frontier. [illegible]