We cannot undertake to return communications of which we do not keep copies. Communications should always be legibly written, and on one side of the paper, only. If long, it increases the difficulty of finding room for them. Whatever is intended for insertion must be accompanied by the name and address of the writer, not necessarily for publication, but as a guarantee of his good faith.

The Daily British Whig.

"Upright yet Urbane Press."

MONDAY EVENING, FEB. 29, 1856.

LETTERS AND TELEGRAPHS.

G. T. R. R., Montreal; J. C., do. A. B. Ss. et G. R. R. Co., Belleville, with rem.; P. M., Brockville; P. M., Toronto.

IN THE QUEEN'S BENCH.

THE QUEEN ON THE RELATION OF JAMES ATCHESON ET. JEREMIAH DONOGHUE AND JOHN N. BENNETT.

A Writ of Summons in the nature of a Quo Warranto, was issued in this case on the fiat of Judge Mackenzie, calling upon the Defend at, Jeremiah Donoghue, to show cause why he usurped the office of Councillor of the United Townships of Bedford, Olden, Oso and Palmerston. The Returning Officer, John N. Bennett, was made a party to the proceedings by order of the Judge. The Relator claims the seat.

The main ground of objection stated by the Relator is, that at the close of the poll he had 62 votes entered for him on the poll book, and the Defendant had only 61 votes entered for him, and that at the close of the poll the Returning Officer declared him, the Relator, duly elected; and that after the close of the election the Returning Officer altered the poll book, and transferred a vote of one Daniel McCarty, entered on the poll book for the Relator, to one Joseph M. Taggart, another candidate so as to give an apparent equality of votes to the Relator and the Defendant, Jeremiah Donoghue, that he, the Returning Officer, might give his casting vote to the Defendant, Jeremiah Donoghue, and return him instead of the Relator. And that the Returning Officer after altering the poll book and transferring the vote of Daniel M'Carty from the Relator to Taggart, improperly and illegally returned the Defendant, Jeremiah Donoghue, as duly elected.

Smith, Solicitor General, for Relator.
O'Reilly, for Defendants.

MACKENZIE J. JUDGE.—The Defendant, Jeremiah Donoghue, must be removed from the office of Councillor, and the Defendant, John N. Bennett, the Returning Officer, must pay the costs. The conduct of the Returning Officer was improper as well as illegal. He altered the poll book, contrary to his duty and law. Between the election and the organization of the Council, he was in communication with the Defendant, Donoghue, touching the return he should make, which to say the least, was an unseemly proceeding on his part. The general tenor of his conduct shows that he was but too willing to do whatever favored the interest of the Defendant, Donoghue. The duty of a Returning Officer is a plain one. He should be indifferent to all parties. He should act with impartiality and observe the obligations imposed upon him by law. He should not allow his own bias in favor of this candidate or that one, to influence his judgment in discharging his duty to the public. The law directs him to keep a poll book at the elections, in which he shall enter in separate columns the names of each candidate, and in the respective columns in which are entered the names of the candidate voted for by each voter, he shall set number one; and at the close of the poll he shall add up the number of votes for each candidate, set down in their respective columns, and he shall declare which of the said candidates have the highest number of votes, beginning with the one having the greatest number; and so on; and he shall publicly declare the requisite number of candidates duly elected; and in case of equality of votes he is to give his casting vote, that is to say, before he makes his public declaration at the close of the poll. His name should be entered on the poll book before making the final declaration or giving the casting vote. In the present case the poll book was produced at the trial, and by the numbers properly entered in the columns the Relator has 62 votes and the Defendant 61. According to the poll book the Relator was elected by a majority of one. The Returning Officer should have returned him as duly elected. The Returning Officer had no right or authority to intermeddle with the vote given by Daniel M'Carty after it was entered on the poll book. After the close of the election he should return the poll book with an affidavit thereto annexed, that such poll book contains a faithful and true statement of the poll in other words a faithful and true statement of the names of the persons who voted, and the candidates for whom they voted, as set down by him in their presence. There can be no doubt but the vote of Daniel M'Carty was placed on the poll book for the Relator by the Returning Officer while M'Carty was at the poll. It is the duty of every elector or voter to see while he is at the poll that his vote is entered for the right person. The vote of Daniel M'Carty was placed for the Relator on the poll book while M'Carty was at the poll, and M'Carty departed without making any observation. This gave the Relator a right to M'Carty's vote, so far as the Returning Officer was concerned, and so far as the return he should make was concerned. M'Carty's coming the following day to have his vote transferred to Joseph M. Taggart, had nothing to do with the matter. The Returning Officer should not have listened to him. He should have told him, if I have committed a mistake it was your fault, you should have the error rectified at the proper time, before you left the poll. It was your duty to see that I entered the vote for the right candidate. The evidence which had been offered to show how M'Carty voted in contradiction of the poll book should not have been received. The question before us, is not a question of scrutiny, but a question of return. The Returning Officer should have returned the Relator as duly elected, because he had, according to the poll book, a clear majority of one over the Defendant Donoghue; and if any error had taken place, the Defendant Donoghue had his remedy, but not from the Returning Officer. He should have applied to me or to one of the Judges at Toronto, when he would be sure to find an attentive consideration. It would be a dangerous and impolitic law indeed, that would permit a voter to return after discussing the merits of the vote he gave with his neighbors and friends and have it changed; and still more dangerous could it be if a Returning Officer could tamper with a poll book in any shape or form after the vote is recorded and the voter departs. The Relator has been deprived of a legal right by the improper and illegal act of the Returning Officer, and he asks me to restore him to that right from which he has been improperly [illegible] I not bound so to do? Judgment must issue that the Relator do forthwith be put into possession of the office of Councillor for the United Townships of Bedford, Olden, Oso and Palmerston, which he now usurps, and that the Relator, James Atcheson, be admitted in his place; and that a proper writ of Mandamus shall issue, commanding the Municipal Council of the said United Townships to admit him accordingly. And I further adjudge and order that the Defendant, John N. Bennett, pay the Relator all costs.

Judgment for Relator.

THE THEATRE.

On Saturday night Mr. Nickinson took his Benefit and drew an excellent House. He played admirably.

To-night the Company play three good pieces, "The Rough Diamond," "Betsy Baker," and "Tying it On," in all of which Mr. and Miss Nickinson appear.

To-morrow night, the Last of the Season, Miss Nickinson takes her Benefit, and puts out a most attractive bill.

BY THE "EUROPA."

CORRESPONDENCE OF THE N. Y. COMMERCIAL ADVERTISER.

LONDON, Jan. 30, 1857.

Since the departure of the Africa on the 24th, the chief topics have been the fall of Bushire, the state of affairs at Canton, the prospects of Italy from some measures of conciliation adopted by the Emperor of Austria, the commencement of the evacuation of the Danubian principalities, the continuance of the drain of gold from the Bank of England, and the uninterruptedness of the Paris Bourse.

The details of the capture of Bushire, arrived yesterday, the attack took place on the 9th of December, the small island of Karrack, which is within thirty miles of Bushire, and which is chiefly valuable from its supplies of water, having been occupied five days previously. A body of troops were landed at a point of level coast about twelve miles from the town, and pronunciled till they reached the fort of Bushire, a strong and defensive outwork, four or five miles from the town, and which was occupied by the enemy in force. This was speedily taken by assault, with a loss on the British side of 10 killed and 36 wounded. Meanwhile the fleet sailed to take up a position commanding the town, and after an engagement of 4 hours with the defences which appear to have been very strongly prepared, the Persian colors were hauled down, and a surrender ultimately took place. Although some of the ships were struck by the enemy's guns not a single man in the fleet was touched.

The cannonade had been preceded by an offer to the Governor of very favorable terms of surrender, but he demanded 24 hours delay and only half an hour was allowed him. Among the persons detained as prisoners after the capture, in addition to the Governor was a functionary from the Persian capital described as the Minister of Foreign Affairs. A month is said to have been given for communication with the Shah at Teheran, and meanwhile these personages, the latter of whom was understood to have been sent to Bushire to raise all the neighboring tribes against the "infidels" will be detained. Immediately upon the British occupation being completed the place was declared a free port, the bazaars were reopened, and the transactions of the people were resumed with as much regularity as if nothing had happened.

Whether the Shah will succumb is now the question. According to native representations he was determined to resist to the uttermost, but this of course would be his cry to the last. The loss of his principal port, coupled with the fact that some of the tribes of the coast have offered to act with the English, can hardly fail to bring him to submission. Here could hope for direct aid from Russia a prolonged defiance might be anticipated, but the vigilance of Lord Palmerston has brought the matter to a crisis two or three years earlier than the Czar had contemplated, and the recommendations from St. Petersburg will therefore be in a pacific sense. This indeed has been already notified by "Le Nord," the Russian newspaper published at Brussels, which has just taken the opportunity to observe that Russia has from the first counselled the Shah to accede to the terms of England by abandoning Herat and keeping to the conditions of his treaty with us.

Among the casualties of the present conflict there were some which will awaken the recollection of the public to the experiences of the war with Russia. Colonel Malet and another officer were shot down by men whom they had rescued from being cut down by our troops, and the first flag of truce sent into our port was fired at under circumstances which were afterwards apologized for as "a mistake."

The Chinese advices do not add much to the particulars previously received by telegraph. Governor Yeh having, after the destruction of the barrier forts, apologized to Commodore Armstrong for the attack on the American flag, and promised that it shall be respected in future, hostilities had been discontinued on the part of the United States squadron. The English commander was also desirous of limiting his operations as much as possible, but the firing of the foreign factories just before the departure of the mail had created an expectation that the city would no longer be spared. The rebels are stated lately to have gained successes in the neighborhood, and thus hemmed in as he is with difficulties the infatuation of Yeh appears astounding, especially as the most influential inhabitants of Canton are stated to have turned against his policy.

The next political event of importance is the grant of a general amnesty by the Emperor of Austria at Milan. A measure so complete was wholly unexpected, and it seems to have produced for the moment a great and very favorable effect. Unhappily, however, there is no hope of this being rendered permanent by the introduction of an improved and liberal system of administration. The gaols emptied to-day may again be filled to-morrow, so long as there is no guarantee for personal rights, and the will of the police is absolute.

The evacuation of the Danubian principalities by the Austrians has already commenced, and the scheme has been published for convoking the assemblies that are to decide on their future organization. Meanwhile a ridiculously exaggerated story is in circulation of a fierce quarrel between Sir Henry Bulwer, the British Commissioner to the Principalities, and Lord Stratford de Redcliffe, the British Ambassador at Constantinople, the former having openly accused the latter at the council table of the commissioners of having deliberately kept him in the dark on many important points.—The tale comes from French sources, and as the French at Constantinople seem to devote half their time to the composition of similar apologies—Lord Stratford being already [illegible] less than by [illegible] the Russians, as an incontrovertible political stumbling block—it will be requisite to wait its confirmation.

The demand in the London Money market continues to increase, and gold is taken from the Bank almost every day for transmission to the Continent, for the purchase of silver to send to the East. As this loss of bullion, however, has been thus far neutralized by the return of the large amount of sovereigns recently dispatched to Ireland during the Bank panic in that country, the directors have not yet deemed it necessary to resort to a new rise in the rate of discount. Some step of the kind is looked for next week, unless there should meanwhile be a large specie arrival either from Mexico or Australia. In consequence of this expectation the stock has been further depressed.—Consols which at the last date, were quoted 93¼ have since touched 93. The closing price this evening was 93¼.

The wheat manifests uninterrupted heaviness, and at the beginning of the week a fresh fall occurred of 3s per quarter, or nearly five per cent. This is to be attributed partly to large arrivals, and partly to the inferior condition of the supplies brought forward.

The report of the Liverpool cotton market for the week shows a limited business at dull prices.

The steamer from this side will be the Ericsson, on the 4th of February. Our last dates from New York are to the 13th of January.

FRIGHTFUL TRAGEDY IN HER MAJESTY'S 40TH REGIMENT.

From the Morning Post, January 30.

We have received Melbourne papers to the 31st October, and we regret that on this occasion the prominent topic is not the gold, or the advancing prosperity of the colony, but an incident which has occurred in Her Majesty's 40th Regiment.

The circumstances of the tragedy are these:—"His Excellency the Acting Governor held the half yearly inspection of the troops in garrison yesterday at the Prince's Bridge Barracks, when the 40th Regiment was paraded and went through various evolutions. The inspection being over, the officers retired to their quarters, and Ensign Pennefather, with others, engaged in friendly conversation. Shortly afterwards between 12 and 1 o'clock, Ensign Pennefather rushed out of his room with a six-barrelled revolver in his hand, and meeting, just as he got outside of the house, Ensign Keith, he presented the pistol and fired at him. The ball passed through Ensign Keith's cheek, and came out at the back of the neck. At the time Dr. M'Cauley was seated in an arm chair on the grass in front of his quarters, reading. In consequence of the accident which he met with a few weeks since, by falling from the gallery upon the vestibule of the Theatre Royal, the doctor was an invalid, and his crutch lay by his side. After firing at Ensign Keith, Pennefather ran to where Dr. M'Cauley was sitting, and placing the pistol on the Dr's mouth, he fired, and the ball passed out at the back of his neck. Pennefather then looked round as if anxious to find some one else to shoot, when Ensign Lucas ran forward to wrest the pistol from him. On seeing him approach Pennefather fired and shot him in the jaw. With a maniacal "Ha, ha!" the wretched man then placed the pistol at his own head and fired, the ball entering his right temple. Such, as near as we can learn, are the brief but shocking incidents of this distressing affair. Dr M'Cauley is dead. Several persons ran to him immediately after he was shot; he was still sitting in his chair, but life was extinct. Ensign Lucas is severely and Ensign Keith dangerously wounded, but both are expected to recover. As Ensign Pennefather there is no hope. By making incisions, the ball and piece of skull have been removed but the injuries are of too serious a nature to allow of a belief that the unfortunate cause of the tragedy can survive. The commission of so frightful an act can only be attributed to a fit of insanity. For the last three weeks Ensign Pennefather had been on the sick list, and it was generally believed that his mind was affected. Only a few days since Dr. M'Cauley is reported to have said to Pennefather in a half-joking way, that if he didn't mend he should have to send him to the Yarra Bend. Whether the frenzy was provoked by any temporary cause we have not been able to ascertain; but in the absence of any such, the fit was probably owing to the sudden change in the weather and the excitement of the review. Poor Dr. M'Cauley died in his chair, after one or two ineffectual attempts to speak or respire. As might have been anticipated, the wretched maniac was dead before midnight; and subsequently an inquest was held on the bodies of Dr. M'Cauley and Ensign Pennefather. The evidence was conclusive as to the insanity of the poor young man".

THE NEW YORK MURDER.

The New York papers, by last evening's mail, contain very little additional in reference to the Broad Street tragedy. The Grand Jury are busily engaged in the examination of witnesses. Coroner Cosnery has been sued for false imprisonment by Mrs. Jane Seymour, the clairvoyant, who claims damages to the amount of $10 000. Mrs. Cunningham, through her counsel, has, in her alleged character as widow of the deceased, applied to the Surrogate for letters of administration on his estate. David McMurray, jr., who keeps a Brush Warehouse on Pearl street, writes to the papers:—George V. Snodgrass has been in my employment since the 1st of January, and has always fulfilled his duties to my entire satisfaction, and was in my store at the time the dagger was said to have been purchased, which can be proved when called for by young men in my employment." The Herald states that a young lady was brought before the Grand Jury, who says that Mrs. Cunningham asked her to be a witness to a marriage between her and Eckel. She does not remember the exact date of the occurrence but she says it was somewhere about the time the reputed marriage between Dr. Burdell and Mrs. Cunningham took place.

LATER BY TELEGRAPH.

The proceedings before the Grand Jury in the Burdell case, have it is said, devoved an entirely new and startling theory of the murder. Dr. J. W. Francis was examined on Wednesday. His testimony went to show that the first stab given to Dr. Burdell must have been dealt by a person thoroughly conversant with the anatomy of the human frame; and the Doctor's opinion is that the murder was committed by a person educated as a physician. The police are on the track of the person suspected of being the murderer.

Important intelligence has been received from Mexico. A correspondent of the N. Y. Herald, writing under date of February 1st, states that on the previous evening a treaty had been signed between the United States and Mexico, by which the United States Government is to loan Mexico $15,000,000. Of this sum $3,000,000 goes to pay American claims. As security for the loan the United States are to receive fifteen per cent, of the customs. Arrangements are also to be made for more unrestricted commercial intercourse between the two countries. A postal treaty will also go into operation at the same time. The constitution was completed on the 31st January, and goes fully into effect in September next, until which time Comonfort's extraordinary power continue. The election takes place in May, and the new government, with this constitution entire, goes into effect also in September.

Boggs Insurance Companies.

From the Montreal Commercial Advertiser.

Messrs. Moyle and Whyddon, late Agents for the Athenæum Insurance Company, have published a document explanatory of the position of the shattered, in this Company, which is any thing but gratifying to those taken in and done for. There is nothing particularly extraordinary in the collapse of this company; it was a bubble from the beginning.

It terminated its existence on the 18th of September last, by sale of its good-will or amalgamation of its interests with the Times and Beacon. But after this period the agents continued to effect insurance and to receive premiums, knowing that no such Company existed; and the policies thus granted by them the new association has refused in some cases to assume, and in others has taken at increased premiums. The new association declares that the Agents had no right to affect insurances on the part of the Athenæum after the amalgamation; and the Agents on the other hand set forth that they had no instructions to discontinue business, and that its continuance was tacitly allowed by the Manager of the United Companies. If the effects of this disagreement were confined to the parties immediately engaged in it we could afford to let them fight it out; but beyond them are the policy holders, men who have paid their premiums to a definite end, and expect, to obtain a security which they have not compassed. The position is a very plain one, they have been swindled, and their only apparent security lies in protecting themselves by a re-insurance in some substantial office.

The holders of Athenæum policies granted after the 18th of September have no legal claim on the United Companies, unless it can be shown that there is a provision in the deed of amalgamation, providing that they should assume not only the risks, then existing, but such as might be created thereafter on account of the individual associations. And even in this unlikely case, their resource is a very poor one. The cheapest and best plan every way for the insured who have a trustworthy loss by fire is to re-insure at once, and to take care this time that the Company is responsible.

Messrs. Moyle and Whyddon cast all blame of the position of those insured after September 18th upon the breach of faith by the Times and Beacon, after a careful consideration of their expartestatement, we can come to no other conclusion than that their defence is a failure.

While they were publishing statements of the solvency and integrity of the Athenæum, last fall, and thus deluding the simple into their trap, they knew that the concern was ruined, and its security utterly worthless. They do not come before the public with clean hands, but stand on this account in the position of men knowingly deceiving it, in one of the most important transactions in a commercial community.

It may be said that they did not know the true position of the Company; to which we reply that they could only have avoided knowing it by studiously closing their eyes to its home transactions; sufficient publicity was given to these to have informed any one who desired information.

But giving them the benefit of as much ignorance as they choose to claim as regards the standing of the Athenæum up to the month of September, which we can afford to do, as the new Association has assumed the policies of the period, nothing can justify their conduct after it.—They had no right to assume a single risk in the name of the Athenæum after they were notified that it had ceased to exist; nor after they obtained knowledge that such an event was likely. No amount of special pleading will enable them to escape from their position; insuring in the name of a Company which had no existence, they were obtaining money under false pretences. It is not necessary for us to enquire whether the Agents thought that their acts would be confirmed by the Times and Beacon; for, had they been, it would have been only a confirmation of deeds in themselves illegal. No authorization on the part of the London Board of the Athenæum to the Agents here to continue business in its name after amalgamation, is of any more value, in this regard, than the consent which A gives to allow B to rob C's dwelling. The union of the Companies extinguished them individually, and an authorization was necessary from the amalgamated Boards to enable the Agents of any of the Companies to insure, and the risks could only be taken in the name of the new Association. It was necessary to give instructions to the Agents to stop business in the name of the Athenæum; Mr. Whyddon has been a lawyer and ought to know that corporations cannot act after their death.

The same prudence which induced the Agents to proceed to England on receipt of news of the decease of the Athenæum ought to have induced them to have stopped insuring; but it did not.—They were anxious about their position in the new Company, but they were worse than careless of the interests of their clients. Indeed we are credibly informed that greater avidity was shown for risks, and an extraordinary thirst for premiums exhibited after the amalgamation was known here, and that many of the insurances effected at this period are of a character which no prudent company would assume on any terms.

Messrs. Moyle and Whyddon tell us that:—

"At the interviews with with Mr. Sheridan, every effort was made by him to induce Mr. Moyle to undertake the general agency of the amalgamated Company, on the same basis on which he and Mr. Whyddon had heretofore conducted the Athenæum in Canada East and West; Mr. Sheridan even offered to nullify the agreement already acted upon with the present General Manager of the Times and Beacon Company in the Canades, in order to effect this, Messrs. Moyle and Whyddon felt bound to the parties assured under their agencies to make inquiries in London respecting the position and means of the Beacon and Times Companies. Upon referring to the Book of Returns of Insurance Offices, ordered to be printed by the House of Commons in 1850, the balance sheet of the Beacon Company to the 16th March, 1854, shows its paid up Capital to be then £3 550 Sterling only, and the liabilities and assets balanced by a loan to the Company of £1000 Stg. By that Company's printed balance sheet for the year ending 16th March 1855, (not published in before mentioned book) it appeared that with a paid capital under £6000 Sterling, (do due on call, £2 267,) and a published income of £6,903 10s 8d Sterling, the Company admitted insurance liabilities on Life £24,620, and on Fire, (including a quarter of a million Sterling guarantee to other Companies) £8-1,737 15s, or nearly 9-10ths of a million Sterling.

In 1856, this Company's Fire business was amalgamated with that of the Times, and the Life business disposed of to the Albert Insurance Office.

It ultimately resulted from enquiry and investigation, that with every desire to execute the business they had severally obtained for the Athenæum, Messrs. M. & W. could not accede to Mr. Sheridan's wishes."

Now we have every disposition to give these gentlemen all the credit they claim for desiring not to act for any Company which does not stand A No. 1, but there are some awkward facts in the road. Mr. Whyddon was up to last year, the Agent in Montreal for this very Beacon Company which he now informs us to have been insolvent in 1854, and when he accepted that appointment, retained the Books of the Company as he since did those of the Athenæum. This is his only evidence in the Superior Court of this District in May last.

"In May, 1864, I became Agent for the Beacon Insurance Company. I am not now agent for the Beacon, but for the Athenæum. I yet retain the books and papers of the Beacon Company until my account is adjusted. I have not yet been threatened with an action for the recovery of these books; but there is a correspondence going on concerning them."

However bad the position of the Beacon had been, Mr. Whyddon was his Agent during its worst days, until he became connected with the Athenæum when in articulo mortis, and ashamed to publish any return at all. The fact of Mr. Whyddon having been the willing agent of two hopelessly rotten Companies in succession is but a poor introduction to his new found fastidiousness; particularly when we find he has nothing to say against the Times, which appears to have been in a sound condition, with a paid-up capital in 1855, of £15 528; and whose insurance business as compared with the Beacon and Athenæum, as represented by the duty paid was for the years 1853, 1854 and 1855, as follows:—

	1853.	1854.	1855.
Times	£1009	£1451	£1965
Beacon	185	231	217
Athenæum	312	81 3	903

On their return to Canada in December, Messrs. Moyle and Whyddon cancelled all acts done in their Agencies, up to the 30th of November. Yet they did not show that they stood in a different position on that day towards their employers than they had done at any previous time after notice of the amalgamation; according to their own showing they were still authorized to insure on behalf of the dead Company, and were without any new instructions except to render an account of investments, funds in hand and due from agents. They had as much right to go on insuring in December as they had to do so in September. How much Mr. Whyddon's appointment as Agent to another Company had to do with this motion may be surmised.

Whether the Manager of the Times and Beacon deceived Messrs Moyle and Whyddon we neither know nor care to be informed of; the question we have to deal with is deceit practiced by the latter towards those insured with them. Discovering in London they say by inspection of a Parliamentary Return the insecure position of the new association; they refused to have anything to do with it; that Parliamentary report was in Canada months before, in the hands of Insurance Agents, generally known and commented on, and we find it difficult to believe that these gentlemen had to obtain their first knowledge of it in England. But assuming that they did, what steps did they take? Did they resign their Agencies? Did they notify their officers in Canada to cease operations? No! we have no evidence that they did a single act to check the influx of premiums, or in any way to alarm the daily victims. They new the insolvent Athenæum to have been merged in an Association which they considered no better, but they did not impart this information to the deluded policy holders; believing the United Companies to be unable to fulfil their engagements they did not warn their clients to secure themselves by insuring the Insurance Office, a very necessary process now-a-days; and above all they never dreamt of cancelling the policies issued by them after notice of the amalgamation, and returning the premiums to the deluded holders!

They attended to their own interests and were careful of their own commissions; they had not a thought to spare, nor a care to waste upon the hundreds whose money they obtained for renewals and insurances in a Company that did not exist although, by their own admissions, they believed that losses could not be collected from it or its associates.

There may be a shade of difference between the makers of bogus bank bills and the fraudulent utterers, so there is we presume between the principals of bogus Insurance Companies, and their knowing Agents; but it is so nice as to be hardly distinguishable.

If we are not mistaken Mr. Moyle advertised a few months ago, that the Athenæum had a large available balance in Canada.—What has become of this sum and the premiums received by him and Mr. Whyddon; It would be more interesting to policy holders who have already suffered losses, and those who have to cover their risks by insuring elsewhere to know what has become of this money, and how much is applicable to their just claims, than to go into the discussion, of the due amount of honesty and rascality to be apportioned to the insurance Companies and their Agents, in the transaction between them.

Loss of Life on the Lakes and River During the Year 1856.

The general statement of losses on the lakes and river, during the past year, furnished by the Board of Lake Underwriters, and of which we published an abstract on Friday last, shows a fearful increase in the loss of life over the years 1854 and 1855. The number of lives lost by marine disasters during these two last years, being 119 and 118 respectively, while in 1856 they mounted up to 407. Of these 407 persons, 58 were lost in Canadian vessels. The losses in property, on the other hand, have decreased 25 per cent, owing to the increased facilities for saving wrecks. The whole value of the property lost during the season was $3,038 874; and of this amount $126,650 belonged to Canadians.

The contrast between the figures is startling. Had we a Humane Society existing in America, there is no doubt that their contemplation would be sufficient to galvanize that body into an indictment of the Provincial and State Governments on the whole of the frontier. For their culpable remissness in not providing those means which have been introduced elsewhere, for the purpose of saving shipwrecked crews. In other countries the preservation of life is the first object. In America, an utter recklessness of life is the prevalent characteristic, and the preservation of property is the principal care. The losses on property have decreased 25 per cent,—and the season was unusually severe—but the losses of life have increased 550 per cent. So reads the statement. Professor Kings only called the attention of the Canadian Institute to the feasibility of diminishing the number of shipwrecks, by heralding the approach of a gale through telegraphic agency; would it not be well for some other philanthropist to call the attention of the Government to the propriety of establishing life-boats, and other wrecking apparatus, at dangerous points? The necessity is great, not merely from motives of humanity, but from considerations of political economy. If our seafaring men are to be swept away at the rate of 407 per annum, there will be but few left in the courses of a short time to carry on the indispensable commerce of the country. This consideration will, perhaps, have some weight though the other may have none. It is true that we have no Governmental Department, which at present can properly take cognizance of this subject; but why should we not? Parliament is approaching, and an Act might be passed combining the office of the Minister of Marine with that of the Minister of Agriculture. Mr. Vankoughnet's for the extinction of weeds might profitably be varied by efforts for the temporal salvation of seamen and, as one object the aims at appears remote and uncertain, while the other would be prompt and effective, he would at least have something to congratulate himself on when retiring from office. [illegible] Advertiser.

IMPORTANT FROM NOVA SCOTIA.

DEFEAT OF THE GOVERNMENT.

We learn by telegraph from Halifax that on Wednesday, a resolution by the Hon. Mr. Johnston, declaring want of confidence in the Government, was carried by a majority of six. Two Conservative members were absent from the division, the result of which caused great excitement. The following was the vote of confidence resolution:—

"Resolved—That it is essential to the satisfactory result of the deliberation of this House on the important measures submitted by his Excellency the Lieutenant Governor in his Speech, for its consideration on other matters of public interest, that her Majesty's Executive Council should enjoy the confidence of this House; and therefore this House feels it to be respectful to his Excellency, and due to the people we represent to declare, before the subjects are brought under debate, in answer to his Excellency's speech, that the present Executive Councillors of his Excellency do not possess the confidence of the representatives of the people—and that it is the humble duty of this House respectfully to inform his Excellency that the confidence of this House, so essential to the public welfare and the co-operation of this House with the administration of public affairs, is not enjoyed by his Excellency's present constitutional advisers."

CHURCH OF ENGLAND MISSIONARY MEETING.

On Tuesday Evening, the 24th instr. at half-past 8 o'clock P. M., the Church of England Missionary Meeting will be held in St. Marks', Barrefield. Several Speakers will address the audience, and a general attendance is earnestly requested from the Neighborhood and the City.

EXECUTION OF VERGER.

Verger asked to be allowed to attend mass in the prison chapel on Sunday. As his demeanor had been for some days calm and collected, no objection was made.—During the service, however, his manner changed, and he became so violent that he had to be removed.

Verger's appeal having been rejected by the Court of Cassation, after three hours deliberation, his execution took place on Friday morning, at seven o'clock, on the Place de la Roquette. Verger did not, during his last moments, preserve that haughty demeanor which he had hitherto maintained. He was greatly depressed, and it was found necessary to carry him to the scaffold.

A singular case has arisen before the Court of Session Scotland, arising out of the Franklin expedition, which is thus stated:

The late Adam Fairholme, who died in May, 1853, left his nephew, James Walter Fairholme, lieutenant in the Royal Navy, who sailed from Nor hill et, on board the Erebus, for the North Seas, in May, 1845, and has not since been heard of.—George Fairholme, another nephew, has instituted an action to have it found, under the destination of a codicil, that he is entitled to the whole of the testator's personal estate, valued at £47 509. This is opposed by other relatives whose interests, so far as involved in the lawsuit, depend on whether or not James Walter survives or survived his father.

Proof by commission was taken with the view of legally establishing the questions raised in the case, and among those examined were Dr. Rae, Sir John Richardson, James Hargreave, chief factor in the service of the Hudson's Bay Company, Captain Penny, and others. Dr. Rae expresses his belief that those reported to have been seen in the Spring of 1850 must have died in May of that year, and he believed to be the last survivors of Franklin's party. James Hargreave thinks that some of the party might have survived a single Winter after they had been seen by the Esquimaux in 1850, but certainly not longer. Sir John Richardson says, "That if any of the party reached the country where they were said to have been seen at the end of the Winter of 1849 50, it was impossible for them to survive a single year with any means they could have at their disposal."

Captain Penney remarks:—"I do not think that any of the party could have survived 1852; they must either have perished of hunger, or from the hostile attacks of the natives." The Lord Ordinary (Mackenzie) has reported the whole circumstances of the case to the Inner House, expressing his own opinion that there is thus strong presumptive evidence that Lieutenant Fairholme perished with his companions some time prior to the end of 1854, and consequently that he predeceased his uncle, the testator, who died in May, 1853. His Lordship thinks that in these circumstances the pursuer George Fairholme, is entitled to decree in his favor, but qualified by this condition, that before payment he should grant a bond with sufficient security to warrant the defender against all hazard from any claim to the money decerned for by Lieutenant Fairholme, or others in his right.

Sir Robert Peel has stirred up a hornet's nest by his singular speech at Birmingham, describing his visit to Moscow. A numerous deputation of English residents at Brussels waited upon the Prince de Ligne, at his hotel, to "declare their reprobation of the personal vulgarities uttered by Sir Robert Peel" against that nobleman, and their "deep regret that the nobleman selected by the King of the Belgians to be his special ambassador at the coronation of the Queen of England in 1828" and lately deputed in the same capacity to the Emperor of Russia, should have met with an insult from an Englishman, utterly unprovoked, and couched in terms unknown to the language and to the sentiments of honorable men."

The Prince received the deputation very cordially, thanked them with much warmth for the compliment paid him and thus disposed of Sir Robert Peel.

Believe me that I am deeply sensible of the generous kindness that has prompted you thus to repel the vulgar aggression unwarrantably made upon me by Sir Robert Peel. I pray you to be persuaded that I do not suffer the displeasure I may experience at this low-bred indignity to affect for one instant the high respect and sincere regard long and cordially entertained by me for England and the English. The coarse verbiage adopted by Sir Robert Peel, to revile me belongs only to a sot (ivrogne) and a blackguard (gamin), and as such I regard it with proper contempt; but, without seeking that personage, should chance every place me in an unpalatable contact with him, I shall not hesitate to say, that his conduct toward me has been that of an undebred good for-nothing (mal elevé et vaurien.)

Davis' Pain Killer—From the reports of dealers in this city, we think the proprietory medicine has had a larger sale. Its valuable properties, as a speedy cure for pain, cannot fail to be generally appreciated, and no family should be without it, in case of accident, of sudden attack of dysentery, diarrhœa, cholera morbus, and even Asiatic cholera, yields to its magic power, as we see by reports from those sections in the southwest where the disease has been particularly virulent the past Summer.—Montreal Transcript.

☞ We are glad to learn that Perry Davis' Pain Killer is having so large a sale in our city. We have every reason to believe it to be an almost never failing cure for pain, and as such is a medicine in every family should be without.—Montreal Pilot.

DOMESTIC.

MILL DAM SWEPT AWAY BY THE FLOOD.—Mr. Peter Perry's saw mill, at present owned by Mr. Bailey, in the 2nd Concession of Whitby, was carried away by the flood on Monday night. The loss sustained will we are told, amount to £200. Great praise is due to Mr. Robert Dixon, who had charge of the mill for his exertions in preserving the property.

THE FRESHET AT OSHAWA.

From the Oshawa Vindicator, 18th.

The river at this place on Monday morning, rose to a height never before attained within the memory of the oldest inhabitant, surmerging the road for eight or ten rods on the west side of the bridge, and inundating all the neighboring orchards, gardens, and fields. The residences of Messrs Mark, Hollings, Mrs. Shaw, and others in that vicinity, were "entirely surrounded by waters" One gentleman, on attempting to leave his home, became overpowered by the force of the current and the depth of the water, and was only rescued by the assistance of a rope thrown from his dwelling; it was expected by many that the stone bridge would go, but save a few jags from boulders of ice, it stood the current without injury. The bridge at South Oshawa has been carried away, also a number of bridges and mill dams in the vicinity of Bowmanville, and through the back country.

It is supposed that Mr. J. Henderson, the Postmaster at Port Stanley, has absconded taking large sums of money belonging to the Post Office with him. It is said he has fled to the United States, whether he will be pursued.

GRAND TRUNK RAILROAD—QUICK DESPATCH.—We understand that the portion of the cargo per "Anglo Saxon" at Portland which was shipped at Liverpool on Thursday by ships of sailing, reached Longueuil on Monday night. The goods for Montreal were delivered on Tuesday, and those for Toronto will be there probably to-day, being six days from the arrival of the Steamship at Portland.—Transcript.

It is said that on the Peshakame river, in the Lake Superior region, there is a ridge of specular oxyde of iron—nearly pure—115 feet high, 100 feet wide, and extending miles in length.

KINGSTON MARKETS.

Saturday, Feb. 21.

	s.	d.		s.	d.
Flour ₱ cwt	0 15	0	to	0 16	3
Wheat ₱ bush	0 0	0	..	0 0	0
Oats ₱ bushel	0 2	6	..	0 2	9
Rye	0 3	0	..	0 3	3
Barley	0 5	0	..	0 5	3
Peas ₱ bushel	0 4	0	..	0 0	0
Indian Corn do.	0 0	0	..	0 0	0
Indian Meal	0 6	3	..	0 7	6
Potatoes do.	0 [illegible]	6	..	0 3	3
Turnips do.	0 2	6	..	0 3	9
Carrots and Beets do.	0 0	0	..	0 0	0
Onions do.	0 10	0	..	0 15	0
Butter ₱ lb	0 1	0	..	0 1	3
Beef ₱ cwt	1 7	6	..	1 15	0
Pork do.	0 32	6	..	0 40	0
Beef ₱ lb.	0 0	3	..	0 0	4
Pork ₱ do.	0 0	4	..	0 0	5
Ham and Bacon ₱ lb	0 0	7½	..	0 0	9
Mutton ₱ lb	0 0	4	..	0 0	4½
Lamb ₱ lb.	0 0	0	..	0 0	0
Veal ₱ lb	0 0	0	..	0 0	0
Cheese ₱ lb	0 0	6	..	0 0	9
Eggs ₱ doz	0 1	0	..	0 1	3
Turkeys each	0 5	0	..	0 7	6
Geese each	0 2	0	..	0 3	0
Fowls ₱ pair	0 1	6	..	0 2	6
Ducks ₱ do.	0 2	6	..	0 3	9
Apples ₱ bushel	0 0	0	..	0 0	0
Fresh Salmon each	0 0	0	..	0 0	0
Hay ₱ ton	4 10	0	..	5 10	0
Straw do.	0 0	0	..	0 0	0
Timothy seed ₱ bushel	0 0	0	..	0 0	0
Clover Seed per bushel	0 0	0	..	0 0	0
Wool ₱ Cwt	1 0	0	..	1 5	0
Pot Ash ₱ cwt.	0 37	10	..	0 0	0
Hides ₱ cwt.	1 7	6	..	1 10	0
Sheep Pelts each	0 3	6	..	0 3	0