

when we do, we shall be proud that quiet reigns throughout the land, crime is almost unknown; but is not this rather a matter of thankfulness in the present time, than a state of things which we dare hope is to last. All human felicity is uncertain—public and private life, like the natural division of time, are apportioned into light and darkness. I have seen the days before I was an Officer of the Crown, when as a young man, the venerable Chief Justice often assigned me as a council for those who were to be tried for capital offences, and also since, when I was Solicitor General, that our calendar was filled with criminals. Thank God such is not now the case—but are the evil dispositions of men subdued? and may we safely disband our legal forces?

Sir, this would be unwise, the courts of session in the different Counties in the Province administer the law in the county courts.—Their decision, and those of the Supreme Court have given stability to property, and those who are so unfortunate as to be engaged in litigation themselves, nevertheless learn, in these great law schools, how to manage their affairs so as to keep out of trouble. The silent operations of law, and the operations of implied obligations, which are not exhibited to public observation, hold society together. The learned Speaker here referred to the expense of the Judiciary of New Brunswick, which he contended, as to the Supreme court, greatly exceeded our own, but our limits compel us to condense and likewise to exclude much of what was said—much of lively imagination which amused us at the time. [After alluding to the outcry that had been sent abroad over the country, about the expense of our Judiciary and which, from these comparisons, he argued was unfounded, he concluded thus:] I am, said he, much more surprised that man, with all his appetites and passions, can be brought to submit at all to the laws of Society than that there are occasional infractions of those laws. Public tranquility requires that retaliation for wrongs should be wrested from the injured, but all rules for governing society are and ever have been ineffectual in altering human nature—and it is not possible to withdraw from individuals the power of occasionally doing something on their own account, and in their own vindication. Those who best understand the nature of man, know that there are cases, in which it is not enough that he has the tribunals of Justice to hear his appeal—but that there are cases touching his honor, the reputation of his family, and such as ruin his peace of mind, which urge him at times to stand forward and call for a trespass upon the laws that he may be avenged—and it may be added that custom has not so far suspended original principles as to esteem the judgement of any tribunal equal to the personal vengeance. But this state of things is kept down, or encouraged in a great degree, in proportion as the tribunals of a country are respected or despised. It is not necessary to enquire whether this desperate alternative is wholly devoid of utility—it is the duty of all Legislatures to guard against it—in questions which have a tendency to alter the administration of the laws, let us look for example to the country of which we are proud to consider ourselves an integral portion. Her institutions were founded to uphold freedom; they have stood the test of ages, uninjured by the lapse of time—while the institutions of Tyrants have crumbled into dust—like the native oak upon the mountain brow, they have withstood the tempest of revolving ages. Let us then highly value our institutions, founded upon the same principles, and bearing the true resemblance of our Mother Country, and not recklessly subject them to theoretical speculation and dangerous change. The question of the Judi-

ciary has only come incidentally into this discussion; when the proper time arrives for considering that question, I will be prepared to accede to any reasonable measure which may relieve the country. Though unprepared, I have deemed it my duty to take this hasty review of the learned gentleman's plan, and to oppose it step by step, from the commencement to the conclusion.

We are obliged to omit Mr Howe's powerful speech on this important subject. The Editor of the Halifax Recorder makes the following remarks on this question:—

At the close of this (the Speaker's) speech, there was quite a suspension. After some time Mr Goudge, of Windsor, seeming to think himself the man, addressed the choir. We could not but feel for him, and yet we felt more for a glossy beaver, the crown of which he very injudiciously selected—as we thought—for a sounding board to his emphatic gestures. On Saturday Mr Howe delivered an able and judicious speech directed principally to the expense of the present establishment. He thought it inexpedient to abolish the Common Pleas; this Court appeared to be working well; but he thought two Judges might do all the labor. He thought three Judges of the Supreme Court quite sufficient, and that by reducing the number of the Judges, and not the Courts the greatest saving might be effected. It is true there was some sophistry—some appeal to the passions—in his address, but in the manner it was much above mediocrity. Mr Howe commands the attention of the House when he speaks—and we always conceive this a good test of ability. Mr Uniacke followed in an able speech at some length. He referred to the constitution of the Courts in the different States of the American Republic. He fixated upon Massachusetts as possessing the best regulated Judiciary, and argued that there justice was brought to every man's door by means of circuit and other courts. He felt astonished that Mr Howe should draw such invidious comparisons between the Judges of the land and day laborers. If the gentleman's object was alone to procure the cheapest administration of justice it would be as well to put up the Judiciary at public sale in Market Square. He, Mr Uniacke, could easily imagine that a cheap Judiciary might be procured in this way. What, £450 a year for a Judge to travel the circuit? Why, *Tim O'Shaughnessy!* *Tim Shea!* or *Con Leahy!* would do the labor for half that sum. With regard to Mr Howe's plan of lessening the number of Judges and taking their salaries to repair the roads and so diminish the difficulty of travelling the circuit, he could hardly think him serious. Would he convert his friend Justice Haliburton—the author of that cleverly written tale lately issued from that gentleman's press—into a string piece, and another Judge into a king-post? He, for one, would not listen to such a proposition. As usual his speech was very humorous and spirited, and called forth from Mr Howe an able reply.

On Monday after several speeches from various members among whom were Messrs. Doyle, Dodd, McDougall, Desbarres and Bell, and when the subject appeared to be exhausted, Mr Young rose to a close. He was very spirited and appeared much excited. His arguments were principally directed against the practice in the Court of Chancery and against the Court of Common Pleas. He said that this latter was a court of independent jurisdiction and almost without control; that its decisions were virtually final and without revision. He was, however, willing to abandon two of the resolutions which would affect the Probate Court and the Court of Marriage and Divorce—they were not of his own device. These resolutions had been handed him by another gen-

tleman, but he would no further defend them. He would consent to a modification of his first resolution to meet the views of those opposite. This was accordingly done and passed *unanimously*. The resolution touching the Court of Common Pleas was, by recommendation remodelled and stood over till Tuesday. On Tuesday morning the strength of the respective parties came very nearly being tried on the appointment of a committee to report upon the resolution touching the Common Pleas. The abolitionists tried to get a majority on the Committee, which was opposed by the friends of these Courts. On division those for abolishing numbered 18—contr 21

We merely add that this was decidedly the most spirited debate we have had during the Session, and one in which the whole country must be deeply interested. There was not much angry discussion; in fact—with the exception of an attack made by Mr Goudge on one of the Common Pleas Judges, and which was very promptly repelled by Mr Doyle, saying, that any man who would so attack a Judge, with his hands necessarily tied, would assail a woman—the debate was conducted with great moderation and decorum. There was a little skirmishing also between Messrs Lewis and Dickey relating to an address to Judge Savers, prepared and signed by the Magistrates of Cumberland, and which the latter gentleman asserted had been got up by manoeuvre and had been signed without due consideration of its contents. A friend of his, he said, had signed it, and was afterwards sorry. Mr Lewis denied any manoeuvring. The magistrates of Cumberland were quite competent to understand any address they signed. The address would show for itself in due time. The Justice in session had signed it unanimously, as he had heard, with the single exception of the member for the township of Amherst.

LATEST NEWS.

Received by the United States.

LONDON, Jan. 2.

All officers on leave of absence from regiments at present serving in Canada, had their leave cancelled, and ordered to proceed forthwith via New York, to join their respective corps. Lieut. Col. Wetherall, who has so distinguished himself in Canada, is sent to General Sir F. A. Wetherall, and brother to Col. Wetherall, late Commandant of the British Legion in Spain.

It is confidently rumored that a brigade of Guards and the 23d and 71st Regiments, are to be sent out to Canada in the spring, so as to increase our present strength by upwards of 5000 men. A number of half pay officers, of various ranks, have also received orders to proceed immediately to Canada, for the purpose of being attached to the different militia regiments, to assist in improving their discipline, &c. Many embark by the next packet.—*Times*.

We understand that an additional Major General will be sent to Canada, as the civil government will, for some time at least, be entrusted to Sir John Colborne, as well as the command of the forces, and we have heard the name of Sir W. Macbuan mentioned as destined to receive this at present very important appointment.—*Courier*.

It is understood that in addition to the troops mentioned yesterday, as being destined for Canada, 800 of the Grenadier Guards, and the same number of the Coldstream, received orders yesterday morning to hold themselves in readiness to embark for the same place, it is supposed in the course of the week.