

we live under the protection of law. We know what that law is; and we make our arrangements accordingly; but whenever such an element as force is introduced, law ceases and tyranny begins; nor does it signify whether that force be applied upon a small or a great scale, since the principle is the same in both. Hampden's contribution for ship money did not exceed twenty shillings sterling; yet the attempt to levy illegally that small sum from one resolute man who understood the laws of his country, and was resolved to assert them, kindled a civil war, which ended in the temporary destruction of the monarchy; and we know not why that which was refused to Charles I., which would be refused to the established Churches of England and Scotland, which is refused to every other denomination of Christians in the empire, and which is neither a civil nor a religious right, should be conceded to Dr Chalmers and his adherents, as the reward of mere wilfulness and contumacy. The "liberty to purchase" of which the petition speaks, cannot be denied to the Free Church nor to any other society whatever. It has that "liberty" where it can find a person willing to sell; but what it wants, and what it would seem to ask Parliament to grant, is, a power to compel men to sell land whether they be willing to sell it or not, and such a power we trust it never will acquire. In the earlier periods of European history ecclesiastical grants of lands were common as well as profuse, and it is known to all that the quantity of territory belonging to the church before the Reformation was immense. In Scotland it amounted to one half of the best part of the soil; but still it was in its origin a grant, not a right, which could be obtained only by military service, which the church was hypothetically unable to render. It did render it nevertheless, at least in many cases; but when a churchman became a feudal baron, and consented to hold his lands upon a military tenure, he did so upon principles which no legitimate system of ecclesiastical polity could warrant, and which it is impossible now to imitate. Such properties were either alienated to individuals or assigned to civil or ecclesiastical corporations; and if any body of modern churchmen desire to become proprietors it must be by legal and peaceful purchase, not by confiscation or forced sales. So much for the principle, which brings us naturally to the question, why the body calling itself the Free Church should have found so much difficulty in obtaining sites for their chapels?—and to this question the answer is easy.

It is to be observed, in the first place, that for the parties making this demand there existed all the accommodation they had ever enjoyed, precisely as it had been enjoyed by them and their forefathers. The churches and the schools were still there, and if they refused to enter the one or to allow their children to enter the other, we cannot discover that others should be blamed for the consequent inconvenience; still we have no doubt that great as the number of sites was it would have been got had the matter been gone about in a right way; we know, however, that it was not. Strangers to Scotland can scarcely conceive the tumult which preceded and accompanied the disruption, though they may be familiar with the hideous language which followed it; and they must bear in mind, when the Free Church appears in Parliament as a "humble" petitioner, that its attitude in this country was one of fierce and implacable hostility to the establishment which it had just left—an establishment doomed to destruction as a "moral nuisance" by the very man who had upheld its superior moral prerogative; but a few years before, and reviled by his followers in terms of such savage ferocity as we dare say they would now desire to be forgotten—and an establishment also, which the landholders of Scotland were bound to support by every consideration which can influence reflecting men. Regretting as they must have done, the violent schism in the National Church, and anxious as they no doubt would have been, to avoid even the appearance of harshness towards those who had separated themselves from the national communion—they felt, and most properly felt—that they would not be justified in aiding or abetting in the ruin of that church—that there was no advantage to be gained by the extension of the flood of clerical jacobinism that set in upon them—and that at the risk of being denounced from the rude altars of the seceders as "godless tyrants" it was their duty to stand by the church in its hour of peril, and to discourage by every legal and constitutional means within their reach, the progress of a sect which had renounced the charity and abandoned the spirit of that gospel which it professed to be alone able to preach. Lord Campbell may call this an "abuse" of the rights of property if he pleases; and Mr Stewart may quote his Caboul warrior or Merle D'Aubigny to the same purpose if it so like him, but the facts of the case will remain unaffected by such testimonies; and these facts may be summed up in the very unpretending statement, that the Scottish proprietary body in refusing sites to the seceders from the establishment acted upon principle, and not upon personal feeling—that this course was forced upon them by the hostility to that establishment, of which they were the guardians, of the persons who now complain of them—that no law of society or of the state could compel them to part with property which they wished to retain—and that they refused to menace and violence what they would have cheerfully consented to grant to courtesy, and temperance, and moderation.

The second clause involves considerable questions which we have no time to discuss to day; but we must deny that "the principles of religious toleration," or "the political rights of British subjects," are in any way comprehended in this narrow controversy, which has an exclusive regard to the wants and wishes

of the most intolerant religious society upon earth. As to "persecution," of which we hear so much, the charge is simply ridiculous. Who persecutes the Free Church, or even meddles with it? Nobody that we know of; but is it not notorious that, like Ishmael's, its hand is against every man; and that its bitter voice is made to ring in the ears of every body of professing Christians who refuse to admit its claims to superior purity, or its title to control the affairs of the world? The cry has lost all force in Scotland and is now estimated at its proper value; and we should suspect, from the tone of the conversation in the House of Commons on Friday last, that it is pretty well understood even there.

From the Edinburgh Advertiser.

The question of the refusal of church sites to the Free Secession was brought under the notice of the House of Commons, on Friday, by the Member for Refreewshire (Mr Stewart,) who presented the Free Assembly's petition to that effect, and entered into certain statistical details, the inaccuracy and manifest exaggeration of which any Scotch member, had he chosen to take the trouble, might have exposed. The assertion, for instance, that the Free Seceders number one third of the entire population of Scotland; that there are "many parishes and thousands of parishioners in Scotland compelled to betake themselves to the high roads in order to engage in religious worship"—"exposed to sleet and snow," &c., is so palpable a misrepresentation that the public in Scotland must feel astonishment at the effrontery which could hazard a statement so open to refutation. Waiving this point at present, however, we shall advert shortly to the debate itself. It has been of great importance, we think, that the question of the refusal of sites has been laid before Parliament. One or two facts have thus been established: That the subject is one with which the Legislature cannot deal, as Parliament could not, without committing great injustice, pass a law compelling landholders to sell any part of their estates for purposes which they conscientiously hold to be improper: That the Free Seceders in making this demand, are asking what is beyond the power of the legislature to concede, and what never can be granted consistently with a due regard to the rights of property. These may now be regarded as settled points, for in this matter both Lords and Commons concur in opinion; and if the Free Seceders are resolved to persist in urging their claim, they must appeal to some other tribunal than the British Parliament; they must wait the operation of public opinion, as Sir James Graham said, which is the only power competent to deal with their case. Another important fact has been gained by this application to the Legislature; it has been admitted by every member who has spoken on the subject, with the single exception of Mr P. M. Stewart, that the great barrier to the obtaining of church sites, has been the conduct of the Free Seceders themselves in openly declaring a war of extermination against the Established Church, and in refusing sites except where they could rear their edifices in the immediate vicinity of the parish churches, for the purpose, as Sir James Graham expressed it, of ostentatious rivalry, and for perpetuating jealousies and animosities with the adjoining congregations, so injurious to the peace of the country, and so detrimental to the best interests of religion. This system, the Free Secession has acted upon wherever they had the opportunity; and it is matter of notoriety in our cities and towns, as well as in our rural districts, that the "rival" edifice is generally found rearing its head in close proximity to the Established Church. We are not so familiar with the condition of affairs in the north, as to know how far this applies; but in the southern and middle districts, by far the most populous, it will be found to hold true, so as to prove that ostentatious display and annoyance formed part of their design in erecting their new buildings. In several instances they have declined sites on the pretext of inconvenience; but really because they could not obtain them near enough to the parish church. We can recollect the derisive laughter amidst which the letter of the Earl of Crawford's factor was read in the Free Assembly, and how contemptuously the offer of a site was spurned because it was not in the exact spot which they preferred. In the parish of Carmyle, three or four different sites were refused, none of them being near enough to the parish church. The people of Canonbie, whose case has been represented as one of such extreme hardship, it is well known, could find accommodation in the town of Langholm, which is not at an inconvenient distance for the population; but this would not suit their object of keeping up the cry of persecution against the Duke of Buccleuch, whose property they set themselves down upon without leave asked or given; and whom they have held up to public odium as a tyrant, because they were not allowed to retain possession of it.

We quite concur with Sir James Graham, that nothing can be more reasonable than to allow conscientious Dissenters to have places of worship; and in asking them, the Free Seceders are doing nothing deserving of blame, though we cannot agree with them in stretching the limits of toleration so far as to compel a Nobleman to sell any part of his estates for their special accommodation. No other body of Dissenters in Scotland, and there are many, have complained of hardship or persecution for being refused church building sites. We are not aware that they experience any difficulty or encounter the hostility of landed proprietors in the matter. The difference between them and the Free Seceders, therefore, can be accounted for only by the conduct of the latter in adopting a course avowedly intended to destroy the Church Establishment. It

is from this cause, we believe, that the refusal of sites proceeds in the case of those proprietors who still resist what they deem a combined attack upon the National Church. Sir James Graham expressed his readiness, had he been a proprietor in Scotland, to have imitated the example of Lord Aberdeen, who had been among the first to grant a site (under some restrictions it appears) notwithstanding the violent abuse with which he had been assailed by the very party on whom he conferred the favour. But the Right Hon. Baronet took care to qualify his remark by the declaration that he would not grant sites in the neighbourhood of parish churches, nor where the object was for ostentatious rivalry. "I could not agree (are his words) to grant that request. I should endeavor to restrain that spirit of hostility in its most offensive form, which seeks to place the Secession Church near to the Established Church; and I must say that I believe that sites offered with a view to general convenience have been refused; and it has been said 'we will have our sites close to the Established Church,'—and if that was the claim, I say again, I, as a Scotch proprietor, would resist." In this one sentence is embodied the whole question at issue with the Free Seceders; and Sir James Graham's declared opinion may serve as a vindication of those proprietors who have considered it their duty, in the circumstances, to refuse building sites. Had that class of Dissenters quitted the Church peaceably, as their predecessors had done, had they not sought to injure it, to effect its overthrow, and re-instate themselves in its place, they would have experienced as little opposition as the others have done in procuring places of worship. From what has transpired in Parliament, they ought now to be satisfied that the procuring of sites depends entirely upon their own conduct. Let them lay aside their rancorous and uncharitable spirit towards the Established Church and her clergy; let them, instead of keeping up animosity and agitation, join others in endeavoring to allay irritation, to pour balm into the unhappy strife that has overspread the land, and devote their time and their talents to preaching the Gospel of peace; let them do these things, and we undertake to assert that not a single obstacle will be thrown in their way by any landlord or any party in Scotland.

## Editor's Department.

MIRAMICHI.

CHATHAM, SATURDAY, SEPT. 6, 1845.

### ARRIVAL AND DEPARTURE OF THE MAILS.

The mail for Fredericton, direct, closes on Monday morning at 7, 30 o'clock; and arrives on the morning of Friday, at 2 o'clock, A.M.

The Southern mails are closed at 5, 30 o'clock, on the mornings of Tuesdays and Saturdays, and arrive at 7 o'clock on the mornings of Mondays and Thursdays.

The mails for the Northward are despatched soon after the arrival of the mails from the southward on Mondays and Thursdays; and arrive here on the mornings of Friday, at 6 o'clock.

### ARRIVAL OF THE SECOND AUGUST MAIL.

The arrival of the Courier on Thursday morning put us in possession of British Intelligence to the 19th ult., from which we have selected what we conceived to be of interest to our readers. The *Caledonia* performed the passage in 12 days and had on board 100 passengers. The Stewardess, Mrs. Bain, and a passenger named Moore, died on board during the passage.

The Commercial accounts are favourable; but great fears are entertained respecting the Harvest, the weather being unusually wet.

The Railway fever does not appear to subside much.

Parliament was prorogued on the 9th inst. by Her Majesty in person reading the "Royal Speech" with her usual animation and firmness. The ceremony was marked by a singular incident:—

"The ceremony was marked by a singular incident. The old Duke of Argyll, who fit virtue of his office, had to perform a piece of manual drudgery—that of carrying the Crown on a cushion—stumbled and fell at the foot of the throne, and his charge—that the superstation and the awe with which the world invests the emblem of supreme power—lay sprawling like its bearer, on the floor, with its glittering diamonds and rubies scattered all around. The apostrophe of the usurper to the object of his long cherished and guilty ambition—

"A Crown!  
Thou bright reward of ever daring minds,  
O how thy awful glory wraps my soul!  
'Tis not men's love, fear pays thee adoration!"—

appears in sad plight at this excessively funny, nay, if not ridiculous incident—the reverse, at all events, of the poetical or the sublime."

On the afternoon of the same day the Queen and Royal Consort quitted Buckingham Palace to embark for the Continent.

The Mining Journal states that some of the owners of copper mines in South America are about to try the experiment of smelting their ores on the spot, instead of sending them to this country to be smelted.

**GOOD EXAMPLE BY THE COUNTY OF RESTIGOUCHE.**—This county has recently introduced to our notice an example which we heartily wish may be followed by every county in this Province, however it might affect the yearly income of some gentlemen of the long robe, whose interests sometimes clash with those of the public. We hope that Restigouche will continue to maintain the position it has gained, and when the next Supreme Court comes round, be able to send us such gratifying intelligence as the following:—

"Our Supreme Court was opened here yesterday, at 11, A. M., by His Honor Judge Parker, and in two hours afterwards it was closed; only one case came before the Jury, and that was dismissed. Certainly law is at a discount in Restigouche."

**TO CORRESPONDENTS.**—We have received the Report of the Miramichi Ladies' Auxiliary Bible Society; but in consequence of the arrival of the English Mail, we have not space for it in our present No. It shall be inserted next week.

**Anonymous and Fairplay,** have been crowded out.

### ARRIVALS AT THE ROYAL HOTEL CHATHAM.

August 8.—Mr Wm Fraser, Restigouche. 9th.—Thomas B. Lang, Esq., St. John. 16th.—A. Davidson, Esq., Nelson; Mr James Laurie, Bathurst. 17th.—Rev. Henry Russell, Bathurst. 23rd.—J. C. Craig, Esquire, Saint John; —Blizzard, Esquire, Cheltenham, England; Dr Haley, United States. 23rd.—Mr McKenzie, Charlottetown. 24th.—John Whidden, Esquire, Halifax; Mrs Scott, Belle Doune; Mr John Cole, Charlottetown. 25th.—Rev. Mr King, Fredericton.

### Marriages.

On the 29th ult., in the Church of the Holy and Undivided Trinity at Blackville, by the Rev. James Hudson, B. A., Mr Benjamin Nelson Underhill, to Miss Mary Armstrong, both of Cain's River, in that parish.

At Nelson, on the 3rd instant, by the Rev. John Turnbull, Mr Francis McNamee, of the parish of Ludlow, to Miss Jane McEachern, of the parish of Nelson.

## The Fredericton Mail.

The Courier with the Fredericton Mail arrived this morning at 9 o'clock.

Quebec Gazette, August 27.

The Rev. Norman McLeod, one of the deputation of the General Assembly of the Church of Scotland to the North American Provinces, preached a very excellent sermon at St. Andrew's Church in this city, last evening.

The text was from Psalm IX. v. 10, "And they that know thy name, will put their trust in thee; for thou, Lord, hast not forsaken them that seek thee."

After the service the Reverend Preacher and the Rev. Dr. Simpson, also of the deputation, explained the object and the purposes of their mission. It is one of peace and brotherly love; and both gentlemen did ample justice to it, to the satisfaction of a numerous and highly respectable audience.

It is impossible for Scotchmen and their descendants not to view with gratitude the disinterested concern taken by the General Assembly of the Church of Scotland, for the spiritual welfare of those of their brethren who are dispersed over the North American provinces. Although they are far removed from the seat of the establishment, they are not the less attached to the Church, for their adherence to which their ancestors so long contended and suffered "for conscience's sake."

**SUFFERINGS OF POLISH CAPTIVES IN SIBERIA.**—"Ah!" observed the General Kosinski to Sir R. Wilson, "they may talk of the hardships of the French in their retreat from Moscow, but ours, driven over a thousand leagues, with our wives and children, were infinitely more deplorable! We were parched with thirst, half-famished; our feet were covered with blisters, and our limbs rigid. Those whose knapsacks contained 'Holloway's Ointment,' and 'Pills,' were indeed fortunate! Their wounds were healed, and the alternative and tonic properties of the pills kept up their strength. I recommend these specifics for all disorders; they are attended with the most astonishing success; and in rheumatism, cancer, paralysis, gout, wounds of all kinds, scrofula, &c., their efficiency, both in Poland and Russia, cannot be too highly appreciated. N. B. General Kosinski having escaped from Siberia, is now in England."