The Daily British Whig.

Oppifer per Orbem Diese."

WEDNESDAY MORNING, MAY 13, 1857.

THE BURDELL MURDER.

ACQUITTAL OF MRS. CUNNINGHAM.

The jury in the Burdell Murder case came into Court on Saturday evening with a verdict of acquittal for Mrs. Cunningham. A great deal of censure is showered upon District Attorney Hall for the character of his speech.

The following is what transpired after the conclusion of the Judge's charge:—

At 7 o'clock the jury retired, and the result was awaited with almost breathless anxiety. It is a remarkable evidence of the ability and fairness with which Judge Davies conducted this important trial that not a single exception was taken to any of his rulings or to his charge by the watchful and zealous counsel on either side. After the brief absence of thirty minutes, the jury returned.

The Clerk—Jurors, look upon the prisoner; prisoner, look upon the jurors—How say you, gentlemen, do you find Emma Augusta Cunningham, otherwise called Burdell, guilty or not guilty?

The Foreman—Not guilty.

Some manifestations of applause.

Mrs. Cunningham was so agitated that she scarcely could hear the words that the foreman uttered, and it is said that she did not know what the verdict was till her counsel whispered it to her; then she sank back overpowered by her feelings.

The Clerk—Gentlemen of the jury, you say that you find Emma Augusta Cunningham, otherwise called Burdell, not guilty of the murder and felony of which she stands indicted. So say you all?

The jury nodded assent.

Mrs. Cunningham and her daughters were then conducted out of Court into one of the Judge's chambers, and there for some time received the congratulations of their friends.

Judge Davies (to the jurors)—Gentlemen of the jury, you are discharged from further attendance. I regretted to have to impose so heavy a task upon you, but I think you are all satisfied that the Court did its jury in that respect.

The jurors then retired, each shaking hands with and complimenting the Judge, and the Judge reciprocating the compliments.

The Tribune says that—

"A few moments after retiring the jury proceeded to take their first ballot. Mr. Coe, one of the jury, objected to voting then; he stated that on being examined as to his competency to sit in the case he had answered the different questions as his conscience dictated, and after he had been accepted by the counsel he asked the Judge to be excused from sitting in the case, and had begun to state as a reason why his request should be granted, that he was an acquaintance of the Cunningham family, which fact might place him in a position where he would be liable to public censure.

The Court, however, refused to hear his request, and he was compelled against his will to take his seat. His anticipations had been realized; the fact of one of the jury being an acquaintance of the family having been alluded to in the remarks of counsel, and having been commented upon by some of the journals, in view of these facts, he declined to vote on the first ballot. The propriety of Mr. Coe's refusal was discussed for some minutes, after which the other members of the jury acquiesced, and the ballot was taken, which stood eleven for acquittal, Mr. Coe not voting. The second ballot was then had, Mr. Coe voting with the others for acquittal.

THE DISCHARGE OF MR. ECKEL.

After Mrs. Cunningham Burdell had left the Court room, John Graham, Esq., counsel of John J. Eckel, who was in court the whole proceeding, said:—

If your Honor pleases, after the rendition of the verdict in the case, I move the Court that Mr. Eckel be discharged on his own recognizance. It would be an outrageous sequence to send him back to prison to-night. The learned District Attorney is too good a judge of his duty to the community not to be aware that in a charge involving the lives of two human beings, it would be a great injustice to the community to try the weakest case first. We are bound to presume, from the intelligence which we all of us award him, that he placed the prisoner just liberated by the verdict of the jury, on trial, supposing that the case against her was the strongest. That would determine the case as against Mr. Eckel. The whole of the prosecution's theory against Mr. Eckel, under which he has been indicted and restrained of his liberty for three months, has been that he, as the paramour of the prisoner just discharged, aided and participated in the commission of murder.

In other words, that he was a kind of principal in the second degree, or at all events had some knowledge which might render him amenable as accessory before the fact. Now, whatever his relations to the crime were, if he had any relations to it at all, it is evident that he did not occupy, under the theory of the prosecution disproved by the present verdict the relation of a principal in the first degree, because the prisoner who has just been discharged has been indicted as the sole actor in the commission of the murder. The people, by their grand jury or the theory of their grand jury, having presented her as the sole actor in the commission of that crime, and having failed to establish that crime against her as a principal in the first degree, it is idle to suppose that Mr. Eckel could have any relation to the crime, either as principal in the second degree or as accessory before the fact.

I do not intend, unless it should become necessary for the purpose of showing his Honor the justice as well as the humanity of this motion, to dilate on the circumstances, unless it be rendered necessary by the District Attorney opposing it. But I submit to this Court that this case, which has been all along supposed to attract to it the case of Mr. Eckel having been decided in favor of the defence, and the prisoner in the case having received an honorable discharge at the hands of a jury of her countrymen, it would be most inhuman as well as outrageous and indecent, to compel Mr. Eckel to remain in prison—or even to exact from him any bail for his appearance beyond his own bail, until the Court of Oyer and Terminer be ready to try the case.

Mr. Eckel is a man of respectable character in this community, a man as little capable of entering into a deed of this kind, as—if I may say so with respect—his Honor on the bench—a man surrounded by friends, composing the most ornamental members of society; a man who could have no inducement to enter into the perpetration of such a deed; a man who had many friends to whom he had only to apply for any amount of money he needed; a man who is at the head of an extensive and prosperous business, and who has been drawn from that business on a supposition which has been proved by the verdict of an honest jury to be unfounded, even against the principal.

Now under these circumstances, I submit to this Court, and I ask of its humanity, as well as out of justice to the prisoner, to make an order that until the time to which this Court adjourns, the Court order the prisoner to be discharged on his own recognizance. I do not know that the District Attorney will make opposition.

The District Attorney was not disposed to oppose the motion. He moved, however, to have the case referred to the Court of Sessions.

Counsel for Mr. Eckel appealed to the District Attorney not to press that motion till he should have an opportunity of consulting his associate counsel.

Mr. Hall did not press his motion.

Judge Davies—What is the amount of Mr. Eckel's property.

Mr. Graham—From $10,000 to $15,000 I understand.

Judge Davies—Would $5,000 bail be adequate?

The District Attorney—Ample.

Judge Davies—(To the Clerk)—Take Mr. Eckel's recognizance in $5,000

The recognizance was taken, and Mr. Eckel was discharged from custody.

And here the curtain falls on this drama for the present.

Judge Davies adjourned the Court of Oyer and Terminer to Monday next, the 18th instant, when the District Attorney will probably enter a nolle prosequi in the case of Mr. Eckel.

On Saturday night Mrs Cunningham, with her children, was conveyed in a carriage to No. 31 Bond Street, the scene of the murder, where it is said she proposes to remain until the rendition of the decision of the Surrogate touching her alleged marriage with the late Dr. Burdell.

Yesterday, small knots of people gathered about the premises 31 Bond St., with the expectation that Mrs. Cunningham might appear at the windows. They were disappointed. Occasionally they would raise a feeble cheer, with the intent to draw her forth. Captain Dike detailed two policemen to disperse the crowd and preserve order.

The Funeral of Bishop Gaulin.

Yesterday by the afternoon Train from below came the Body of the Rt. Reverend Remigius Gaulin, Roman Catholic Bishop of Kingston. There was a vast concourse of the Inhabitants, of all creeds and classes, in waiting at the Station to receive the Body and pay it the honors due to the truly estimable Prelate whose soul had so recently quitted it. A Funereal Procession was in due time formed, and proceeded in this order, under the marshallship of Mr. Hugh Cummins. First came the Scholars of the Christian Brothers, attended by their Tutors. Then a large body of Clergymen, in surplices, with Bishop Phelan in the midst, chanting part of the Burial Rite, preceded by the Boys who serve the Mass, and by Standard Bearers with the Cross and Candlesticks. Followed by Capt. O'Reilly's Company of Rifles, (No. 2,) and attended by the Rifle Band, all with arms reversed; the Band playing the Sicilian Hymn and other Sacred Marches. In order next came the Body carried on Men's shoulders, with a double set of Pall Bearers, three Clergymen and three Laymen on each side, all in deep mourning. Several carriages filled with mourners followed the Body, in one of which was the Mayor, attended by many of the City Aldermen and Councillors. The whole wound up by a large number of Citizens all in mourning, and walking two and two. In this manner the Procession entered the City and passed through the leading streets (the Shops and places of business all closed,) towards the Roman Catholic Cathedral (hung in black,) where the Body was deposited before the High Altar, preparatory to the Funereal Ceremonies to-day. Bishop Gaulin was a worthy man and much beloved in Kingston.

MILITARY MATTERS.

Lieut. General Sir Wm. Eyre and Suite left Kingston yesterday afternoon for Montreal, via the Grand Trunk Railroad. Previous to his departure the General attended an Inspection and Review of the Ninth Regiment on Barriefield Common. Rumor asserts that the General expressed himself dissatisfied—probably at the great desertion of the regiment. On this subject it may be as well to hint, that the same pains to prevent desertion do not now appear to be taken as in former times when the same evil existed. Too many small boats are allowed to be kept by the inmates of the Dock Yard Cottages, (all tenants on sufferance,) thus placing temptation unnecessarily before the men. This should be reformed in a very summary way.

Sir George Simpson accompanied by Major Seaton, Canadian Rifles, and Mr. Osborne, Engineer Officer, left Kingston yesterday for Toronto, on their way to the Red River Settlement, via Lake Superior and the ordinary land route. The Canadian Rifles, under Major Seaton's command, are to proceed thither, in a seagoing Steamship, from Québec, via the Hudson's Bay and York Factory. Mr. Osborne is to return in the Fall.

SINGULAR TAKE OF DUCKS.—Some fishermen of Oakville recently planted some Gill Nets several fathoms deep in the lake opposite their good village, and on visiting them next day found sixty-five wild ducks, who had been caught in the nets, striving to get at the fish taken.

GREAT VERDICT.—The great Belleville case of Corby and others against Holland, Cotton and others, (City of the Bay steamer) has resulted in a verdict for the plaintiffs for six thousand six hundred and odd pounds.

PARLIAMENTARY.

HOUSE OF ASSEMBLY,

Toronto, May 12.

The Bill to incorporate the Sisters of our Lady of Loretto of the diocese of Toronto, was read a third time and carried by 74 to 14.

The Bill was accordingly read a third time and passed.

The following bills were discussed in committee of the whole, and ordered a third reading to-morrow:—

Bill to amend the charter of the Ontario Simcoe and Huron Railroad Company (and amendment)—Mr. Robinson.

Bill to amend the Act providing for the division of Maskinonge.—Mr. Polette.

Bill to amend the Act incorporating the Minister and Trustees of St. Andrews Church, Montreal.—Mr. Holton.

Bill to vest a certain road allowance in Dundas in J. P. Crysler and G. Hummel.—Mr. Chisholm.

On motion of Mr Mackenzie, the House went into committee on the Bill to improve the mode of taking evidence in case of Controverted Elections.

After some discussion, the committee rose, reported progress, and obtained leave to sit again to-morrow.

On motion of Mr Bowes, the House went into committee on the Bill to amend the Act conveying certain water lots to the City of Toronto, with power to construct an Esplanade.

The committee rose, reported progress, and obtained leave to sit again on Wednesday.

The House rose at half-past eleven.

THE THIRD LIBEL CASE.

At the conclusion of the case "The Queen vs. James Magar," tried yesterday, eleven obstinate men were found on the Jury, who would in nowise consent that the said James Magar should be fined or imprisoned for publishing his letter in these columns. One high minded individual resented the fractiousness of the other eleven, and would not consent to a verdict of acquittal. So determined was this gentleman in his views, that there was no chance of convincing him, even in a whole night's debate, and the Jury were, therefore, allowed to go at large, upon their pledge to meet again at half-past nine o'clock this morning. We imagine that there is very little hope of the eleven obstinate men coming into this individual's views, and we need not therefore look for a verdict. The verdict, we ought rather to say, has been already given, by the opinion of the public, and by an immense majority of the jurors who have tried these cases. Dr. Workman, as the originator, and the Government as the prosecutor, of this malicious indictment of Magar, have been thoroughly foiled. They have not secured the slightest excuse for maintaining the present officers of the Asylum in their places, and if they fail in their duty in that behalf, they may look out for the consequences.—[Globe.

CASE OF PRIVILEGE.

The House sat for two hours on Monday with closed doors, discussing a case of privilege. Mr. Cauchon stated that he had been assailed in the lobbies by a gentleman (Captain Armstrong, of Lloydtown,) and that he had been obliged to defend himself, (in plain English, to knock his opponent down.) He, Mr. Cauchon, had been waited on by Mr. T. W. Gamble, a member of the House, who demanded an apology, which he refused to give; an offer was then made to refer the matter to arbitration, which he also refused. This bore the appearance that Mr. Gamble had been engaged in a possible coffee and pistols case, but that venerable gentleman speedily explained that nothing was further from his thoughts than blood, and that he merely interfered as a Christian to make peace, and so on. Some members were disposed to think, that as a member had been assaulted in the lobby of the House, the matter should be taken up, but the Attorney General backed out, and the whole business was finally dropped.

THE ROUTE TO THE RED RIVER.

Mr. Bellingham on Monday called the attention to the Government to the statement currently made, that the detachment of the Canadian Rifles intended for service in the Red River, were to be sent to that country via Hudson's Bay. Though the Government refused to take any step by which the execution of this ridiculous plan might be prevented, the expression of opinion drawn forth may have some effect in securing a reconsideration of the subject by the military authorities. The intelligence referred to by Mr. Brown, that the Imperial Government intend sending out an exploring party by Lake Superior, shows that they are quite alive to the general subject, at home, and that their error about the troops is the result of the misrepresentations of the Company. We will not say positively that a very heavy equipment for the soldiery could be sent at once by the Fort William route of the Red River, but, take it at the very worst, there would be no difficulty in the troops being conveyed thus, and their stores being sent by Hudson's Bay. The roads on the Fort William route have been purposely allowed to go to ruin by the Company, and may not be fit now for the transport of heavy burdens; but even if the soldiers were to clear their path through an entire wilderness, instead of through a country traversed, we may say, for a century it would not be too much to ask from such men as the Rifles. If our Government were really as anxious for the opening of the North-West as they pretend to be, they would not hesitate at the expense of clearing a passage for the soldiery. In any supposable case, to take the troops to England, and thence to Hudson's Bay, is an absurdity, and deserves to be ranked with the supply of water tanks to a war steamer on our lakes by the Admiralty surveyors.

No clue has yet been found to unravel the mystery of the Newburgh murder, in the State of New York. The murdered girl has been buried without the body being identified.

Quebec, May 9th.

The steamer "Calpdonia," Capt. Flynn, from Glasgow, arrived here yesterday. She has not made what might be called a fast passage, leaving Liverpool on the 16th of April, and has consequently taken almost as long as the average of our sailing ships. She had on board 150 passengers, who were transferred to the Grand Trunk Railway depot forthwith, besides a large freight. She left for Montreal last evening.

The London Directors of the Anchor Assurance Company have resolved to withdraw their Agency from Lower Canada.

NAPOLEON THE THIRD.

Neither the Paris nor the London papers mention, except to discredit, the story of the Emperor Napoleon's narrow escape from assassination. We are informed, by a private correspondent in whom we place reliance, that an attempt was really made to kill the Emperor, and that the ball struck a coat of mail which he wears, and glanced off. A hundred persons were forthwith arrested, and confined in prison. The Emperor himself, though a professed fatalist and a very brave man, thought it prudent to abstain from public assemblages for a time, and was about to leave Paris for his country residence at St. Cloud.

Should this story be true—and the silence of the newspapers is no argument against its authenticity—the position of the Emperor of France, and of Europe is indeed precarious. The party which in the old Parliamentary days constituted the rouge faction, numbers many thousand desperate men, well adapted to perform, and really likely to undertake the fearful function of the assassin. Murder, in the eyes of a French theorist of that class, is no crime at all; hundreds and thousands of them would kill Louis Napoleon with no more compunction than he evinced when he shot the officer at Bologne. The language of the red republican, as uttered wherever speech is free, shows that they would regard the destruction of the Emperor as a praiseworthy act. There may be a lack of Charlotte Cordays in France; but most certainly a Brutus lurks in every crowd and sleeps in every street. Nor can opportunities of assassinating the Emperor be wanting if they are earnestly sought. During his past career, he has never hid himself from the public eye. He has constantly driven about, almost alone, through the streets of Paris. He is constantly at the theatre, and in crowds. Even supposing that he will follow the example of Louis Philippe, and change his habits—live more privately, take more precautions, surround himself with more guards and aides—there will still be ample opportunities for a desperate and enterprising conspirator. A man cannot wear a coat of mail always, nor can he, day after day, lead the like of a recluse for fear of assassins. Even Madame Castiglione has her rights; and her arms would not be the most unlikely place for the Emperor to receive the fatal blow. But every spot is open to risk—the Tuileries, St. Cloud, the streets, the council chamber, the bedroom—there is room for a murderer everywhere.

STORM ON THE LAKES.

Wreck of a Canadian Barque.

ELEVEN LIVES LOST.

(From the Sandusky Register, 5th May.)

The barque Empire, 350 tons, was wrecked during the gale yesterday, and eleven lives were lost, about four miles north of this port, on Marblehead Point. The Empire hails from Port Dover, C. W., and was owned by Henry Waters, of Chatham; was commanded by Alexander Milligen, and was bound from Toledo to Tonawanda, with a cargo of timber, shipped by J. W. Russell, and consigned to Alexander, Kent.

The particulars of the wreck have been furnished us by Capt. J. B. Keys, of the Marblehead Lighthouse, who was an eye witness, and who commanded the life-boat that went to the rescue of the survivors. They are briefly as follows:—

The bark was well down the Lake when the storm commenced, but its violence was so great that Captain Milligen was compelled to change his course with the intention of making the lee of Kelley's Island. The weather, however, was so thick that he could not keep his bearings, and about ten o'clock yesterday morning, the first intimation of land was the breakers off Peninsular Point. The bark was immediately hauled up close to the wind, and a course laid to clear the Point under all the canvass she could bear. A sudden squall carried away the fore staysail sheet and jib sheet, and the vessel broached to. This was about eleven o'clock, a. m., as she was rapidly drifting broadside on shore, both anchors were let go as soon as possible, and the vessel was brought head to wind, remaining in that position until three o'clock, p. m., when, the sea increasing, she commenced dragging—the waves making a clean breach over her at every surge. At ten minutes before four, she filled and capsized in deep water, about 110 rods from Marblehead Light.

The men took to the rigging, where they clung as long as life lasted. Captain Keys lost no time in getting the life-boat into the water, which was manned by a stalwart crew. Just as the boat emerged from the first breakers, one of the oars broke, and Capt. K replaced it with his steering oar; but before they got clear of white water, two other oars gave away, and they were obliged to put back to the shore, which they reached with great difficulty, the boat and men being landed "end over end" on the beach by an enormous breaker.

Meanwhile, the vessel had drifted further down shore, and as soon as fresh oars could be procured, the life boat was carried over land, and launched from another part of the beach. This time they succeeded in getting a line from the shore to the vessel, which had finally grounded. With great difficulty they got into the boat the only two who were left alive in the rigging, and with them safely reached shore. One of the rescued, a seaman, was insensible when taken into the boat, but on reaching the shore was restored. His name was Robert Moore. The other, Capt Milegen, was in full possession of his faculties and strength, exhibiting wonderful power of endurance.

The following is a list of the crew, of whom only two were saved and eleven were lost:—

Captain—Alexander Milligen, saved.
First Mate—Thomas Marsh, lost.
Second Mate—Alexander McLane lost.
Steward—James Adams (colored) lost.
Seamen—John Maloy, John Albett (colored,) George Peacock, John Skelton, Edward Macahay, William Irvine, Patrick Flannery, and a young orphan boy named Thomas ——, of Port Robinson; all lost; and Robert Moore, saved.

We have only time to add that, from accounts received, great praise is due to Capt. Keys and his brave boat's crew, who did all in their power to reach the wreck as speedily as possible, even at the imminent peril of their own lives.

Massachusetts has just amended the Constitution of the State by adopting the education test. No person in future, shall have a right to vote, or be eligible to office who shall be unable to read the Constitution of the State in the English language, and write his name. Those persons who are prevented from reading or writing, from physical inability, are exempted from the requisition of the rule, as are all persons who are now entitled, or are over sixty years of age.—This movement on the part of Massachusetts will be received with applause by many persons throughout the world, who have long insisted that the elective franchise especially should be confined to those who have, at least, the first rudiments of education.—That the scheme will work well in Massachusetts we have great hope, from the spread of education there; but the question as regards other countries is, how it will answer generally. It will deprive of the elective franchise now a large number of industrious but uneducated immigrants coming into the United States; it will affect to an equal degree an immense number of the actual inhabitants of such large cities as New York, in which by the census returns an extraordinary proportion of the inhabitants are entirely uneducated, and their children do not attend school. The free blacks in the States who find it so difficult to procure education for their children, in consequence of the prejudices against color, will also perhaps suffer from the education-al test. On the whole though we wish the contrary, we have strong doubts if the scheme of depriving all men who are destitute of education of the chief rights of citizenship, will answer in the present state of the world. In many countries it would offer a further incentive to the rich and the powerful for preventing the masses from acquiring education. In Massachusetts the movement has probably in a great measure had its origin in the dislike to foreigners, which gave birth to nativism; but be that as it may, the experiment is an important one, and will be watched with interest by men everywhere.

THE CLARENDON-DALLAS TREATY.

Washington, May 9.

Alexander E. Evans this morning delivered to Government the official despatches with which he had been entrusted from Dallas and Mason. The latter represented his general health fine, though he is slightly lame from paralysis, and further is ready to return home when the Administration may intimate. This is desirable.

Lord Napier has also received despatches enclosing a copy of the correspondence between Clarendon and Dallas respecting the rejected treaty, and will communicate it to our Government.

Mr. Dallas, in a despatch, expresses the opinion that if the treaty had reached England prior to the elections it would have undoubtedly been ratified.

SEIZURE OF THE STEAMER PLOUGHBOY.

The Sarnia "Observer" states that the well known steamer "Ploughboy" was seized by the Custom House authorities at Sarnia, on her trip from Goderich on Tuesday evening for an infringement of the Revenue Laws. It appears that the American Schooner "Fame" belonging to the same owners as the "Ploughboy," took on board a quantity of whiskey at Amherstburgh to be landed at Bayfield, where she was proceeding to load wheat. For some reason or another, the "Fame" cleared the whiskey for Detroit; after proceeding as far as Port Huron, opposite that town on Saturday last, she learned that a load of wheat could not be procured at Bayfield, and the "Ploughboy" coming along on her regular trip to Goderich, ran alongside of the "Fame" and took on board from her the whiskey and some other liquors, part of which she landed here, and the remainder at Bayfield; reporting it as from Windsor; and it is for this false report that she now remains under seizure. If these facts are all borne out, we have no doubt but the Inspector General will at once order her to be delivered up, as it is clear there could be no intention of fraud upon the Revenue. But we also understand that the Custom House officers are in possession of other facts connected with the seizure, if borne out may place matters in a different light.

MODERN NOTES AND COMMENTS.

A GRAND CONCERT.—Hear what The Times terms a "Grand Concert":—"This was really a grand concert since the prominent attraction was a numerous and efficient orchestra, without the aid of which the term 'grand' applied to musical entertainments generally is simply absurd."

The Vienna correspondent of the London Times says:—"During the last year much has been said and written about the abuse of 'chloroline,' but the inhabitants of this city have just had a proof that it may sometimes be of real use to the wearer. A young English girl, who was employed in the family of an empl yee, was so dissatisfied with her lot that she resolved to put an end to her life by jumping from the ramparts into the dry moat. An officer who saw the poor girl put her suicidal design into execution, states that she looked like a baffin in the air. The height of the walls of the city where the attempt at *felo de se* was made might be about 45 feet, but the girl was so little hurt by the fall, 'that she walked away as if nothing had happened.'"

IMPORTANT TO HUSBANDS.—The Courts of Rouen have granted a divorce from bed and board under the following circumstances. The plaintiff, a wealthy manufacturer, established for his case that his infant daughter had the measels, and the family physician declared its state most dangerous. Nevertheless the child's mother continued to dress for a ball given that night. The husband said, "you must not go to the ball, dear." "I will go," replied the wife, "but I will remain there only two hours; I have promised to go, and cannot break my word with out being guilty of a gross breach of good manners." "But your daughter is dying!" "I'll only stay an hour." "If you quit this bedside under these circumstances, you shall never put your foot in my house again." The wife disregarded this threat, and went to the ball. On her return she found the door of her house closed, and the next morning proceedings were instituted for divorce *a mensa*. The court granted a decree of divorce under these circumstances unanimously.

LAKE ONTARIO BEFORE THE DELUGE.—Mr. H. Skell, of South Butler, Wayne County sends a communication to the N.Y. Tribune, in which he makes a very curious and interesting statement. Premising the account of his "discovery" with the generally received supposition that the suface level of Lake Ontario was, ages ago, several hundred feet higher than its present position, and of course that its waters submerged many miles of the country now surrounding it, and which is now covered with cities and villages, he says:

"I have discovered the former outlet of this Lake when it occupied its ancient territory, and before the River St. Lawrence had a being. I have proofs incontestible on this point, and by them am convinced beyond a doubt of the truth of what I have stated. This ancient outlet emptied the waters of Lake Ontario into the Valley of the Mohawk, at or near the locality of Rome, Oneida County, thence into the Valley of the Hudson, and from thence into the Atlantic. The discovery is the result of actual observations, made at the point of egress from the ancient Lake, where I was located as a pastor of a church in Northern New York.

THE POLITE LETTER WRITER.—"Lord Palmure requests the attendance of Sir John McNeil and Colonel Tulloch at the War-office to partake of a cold shoulder of mutton. P.S.—If Sir J. M'N. and Col. T. find £1,000 under each of their plates, Lord Palmure hopes that they will pocket it without any nonsense." Answer.—Sir John M'Neill and Colonel Tulloch respectfully beg to decline Lord Panmure's polite invitation. They dislike cold shoulder and don't want £1,000."—[Punch.

HOPS DENOUNCED IN THE BIBLE.—We commend the following extract from Isaiah III—18, to the attention of our lady readers: "in that day the Lord will take away the bravery of their tinkling ornaments about their feet, and their combs, and their round tires like the moon."

FANNY FERN thinks it is provoking for a woman who has been working all day, mending her husband's old coat to find a love letter from another woman in the pocket.

MODERN ENGLISH LAW.—The Morning Star says:—"We call especial attention to a dictum of Lord Chief Justice Campbell, pronounced at the end of the week, and which is the most fatal blow to the liberty of the press ever struck in this country.—To-day, we simply want to raise the voice of alarm. The Durham County Advertiser, a respectable journal, printed a faithful report of a meeting of the Hartlepool Improvement Commissioners, a public body legally constituted. Speeches appear to have been made of a highly indiscreet character, involving personalities. The speeches were faithfully given; and the question which the Chief Justice was called upon to settle upon a demurrer was, whether the newspaper could be justified in law in reporting that which was spoken in such an assembly, injurious to any individual.—Lord Campbell, without going very elaborately into the coun', and without so far as we hear, having produced his authorities, has decided that reports of public meetings in the newspapers, however faithful and however true, are subjected to the law of libel. Now the practice of accurate reporting has been carried to a great extent, both in London and the metropolis, and it has always been a well understood maxim in the editorial profession that no penalty could attach to any right record of our public courts or public assemblies. The dictum, however, of a single judge, unsupported by a jury, has reversed this well recognized principle, and in future, unless this dictum can be put aside, every journalist in the British Empire will require that reports of courts and meetings shall be unfaithful where anything in them reports may be prepared to suffer the consequences. The operation of a new law like this will act most disastrously upon our provincial contemporaries, and, if carried out to its fullest extent, will destroy that great characteristic of English journalism, its honest and faithful record of public proceedings. The first step to be taken by every newspaper in the United Kingdom is to protest. The next step must be the subject for conference and combined action.

THE POPE.—An amusing instance of the Pope's accessibility took place at the Vatican a few days ago, when a little boy presented himself to the outer antechamber of the apostolic apartments, and begged to be admitted to the presence of the Pontiff. It may be imagined with what surprise this request was received by the place servants, and how they endeavored to make the child understand the incongruity of his demand. Whilst the affair was under discussion, a camerier regretted to his Holiness passed through the antechamber, and having the curiosity to learn what was the matter, referred it as a good joke, to the Pope himself. His mind, however, gave orders for the child to be admitted to his presence, and having questioned him as to the reason of his having for actually come, heard that the boy had an earnest desire to study, but that his parents, unable to procure him the necessary books, always put him off with an assurance that the Pope would buy them for him. To effect the realization of this promise the boy had made the best of his way to the Vatican, and promptly informed his Holiness that the works indispensable for the prosecution of his studies would cost fifty-three paols. The Pope directed the domestic prelate to give him two dollars (20 paols,) but the boy said that he could not buy his books with that, so his Holiness benevolently took out two gold coins of five dollars each and presented them to the enraptured child, who forthwith made towards the bookseller's shop, followed by an officer of the Pope's household, who had orders to observe his movements. Being informed that the boy had duly appropriated the required money to the purchase of books, and that he had consigned the remainder to his mother, the Pope took interest in him, and allotted a monthly sum for his education in the career of letters to which he seemed so much attached.

Washington, May 11.

The official papers just communicated by Lord Napier contain a formal proposition for a new Central American treaty, but the Administration will probably do nothing in the premises until the meeting of the next Congress, when the entire subject will be laid before the Senate in deference to their views heretofore expressed.

It is untrue that the President contemplates a visit to Boston in June, as is stated in the newspapers.

The arrangements are really contemplated for his Summer residence in the vicinity of the "Soldier's Home," four miles from Washington.

In consequence of the pressure of public business the President has just declined the invitation to participate in the celebration of the settlement of Jamestown.

The Saint John (N. B.) Leader of April 30th, says:—"The Elections thus far are largely in favour of the Opposition. Eleven Liberal members are already returned and only two Ministerialists. It is a fact not without significance, that the two ministerialist leaders of their party only just escaped rejection. There is no longer any question that the existing Government is condemned by the Province, and that the people return the casting vote of the Speaker which he so kindly gave them; though they failed to return his Honor himself."

ARRIVALS AT THE BRITISH AMERICAN HOTEL.

May 10th.

D. C. Gerim, Hamilton; J. H. Woodman, Trenton; D. Browne, Montreal; J. McBain, Jr., Lansdown; S. Van Camp, Osborne; D. Hogan, Lindsay; J. Cushman, Shannonville; John Rose, Toronto; J. Atckeson, Smith's Falls; W. Kirhoin, Quebec.

11th—J. McLean, New York; Lieut. Gen. Sir Wm. Eyre, Wife, Son, & 2 servts, Montreal; Lieut. A. Griffith do; F. Clarke, Sackets Harbor; T. B. Wragg, Montreal; Mrs. Wragg, do.

12th.—Osborne, Rl. Engr. Dept. Montreal; H. G. Burrit, Ottawa; V. Wall, Toronto; J. Blacklock, Belleville; W. P. Wilson, Montreal; H. J. Thorp, Gananoque; Lieut. Col. Dawkins, England; W. R. Peterson & Wife, Bath; A. B. Calvin, Syracuse; J. B. Reynolds, Whitby; D. H. Merrett, Oshawa.

IMPORTS.

May 9th.

Steamer Napier, Cape Vincent.—1 rifle, 1 box jewelry, A. L. Green; 1 bdl mats, J. D. Bryce, & Co; 2 boxes tobacco, J. Carruthers & Co; 1 case hats, H. J. Thorp; 1 bbl. A.L. Liscoute; 1 case goods E. Wright; 1 truck, 1 case goods, M. T. Rogers; 1 case hats, E. Hart; 1 case goods W. T. Garwood; 1 bale, 3 cases, 2 bales, N. B. Dana; 12 bbls. flour, A. W. Craig; 8 pkgs goods, Express Co.

May 11th.

Steamer Napier, Cape Vincent.—2 pkgs R. Woolly; 11 bags flour, 22 bags corn meal, W. & McCrea; 1 sack onions, W. Graham; 4 bales old sacks, R. Herrick; 5 pkgs., Express Co.; 1 box goods, Mr. McCracken; 1 package goods, G. M. Kinghorn.

Steamer Calaraqui, Oswego.—1 box plants, 3 bdls. trees, W. Emsbeen.

Steamer Prescottian, Montreal.—2 puncturn; 1 hhd. 2 cases liquorice, J. Carruthers & Co; 1 cask, 4 bbls E. L. Wright; 5 bxs goods, W. L. Adams.

May 12th.

Steamer Bay State, Oswego.—7 bdls. dress, J. W. Allen; 2 bbls clocks, T. Telfour; 4 barrels apples, 2 cheese, S. Wortley.

EXPORTS.

May 11th.

Schooner Helen Blood, Oswego.—140,000 feet sawed lumber.

Schooner Sarah Bond, Oswego.—135,000 feet sawed lumber, and 7 cords laths.

The Oxygenated Bitters.

From the Boston Olive Branch.

Among many popular medicines which have acquired a high reputation, we believe none have been found of much benefit for dyspepsia, asthma, and similar complaints, till the Oxygenated Bitters, by many and various trials and experiments, has been found a sure and radical remedy—a desideratum long desired by physicians. Its ingredients have been shown by chemical analysis to be harmless and safe; and from the testimonials of many of our first citizens who have been benefited by it, we feel assured that those indisposed with the above complaints can rely upon these Bitters with safety.

These celebrated Bitters have received the highest testimonials ever offered in favor of any medicine.

SETH W. FOWLE & CO., 138 Washington Street, Boston, Proprietors. Sold by their agents everywhere. 74

IMPORTANT NOTICE.

But one solution to the mysterious office performed by Dr. Smith's "Electric Oil," of Philadelphia, that any Physiologist can thus far discover, which is, its probable incorporation with the nervous fluid of the body, as pains are in the nerves. On no other principle can this be explained. Rheumatism has been much talked about and little understood. This Oil, if genuine, is known to cure amaurosis.

Do you know that Dr. Smith's genuine Electric Oil will cure Gravel, Kidney Complaints, Gout, Rheumatism, Salt Rheum, Erysipelas, Scaly Eruptions of the Skin, Ear, Tooth and Headache, Amaurosis, Cramps, Indolent, Swellings, Tic Doloreaux, Neuralgia, Paralysis, Weak Ankles, Limbs, and Joints, acute nervous pains, instantly, Burns, Felons, Wounds, Piles, always. Try it, and you won't wonder at its popularity. The genuine Dr. Smith's Electric Oil is always signed A. E. Smith. Grand Central Depot, N. E. corner Walnut and Eighth streets, Philadelphia. Beware of counterfeits.

P. S.—Col Wallace, the distinguished Editor of the Philadelphia Sun, says:

SMITH'S ELECTRIC OIL.—Among the many evidences of sympathy for those injured by the late railroad accident, we are pleased to see that Dr Smith has tendered the gratuitous supply of his Electric Oil, as well as the personal services of himself and lady. The Doctor has a heart "open as day to melting clay," and his valuable medicines deserve all the popularity they have attained.

Blodgett's Persian Balm.

Who would not have a beautiful complexion? This personal charm all may secure by using the "Persian Balm." Pimples, Tan, Freckles, and all eruptions, flee before it. It is a luxury. 76

Sold by J. B. Eyre & Co., E. W. Palmer, and E. H. Parker, Kingston.

OXYGENATED BITTERS.—This peculiar medicine astonishes every sufferer from Dyspepsia, and those who have tried a thousand remedies in vain, will never neglect a trial of it. A few doses will give proof of its curative power. 76

A disease of the Skin of 12 years' standing cured by Holloway's Ointment and Pills.—Mr Anderson, residing in St. John's, N.B., was for twelve years afflicted with a most virulent disease of the skin. The whole of the body was covered, and occasionally the arms and legs with the same disfigurement; he consulted many Physicians but was not benefitted, indeed, he became worse, until he was unable from following his profession entirely. He then (like thousands of his native brethren) commenced using Holloway's Ointment and Pills, which entirely cured him in eight weeks after all other means were tried unsuccessfully. 76

MR. PERRY DAVIS.—I feel it to be my duty to bear my testimony to the efficiency of your Pain Killer. I have used it for years for complaints of the stomach and bowels. I had a very severe attack a few days ago of the ague, and such a pain in my back for three days and nights that I could get no rest. I sent and got a 25 cent bottle of the "Vegetable Pain Killer." I took a little inwardly, and bathed according to directions, and one application has removed the pain, and I am able to write to-day, though still a trembling hand. The application was made last night about 9 o'clock and I had a sweet night's rest. I have recommended it for several years, as I have travelled a good deal, and it has given universal satisfaction where it has been used according to directions.

Yours gratefully, L. PERRY CHILES,
Pastor of R. P. Church, Troy, Ohio
Sold by E. W. Palmer, Kingston.

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 no family should be without.—Montreal Post. Sold by E. W. Palmer, Kingston. 76

DIED.

At Toronto, on the 8th inst. M. A. Tackaberry, the wife of the Rev. G. R. Sanderson, in the 38th year of her age.

At Trafalgar, on the 30th April last, the wife of the Rev. Mr. Barr.

At St. Catherines, near Montreal, on the 9th instant, Lieut-Col. Maxwell, late of H. M. 15th Regt., aged 82 years.

In the Township of Hope, on the 3rd inst. Mr. James Honor, aged 52 years.

Auction Sale by James Linton.

DR. SMITH'S

FURNITURE SALE

BY AUCTION.

WILL be Sold by Auction, on FRIDAY, the 15th inst., the Household Furniture and Effects of Staff Surgeon SMITH, about leaving this City. Two doors above the Rev. Mr. Herschmer's residence, King Street, lately occupied by Stafford Kirkpatrick, Esq.

Part of his Household Furniture & Effects consisting in Part as follows:—

Sideboards, Dining Tables, Chairs, Cane Bottoms, Hall Matting, Carpeting, Sofas, Couches, Hair Chairs, 2 Pianos, 6 octaves, Twelve Months' Clock, Bedsteads, Palliasses, Hair Mattress, Bedding, China and Glassware, Large Box & Cooking Stoves, Dog Irons, Fenders, Wheelbarrow, 1 dog, 1 Sleigh with shafts & pole, 2 Carts 1 waggon, Harness, 2 setts of Sleigh Robes, 2 Bu