MONTREAL, THURSDAY, JUNE 2, 1836

The packet-ship England, 1st May from Liverpool, has arrived at New-York, and by her we have received London and Dublin papers of the 25th April, being one day later than Greer advises.

The London Times of the above date, contains the correspondence that took place between the Premier Melbourne and his late Executive Council, on the resignation of the latter. The Times indulges in some remarks on the documents, not very flattering to His Excellency.

It has been finally arranged between Turkey and Russia, that the latter will evacuate Silistria, on the receipt of 60,000 Turkish purses, by the latter end of August.

The Dublin Weekly Register, of the 23d April, states that eight vessels had sailed from Cork, with emigrants for Quebec, in the course of the week preceeding; and that Derry and Ballyshannon are full of emigrants for America, and no great falling off in America, and no great falling in the demand that berths have been secured several weeks for not yet in port."

A settler, named Rafferty, hung himself on the night of 1st February, in the County Wexford. An inquest was held upon the body on the 3rd, and a verdict returned accordingly. Next day the body was conveyed by the Strafferly parish, taken to Kilkenny, and buried in a lime-kiln. How it mattered for three nights when the corpse took to Strafferly and left in the state of that village. It was then given to Ballyllinch, where it remained until Thursday, when it was conveyed by the priest, and deposited in the churchyard of Straffally. The deceased having been an itinerant during life, it would appear they resolved that he should be a transmigrator after death.

On the 20th of April, Mr. Ripson brought forward a motion "that the attendance of the Speaker in Parliament was prejudicial to regular business." It created some excitement. Mr. C. Lushington supported it. Lord John Russell opposed it, and it was lost by a vote of 180 to 51. Mr. Ripson gave notice that he should renew the motion at the next Session of Parliament.

That Nova Scotia and New Brunswick propose to the 10th ult. were received yesterday.

The St. John's Times states that "117 vessels, of 30416 tons, and manned by 2774 men, have been cleared out at the Custom House of Harbour Grace this year, for the Seal Fishery. The vessels were equipped at Harbour Grace, Carbonear, Musquite, and Spaniard's Bay."

Messrs. Chipps and Wetmore, New Brunswick Delegates from the Assembly to England, have sailed in the Liverpool.

The St. John papers advertise an exchange sale of the estate of Eustace Coxe, who absconded from London in April last, with £7700 in gold, and a draft for £1000 on Messrs. Chipps & Co.

It is said Newcastle has the payments for quit rent now nearly ordered by the Home Government to be collected, in consequence of the settlement of the Civil List.

Meetings have been held in Prince Edward's Island, at which it was resolved to pray for the dissolution of the Assembly.

The season is spoken of as being very backward, and provisions dear, but trade brisk.

Current Bank Stock.—The sale of £10,000 additional Stock of the Central Bank took place on Tuesday last, pursuant to advertisement, and was attended with a considerable competition among the friends of the Directors. The highest bid said for *forty* and *one-third* per cent premium, and the average was somewhere about *forty*, *eight* per cent. Taking into consideration the present very great scarcity of money, and the very large amount of new stock in the market, this sale may be looked upon as very satisfactory one, and evinces a high degree of public confidence in the Central Bank, now less than eighteen months in actual operation. We are informed that the whole of the first instalment of five per cent. was paid in on Monday last.—*Royal Gazette, N. S.*

Our readers would learn yesterday morning the result of the ballot, for the election of Delegates from this city to the Convention. The list of the successful nominees contains four names that stood on the "General or Coalition Nomination Ticket," and four, from what was called the "True Reform Ticket"—Messrs. Day and Molson of the latter, having been substituted for Messrs. Dyde and Beaty of the former. After all it is a coalition ticket. In substance nine out of the eleven gentlemen who are now appointed to act as our representatives, are not at one, on several important points, and among others general Colonial policy, and the Clergy question. It is such a list, therefore, as none who have fixed principles could unqualifiedly approve; but which is one for amalgamation of both leading considerations, to silence opposition.

The worst, in fact, is unanimity, and to allow others who differed in opinion from ourselves to have their influence in the Convention, unfettered with the tie of acquiescence in the Coalition Ticket as a whole, without minutely dissecting the principles of those who composed it. In doing this we sacrificed to a mistaken view our own sentiments, and so did, we have no doubt, each of our colleagues, who made a similar sacrifice to accomplish the desired unanimity. The motive which actuated the press, any member of which certainly possessed the means of creating a powerful diversion in favor of any one ticket, did not, however, unfortunately, operate with private individuals; and the unanimity was consequently sacrificed at the first general nomination ticket, at the eleventh hour.

The time also, between the nomination and the election, one by far too short for the principles of the parties to be properly canvassed by the public, in order that the election might take place upon unexceptionable grounds. It is unnecessary to conceal the fact, that, to many voters, the qualifications of all those nominated for Delegates were but imperfectly known, chiefly because no sufficient opportunity of scrutinizing them had been afforded. This was the reason which made us the more readily acquiesce in the Coalition Ticket.

The *Vindicator* has been making merry at the difference of opinion which existed as to the persons who should be elected Delegates. We beg to remind that journal that Constitutionalism claims the liberty of thought and of choice in the election of Representatives. They do not resemble the parrot constituency, who are educated out like so many head of cattle, and headed over in the loop to any servile tool of the Canadian oligarchy. Where does there exist so great a difference of opinion—where would so many tickets have been sported on an occasion like the late one, but in a community, the majority of whose members stood exempt from ignorant prejudices or sinister influence. It is impossible to reconcile the simple fact, with the Canadian intellect, with the existence of slavery or slavish.—The party spirit, whenever do or they are hid, be not so the Constitutionalists.

The *Patriote*, in its vulgar account, exhibits the *Courier* in the contemplative position of watching the weather-cock. The compromise which we entered into with our contemporaries, bound us to silence as to the objectionable features of the coalition ticket, and our principles equally hindered us from warmly advocating as a whole, that, which in its component parts we could not conscientiously applaud. The promotion of union, as formerly stated, was the reason of its appearance in our columns, and when it was agreed to, the existence of another was not suspected.

The success of any ticket could very slightly influence us. Our principles, which are those of the Declaration of the 7th December, remain unchanged. They predominated in the coalition ticket, as they do in that which has been successful.

We publish today Sir Francis Head's reply to an Address from the Electors of the Home District, requesting him to dissolve the present House of Assembly.

It is so far exceptionable, as it confers an unmerited degree of importance upon the unprincipled leader of an Anti-British faction in a Sister Colony, by descending to explain upon a proposition which the united efforts of all the radical presses in the two Provinces could not thrust upon utter scorn and contempt.

Sir Francis has just succeeded in giving an immense and healthy tone to public opinion in both Provinces, and in the Province whose destinies are committed to his discretion. The British population of this Province, equally with that of Upper Canada, detest a pure democracy, and they are anxious, we firmly believe, for any and every opportunity to give practical evidence of their loyalty to their Sovereign, and their attachment to the Constitutional Charter.

Toronto Patriot, May 28, 1836.

The following is the reply of His Excellency the Lieutenant Governor, to an Address presented this day from Electors of the Home District, praying His Excellency to dissolve the present House of Assembly:—

Gentlemen,—The address I have received, requesting me to dissolve the present House of Assembly, and to call a new one, is of so respectful and unobjectionable, and the form, and of language conveyed to me from all parts of the Province, is so strongly corroborative of a feeling of general disapprobation of the harsh measure that has since resorted to, by stopping the Supplies, that I shall no longer hesitate to exercise my prerogative, by dissolving the Assembly.

With regard to the letter which you state, was left with the table of the House of Assembly a few hours before the prorogation of the Legislature, purporting to come from the Speaker of the House of Assembly of Lower Canada, and addressed to the Speaker of the House of Assembly here, I have long retained in my possession that document, which it is but reasonably to suppose referred to in the Address from the Province, because of the dissolution of the House of Assembly of Lower Canada, dated 15th February, merely authorized their Speaker to "transmit copies of the former Address presented to the Speakers of the several Houses of Assembly of Upper Canada, and of the Province of New Brunswick, and to make known to the Assemblies of those Provinces the sentiments of the House of Assembly of Lower Canada, as expressed in the said Address," and not to transmit copies of the Address itself, which was an official document addressed to the Governor, and not to the Speakers of the several Houses of Assembly, with the request that they would communicate it to their respective Houses. Under these circumstances, I did not feel myself authorized to transmit the letter in question to the Speakers of the several Houses of Assembly, and I therefore retained it in my possession, not doubting but that the Speaker of the House of Assembly of Lower Canada would himself transmit it to the Speakers of the several Houses of Assembly, as he had done the Address.

What is the real character of Mr. Speaker Papineau's language?—what is its bland meaning? what against the civilized world will give to it fair value? the House of Assembly of Lower Canada will approve or condemn their Legislative name being then taken in vain, any opinions which were so unequivocally expressed in the House of Assembly in this Province, when the document in question was first breathed upon them, that I have no observation whatever to make on the subject. But as Mr. Speaker Papineau has thought fit to appeal to the people of this Province that "the people of the Canadas, labouring under the "accumulative wrongs proceeding from an Act of Parliament, exists *as a man*," I feel it necessary publicly to negative that assertion, by declaring what the state of opinion in Upper Canada really is.

The people of Upper Canada are determined that they never their Constitutional Charter, and are consequently staunch in allegiance to their King.

They are perfectly aware that there exist in the Lower Province one or two individuals who inculcate the idea, that this Province is about to be disturbed by the interference of foreigners, whose power and whose numbers will prove invincible.

Is the name of every Regiment of Militia in Upper Canada, I publicly promulgate—*Let them come if they dare!*

The following remarks, which we cut from the *Morning Chronicle*, are applicable to more places than Great Britain. We wonder if they are true in Canada :—

Mr. Hector Bossange, has just published a pamphlet on the subject of the abolition of Imprisonment for debt. Whatever might previously have been the case, since the Acts for the relief of Insolvent Debtors have passed, the power of imprisonment for debt can scarcely be said to afford a very efficient remedy to the creditor. But Mr. Bossange does not appear to us to attach sufficient importance to the numerous beneficial changes in the law, besides relieving debtors from imprisonment, which the Bill of the Attorney-General will effect.

To the pamphlet are appended some suggestions on the adjustment of differences between debtor and creditor, which he offered in 1833. These suggestions are characterized by Mr. B. Bossange's usual shrewdness and good sense. On one point, arbitration, he observes :—

"But, if this be the best way of settling ordinary pecuniary differences, is it not preposterous still obstinately in the lawyers to prevent such a mode of settlement until after all the expenses of a lawsuit have been incurred? Yet so it is. If, previous to a trial, parties agree on a reference, and bind themselves to it, an attorney on either side may break off the judgment and drag the parties into court. Nay, if the contract expressly provide that, in case of difference, such difference shall be settled by arbitration, and not by action, the courts hold such condition invalid, and compel a reluctant party to appear in court. But the case being brought into court, and all the expenses of a law suit incurred, the judge is compelled to allow such contract to take its due effect. The difference is then referred, the award made, and the decision rendered valid and binding. The injustice and cruelty of not suffering the parties to settle their differences by reference, and after they have appeared in court, is the more remarkable, as the higher courts have set the matter of really buying half the cases which are set down, and it is only by compelling them to try the cases that the chief bone of contention is reached, by examining, and, above all, by rejecting, that all the trials are brought within a manageable number.

"But a reference made in court is by no means one of the best kind. The counsel on either side, the agents some brother barrister of their acquaintance without concerning themselves as to the merits of the case, are generally chosen by the parties, at a heavy salary and impossibility to have any objection. The unskilled settlement of a reference, mainly consists in each party having the power to object to any one deciding on the case of whom he does not approve. Again, the examination of witnesses is frequently the principal expense at an arbitration. One party brings forward a string of witnesses prepared to swear to their own statement; the other party, in like manner, and the other party, feeling it necessary not to be outdone in numbers or names, produces a similar muster on his side. But, if the parties are free to choose their own referee, instead of a barrister, they may agree upon some one skilled in the matter in dispute, who may properly decide on his own knowledge and judgment. In this way differences of opinion upon the value of buildings, fixtures, goods, farming stock, &c. are daily adjusted by a surveyor, an appraiser, and other valuers, with very little trouble, delay, or expense. This flows easily when neither party feels an unfair advantage. All that is wanting, then, is to keep them to that point. Formerly, when one party would bring from Rand drag his opponent with him into the whirlpool of a lawsuit."

The lawyers are wise in their generation; and they naturally conceive that suits ought to be conducted for the benefit of the profession, and not of the parties.

It is not the interest of the lawyers that facilities should be afforded to parties to settle their disputes by arbitration or otherwise in a long Parliament, or in a reformed Parliament, the lawyers are the real Lords of the country.

We know not if Mr. Baxter Rainscot would agree to extract which we took above, although it is from the pen of a Tory, and one of the Representatives of Scotland, he certainly declined—that there were one-third fewer cases the Court of Session in 1836 than in 1793, while the number of professional men had nearly trebled. The business before the local Courts had also greatly diminished, and the accumulation of suits in the Court of Session was owing to the delay that took place.

Now, therefore, that there is no obstruction for which Mr. Baxter Rainscot can plead, why should not the Scotch Courts be reformed? Why should not the Court of Session be abolished, and the business transferred to the Local Courts? Why should not the Judges of the Court of Session be sent to the Circuits