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For the Kingston Herald.

TOBACCO.

BY JONATHAN.

Some years have passed since I, indeed,
Have neither smoked nor chewed this weed;
My snuff I, also, threw away,
And have not used it since that day.

My health improved—my mental power
Began to gain that very hour;—
My friends no longer dreaded death
From exhalations of my breath.

No person since has thought the tomb
Would give to me untimely room,
And my old friends I've ceased to choke,
With much saliva, dust and smoke.

Will you who smoke, or chew, or snuff
This weed confess you've used enough?
Then make right efforts to abstain,
And soon an easy conquest gain.

Kingston, Oct. 23, 1846.

Colonial.

Land Reform Dinner to the HON. FRANCIS HINCKS.

On Tuesday the 13th inst., the Liberal members of the Brock District Council, and a few of their friends, entertained the Hon. Francis Hincks, the late Representative of the County of Oxford, at a Public Dinner at the Royal Oak Tavern, Woodstock. The day was unfavorable, which prevented the attendance of a number of gentlemen from remote parts of the country. About 5 o'clock, P. M., the chair was taken by William Carroll, Esq., District Councillor, of Norwich; the Vice Chairmen were Eliakim Malcolm, Esq., District Councillor, of Oakland, and Charles Chadwick, Esq., District Councillor of Dereham. Mr. Hincks sat on the right of the Chairman, and Jared Vining, Esq., District Councillor, of Nissouri, the senior Member of the Council, on his left.

Before doing justice to an excellent dinner provided by Mr. Hill the Chairman rose to propose the health of the Queen.

He said he thought he could propose that toast with great propriety. He had been, he might say, born a Loyalist. His father was one of those brothers who had emigrated to the United States before the Revolution. When the war broke out his father was the *only one* of the family that adhered to the British Crown (cheers.) He and afterwards emigrated to New Brunswick, where he (the Chairman) had done so (applause) and he had imbibed principles of Loyalty from his earliest youth. (Loud cheers.) He felt assured that the health of the Queen would be heartily reponded to.

The Queen.

The next regular Toast was prefaced by the Chairman with a few appropriate remarks, and was drunk with the respect due to the consort of our Sovereign.

Prince Albert and the Royal Family.

The Governor General.

In proposing this Toast the Chairman said, there was little of the Governor General, but he knew he was an old soldier, and as such he respected him, as well as on account of his being the Representative of his Sovereign.

The Chairman) was himself an old soldier, having served throughout the last War, and had been in nearly every engagement on the Niagara.

The People—the only true source of legitimate power.

The Chairman had now to propose the Toast of the evening: Our Guest, the Hon. Francis Hincks, whose presence amongst us after a long absence, was most cordially welcomed.—(Applause.) When, said the Chairman, it became known that Mr. Hincks was in Upper Canada the Council of the District happening to be in session, the Reform Members thereof determined upon inviting him to accept a public dinner at Woodstock. The time for preparation was necessarily very short, and it was impossible to communicate with many parts of the District. Unfortunately, too, the weather had been most unfavourable. The rain which had fallen incessantly during the last night and the greater part of the present day had rendered the cross roads almost impassable. From his own Township (Norwich) from 15 to 20 of his immediate friends had intended to be present, but had found it impossible to reach town. From Burford also a large party was expected. He (the Chairman) was happy to find gentlemen present from every part of the District, and fully competent to express public opinion. Of Norwick he could say there was no change. The people there were the same, and would be prepared to do battle on every occasion. He (the Chairman) was a Reformer of thirty years standing (hear, hear) and had been a close observer of passing events, and he could say that the experience of his life had only confirmed him in his views. Nothing would do for Canada but Responsible Government *honestly administered*.—(Loud applause.) As an able advocate of that principle, and of every measure calculated to extend the liberties of the people, and as their representative of this County, he would propose the toast which he had read.

Our Guest, the Hon. Francis Hincks—He was an opportunity to return him triumphantly to Parliament. (Loud and long continued cheering.)

MR. HINCKS' SPEECH.

Chairman and Gentlemen,—I have to acknowledge with the deepest gratitude another proof of esteem and confidence from the Reformers of the County of Oxford in addition to the many which I have received during the last six years. I can only hope to repay you, gentlemen, by my zeal in advocating what we all believe to be the best interests of our common country, which I trust is equally dear to those of you who have adopted it as our own, as to those of us who have perhaps a stronger claim, as the land of their birth. Much as I am gratified by the compliment paid to myself on the present occasion, I should be sorry indeed if this demonstration were not calculated to produce more important results than mere personal gratification. I hope and believe that it will be the means, in some degree at least, of promoting the triumph of the great cause to which we are devoted, and which I cannot better describe than as the cause of *Canada*. We desire that our principles and objects should be well understood, and, as much as possible, to convince former opponents that they have either misunderstood *our* principles and objects, or that their own are erroneous. We wish to correct those misrepresentations which are from time to time circulated in order to mislead the public. I will endeavour as briefly as the nature of the subject will permit to touch upon the principal political topics of the day.

You have been told, gentlemen, that the great question of Responsible Government, which has so long agitated the country, is finally settled.—I would wish to believe that this is the case.—I am aware that our political opponents, both in and out of Parliament profess to adopt theoretically those views on that question for which we have so long struggled. But has their practice been in accordance with their professions; I only ask you to review the history of the last three years, and to compare the conduct of our ministers with that of English Statesmen. Twice within the past year has Mr. Draper, by making overtures to leading members of the Opposition, virtually acknowledged that his administration does not enjoy a sufficient amount of public confidence. At this moment the Ministry is virtually disorganized. One Member resigned several months ago and his place has not yet been filled up, although it has been offered to a member of the Opposition, and by him *refused*.—(Loud cheers.) Mr. Secretary Daly made arrangements several months since to receive the vacant office of Civil Secretary, which has been conducted by a clerk since Mr. Higgenson's departure merely to suit the convenience of the Ministry. Mr. Papineau, after an absence of months, has returned to his office, although he only holds it until it is *convenient* to appoint a successor. Compare these proceedings with English practice. When Sir Robert Peel resigned previous to the last Session of Parliament Lord John Russell was called on to form an administration. He experienced difficulties from want of co-operation among his friends, and he immediately abandoned the task, and his opponent was reinstated. He did not attempt to conduct the public business of the country with an incomplete Cabinet, nor would he have been suffered to do so. Here gentlemen, we have been suffered to do so. But here gentlemen, we have during the last three years had a Ministry whose whole conduct is in practical violation of Responsible Government—which introduces measures to Parliament only to abandon them, and which is unable to carry out the policy of the party by which it has been placed in power. We have in the circumstances attending a late appointment which has caused some discussion, proof positive that the practice of the present Government is not dissimilar from that of Lord Metcalfe. Sir Allan McNab applied personally to the Governor for the appointment of a deputy. He was authorised to write to his friend with an offer of the appointment and the Ministers afterwards compelled the Governor to retract his promise, thus bringing the Government of the country into contempt with the public. I need not however prosecute this subject. Responsible Government will never be carried out honestly by men who are at heart opposed to it, and whose real object is to induce a belief that its working is impracticable. They alone are responsible for the present state of affairs, and they will do well instead of expecting relief from a change of Government, to exert themselves to secure a better representation.—To do that we must convince the public that our objects are such as ought to entitle us to their support. The present is a most favourable opportunity for doing so. Party spirit has in a great degree subsided, and the public at large are enquiring calmly as to the views of public men. It is singular enough that at this crisis the most prominent question before the public is one calculated to unite in its advocacy many who have formerly been opposed to each other, but whose interests with respect to this measure are identically the same. I mean the question of FREE TRADE. On this subject there have been the grossest misrepresentations.—Attempts have been made to persuade the farmers of this country that their interests are at variance with Free Trade—so far from this being true, gentlemen, the Farmers are more interested than any other class in promoting a free trade policy. The protection which they formerly enjoyed in the English markets for their great staple has been abolished, and the question now is whether the Imperial duties affecting the consumers shall also be abolished! On this subject the interests of the people of all parties are the same, and yet when the question was under the consideration of Parliament, the Ministers backed by their Upper Canada majority, not satisfied with the protective duties imposed by the Imperial act, actually voted to place higher Provincial duties on goods imported by inland carriage than on those brought by the St. Lawrence. The effect of this was to impose a direct tax upon the people of Upper Canada, and which was effected by the votes *of her own Representatives* (cries of shame shame.) Connected with this subject is the repeal of the Navigation Laws. Our produce has to compete with that of other countries in the English markets and it is essentially necessary that we should be enabled to transport it on the lowest possible terms (loud cheers.)

I would now offer a few remarks on the subject of the Common School Act of last Session. It will be in the recollection of many of those whom I have now the honour of addressing, that a great cry had been got up against me in Zorra before the last election, on account of the taxes imposed by the old act. But I would ask whether that principle had been interfered with in the new Act? Assuredly not. The great principle of the former Act had been retained, and some alterations (or improvements as they were said to be,) made in the details. I do not believe that these are improvements. One of the most important changes was the abolition of township superintendents, and notwithstanding all that had been said on this subject, I am of the opinion that it will be found absolutely necessary to restore those officers. The substitution of unpaid township visitors will never answer. (Hear Hear.) Another alteration was the requirement to KEEP the schools open six months instead of three. Of course all will admit that the longer the school is kept open, the better; but it is cruel in the extreme to tell people *who are taxed for the support of Schools* and who are too poor to maintain one longer than three months, that they should have no share of the public money (loud cheers.) I firmly believe that there are many school districts in the province which are not able to support a school longer than three months, and the late Act would inflict a great injustice on them *by compelling them to contribute, out of their poverty, towards the support of the schools of the richer districts, whilst they themselves are not allowed to receive the slightest benefit from the expenditure of their own money if* (loud cheers) the whole principle of the new school Act is to increase the power of the superintendent. No one could doubt that the framer of that Act would have given us the Prussian system if he had dared so to outrage public opinion. He went as far in depriving the people of power as he deemed prudent. The spirit of the new Act is to centralize power in the hands of the superintendent—that of the old, to leave it with the people. Great cheering.

The Assessment Bill had also been denounced at the last Election. You will all recollect the cry about board fences, fruit trees &c. but when the present ministry introduced a bill upon the subject, the very same principle had been adopted of assessing according to value. True, the assessment of personal property was not provided for, the whole taxation being thrown upon the owners of real property, who are the farmers.

I have perhaps already trespassed too long on the patience of my friends (cries no, no, go on, go on.) But I conceive it incumbent upon me to refer to one or two subjects of a personal character, & I will endeavour to be as brief as possible. Most of those present have heard of Rev. Mr. Burns, who paid a visit to this part of the province and had caused some excitement. It is not my intention to say anything disrespectful of that gentleman now, nor have I ever done so, I disapproved of his proceedings believing them calculated to excite dissensions among the people, and I fearlessly expressed this opinion, nor can I now retract it. I will state facts. Mr. Burns came to Montreal, a stranger, and almost immediately commenced preaching in the streets, his object being to convert the ROMAN catholics. He spoke of the religion of the great majority of the people of Montreal in terms which led to violence, and the end of it was, some two thousand persons assembled in the streets of the city with arms in their hands to shed one another's blood. Such was the state of feeling caused by Mr. Burn's preaching. If that gentleman was right then all the other clergy of the province were wrong, inasmuch as none of them had pursued a similar course, and Mr. Burns himself, by abandoning the field, has virtually admitted that he was in error.

There is another subject upon which I desire to make some explanation. I allude to what has been termed the Jesuit Controversy. Now all I desire to do on the present occasion is to make a plain statement of facts. I will not revive old controversies nor do I wish to impute blame to any one who has differed from me; but I certainly must say that my intentions have been wholly misunderstood. The origin of the dispute was a statement made by the Rev. Mr. Wilkes at New York to the effect that great ignorance prevailed among the people of Lower Canada, and that this was caused by the influence of the Catholic Clergy against education. I, connected, as I was, with a Press which was the organ of Catholics as well as Protestants, felt it my duty to correct what I believe to be a misstatement. It was not a fact that the Catholic Clergy had opposed education; on the contrary, the educational institutions of Lower Canada were highly creditable to those who had established them. At these colleges an excellent classical education with board was provided for less than £20 a year. I will not pursue the subject; but will just read an extract or two from papers which all will admit to be good authority. The first, strange to say, was from the *Banner*. That print on a recent occasion said; "The Church of Rome which was wont to dread education, and the Church of England which habitually neglected it, are now disposed to work in the opposite direction." This I contend, embodies all that I have ever said on the subject. The next extract I will read is from the *Montreal Witness*. The Hon. Gentleman here read an extract on the subject of the Schools of the *Freres*, at Montreal, showing that about 1500 pupils received gratuitous education through the influence of the Catholic Clergy. I feel that I have said enough on this subject. I am satisfied that I have no occasion to vindicate myself to any of my friends, now present; but I know that a cry has been got up among the Scotch at Zorra. I am sorry for it. I did hope that the Scotch had become convinced that they were in a great measure, deluded at the last election.

The cries which were then raised had no reference to the general politics of the country. My opinions respecting Mr. Burns, or Lower Canadian education, are not of the slightest importance as far as Provincial Politics are concerned. These cries have been got up by interested parties, for the *express purpose* of deceiving the public.

If I were disposed to get up a cry against my opponent, I have opportunities in abundance. When I came to Woodstock the other day I was surprised at the alteration in the toll gates, and on asking the cause I found that it was generally ascribed to the influence of the County Representative. One gate was removed away from the town; the effect of this was to enable certain aristocratic Gentlemen to reach it without passing the gate, while at the western end the gate had been placed in such a position that those *who never use the road* especially the Zorra farmers, were obliged to pay toll. Nothing could be more unjust.

Then there was the subject of the Clergy Reserves valuations. When I was in office I had an opportunity of recommending District valuators for these lands. The principle upon which the appointments were made was that persons of each party should be selected, so that none would have a right to complain of partiality. I recommended Mr. VanNorman of Dereham, well known as an upright, honourable man of great experience, and Mr. Henry Carroll, who certainly had no claims on the ground of his family connections to recommend him to me. But I looked on Mr. Carroll as one who would do justice to his neighbours and hence my selection of him. These gentlemen were engaged in the discharge of the duties assigned them when news arrived that all proceedings were to be suspended. It turned out that Mr. Riddell and a Mr. Spragge, of whom probably a majority of you have never heard, had given evidence before the Crown Land Commission that the Brock District lands were *undervalued?* I do not charge Mr. Riddell with giving an opinion contrary to his conscientious belief; but every one knows the bias of a man's mind is to think well of property in which he is personally interested—it is well known that Mr. Riddell is a large land holder in Zorra. (Cheers.) And who is Mr. Spragge! A gentlemen who has obtained a large tract of land in Blenheim from which he has dispossessed the actual settlers, and who is, of course, a most *disinterested witness*. On such testimony were the sales of the reserves suspended; and this notwithstanding the opinions expressed by several conservative members of Parliament as to the correctness of the valuations in their districts; although Mr. Riddell and Mr. Spragge thought the reserves undervalued, the Brock District Council, having had the whole matter brought before them by our worthy Chairman, after patiently investigating all the circumstances, SUSTAINED THE ACTIVITIES OF THE VALUATORS, there being but one dissenting voice.—(Great cheering.)

One topic more and I have done. Gentlemen will recollect the Commission of the peace issued when I had the honor to represent this County. On that commission both parties were represented; (cheers) but when the new one was framed not a single Reformer's name was added to it. (Hear, hear)—and what sort of selections were made from the other party! I can truly say that I have heard more complaints against Mr. Riddell, from his own friends than from mine. (Cheers.) I will ask my friend on my right from West Oxford whether the Reformers would not much rather have had such a man as Mr. Holcroft, who is generally respected by his neighbours, placed in the commission than most of those who have been appointed? In this neighbourhood, one would suppose that a person framing a Commission of the Peace could scarcely have overlooked Mr. Finkle, one of the most enterprising men in the District, and who has done as much as any other man to advance the prosperity of Woodstock. But instead of such men, strangers, with whose names I am unacquainted, and who have only been a year or two in the County, were selected. (Hear, hear.) In Norwich I have been asked by several respectable farmers, what their township had done to cause the Government to inflict upon it such a magistrate as John A. Tidy. (Hear, hear, hear.)

Before concluding I wish to propose a toast I will give you: OUR WORTHY CHAIRMAN AND THE BROCK DISTRICT COUNCIL. (Loud cheers.) The Chairman I have been acquainted with for many years, and I know him to be a consistent and zealous Reformer, and one who by his own industry, has acquired a valuable property. He is highly respected here and was equally so in that part of the country where he formerly resided. (Cheers.) I observe with much pleasure that my venerable friend, Mr. Vinning, is also present. That gentleman is the senior Councillor of the District, and one of those early settlers to whom the country is so much indebted. I will now propose THE CHAIRMAN, WILLIAM CARROLL, ESQ., AND THE BROCK DISTRICT COUNCIL. (The Hon. gentleman resumed his seat amid loud and long continued cheering.)

The Chairman briefly returned thanks for the honour which had been done him. He was not in the habit of attending Public Dinners, and he felt himself unable to do justice to those who had imposed his present duty on him. He had however, done his best. (Cheers.)

Mr. Vinning said, that as his name had been mentioned by their Hon. Guest, he would say a few words in reply to the toast. He was the oldest member of the Brock District Council, having been elected on the establishment of Municipal Institutions in the Province. He consequently had much experience of their working, and he believed they were well calculated to promote the improvement of the country. He could not help reminding them of the exertions of their Hon. Guest to promote the establishment of those Institutions.

Mr. Shenstone said that if Mr. Vinning was the oldest member of the Council, he (Mr. S.) was the youngest. He was however, able to bear his humble testimony to the successful working of the Municipal Council of this District. When the Council was established the District was deeply in debt, but that debt had been paid off, and they had now an overflowing Treasury, and although during the present year over £1200 had been expended for public improvements, they had still £1500 in hand applicable to the same purpose. The assessed property of the District was £3,000 in advance of last year, being now upwards of £300,000.

Mr. Malcolm, of Oakland, one of the Vice Presidents, said that he had been entrusted with the next toast, which was one that fully expressed his own opinions. Responsible Government in its purity, not as it was at present carried out, was indeed the only safeguard of their liberties (applause)—

6. RESPONSIBLE GOVERNMENT,—the only safeguard of our liberties.

Mr. Vinning had been entrusted with the next toast. It was one that he could perhaps propose with peculiar propriety, as a professed member and office bearer of a Christian Church, and as a Conservator of the Peace. He would give them—

7th. CIVIL AND RELIGIOUS LIBERTY ALL OVER THE WORLD.

Jeremiah Cowin, Esq., of Blenheim, said that he had been entrusted with a toast which he was sure would be most heartily responded to by those whom he saw around him—it was the leaders of the united Reform party of Upper and Lower Canada. He need hardly remind them how important it was to preserve a cordial union between the Reformers in all sections of the United Province Their honorable guest had gone fully into most of the great political questions of the day, but there was one question on which he had not enlarged, and one on which he (Mr. C.) wished to offer a few remarks. One of the charges brought against the Ex-Ministers was, their alleged abuse of the patronage of the Government. What, however, had been the practice of their opponents! What Reformer had ever been appointed by them to office in this district! Even in the appointment to the Magistracy, not a single Reformer had been chosen, nor to the Commission on the Rebellion claims. With reference to the valuation of the Clergy Lands, he (Mr. C.) as an old inhabitant of Blenheim, could say that Mr. Spragge was entirely ignorant of the value of lands in that Township. He had acquired a large tract of land in a very good situation, but he was a non-resident. It was in the highest degree unfair to charge the settlers on those Clergy Lands the enhanced value caused by their own labour, and also rent or interest during the time they were in operation (cheers.) He (Mr. C.) was well acquainted with public opinion in Blenheim; it had been called a Tory Township, but although at Mr. Hincks' first election it gave a majority to Mr. Carroll, it must be recollected that Mr. C. had avowed Reform principles, on which account he got his (Mr. Cowin's) support and that of others. At the last election, notwithstanding all the exertions of the office holders, from the Bailiff to the Magistrate, and several bad votes, there was a majority in Blenheim of three for Mr. Hincks; and on another occasion that majority of three would be multiplied by ten (loud cheers.) He (Mr. C.,) entertained no doubt of the result of the next election, and he trusted that an opportunity would soon be afforded them of giving expression to their feelings—

8th. The Hon. Robert Baldwin and our fellow Reformers in other parts of Western Canada The Hon. L. H. Lafontaine and the Reformers of the Eastern section of the Province—may the union so happily existing between them be long continued. (Protracted cheering.)

Mr. Hincks returned his sincere thanks on behalf of the gentlemen whose names had been associated with this toast, and who, he could assure his friends, would feel much gratified at the compliment paid to them. He then enlarged on the importance of cultivating a cordial union between the Reformers of the two sections, and referred to the attempt which had been made to create religious dissensions.

Mr. Chadwick, District Councillor of Dereham, proposed the next toast, which he prefaced with a few appropriate remarks.

9th. The Clergy of all denominations, and especially of those which act consistently on the voluntary principle.

The Chairman, in rising to propose the next toast, said that he was a plain Farmer, and did not profess to understand much of commercial matters, but he was fully convinced of the truth of the principles avowed on this subject by Mr. Hincks, and he had, therefore, much pleasure in proposing the following sentiment—

10. A speedy repeal of the Imperial Duties and of the Navigation Laws, and Free Trade all over the world. (Loud cheers.)

11. Our Guests from the adjoining Districts who have honored us with their presence this day.

M. H. Foley, Esq., of Simcoe, Editor of the *Long Point Advocate*, returned thanks, and expressed his high gratification at being present on the occasion. He had thought of addressing them on several topics, but found himself forestalled, first by the Hon. Gentleman who was their Guest, and afterwards by the Gentleman on his right, who had taken up the only subject which was left to him, viz. the proscription of Reformers by the present Government. In the Talbot District a new Commission of the Peace had been issued, but although in the former Commission the names of gentlemen of both parties had been recommended by their Member, Mr. POWELL, when a late one was issued, that gentleman, though Member for the County, had not even been consulted, (cries of "shame, shame") and as had been the case in this District, so it was in the Talbot, the new appointments were generally unsatisfactory, even to the Tories.—Then in selecting Commissioners to decide on the Rebellion claims, although certainly party considerations should have been overlooked, all the persons appointed were Tories. As the alteration in the School Act had been spoken of by their Guest, he wished to state one fact, and it was an important one, in confirmation of his statement that the expense would not be reduced by the abolition of the office of Township Superintendent. In the Talbot District, where he resided, the County Superintendent had been only paid for his actual expenses under the old system, whereas in consequence of the increase of labor, it had been found necessary *to give him in addition a sum equal to the salaries of all the Township Superintendents and £14 besides!* (loud cheers.) Such was the practical working of a system which was to effect such *a saving* to the public; and let it be recollected that the Talbot District was one of the smallest in the Province, and where the change might be supposed least likely to operate unfavorably. He (Mr. Foley,) could not sit down without expressing his gratification at hearing the sentiments expressed that evening, and his surprise at the ability displayed by the gentlemen who had addressed the Chair. The Gentleman who was their guest might well be proud of enjoying the confidence of such a constituency, and without offering anything like adulation, he would say that they might be proud of him, (loud cheers.)

The next toast was proposed by Mr. Shenstone, D. C.

12. Education free from sectarian or party influence, based upon such principles, and conducted in such a manner as that every child in the Province may be benefitted thereby.

Mr. Henry, District Superintendent of Education, replied to this toast.

Mr. Kentrea had been requested to propose the Press. He made some very appropriate remarks on the influence of that great organ of public opinion, to which we were indebted for all the great reforms which had been carried out.

13. The Press—that engine so powerful for good or for evil.

This toast was responded to by Messrs. Menzies and Kearney, the former, Editor of the Woodstock Herald, the latter, of the St. Thomas Freeman.

Mr. Goble, of Blenheim, had been entrusted with a toast, but he felt great diffidence in speaking to it. It was the first Dinner of the kind he had ever attended, and he was not accustomed to public speaking. The great advantages of Responsible Government had been ably descanted on, but to whom are we chiefly indebted for the concession of that principle! He (Mr. Goble) well recollected the time, not long distant either, when our Representatives had little or no influence in the Government, when Bills were passed by the House of Assembly only to be tomahawked by the Legislative Council. The Report of the Earl of Durham was the first important blow struck at the old system. Lord Sydenham, though he committed many errors, had formerly sanctioned the principle of governing through a Provincial Administration and the to be lamented Sir Charles Bagot had practically carried it into operation. We ought not on such an occasion to forget the services of those great men. He would propose—

The Memory of the late lamented Lords Durham and Sydenham, and Sir Charles Bagot.

The Township of Kingston Cattle Show took place at Waterloo on the 19th inst. The exhibition upon the whole was respectable, though with some exceptions the live stock was inferior to that produced at the Pittsburgh Show a few days previously. Dr. Sampson's herd came to the ground rather late in the day, but they made a most handsome appearance, and a striking impression upon the judges and spectators generally. His cows and Heifers were in fine condition and high bred. The Doctor also exhibited two beautiful two year old Colts, from that noble animal Sommonocodrom, the property of Mr. John Norton. It was difficult to say which was the finest—one of them only carried the prize, it being incompatible with the rules of the Society that the two should get one. The Pig and Sheep departments were respectable—of the latter some beautiful specimens of the Leicester having been exhibited. Mr. Thomas Briggs of Kingston, produced a young Boar and Sow of the Leicester breed, a new species here, four months old, which commanded the admiration of every one present.

There were some very important improved and newly invented agricultural implements exhibited, especially by Mr. Briggs, among which were the following, viz:—

Subsoil Plough, Churn, Fanning Mill, Corn Planter, Straw Cutter, Seed Planter.—[Chronicle.

LIABILITY OF FORWARDERS, &c.

HOME ASSIZES.—*Cuvillier & Co. vs. Brown.*—The plaintiffs in this action sought to recover the sum of £500, from the defendant, who is a Wharfinger, Forwarder, &c., of this city, under the following circumstances: Certain parties trading as commission merchants, under the style of W. C. Kelly & Co., lodged in Mr. Brown's warehouse 175 bbls. of pork, and took from him the usual receipt. The plaintiffs had allowed Kelly & Co. to draw upon them in Montreal to a certain amount having this and other warehouse receipts in their hands as security "for advances." After they received the receipts, they notified Mr. Brown of the circumstances, but before the letter reached him the pork had been shipped, as it appeared, to Kelly & Co's order, for Kingston. Mr. Brown, however, upon receipt of the plaintiff's notification, wrote in answer, that he had shipped the 175 bbls. of pork "for them." One of the firm of Kelly & Co. had in the meantime intercepted the pork at Kingston, and sold it in the name of Lynch & Co. to another party, in fraud of the plaintiffs. The real question was, so far as we were able from the confused manner in which the case was conducted to understand it, whether the defendant was not aware, at the time he shipped the pork, of the plaintiff's claim upon it. If he was, then by sending it to the order of Kelly & Co., he had made himself liable to the plaintiffs. For the plaintiffs it was contended that his letter admitting that he had sent it "for them" was conclusive proof of that knowledge. For the defendant it was declared that the letter was written under a misapprehension of the fact; that "for them" did not necessarily mean "to them," and therefore was inconsistent with what at all events was the fact, that it was sent to Kelly & Co., though, as the defendant supposed, it would ultimately reach the plaintiffs.

It was contended by plaintiffs, that the possession of the warehouse receipts, was according to the custom of merchants, evidence of the property in the goods being in the possessor, and therefore it was Mr. Brown's business, before he parted with the pork, to have obtained the receipt; by his neglecting to do so had sent the plaintiffs' property to parties who had no right to receive it, and made himself liable for their fraudulent disposal of it. His Lordship in his charge, did not appear to concur in the plaintiff's argument upon this point to the extent it was urged, but left the case to the jury upon the question, whether the defendant knew, at the time he shipped the pork, that it belonged to the plaintiffs, and the letter, he thought, proved that fact too clearly; he did not see what other construction could, with any show of reason, be put upon it.

Verdict for Plaintiffs, £500 damages. It was very evident, before the verdict was given, that neither party, if defeated, intended to be satisfied with the decision of the jury, but would carry it up to the court above.—[Examiner.

LIABILITY OF SHERIFFS—FRAUDULENT CONVEYANCE.

HOME ASSIZES.—*Burns vs. Jarvis.* Was a case of considerable importance, and occupied the Court most of the day. The plaintiff demanded of the defendant the Sheriff of the Home District, upwards of £70, the value of certain goods and chattels that had been levied and sold under an execution against one Cloake. A Mr. Watson had obtained a verdict against Cloake at the last Assizes, upon a note alleged to have been made by Cloake, but which he alleged to be a forgery; and this it appears, was the general opinion of the neighbourhood; but the attorney of Watson swore at the trial that he heard Cloake admit the signing of the note, and upon this evidence Watson had a verdict. Burns was in Court at the trial, and was heard to say that Watson ought not to get anything, as it was unjust, and he would do what he could to prevent it. After they went home, and about three weeks before the execution was put in the Sheriff's hands, Cloake made an assignment of all his property to Burns, (who gave his notes for it,) and then decamped, and has not been seen since. When the bailiff went to levy, he found some of Cloake's property in Burns' possession, some of it concealed, and some not forthcoming; upon being indemnified, he seized, and for this the present action was brought.

For the plaintiff, it was contended that he had lawfully purchased the property, and given value for it; that Cloake was, at the time of the assignment, legally competent to dispose of it, and so continued up to the moment when execution was placed in the Sheriff's hands, which was not for three weeks after; that he (the plaintiff) was liable upon the notes he had given, and that one of them, for £62, was sued at this very Assizes, therefore it was clear the sale was no sham! and as to the law on the subject, a case was cited from the English Courts, decided within the last year, where it was held that a transfer of property, begun the day before, and completed on the same day that a writ was given to the sheriff, and which both parties expected and intended to defeat, was a good transfer in law, and the *intention* to prevent a levy would not alone make the act void.

His lordship told the jury that there was a very important distinction between the case cited and the present, viz, that there was no *fraud* in that case. It appeared that at the time of the transfer a sum of money was *bona fide* due to the purchaser, upon a loan before then made to the seller to enable him to pay his debts, and therefore the intention was a lawful one, viz., to secure what was due to him. But fraud would vitiate anything; and here the plaintiff, with a full knowledge of the facts, stept in and purchased the property to prevent Watson from recovering; and when told he had made himself liable to a penal action, he said he was not afraid for nobody could prove he had bought the property. He also stated he had sent away a mare to avoid the execution; no prudent man would act in such a way; and if a jury think the transaction fraudulent, verdict must be for the defendant. Verdict for the defendant.—[ib.

MR. MOONEY.—On Monday evening last Mr. Mooney, the celebrated Author of the History, Music, Antiquities, Architecture, and Biography of Ireland, delivered his second lecture in this town; and though much engaged, we could not forego the pleasure of attending. We had previously some knowledge of Irish History, and were not ignorant of the fact, that at a very early period Ireland was highly civilized, imbued with religious feeling, and the seat of the Arts and Sciences; but all we had professed to know, absolutely dwindled into nothing in the midst of Mr. Mooney's numerous and varied statements and details. We had no means of taking notes, and can only give a very brief outline of the interesting address:—

In the first place he disclaimed all pretensions to being a professed or accomplished vocalist—though we have heard some say they would rather hear his musical performance than that of Mr. Templeton. He had the advantage of the fine and melting melody contained in the ancient Irish music; and he prefaced all his songs by some Historical explanation which very much increased the interest, and added zest to the melody. He remarked that many of the Irish ballads were interwoven with the history of the country, and during the troubles and confusion, consequent on civil warfare, were the principal vehicles of the Historic incidents of the time.

In introducing Moore's beautiful songs, "The Harp that once through Tara's Hall," Mr. Mooney drew the curtain, and opened to us the long Historic Vista, which brought our vision back to the ages of Ireland's Kings, Glory and Independence. During two thousand four hundred years, she was a sovereign nation, the arbitress of her own freedom—the dispenser of equal laws—at home the promoter of art, science, and peace, and of a generous hospitality which was ever offered to strangers.

He then traced back the history of the Irish Harp, showing its progress to perfection under the cultivation of the Irish Bards, gave a very interesting account of the origin and construction of Irish Music, grouped in the names and deeds of many eminent Irish Composers and Poets, among Carolan, Bunting, Sir John Stevenson, Moore, and others were conspicuous.—The name and history of Robert Emmet were next introduced, some of his last words were recited, and Moore's beautiful tribute to the distinguished patriot, "O breathe not his name," was brought forward. Mr. Mooney dwelt with emphatic gratitude and enthusiasm upon the sacrifices which many distinguished protestants of Ireland have made for the benefit of that Country, within the last hundred years, and instanced Molyneaux, Lucas, Grattan, Flood, Cur-

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