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For the British Whig.

UNKNOWN.

Far in the dark grey shadows of the night,
That rest themselves upon this weary earth,
Betwixt the grey, uncertain, dallying light
That yet remains, a figure wanders forth.

His eyes are glancing towards the far off town,
Where lights are glimmering—beacon lamps that stare
As if to ask him why he is alone?
Or why with lonely steps he wanders there.

The trailing shadows of the trees that seem
To stir themselves, and move uneasily,
Like the dread aspect of a mournful dream,
Along his steps are creeping stealthily.

The darkness gathers, silently and slow,
The figure moves, enshrouded in the night;
The prying stars are feeling for his woe,
Their tender depths suffused with soft, sad light.

His bloodless lips do almost seem to move;
They utter words that none but God can hear—
Pure faith, high hopes, outpourings of deep love!
That fall unheeded on night's death-like ear.

The plaintive symphonies that upward rise
From the dark mists o'er shadowing the earth,
Are but the drowsy, murmuring of ladies
That from his lips have silently gone forth.

No cheering voice is shouting o'er the lea;
No fervent welcomes come from far away.
Who heeds the minstrel or his melody?
Or listens to his unpretending lay.

The throng that filled the streets where late he stood,
They know him not, they pass him coldly by;
His noble yearnings rolling in a flood.
Lash on a barren worldly strand, and die!

Still let him wander on, the shivering night
His turbid spirit rest and calm has given;
Unerring faith will lead his steps aright;
The trembling stars will plead his cause with Heaven.

ISIDORE G. ASCHER.

Montreal, February, 1859.

The Bath Quo Warranto Case.

His Honor Judge Mackenzie delivered his Judgment in this case, on Thursday sennight; a copy of which we give below. It will be seen that Mr. Davy has been unseated, and both defendants ordered to pay costs:—

IN THE COMMON PLEAS.

The Queen on the Relation of David F. Forward vs. Peter Davy and William F. Peterson, Returning Officer.

A writ of summons, in the nature of a quo warranto, was issued in this cause on the fiat of Judge Mackenzie, calling upon the defendant, Peter Davy, to show by what authority he claimed to exercise the office of Township Councillor for Ward Number One, in the Township of Ernestown. The Returning Officer, William F. Peterson, was made party to the proceedings by order of the Judge.

The main ground of objection stated by the relator is, that the Returning Officer closed the Poll on the second day of the Election one quarter of an hour before the legal time for closing the Poll, in consequence of which certain voters were prevented from voting for the relator. The relator also complains that the vote of one Nelson Amey was improperly received by the Returning Officer for the defendant.

The case came on for hearing on Monday, 31st January, 1859.

Burrowes, County Attorney, for Relator.
Davy and Agnew for Defendants.

MACKENZIE, JUDGE.—The time for commencing and for closing Municipal Elections is regulated by the Upper Canada Municipal Corporations' Act of 1858, 22nd Victoria, Cnap. 99, Sec. 27. By subsection 7 it is enacted that the Returning Officer 'shall keep open the Election until four of the clock in the afternoon of the first day, and then adjourn the same until ten of the clock in the forenoon of the next legal day, and continue the same until four of the clock in the afternoon thereof, and no longer; but if in the meantime be seen that all the electors intending to vote have had a fair opportunity of being polled, and if one full hour at one time has elapsed without any qualified voter giving or tendering his vote, free access having been allowed to electors for the purpose, the Returning Officer may close the election at four of the clock of the first day, or at any earlier hour of the second day.' In the present case, the evidence establishes beyond doubt that the poll was closed at least ten minutes if not a quarter of an hour before four of the clock, of the second day. Indeed, it is not denied by the defendants in their answer that the poll was closed before the legal hour. In consequence of the premature termination of the election, one John Johnson, a voter, was prevented from recording his vote for the Relator, as he intended. If Johnson's vote had been recorded for the relator, there would have been an equality of votes, and the defendant was returned elected by a majority of one vote over the relator. It is also shown by both parties that several other qualified voters were around the poll at the time it was so prematurely closed, who possibly might vote for the defendant or not vote at all, had the poll been kept open until the expiration of the legal limit. In consequence of the poll having been closed before four of the clock, it remains uncertain whether the relator or the defendant is entitled to the seat, so that there must be a new election ordered.

The justification or excuse offered by the Returning Officer that it was dark at the time, and that his watch had a dim bronze plate which displayed the time-figures faintly, cannot be entertained here for a moment. It was his duty to have a proper watch or time piece, and if it was dark he should have procured light and known the state of his watch truly before he closed the poll. After the Returning Officer counted up the columns in the poll-book, and declared the defendant duly elected, and after the defendant thanked the electors, the Returning Officer was asked to take out his watch, which he did, and it was found then by his own watch to be five minutes before four of the clock. The preponderance of the evidence goes to show the poll was closed from ten minutes to a quarter of an hour before four of the clock. As it is clear that the defendant must be removed, and a new election ordered, the only question to be determined is that of costs. At the hearing I was much inclined to think that the Returning Officer should pay all the costs, as he closed the poll contrary to his duty and law. Although there is no wilfulness charged upon him, still his conduct involves legal negligence. On consulting the authorities I have come to the conclusion that costs should be adjudged against both defendants; against the Returning Officer because he closed the poll before the legal hour contrary to law and his duty, under circumstances which imply legal negligence on his part; against the defendant Peter Davy because he did not disclaim as he might have done, and, as it has turned out, he ought to have done, instead of defending his right to the seat on questionable grounds. I would refer to the case of the Queen on the Relation of Greely vs. Gilbert and others, 16 U.C.Q.B. Rep. 585, 263, where the Chief Justice of Upper Canada stated, 'The defendant Gilbert may have been sincere in taking the same view of the statute, but he, as a party interested, must abide by the consequences of not succeeding in his contest for the seat, to throw the costs on him.' In the present case the defendant Davy may be sincere, and, no doubt, has been sincere in defending his right to the seat in question, but having done so unsuccessfully he must abide the consequences and pay costs. This is one of those cases in which a defendant should disclaim if he wished to get rid of costs, or make up his mind to pay costs in the event of his being unsuccessful in his defence. As a general rule of law in civil suits, the successful party will be entitled to recover costs against the unsuccessful party. This rule had been acted upon in Upper Canada in January 1850 [illegible] Chief Justice of the Common [illegible] Ex Rel. Smith v. Brown et al. [illegible] Reports 1 vol. that costs [illegible] the event. This [illegible] the Court of Queen's Bench do [illegible] Palmerston in House of Commons, comp aimed of silence in regard to the threatening state of the Italian question, and other matters of interest.

Lord Derby and Mr. Disraeli expressed their confidence in the maintenance of peace.

Warlike rumors were still in circulation, but nothing decisive was known.

France continued her warlike preparations.

It was rumored that the Duke of Malakoff would soon return to Paris, and be succeeded in London by the Duke de Montebello.

Prince Napoleon and his bride had arrived in Paris.

The Bourse fluctuated considerably, and declined nearly one per cent. after the Queen's speech.

SARDINIA.—The Sardinian Government had decided upon a loan.

It was reported that the King of Sardinia was about to marry a sister of the Empress of Russia, widow of Duke of Leutchenberg.

The City of Manchester left Liverpool for New York on the 2nd instant.

Great anxiety was felt for the Emperor's speech at opening of the Legislature on the 7th.

It was rumored that he was preparing a surprise for the world, and that war is certain.

The Minister of the Colonies had decided that the emigration of Africans should be superseded by Chinese.

There were rumors opening of extensive war-preparations, including 3000 men for navy.

The marriage of Prince Napoleon to King of Sardinia's daughter, was celebrated at Turin on the 29th, and the bridal party started forthwith for Paris.

The Austrian six million loan had been introduced in London, it bears five per cent interest. It was quoted at a discount for some time, but suddenly improved, and closed at a small premium.

Turin letters say that matters looked slightly more pacific there.

LATEST.—London, 5th.—There was a debate in Commons last night on encouragement of cultivating cotton in India.

Political disquietude is decreasing.

Bombay Mail, January 11th, has been telegraphed; various British successes are reported, including defeat of Tantia Topee's forces.

Paris, February, 4th.—Bourse much depressed. Three per cents have declined 66½.

LIVERPOOL MARKETS.

Breadstuffs—All quotations are per cental, or 100 pounds. Flour dull, but firm, for choice; the range for American is 10 to 12. Wheat firm, but quiet. Red Western, 6s 9d to 9s; White do, 8s 7d to 10s; White Southern, 10s to 10s 9d. Corn firm, and holders demanded an advance. For White Mixed and Yellow 5s 10d to 6s 2d; White, 7s 1d to 7s 2d.

Beef steady; Ex Mess 57s.

Pork firm, but large arrivals checked demand.

Lard buoyant, sales 56s to 58s, and holders wanted 60s at close.

Pot ashes steady and active 28s 6d to 29s.

Pearls steady 33s to 33s 6d.

Sugar generally firm. Coffee dull. Rice quiet.

Tea has advanced slightly; Common Congou, 1s 1d.

London.—Wheat firm; Sugar dull, and 6d to 1s lower. Tea firm; Congou, 1s 1d.

Money slightly easier. Consols closed on Friday 4th, 94¼ for money and 95 for account.

SPECIAL DATES.

Liverpool, Saturday, noon.—Breadstuffs are quiet but firm. Provisions are firm. Lard firm at 59 to 60.

London, 5th, noon.—Consols for money quoted at 94¼ to 94⅝.

Political disquietude is increasing.

CONTESTED ELECTION.—On Thursday and Friday this week, a spirited contest for the representation of Ward No. 1, Township of Pittsburgh, took place between Messrs. John Rattan and Robert Dunlop. The former gentleman was returned by a majority of 14.

Crown Lands Department.

The Report of the Commissioner of Crown Lands, for 1858, was yesterday laid before Parliament.

We find that, on the whole, it represents a more favorable condition of that department of the public administration than from the heavy depression of times we would have been justified to expect.

At the close of the year 1857, there were 5,019,104 acres of Crown Lands disposable in Lower Canada, and 183,345 acres were surveyed during the past year, making a total of 5,202,449 acres, of which 49,143 acres were sold, and 1,100 granted gratuitously, leaving a balance of 5,152,206 acres on hand.

The price of the lands sold is $22,219 10. The gross amount received on account of sales, including those of former years, is $13,552 85. The amount deducting refunds ($12 10), is $13,541 75.

Of the balance (4842.46 ½ acres) of the Clergy Lands in Lower Canada, 4,116 acres were sold, leaving 478,346 acres for future disposal. The purchase money of the lands sold is $3,899 51. The gross amount of receipts, including instalments, rents, interest, inspection fees, quit rent, and timber dues, was $7,498 56; the disbursements (being commission and refunds) $468 62; the net proceeds $7,030 54.

The sum of $23,151 70 has been received from the Jesuits' Estates. All of which is appropriated by statute to the school fund of Lower Canada. The Crown property of Lauzon seigniory yields 6,019 4. It is applied to the indemnification of seigniors, under abolition of the feudal tenure, in that part of the province. The receipts from Crown domain amount to $7,811 94.

For Upper Canada, the sales of Crown Lands amount to 121,603 acres, the purchase money being $138,693 06. The gratuitous grants to 53,709 acres. 307,559½ acres were surveyed; and 1,193,058½ acres, subdivided into farm, park, and town lots, are now disposable.

The gross amount of collections was $190,819 10, from which deducting $11 25 refunded, there remains a balance of $190,-700 85.

Of Clergy lands, 25,812½ acres were sold, the purchase money being $38,761 93.

Deducting the above 25,812½ acres from the balance on hand at the beginning of 1858 (363,007½ acres) leaves 337,195 acres for future disposal.

The gross amount collected is $110,320 20—the disbursements including commission and refunds, $7,985 41; the nett receipts $102,334 79.

From the 73,212½ acres of grammar school lands remaining undisposed of, 5,644 acres were sold during the past year for $14,469 of purchase money, leaving 72,-559½ acres unsold. The gross receipts $14,-184 60; the net, deducting commission, $13,333 55.

Of the million acres of land for creating a common school fund, only 29,159½ acres remained unsold, of which 3,571 acres have since been sold, leaving 25,588½ acres at the commencement of this year still for sale. The purchase money of the sales of the year amounts to $9,930 40. The gross amount of receipts, principal, rent, interest, &c., $24,916 83—the disbursements for surveys, commission, &c., $1,546 95; leaving a net income of $23,169 85. The net amount hitherto realized from these lands is $17,357 78.

The amount of revenue accruing from ground rents and timber dues was $21,952 34, and on the former, besides $234 662 08, making a total of $132,624 42.—The gross amount of grants, rents and timber dues collected was $176,166 27, and from the Government slides $32,664, including payment of outstanding tolls, making a total of $308,830 27. The amount paid for collecting ground rents and timber dues (the salaries of the staff at head quarters not included, nor $745 18 refunds) was $24,864 49. The charges against the slides were $1,000, making a total of $25,868 49.

The amounts accruing from the Madawaska and Saguenay territories add about $19,000 to this revenue.

Mining seems to have been at a discount. The pitiful sum of $150 is all derived from license fees.

The chief surveys made in both sections of the Province are of a necessitous and practical character, being confined chiefly to lines of road for settlement, and sub-division of townships, is where a demand for the sale of land exists. The Ordnance lands, now belonging to the Crown, have been in some places laid out into lots.

The statistical and other accounts of the progress of colonization roads in Upper and Lower Canada embrace numerous details which prove that the system of 'free grants' has fully answered the expectations formed of it, and besides promoting the settlement of industrious classes in an increased population, it gives a fresh impetus to the purchase and cultivation of waste lands in the neighboring tracts.

The deep-sea fisheries of the Gulf and River St. Lawrence exhibit a healthy condition, and show altogether an average yield. The Whale fishery proves very productive. In the Cod fishery there appears to have prevailed for the past year a steady though moderate success. The catch of Seals is somewhat deficient in quantity, but the ruling market price of its produce more than compensates for any casual deficiency. The Porpoise fishery is fair. The take of Mackerel and Herring, always liable to fluctuate, is reported to be less abundant than in some previous seasons. This diminution is, however, attributable rather to the intrusion (and consequent disturbance) by foreigners upon British grounds than to a failing supply. The yet undefined position of marine boundaries under certain stipulations of the Reciprocity Treaty, continually subjects the native fishermen to such roving and competitive interference.

It is, upon the whole, gratifying to find in these important branches of provincial industry and commerce an actively increasing participation on the part of Canadians.

The amended Fishery Act passed by the present Parliament having become law only near the close of last session, the season was then so late it has been found impracticable to realize the beneficial effects of its provisions either so fully or so soon as was anticipated.

In so far as regards the chief commercial fisheries upon the waters of Upper Canada, a system of leasing all vacant public lands still belonging to the Crown and accessary to carrying on the fishing business has been already adopted. It was necessary to previously ascertain the location, extent and probable value of the privileges to be attached. The time available for this investigation, although limited, has sufficed to establish that numerous lucrative fishery stations with waste lands in rear are now disposable for lease, of many of which, several parties have applied. The leases will be in operation from 1st of February next.

With respect to the Salmon fisheries of Lower Canada, it was deemed advisable to expose presently to public competition various valuable net-fishings at the mouths of certain well-known salmon rivers tributary to the Lower St. Lawrence. Tenders (the 10th March) have been invited for five years' lease of those streams,—the estuary tide-way in each of which is assigned to netting, and the river proper to angling respectively. The widest possible publicity has been given to notices of such sale, and to practical information relative to the situation and quality of fishings; from all of which there is reason to expect a favorable return.

In dealing with the fresh-water fisheries of both sections of the Province, their execution and conservance go hand in hand with the principle of their economic development as industrial resources and domestic supply, well worthy of prudent use and authoritative supervision. Whatever restrictions the attainment of a judicious protection of fishing may render necessary will be recompensed doubtless by the degree of regularity imposed upon all engaged, and the amount of protection afforded to persons who embark capital and enterprise in working the extensive Lake and River fisheries of Canada,—the great value of which is not yet adequately appreciated.

At the very inception of this system, it would be unwise to speculate upon, and impossible to predict, the results in direct gain to the revenue, or to the country in a commercial point of view.

The properties known as the Ordnance Lands are scattered through the Province from Temiscouata on the East, in Lower Canada, to Amherstburg and Penetanguishene in the North and West of Upper Canada.

Some of these lands are advantageously situated in the Cities of Toronto, Kingston, London and Ottawa, and the Town of Chatham,—others occupy prominent points on the Frontier. The lands at Isle aux Noix, St. Johns, Chambly, and Three Rivers, and the Seigniory of Sorel, are well situated, and valuable properties in Lower Canada.

The barracks and military buildings at many of the above named localities are in good repair, and adapted to useful purposes.

The total area is about 90,000 acres of land.

These properties were transferred to the Province of Canada by the Act 19 Vic. cap. 45, 19th June, 1856. Practically the lands were handed over to the Province 5th Nov. 1856, by the Royal Engineer Department, and the barracks and buildings partly by the Pursuiner Force and partly by the War Department, in the months of July and August last, 1858.

Since that period the claims of the Pensioners on lands at Fort Erie, Penetanguishene and Amherstburgh have been adjusted, surveys made and location tickets issued accordingly.

The military post and buildings at Isle aux Noix and the barracks at Penetanguishene have been applied to the purpose of Juvenile Reformatories. Sufficient land for farming purposes in connection with these institutions has been surveyed and set off and identified by proclamation.

By Order of the Council, lands at Amherstsburg, Chatham, Lyons' Creek, Chippewa, Queenstown Heights, Town of Niagara, Pelham Farm, Shothills, Burlington Heights, Prescott, and Cornwall, in Canada West; and lands at Three Rivers, Laprairie, St. Johns, South River, Chambly, Chateauguay, and Coteau du Lac, in Canada East, have been ordered to be surveyed and set off, to be offered at public competition, so soon as the improved tone of the market may render it expedient.

Surveys have been made of town lots at Three Rivers, St. Johns and Niagara, which will be advertised as soon as approved.

Suggestions have been made for the opening up of water power at the Hogsback, on the Rideau navigation, in the Township of Gloucester, County of Carleton, and to lay off village and farm lots, on the Ordnance lands in the vicinity of the same.

Also, to open up water power at Brewer's Lower Falls and additional power at Kingston Mills, and to lay off land adjacent, in the Townships of Pittsburg and Storrington, in village lots and farm lots, to be offered as soon as possible to competition, by public advertisement.

By Order in Council, the Department of Public Works has been instructed to survey and report on the water powers.

Numerous claims and applications for land from different parts of the Province have been reported on, submitted, and disposed of. A large number of cases on the line of the Rideau navigation, commencing with the Townships of Pittsburg and Storrington, have been submitted, and are under consideration.

The difficulty existing between the Government and the Corporation of Toronto, with respect to the Ordnance Reserve or Garrison Common, Toronto, has been brought to an amicable and fair settlement.

A portion of the said Reserve or Common was offered to public competition, on the 15th December last past, twenty-two lots were disposed of, realizing a sum of $14,327. 50, to be paid in ten instalments, with interest, equal to an average value of $15 per foot, or $1,250 per acre.

Rents have been collected from Windsor, Amherstburg, Bois Blanc Island, London, Fort Erie, Chippewa, Queenston, Niagara, Toronto, Kingston, St. Johns, Chambly, and Seigniory of Sorel, also at the City of Ottawa, and on the line of the Rideau navigation, and the Ottawa Canals.

The revenue of 1858 was $15,127.80, apart from $788.51, received after the close of the above account, but which ought to be credited as receipts of past year.

The expenditure of 1858 for salaries, agent, clerk, book-keeper, seven care-takers, expenses, disbursements, amounted to $8,310.45, with a refund to the War Department of $7,362.65, for arrears erroneously collected for that department in 1857.

The rents of the Ordnance Reserves had been previously collected by the Ordnance, now the War Department, at their offices at Montreal, Kingston, and Ottawa. Since the transfer of the properties, the administration has been simplified and concentrated at Ottawa, where records of the pre-existing department had been kept, where the larger amount of the property is to be found, and the largest amount of rent, with a great probable increase, is to be collected.—Colonist.

THE FRENCH TARIFF.—A decree has appeared in the Moniteur making several important modifications in the French tariff. Among the free articles are now placed feathers for dress, wood for cabinet work from countries out of Europe, and timber for building when merely squared by the axe and brought in French vessels.

NAPANEE FAIR.—The above fair will be holden on Tuesday, the 1st day of March next, when we hope the usual extensive sales of cattle, horses, &c., will be made.

LEGISLATIVE COUNCIL.

WEDNESDAY, Feb. 16.

Col. Prince presented a petition from John McLean, of Toronto, praying for a bill of divorce from his wife.

Mr. Morris reported from the Select Committee on Act to secure to married women certain separate rights of property, with amendments.

The report was adopted, the bill read a second time, and ordered to a third reading to-morrow.

Mr. McDougall gave notice that he would move for an Address to His Excellency, asking for the reports of the Inspectors of the Juvenile Reformatories in Upper and Lower Canada.

Mr. Moore moved that the committee on journals be instructed to enquire whether it would be proper to insert in the Journals of this House all proceedings against the return of members and the reply of members thereto.—Carried.

Mr. Vankoughnet, upon the suggestion of Mr. Simpson, moved that before any document, petition or return is printed on motion, it shall be laid before the Printing Committee to report thereon.—Carried.

Mr. Patton moved the second reading of his bill to allow verdicts to be returned in civil cases where the Jury may not be unanimous. The following is the only clause in the bill:—"From and after the passing of this act, if upon the trial by jury of any civil cause in any of Her Majesty's Courts of Record in Upper Canada the jury are unable to agree upon a verdict, and if, after having been kept in deliberation for a period of six hours, nine of the said jury shall agree, the verdict agreed to by such nine may be returned as the verdict of the jury, and shall be taken and recorded, and shall have the same force and effect as if found unanimously by the whole of the said jury, any statute, usage or custom to the contrary notwithstanding; and during the same period they may be furnished with necessary refreshments by leave of the Judge." The gentleman was afraid that as this was the third time the bill had been brought before the House, gentlemen would not be so well inclined to discuss it, as though it were a new measure. Although passed last session by a majority of twenty-four in four hours, no action had been taken upon it in the other House, beyond sending it to a committee. On previous occasions it had been said that there was no necessity for it, that there were no petitions for it, and that the judges of the land were against it. But the Board of Trade of Toronto had expressed their opinion in its favour;—an opinion which was entitled to very great weight, and the learned Chief Justice of the Court of Queen's Bench had as late as January last drawn the attention of the jury he had been addressing to the necessity of a change in the law. The bill which he (Mr. Patton) now introduced was very nearly the same as that which had been law in Scotland, so that he could not be charged with setting up a theory of his own in opposition to the wisdom of older countries. The gentleman then contended that though we had no traces of the jury system in the time of the Saxon monarch Ethelred, it was not until the reign of Henry the 2nd it appeared in its present shape. From the fact that in former ages the number of men requisite to form a jury differed, being sometimes seven, sometimes sixteen, sometimes twenty-three, Mr. Patton argued, that it was not traditionally necessary to justice, that exactly twelve men should agree upon a verdict. The starving of juries to enable them to come to an unanimous decision was never commented upon as being by no means conducive to the ends of justice, and the opinion of Lord Campbell and other eminent lawyers quoted in favour of an alteration of the present system. Among them was that of Hallam who stigmatises it "as a preposterous relic of a barbarous age." The gentleman concluded by recommending the Council, that the three-fourth majority principle was in vogue in the Lower Province, and called upon the members from that part of Canada to give that boon to the Upper Province enjoyed themselves.

Mr. Ferguson, in a few words, expressed his approval of the Bill.

Col. Prince, in seconding the motion, spoke at some length in favour of the proposed alteration.

Mr. Vankoughnet expressed his individual opinion against the Bill, some of his colleagues in the Government differing with him. From the experience which he had had, he thought the present system was better than that proposed, and would vote against the second reading. At all events, he thought we should wait until we could see the Bill which Lord Campbell intended to bring forward.

Mr. DeBlaquiere replied, contending that whenever the three-fourths majority system was in force, the wisdom of the principle had been fully vindicated. The consent of twelve men being requisite to a verdict, a door was left open to a pre-judged opinion, justice depending upon the fiat of one man.

Mr. Tessier bore testimony to the efficacy of the Lower Canadian system. It seemed to him strange that it was only with jurymen that reason was not supposed to be on the side of the majority. In the Legislature, and with the judges themselves in banque, members ruled.

Messrs. Moore and Campbell spoke in favour of the Bill.

The question was then put. Yeas, 29; nays, 4.

The House then went into Committee of the Whole on the Bill,—Mr. Moore in the chair.

The Bill was reported without amendments and ordered to be read a third time to-morrow.

Feb. 17th.

PROVINCIAL EXHIBITIONS.

Mr. Alexander presented a petition from the Agricultural Society of the county of Middlesex, praying that permanent buildings might be erected for the holding of Provincial Exhibitions, and that no exhibitions of the Provincial Association be held in any place where such permanent buildings did not exist. The gentleman remarked that manufacturers suffered considerably from the want of a suitable place in which to exhibit them when the shows were held at small places in temporary buildings.

House of Assembly.

Feb. 16.

CONVICT LABOR.

Mr. Bellingham moved for the appointment of a special committee to enquire into the means of profitably employing convict labor. He said that in France there were 105,000 convict prisoners, whose cost was only about £15 per annum each. They were divided into four departments, and one of these was self-supporting. A certain portion of the convicts' weekly earnings went to their own uses. In Switzerland too, this was an admirable system. In England the method was defective, and each convict only earned about 1d per diem. He referred especially to Shipley's work, and said it showed conclusively the advantages of the Irish system. He [Mr. Bellingham] had entered into correspondence with all the gaolers in Canada, and had received replies from which it appeared that we might, with very great advantage, employ our convicts on public works. In India fine works had been executed by the convicts, and it had been found that the cost of constructing roads by convicts had been less than the cost of building them by free labor would have been. The report of the Governor General shewed this conclusively. Why should not a similar course be taken here? There were here, last year, 733 convicts, costing us about $73 per head. The question was, whether we should continue to employ our convicts in competing against our honest mechanics, or whether we should employ them in opening up roads into the wilderness? He would move that the special committee consist of Messrs. Langevin, Benjamin, Turcotte, Cameron, [M.] and himself.

Mr. J. A. Macdonald said that it was only a few months since the Government had received possession of the reformatory prisons. He hoped the question would be allowed to lay over for a day in order that the Government might consult with him about the names to be put on the committee.

Mr. Brown asked if the Government had decided to appoint Inspectors of Prisons, as the act allowed.

The Attorney General said the Council were considering the matter.

Feb. 17th.

The despatches on the Hudson's Bay question had been laid on the table.

The purport of them is this: The Canadian Ministers brought the subject before the Imperial authorities, even to the Railway to Vancouver.

Lord Caernarvon informs the Company, on the part of the Colonial Secretary, that if they will give reasonable facilities for inquiry into the validity of their charter, they will be fairly and liberally treated; but it not, the renewal of their license is impossible.

The Company decline, and the Imperial Law Officers proceed against them, at the request of Canada.

Despatches were also brought down on the Intercolonial Railway question. Satisfactory progress has been made. The representatives of all the Colonies interested have acted together energetically and in harmony.

Sons of Temperance.

FRONTENAC DIVISION NO. 2.

Toronto, February 12th.

THE SONS OF TEMPERANCE VS. RUDSTON AND STACEY.

Robinson, C. J., delivered the judgment of the Court. The case concludes erroneously, for it would shew it to be unnecessary to go into the 2nd question. The statue 14 & 15 Vic. ch. 139, sec. 4, confers upon a subordinate division when incorporated, which according to the 5th sec. must be at its own request, the same privileges as are given to the larger corporation called the Grand Division; among these is the important privilege of holding real estate, not exceeding in value, however, £5,000, and personal property to any amount.

The exacting by the 5th section that Subordinate Divisions to be admitted shall be in full standing in the Order, is nothing prospective in its nature; it makes the being in full standing of the Order a condition of being admitted in the first instance, not a condition of the existence of the Charter.

Whatever is meant by being of full standing in the Order, I cannot say that the non-existence of such full standing, after the Subordinate Division has been admitted and incorporated, works ipso facto a dissolution of the corporation, so that its corporate capacity and privileges cease as to all purposes.

The 10th clause of the Act implicitly makes it optional with the subordinate Division to dissolve itself. I see no provision in the Statute for its dissolution in any other manner, and we can recognize no other authority for dissolving the corporation, unless, indeed, it might be upon a proceeding by quo warranto, supposing this to be a corporation of such a nature as that proceeding is applicable to at Common Law. I see nothing in the rules and by-laws to which we are referred, which we can give effect to as overruling the Statute in this respect. Whatever may have been contemplated, the Statute 14 & 15 Vic., ch.—, does not place in the hands of the large corporation mentioned in it the power of dissolving any of the subordinate corporations which may have been formed under the Statute; and if this subordinate corporation had dissolved itself, as it might do under the 10th clause, then before the Grand Division could make a claim to any of its property, something more would be necessary to show than is shown here, before such Grand Division could step in and assert its right.

In my opinion, Judgment should be entered for the Plaintiffs for the sum agreed upon.

SECRETARY'S OFFICE,
Toronto, 18th February, 1859.

His Excellency the Governor General has been pleased to make the following appointments, viz:—

Trasenen Raymond, Esq., Associate Coroner for the County of Welland.

Edward Allen, Esq., Associate Coroner for the County of Simcoe.

George Rubricus Vankleeman, Esq., Barrister at Law, to be County Attorney County of Brant.

THE POSTMASTER GENERAL'S REPORT

The Postmaster General's Report for 1858, shows the revenue to be £135,508 5s. 8½d., and the expenditure £161,169 18s. 11½d. The revenue from the Parcels' Post will probably amount to £600 in the first year; £2,000 has been received from the sale of half penny stamps and from postage stamps generally—£19,103 6s. 3d., or £4,041 8s. 8d. more than last year. 500,000 letters were registered. There were 202,034 dead letters. Sixty new offices have been added to the list; that 350 miles of new routes have been organized; that 2,800,000 letters and 13,500,000 newspapers have passed through the post during the year 1858—the newspaper circulation having somewhat diminished.

The report of the Postmaster General, for the year ending 30th September last, has been submitted to Parliament.

By a cursory perusal of its contents we find that several important changes, all we have reason to believe in a right direction, have been made during the year in the operations of the Department.

We observe that 60 new Post Offices have been opened, adding 350 miles of post route, and involving the additional travel of 140,000 miles, annually.

The numbers of letters carried was 9,800 000, and newspapers 13,500,000.

A Parcel Post Office has recently been put in operation, which promises to be a great public convenience, and to yield a probable revenue of £600 the first year.

A new Post Office, at Kingston, has been completed, and one at London is in course of erection.

Street Letter Boxes are about to be adapted, and certain improvements in letter delivery in the cities have been matured, which will immediately take effect.

A fortnightly mail to Red River Settlement was established last summer by way of Sault St. Marie and the Voyageur route, and since the close of navigation it has been kept up once a month by the North Shores of Lakes Huron and Superior, the service being performed on snow shoes and dog trains.

Another new line of communication was also opened last winter, viz:—By the steamer Lady Head, between Quebec and the ports on the Lower St. Lawrence, Gaspe, New Brunswick, and Nova Scotia, which was very much needed.

The great extension of the Postal operations since 1854, the adoption of the Money Order system, and the spread of the Railway Mail Service had so much increased the duties of the four Inspectors, that it was recently found necessary to detach an officer from the department to aid the single Inspector in charge in Lower Canada, without, however, any increase of salary, the duties he formerly discharged being meanwhile filled by assistance taken from other branches of the service, so that the additional expense incurred will be but trifling.

The net available revenue for the year was £135,288 5s. 8½d., being £3,000 and upwards more than the year preceding, but a much larger advance is anticipated in the current year.

The sum of £16 0 0 had been assumed as an equivalent for the Legislative and Official correspondence of the Province transmitted without charge.

The total expenditure was for Mail Service	£81,925 3 7
And that for Salaries and Commissions, allowances to Postmasters, Office Rent, Stationery, Printing, Advertising, Stamps, Scales, Weights, &c., &c.	79,234 15 4½
Together	£161,159 18 11½

Unsettled claims for Railway Mail service of previous years had been paid, raising that item to £5,000 more than last year.

The general rate of payment for this description of service had been decided according to law.

The Revenue collected in the country offices was £91,341 11s. 4d., against £88,-064 15s. 11d. in 1857.

The report goes on to state that the number of newspapers transmitted free is estimated to exceed 10,000,000, which, at the half-penny each, would give a revenue of £20,-000, and that were the official correspondence charged at the ordinary rates, the two items would make the Department self-sustaining. It is further argued that it is not equitable to make the commercial and domestic correspondence pay the deficit, but that if newspapers are carried free, the postage relinquished should 'fall as a charge upon the Treasury.'

Transient newspapers—that is those not mailed by publishers—had provided as nearly as could be a revenue of £2,000.

The Canadian steamers are reported to have fulfilled their contracts satisfactorily; and it is anticipated that the commencement of the weekly service in the spring will largely increase the foreign correspondence.

The United States had been invited to concur in an arrangement for transmitting letters either in or with the Canadian mails, to and from England, and it is suggested that the St. Lawrence route is the most advantageous for the cities of Detroit and Chicago and the North-Western States generally.

The transmission of mail matter from England by way of [illegible] way, and through New Brunswick to Canada, had been long felt as a grievance, and new representations had had the effect of causing its total discontinuance.

Correspondence had passed at the several exchange and frontier offices, in the following proportions:—For collection in the United States, $35,005 46. For collection to Canada, $88,831 17.

Postage stamps to the value of £16,103 6s 3d had been issued, showing an increase of £4,641 3s 9d over last year.

Pre-payment by stamps is strongly recommended, as tending greatly to efficiency, simplicity and economy, and it is recommended that where stamps are readily procurable, pre-payment in that form be insisted upon.

The mails are stated to be under conveyance on 1,630 miles of railway, and the subject of compensation for this service is treated on at some length, the rate finally decided upon by the Governor in Council being 'for a daily service with a travelling post-office over any line of railway, once per day each way, 30 per mile of railway per annum, if by day trains; and $40 per mile, &c., if by night trains.

'For mails sent by railway as ordinary baggage or freight in charge of company's or post-office guard, without travelling post-office, when not exceeding 2 cwt in weight, two cents for single train per mile.

About 200,000 letters were registered last year, and it is recommended that the charge for registration be also made prepayable by stamps. The benefits accruing from registration are dwelt upon with force and commend themselves to public consideration.

The following is the return of dead letters showing unfortunately a considerable increase in the number as compared with last year:—

Provincial dead letters	203,300
Originating in the United Kingdom and transmitted unopened to the General Post Office, London.	15,853
Originating in the United States, and transmitted unopened to Washington	22,866
Total number of dead letters	242,019
Received from Great Britain and the Provinces in Canada, not delivered in the United States	21,558

Received from [illegible] Office, &c. &c.

The Money Order [illegible] gone some change. [illegible] single Order had been [illegible] to £25, the smaller [illegible] the safest.

Stringent rules for the [illegible] sion of the funds accru[illegible] Postmasters had been [illegible] tice which had begun [illegible] offices of granting Orders [illegible] uncertified cheques had been [illegible] rested.

Further, the charge for [illegible] had been advanced from [illegible] quarters per cent. on all [illegible] 10s.

A number of new Money [illegible] had been opened at advan[illegible] and others would be added [illegible] time.

Negociations were in pro[illegible] Imperial authorities for the [illegible] a mutual exchange of Money [illegible] every assurance of a success[illegible]

No loss, by fraud or other[illegible] sustained in Money Order [illegible] ing the year.

The number of Orders issue[illegible] and of paid 24,853, the value [illegible] sued $2,198,869 27c; and [illegible] $2,197,629 21c; the total co[illegible] ceived $11,408 65c., of which [illegible] had been allowed to Post m[illegible] proportion, the remainder, viz[illegible] going to the Revenue. The [illegible] Money Order Branch was $8,[illegible]

The number of offices in [illegible] year was 171, this year 196.

The attention of the Governments of the United States and the Lower Provinces has been turned to the subject of [illegible] Money Orders, and if they should [illegible] upon adopting the system an agreement would doubtless be easily made with [illegible] for an interchange. The Report concludes with a testimonial to the energy and ability of the Deputy Postmaster General and staff devoted to the welfare, best interests and well-working of this Branch of the Public Service.

PROVINCIAL PARLIAMENT.

LEGISLATIVE COUNCIL.

Feb. 16

THE SEAT OF GOVERNMENT.

Mr. Vankoughnet rose to reply to a series of questions placed upon the notice paper by Mr. Biaquiere. To the first asked, 'If it was the intention of the Executive Government to remove the Seat of Government to Quebec in the present year, notwithstanding the Decision against such removal taken by the Legislative Council on the 3rd instant, and communicated to his Excellency the Governor General in reply to his Excellency's Speech on the opening of the present session of Parliament'—in answer to this, Mr. Vankoughnet said the Government of the day saw no reason to change the opinion which induced them to recommend his Excellency to place in his Address the paragraph relating to the removal of the Seat of Government from Toronto to Quebec—that while they feel that great disappointment had been thrown in their way by the action of the House, they could not forget that the Address had been carried in the Lower House by a number of votes more than double those by which it had been lost on this. Besides which, the question of removal was one of prerogative on which the Ministry were competent to advise the Excellency, and neither he [Mr. Vankoughnet] nor his colleagues had seen any reason to depart from the advice previously given. He believed the gentleman who spoke against the removal of the Government to Quebec, admitted that the members of the Cabinet were bound, in honor, to perform the promise they had given, and it seemed to him that the obligation was still binding upon them. The second question demanded; 'in what manner the funds necessary for the removal to Quebec, and for the other great expenditure connected therewith, are to be supplied from the Public Treasury; and whether the assent of the Legislative Council to the appropriation will be required previous to any expenditure of the same?' Until the Finance Minister had made his explanations and sent in his estimates to the other branch of the Legislature, he could not inform his friend in what manner the necessary funds for the purpose would be supplied. As regarded the consent of the Council, it had the same opportunity [illegible] with money bills now as it always had. His friend also enquired, 'If the Lower Canada Government will take the necessary steps for immediately carrying out Her Majesty's decision as to fixing the Seat of Government at Ottawa, by erecting the necessary buildings there as provided by the