

GREAT BRITAIN.

From Papers by the February Packet.

OPENING OF PARLIAMENT.—FEBRUARY 4.

This day the second Session of the second Reformed Parliament was opened by His Majesty in person. The day was rainy, and the crowd which assembled to witness the royal cortege proceed from the Palace to the House of Lords, in consequence was not large. His Majesty left the Palace in state, shortly before two o'clock, and was received at the entrance with the customary observances. The body of the House, as well as the gallery, was crowded.

His Majesty having taken his seat on the throne, the Usher of the Black Rod was commanded to summon the House of Commons to their Lordships' bar, and the house, preceded by the Speaker, having taken their places, the new Lord Chancellor, kneeling, presented to His Majesty, the copy of the Royal Speech, which the King read in his usual firm tone, as follows—

My Lords and Gentlemen,

It is with great satisfaction that I again meet the great council of the nation assembled in Parliament. I am ever anxious to avail myself of your advice and assistance, and I rejoice that the present state of affairs both at home and abroad, is such as to permit you to proceed without delay or interruption to the calm examination of those measures which will be submitted to your consideration.

I continue to receive from my allies, and generally from all powers, assurances of their unaltered desire to cultivate with me these friendly relations which it is equally my wish to maintain with them: and the intimate union which happily subsists between this country and France is a pledge to Europe for a continuance of the general peace.

Desirous on all occasions to use my friendly endeavours to remove cause of disagreement between other powers, I have offered my mediation in order to compose the difference which has arisen between France and the U. States. This offer has been accepted by the King of the French: the answer of the President of the United States has not yet been received; but I entertain a confident hope that a misunderstanding between two nations so enlightened and high-minded, will be settled in a manner satisfactory to the feelings, and consistent with the honour, of both.

I have still to lament the continuance of the civil contest in the Northern Provinces of Spain. The measures which I have taken, and the engagements into which I have entered, sufficiently prove my deep anxiety for its termination; and the prudent and vigorous conduct of the present government of Spain inspires me with the hope, that the authority of the Queen will soon be established in every part of her dominions: and that the Spanish nation, so long connected by friendship with Great Britain, will again enjoy the blessings of internal tranquility and union.

"I have given directions that there be laid before you the treaty which I have concluded with the Queen of Spain for the suppression of the slave trade.

Gentlemen of the House of Commons—

I have directed the estimates of the year to be prepared and laid before you without delay—they have been framed with the strictest regard to well-considered economy.

The necessity of maintaining the maritime strength of the country, and of giving adequate protection to the extended commerce of my subjects, has occasioned some increase in the estimates for the naval branch of the public service.

My Lords and Gentlemen—

The state of the commerce and manufactures

sting between themselves, an arbitrator can have no authority to bind any who is not a party to the reference.

An arbitrator being a judge appointed by the parties themselves for the final settlement of their differences, his decision on the merits of the case submitted to him is conclusive; the question is set at rest, and never can be agitated between them again. But if his award be partial or illegally made, the superior courts have the power of setting it aside, upon application being made within reasonable time. This happens either, 1, where the award is not co-extensive with the arbitrator's authority; or, 2, where it appears on the face of it to proceed on mistaken views of law, or to fail in some of the qualities required for its validity; or, 3, where any misconduct has been committed. This may happen in two cases: 1st, where the arbitrators have been guilty of corruption or other misbehaviour, as, if they have proceeded to arbitrate without giving notice of the meeting, have improperly refused to receive evidence, or committed any other gross irregularity in practice: 2dly, where it is proved that the arbitrator has been misled by fraud used by either of the parties. Where an award is absolutely void, as where it is made after the authority of the arbitrator has ceased, it is not in general necessary to set it aside, as it is incapable of being enforced.

When the award has been made and delivered, if one of the parties refuses to comply with it, the other may bring an action against him on the award. But the most prompt and efficient remedy is to apply to the court for an attachment, grounded on the contempt of court which he has been guilty of by disobeying the order of reference. In opposing this application, the other party may insist on any objection apparent on the award itself, but if there were any other objections affecting its validity, and he has neglected to apply to the court to set it aside within the time fixed by them for that purpose, it is too late for him to avail himself of them.

When, in the original action, a verdict has been given for the plaintiff subject to a reference, if the defendant does not abide by and perform the award, the plaintiff may, by leave of the court, enter a judgment and sue out execution for the whole damages mentioned in the verdict.

2. Where no action has been commenced, the parties may refer their differences to arbitration by actual agreement. Every person capable of making a disposition of his property may be party to such an agreement: no peculiar form is necessary for its validity.

Whether the submission be verbal or in writing, it is in the power of either of the parties to revoke it, and thus put an end to the authority of the arbitrator at any time before the award is made. In order to prevent this, it is usual for the parties to make it a part of their agreement, that they will abide by and perform the award; and if after this either of them should, without sufficient reason, revoke his submission, or otherwise prevent the arbitrator from proceeding with the arbitration, he will be liable to an action for the breach of his agreement.

The time for making the award may be enlarged, if there be a clause to that effect in the agreement of submission, or if all the parties consent to it, but not otherwise. There are no means of compelling the attendance of witnesses, nor has the arbitrator the power of administering an oath; but the witness and—if they have agreed to be examined—the parties are sworn either before a judge, or, in the country, before a commissioner. They may, however, be examined without having been sworn, if no objection is made to it at the time.

The courts cannot enforce performance of the award by attachment; the only remedy is an action on the award itself, or rather on the agreement of submission. The defendant may insist on any objection apparent on the award itself, but where there is any other ground for setting it aside, his only remedy is by a bill in equity. Thus it will be seen that where the reference is by agreement, many inconveniences occur, particularly from the deficiency of the remedies; but the legislature has enabled parties to put such references on the same footing as those which are made where a cause is depending, by enacting, by 3 & 4 Will. III. c. 15, that they may agree that their submission (which it is held in this case must be in writing) shall be made a rule of any of his Majesty's courts of record, (and in practice courts of equity have long enjoyed concurrent jurisdiction), and insert such agreement in their submission; and this submission may at any time afterwards be made a rule of court, by producing the affidavit of its execution made by a witness thereto. The provisions of the new statute 3 & 4 Will. IV. c. 41, apply as well to arbitrations made in pursuance of such agreements of submission, as to those made by order of court; and the law is the same in both cases, except in some few points of practice.

of the United Kingdom is highly satisfactory. I lament that any class of my subjects should still suffer distress; and the difficulties which continue to be felt in important branches of agriculture, may deserve enquiry, with the view of ascertaining whether there are any measures which Parliament can advantageously adopt for the alleviation of this pressure.

I have not yet received the further report of the commission appointed to consider the state of the several dioceses of England and Wales. But I have reason to believe that their recommendations upon most of the important subjects submitted to them, are nearly prepared. They shall be laid before you without delay, and you will direct your attention to the ecclesiastical establishment with the intention of rendering it more efficient for the holy purpose for which it has been instituted.

Another subject which will naturally occupy you, is the state of tithe in England and Wales; and a measure will be submitted to you, having for its end the rendering this mode of providing for the clergy more fixed and certain, and from those objections to which it has hitherto been subject.

The principles of toleration on which I have been invariably guided, must render me desirous of removing any cause of offence or trouble to the consciences of any portion of my subjects, and I am therefore anxious that you should consider whether measures may not be framed, which, whilst they remedy any doctrine or discipline of the established church, will also be of general advantage to the whole body of the community.

The speedy and satisfactory administration of justice, is the first and most sacred duty of a sovereign, and I earnestly recommend you to consider whether better provisions may not be made for this great purpose, in some of the departments of the law, and more particularly in the Court of Chancery.

I trust that you will be able to effect a just settlement of the question of tithe in Ireland, upon such principles as will tend at length to establish harmony and peace in that country.

You are already in possession of the report of the Commission appointed to inquire into the state of the Municipal Corporations in Ireland, and I entertain the hope that it will be in your power to apply to any defects and evils which may have been shown to exist in those institutions, a remedy founded on the same principles as those of the acts which have been already passed for England and Scotland.

A further report of the Commission of Inquiry into the condition of the poorer classes of my subjects in Ireland, will speedily be laid before you. You will approach this subject with the caution due to its importance and difficulty; and the experience of the salutary effect of the act for the amendment of the laws relating to the poor in England and Wales, may in many respects assist your deliberations.

I rely upon your prudence and wisdom, and upon your determination to maintain as well as to amend the laws and institutions of the country; and I commit those questions of domestic policy, to which I deemed it my duty to direct your attention, into your hands, persuaded that you will so treat them as to increase the happiness and prosperity, by promoting the religion and morality, of my people.

MR. MACLEOD.—We are sorry to find, from a notice in the *Scotsman*, that Mr. Macleod, the sitting Member, is not to represent the county of Sutherland in the next Parliament. The representation of that county is well known to be entirely at the disposal of the Duchess-Countess of Sutherland; and we have, therefore, no doubt that the surviving head of that noble family, raised to a Dukedom for their zealous advocacy of the Reform Bill, will, in what-