

THE LITERARY TRANSCRIPT.

THE TRANSCRIPT

IS PRINTED ON THE MORNINGS OF
Wednesday, Thursday and Saturday.
At the Office No. 13, St. John Street.

TERMS OF SUBSCRIPTION: 10s. per annum.
When sent by Post, 12s. per annum.

Advertisements, Communications, &c. may be left at the Office, and at the Book-Store, No. 26, foot of Mountain Street, at which places the paper can be had immediately after publication.
Printing of every description executed with neatness and despatch, and on moderate terms.

THE TRANSCRIPT.

QUEBEC, THURSDAY, 1st NOV. 1838.

LATEST DATES.

From London,	Sept. 27	From New York,	Oct. 23
From Liverpool,	Sept. 28	From Halifax,	Oct. 17
From France,	Sept. 28	From Toronto,	Oct. 12

VERY LATE FROM EUROPE.

The packet-ship *Burgundy*, from Havre, furnishes files of Paris papers to the evening of October 1st, inclusive. These papers contain London dates of the evening of September 29th.

The *London Herald* announces that drafts to all the regiments in Jamaica and the Windward and Leeward Islands, amounting to 50 officers and 800 rank and file, have been ordered to hold themselves in readiness, and embark as soon as conveyance can be provided. It is supposed that these additions to the West India force are prospective toward Canada.

The seconds in the Wimbledon duel had been sentenced to two months imprisonment—the last month in solitude.
The report of the death of Dr. Francia, the Dictator of Paraguay, has been contradicted by a letter from M. de Bonplan to M. de Homholdt, written in July, at which time the Dictator was in good health.

The Paris papers announce the death of the Duchess de Broglie. She was the daughter of the celebrated Madame de Staël.

Intelligence had been received at Paris, from Spain that Alaix had had a fight with the Carlists and had been defeated, with considerable loss. Espartero was at Panorbo on the 17th Sept. There was great activity in the Carlist ranks. Gen. Ora (Christino) has been succeeded in the command of the army of the centre by General Van Halen.

The *London Courier* says, that in consequence of the interference of the Magistrates, Mr. Van Amburg's proposed ascension with the royal tiger, in a balloon, was not allowed to take place.

There has been another great Radical meeting at Manchester. Some of the papers say that 300,000 persons were present. The speeches were of a less inflammatory character than at some of the other meetings, and the meeting passed off quietly. There was another meeting of 20,000 at Sheffield.

A collision had taken place on the Great Western railway, caused by a thick fog, in which three cars were destroyed, but no person was hurt. Damage about £2000.

Advices from New York to the 8th September had been received in London by the *Roscoe* and *North America*.

This day, at two o'clock, P. M., His Excellency the Governor-General will embark on board the *Incognito*, immediately after which Sir John Colborne will be sworn in Administrator of the Government.

Two o'clock being the hour fixed for the departure of the Governor-General, the members of the St. George's Society, the Caledonian Society, Palace Ward, and all other loyal subjects intending to join them, will assemble at the Albion Hotel, at one o'clock, to proceed thence in procession to the Queen's Wharf.

Addresses to His Excellency the Earl of Durham were presented yesterday, from the George's Society, the Literary and Historical Society, the County of Quebec Agricultural Association, and from the Printers and others connected with the Press in this city.

The following is the Address of the Printers together with His Excellency's reply.

To His Excellency, the Right Honourable JOHN GEORGE EARL OF DURHAM, Viscount Lambton, &c. &c.

WE, Her Majesty's loyal and devoted Subjects, Printers and others connected with the Press, in the Capital of the British North American

Dominions, respectfully request permission to add one to the very numerous Addresses which have been presented to Your Excellency, expressive of regret at your intended departure from this Continent.

You Excellency has already received such unequivocal proofs of the confidence of the British North American Colonists in your integrity, wisdom, and talents, that our Address, which can only be an echo of numerous precedents, may be deemed supererogatory. We would fain hope, however, that Your Excellency will be pleased to receive, as an additional mark of esteem and respect, the expressions of heartfelt regret for your resignation, of a body of Her Majesty's Subjects who, from the nature of their profession, have had ample opportunities of watching the progress of events in this Colony, since its political horizon was brightened by the arrival of Your Excellency on our shores.

The sanguine anticipations to which the appointment of Your Excellency as Governor General of British North America gave rise, were, we may be permitted to say, fully borne out by the acts of your Excellency, and by the measures which were known to be in contemplation—measures which promised to the loyal and well-disposed inhabitants of this distant portion of the British Empire, a career of unprecedented prosperity. It is, therefore, a source of sincere regret and disappointment that Your Excellency's political enemies in the Imperial Parliament should have so far forgotten their sacred and important duties as to endeavour by unworthy means, to embarrass the course of Your Excellency, in whom the hopes of the loyal inhabitants of these colonies were centred, and to whom the destinies of an important portion of the Empire were confided by our Most Gracious Sovereign.

Your Excellency having already expressed your determination to resign the Government of these Colonies, it would be indicative in us to pray, with preceding Addresses, that Your Excellency would remain on this Continent. But Your Excellency has already conferred great benefits on this country; and we look forward with bright hopes to the time when Your Excellency having resumed your place in the House of Lords, will triumphantly answer those noble personages who have substituted the gratification of private rancour for the discharge of public duty. And we also, from Your Excellency's declaration, confidently expect Your Excellency's powerful advocacy, in the Imperial Legislature, of the cause of Her Majesty's North American subjects.

With the sincerest wishes for the future happiness of Your Excellency and the Countess of Durham and family, we respectfully take leave, assuring Your Excellency that the remembrance of your short stay in Canada will ever be associated in our hearts with the most grateful and pleasing recollections.
Quebec, October, 1838.

HIS EXCELLENCY'S REPLY.

I acknowledge with feelings of deep gratitude, not only the friendly tone of this Address—but the value of that support which I have generally received from the British Press in this city.

Your co-operation in the great objects of my mission was very desirable. Your advocacy, therefore, of all measures tending to promote feelings of loyalty and harmony, and to strengthen the connection of these Provinces with the British Crown, merits and receives my warmest thanks.

I lament that your patriotic example has not been followed by others who have not scrupled to abuse, for the most selfish and mischievous purposes, the powers of that mighty engine for good or evil—the Press.

Engaged in the wicked attempt to foster ancient prejudices and abuses, and inflame national enmities—they seem unmindful of the certain ruin and misery to which they devote a credulous population, unhappily ever prone to listen to their insidious counsels. Should they succeed in producing this lamentable result, with them the awful responsibility will rest—by them the heaviest punishment will be deserved.

His Excellency Sir John Colborne arrived from Sorel on Tuesday afternoon, in the steamer *Canada*, and was received on landing with the cheers of a numerous concourse of citizens.

Two companies of the Grenadier Guards left this city for Three-Rivers, on Tuesday evening last, in the steamer *St. George*. A party of the 15th Regiment from the Quarantine establishment at Grosse-Isle, which has

been broken up, embarked at the same time, to join their Regiment at Chambly.

It is stated, on the authority of a gentleman from Vermont, that Theller and Dodge are staying at a small village near Burlington, sickness rendering them unable to proceed further. One of them received a severe injury on the foot, in making his escape, and the other has suffered so much from fatigue and exposure that his recovery is considered doubtful.

It was stated in our last, that the vessel lost at the entrance of the Baie de Chaleur, was supposed to be the *Colborne*, from London, with a full cargo of merchandise of the estimated value of £30,000. Some of the principal dry goods importers of this city have the whole of their water importations on board that vessel, and much anxiety is felt respecting its fate. We believe that the *Colborne* had also on board the piece of plate subscribed for by the inhabitants of Montreal for presentation to Lieut.-Colonel Wetherall.

An individual named Samuel Adams, was killed near St. John's Gate, on Friday last, by a horse on which he was riding falling down, and rolling over him. The deceased was a breaker of horses, and had been for many years previously in the army.

There are fully 16,000 regular troops in the Canadas, including Artillery and seamen, besides many well-drilled Provincial Corps, and Volunteers without number. What do you say to that, ye croakers?—*MacKenzie's Gazette* says that "the number of soldiers in Canada falls very far short of 6,000." What a gross falsehood! Let the sympathisers come and feel.—(*Montreal Courier*.)

TO THE EDITOR OF THE TRANSCRIPT.

SIR,—Courts of Justice ought to be governed by principle in their decisions. The following cases will show that different judgments have been rendered in cases identically the same. So much for the "glorious uncertainty of the law!"

Thomas Elmhurst instituted an action against James Putt, in February, 1833, (under the No. 377,) for the recovery of £11 9s. 6d. cy. for goods, wares and merchandise sold and delivered to the plaintiff by the defendant. On the 12th April the plaintiff obtained judgment against the defendant for the sum demanded and costs of suit.

The same plaintiff institutes another suit against the same defendant for the same amount, under the No. 360, founded upon the judgment already obtained, and commences his proceedings by a *capias ad satisfaciendum*. The plaintiff obtains judgment against the defendant on the 19th October, 1833, for the sum demanded, £11 9s. 6d., but without costs upon the second action.

Having now given a decision one way, we proceed to give another way:—

William Ware instituted an action against the late C. Hunter, in June, 1831, under the No. 601, and obtained judgment against him for the sum demanded, with costs. In April, 1838, the plaintiff having instituted an action against the heirs of the late C. Hunter under a *declaration de judgement executeiro*, under the No. 1542, obtains a judgment condemning the widow and heirs of the late C. Hunter to pay the amount of the judgment already obtained against the late C. Hunter, and also condemns the defendants to pay the costs of suit.—In May, the plaintiff arrests one of the defendants for the whole amount of the judgments obtained against the widow and heirs of the late C. Hunter, under the No. 844, and obtains in this case judgment against one of the defendants for his share of the original judgment, (having already obtained judgment against him in a *declaration de judgement executeiro*) and what is more, the defendant in this suit is condemned to pay costs, although in the case of Elmhurst vs. Putt, the Court refused costs.

MEM.

K. B. } THOMAS ELMHURST, }
No. 377. } JAMES PUTT. }

The Court seeing that James Putt hath neglected to appear in this Court and answer the interrogatories upon facts & articles to him duly submitted, and, in this case filed, doth consider and adjudge that the said interrogatories be and they are hereby taken pro confesso; and in consequence the Court doth condemn the said defendant to pay to the plaintiff, Thomas Elmhurst, the sum of £11 9 6 currency, for goods, wares and merchandise sold and delivered, with interest on the said sum from the 15th November last, until perfect payment and costs of suit.

K. B. } THOMAS ELMHURST, }
No. 360. } JAMES PUTT. }

It is considered and adjudged by the Court of our Lord the King now held that the defendant James Putt, do pay to the plaintiff Thomas Elmhurst the amount in principal of the judgment in this Court rendered in April now last past, in favour of the plaintiff against the defendant, No. 377, and of the costs taxed thereon the sum of £16 4 6 currency, with interest on the sum of £11 9 6 currency from 15th November now last past, and on the further sum of £4 14 currency, from 4th July now last past until perfect payment and costs to be taxed as on a *capias ad satisfaciendum* and no more.

SHIPPING INTELLIGENCE.

PORT OF QUEBEC.

ARRIVED.
October 29th.
Schr. New Providence, 27th Oct. New Castle, F. Buteau, oysters, &c.
Schr. Anqueline, Hay, 1st do. do.
Schr. La Pique, Bernier, 20th do. Gaspe, fish.
Bark Wetherall, 3rd Sept. Liverpool, D. Burnett, sail.
Schr. Shannon, Boudruet, 9th Oct. Halifax, Montreal, rum and sugar.
Schr. Barrette, Richard, 12th do. do. Montreal, rum, sugar, &c.
Schr. Richmond, Georx, 12th do. do. D. McCallum, fish and oil.
Schr. John, Vigneau, 14th do. do. H. J. Nod, rum and sugar.
Schr. Marie, LeBlanc, 13th Oct. Prince Edward's Island, order, oysters.
Ship Augusta, Rae, 25th August, Liverpool, Ryan Brothers, ballast.
Bark Cyrene, Bacon, 20th Sept. London, Price & Co. ordnance stores.
Brig Satisfaction, Robertson, 12th August, do. do. barley.

CLEARED.

October 30th.
Economist, Pearse, Newport. LeMesurier & Co. Sovereign, Markham, Hull. H. Bursall.
Skr. Wm. Beasley, Hubb, London, Atkinson & Co. Mulgrave, Edmunds, do.
Kingston, Kay, Bristol, Pemberton.
Harvey, Rees, Newcastle, Symes & Ross.
Matthew Bell, Hunter, Liverpool, do.
Bruce, Stephenson, Hull, Levey & Co.
St. Andrew, Leitch, Liverpool, J. Tibbets.
Schr. Carleton Packet, Landry, Restouche, Gilmour & Co.
Schr. Sarah Ann, Misservey, St. George's Bay, the master.
Bark Lord George, Maitland, London, Levey & Co.
Bark George Lockwood, McKeuzie, do. LeMesurier & Co.
Brig Southampton Richardson, Grenada, J. Leaycraft.
Ship Edmund, Dobs, London, Price & Co.
Brig Naparima, Donald, Dublin, Ryan Brothers.
Brig Ora, Bell, Sunderland, T. Cury & Co.
Brig Matilda, Hughs, Montego Bay, Gillespie & Co.
Brig Dykes, Harrison, Pwllheli, Gilmour & Co.
Brig Credo, Humphrey, Flint, LeMesurier & Co.
Brig Hero, Harrison, Dublin, do.
Brig. William, Boudrot, Arichat and Halifax, E. Peniston.

PASSENGERS.

In the *Suir*, sailed for Liverpool—H. N. Jones, Esquire, of Quebec.

DIED.

On Tuesday, at the residence of Mr. William Wright, of consumption, Susan, daughter of the late Mr. John Blake, of Deronsshire, England, aged 23.

At Baltimore, on the 20th inst. Mrs. Elizabeth Langlois, formerly of Quebec, aged 56 years.

SALT AFLOAT.

JUST arrived, per *Sophia*, and positively the last for the season, best LIVERPOOL SALT, in bulk.—Apply to

THOMAS FROSTE & CO.
Quebec, 1st Nov. St. James Street.

SADDLERY, HARNESS,

Trunk and Whip Establishment.

THE Subscriber is ready to execute orders for Double, Single, or Tandem HARNESS, in the latest style, and on moderate terms.

ALSO—
Horse Clothing, Portmanteaus, and Valises.
H. N. MANNING.
Quebec, 1st Nov.

APPLES.

RECEIVED from New-York, EIGHTY R Barrels POMME GRIS, in large sized barrels, and for sale by

JOHN FISHER.
15th Oct. 1838.

R. C. TODD,
Spread Print, No. 16, St. NICHOLAS STREET.