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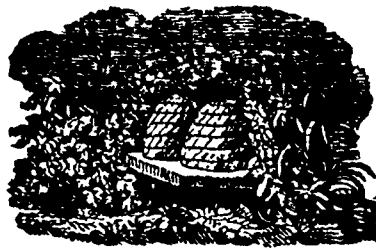
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"JUSTUM, ET TENACEM PROPOSITI VIRUM, NON CIVIUM ARDOR PRAVA JUBENTUM, NON VULTUS INSTANTIS TYRANNI MENTE QUATIT SOLIDA."

VOLUME III.

PICTOU, N. S. WEDNESDAY MORNING, FEBRUARY 28, 1838.

NUMBER XLI.

THE BEE

IS PUBLISHED EVERY WEDNESDAY MORNING,
BY JAMES DAWSON,

And delivered in Town at the low price of 12s. 6d per annum, if paid in advance, but 15s. if paid at the end of the year, - payments made within three months after receiving the first Paper considered in advance; whenever Papers have to be transmitted through the Post Office, 2s. 6d. additional will be charged for postage. Single copies 3d. each.

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For the first insertion of half a square, and under, 6s. 6d., each continuation 1s.; for a square and under, 6s., each continuation 1s.—All above a square, charged in proportion to the last mentioned rate.

For Advertising by the Year, if not exceeding a square, 35s. to Subscribers, 40s. to Non-Subscribers, - if more space than a square be occupied, the surplus will be charged in proportion.

MOFFAT'S VEGETABLE LIFE PILLS, AND PHENIX BITTERS,

FOR the cure of Chronic and Inflammatory Rheumatism, Liver Complaint, Fever and Ague, Palsy, Piles, Injuries from the use of Mercury, Costiveness, rush of blood to the head and violent Head Aches, Salt Rheum, Erysipelas, Eruptive Complaints, Dropsy, Asthma, & Consumption, Diarrhoea Flatulency, Palpitation of the Heart, Loss of Appetite, Heart-burn, Restlessness, Ill-temper, Anxiety, Langour and Melancholy, which are the general symptoms of Dyspepsia, will vanish as a natural consequence of its cure.

For further particulars of the above Medicine, see Moffat's Good Samaritan, a copy of which can be obtained on application at the store of Mr J. D. B. FRASER, Pictou, - where the Medicine is for sale.
December 6. if

TO BE SOLD, AT PRIVATE SALE:

A LOT OF LAND, situate at Merigomish, bounded easterly by the East River, on the south west by lands belonging to William Hattie, on the north west by lands granted formerly to the Eighty Second Regiment,

CONTAINING 100 ACRES,

granted by government to Walter Murray. The Land is of excellent quality, and is situate in one of the most thriving portions of the Country; fifty acres of which is in a state of cultivation, twenty acres of the same being

INTERVAL LAND.

A more desirable Farm for an industrious man, or a gentleman wishing a retired life, there is not in the vicinity.

Terms liberal, and may be known on application to the Subscriber, at Pictou.

THOMAS MEAGHER.

Pictou, 21th January, 1838. 11**m 10

SNUFF.

For sale at the Meimac Tobacco Manufactory,
No. 74, BRADFORD ROW,

A large quantity of SNUFF, of different kinds.

FIG TOBACCO AND CIGARS.

N. B. A large discount to wholesale purchasers of Snuff.

Halifax, August 14, 1837.

EXTRACTS

From the *Second Report* of the Special Committee appointed to enquire into the present condition of the Post Office Department in Lower Canada, with a view to the application of an efficient remedy to the defects in its organisation and management:—

Your Committee have examined, at great length, the Deputy Post Master General, and called for various Statements, Returns, and Correspondence, which, with the evidence taken by your Committee, will be found appended to this Report.

The great number, and still incomplete state, of these accounts, have, as yet, prevented your Committee coming to a satisfactory conclusion of the voluminous papers connected with the finances of the Department which have been laid before them. Sufficient data have, however, been obtained to convince them that the Post Office Department in the Canadas has been made a source of Revenue to Great Britain, large sums having been annually remitted by the Deputy Post Master General to the General Post Office, London. For the thirteen years ending in 1833, inclusive, the enormous sum of £91,685 8s 3d sterling, has been transmitted to England by the Post Office of this Province; the average remittance of the last four years being £10,641 13s 4d sterling, per annum.

The Committee then complain of this practice, as a violation of the constitutional rights of the subject, and state that it is admitted to be so by the Imperial Act 4th William IV. cap. 27. On the discovery of this fact, the Committee gave notice to the Post Master General, that if he sent any more post office balances home they would hold him personally responsible for them. But, in defiance of this, he forthwith remitted £8,350 sterling, then in his hands, to the General Post Office.

Here follows a variety of tables, showing the receipts for Letter, and also Newspaper postage, in both the Canadas, to be, in:

	1832	1833	1834
Letter, £27144 5 8	£26987 6 8	£31012 18 4	
Newsp. 2573 19 10	2266 5 9	2083 8 1	

Total. £29818 5 6 £29253 12 5 £32996 6 6

And the net proceeds of the Post Office Department in both Provinces, after deducting the British Packet postage, to be, in 1832, £9345 6s 8d; in 1833, £12899 19s 10d; and in 1834, £10528 16s 10d.

These balances would be still larger, had stricter economy been observed in the Department, and had the Officer at its head in these Provinces, not illegally and improperly applied to his own private use and advantage large sums of the public revenue, to which he had no right. From the returns furnished by that Officer of his various emoluments, it appears, that he has received and appropriated to his own use, in the course of little more than six years, ending 1834, no less a sum than £9,500 5s 2d, currency; which sum was paid for the transmission of Newspapers, Pamphlets and other printed papers through the post office. The appropriation of these proceeds, to his own private emolument, the Deputy Post Master General states, "has been made under a privilege recognised by the Post Master General, since the earliest introduction of the Post Office system in the British provinces;" but as it has been well observed by a Committee of your honourable House appointed in the Session of 1831-2, to enquire into the management of the post office department in this province, by the Secretary of the General Post Office, London, in

which it is stated, "the fees, if any, being unknown in this Office, are not taken into the above account."

From this it is evident, that the appropriation by the Deputy Post Master General to his own profit, of the proceeds derived from the forwarding Newspapers by mail, was a circumstance unknown to the Post Master General in England, at the date of the above return. In the absence of law, your Committee cannot consider any sanction of the Secretary of the General Post Office, sufficient to authorise the Deputy Post Master General to appropriate such proceeds to his own use.

The Committee then state that Mr Stayner produced the Imperial Act 4th Geo. III. cap. 24. sec 3, as another authority for collecting and applying to his own uses, the Newspaper postage. After copying this section, which the Committee declare quite irrelevant, the report proceeds,—

The Act from which the above section is taken, it is worthy of remark, was passed to prevent frauds and abuses in relation to the sending and receiving of letters and packets free from the duty of postage. It provides, among other things, that "all letters and packets directed (among other Officers) to the Deputy of the Post Master General for his Majesty's Dominions in America, shall be exempt from postage."

This is all, in the above Act, which has reference to the Post Office in his Majesty's Dominions in America. In no part of the Act is there the least shadow of authority to empower the Deputy Post Master General to fix a rate of postage on Newspapers in those dominions, or to appropriate the same to his own use. Granting for a moment that postage ought to be paid by printers for the transmission of their papers, your Committee consider it monstrous absurdity that the head of the Department should, in the absence of all law, and to the great injury of the Revenue, presume to fix that rate, and to appropriate to his own private profit, emolument, and advantage, the proceeds. The Deputy Post Master General contributes no part of the expense incurred for the transmission of those papers. The Province pays the whole. Yet, in the face of these facts, the Officer in question not only continues, but has given your Committee to understand that he will continue to exact the above postage, and to appropriate it to his own private use as heretofore.

The Section of the Act of 1763, cited by the Deputy Post Master General in support of this gross fraud and abuse, in the opinion of your Committee, is not of the slightest authority in the case, as the Deputy Post Master General in this Province does not come under either of these descriptions of Officers, not being a Clerk in the office of the Secretary of State, nor a Clerk in the Office of the Post Master General, and the Imperial Parliament would certainly never have meant to act so absurdly as to give to certain Clerks in the Office of the Post Master General, so lucrative a monopoly as the whole proceeds of Newspaper postage collected in the United Kingdom, were the newspaper printers obliged, as they are in this Province, to pay a certain annual sum for having their papers transmitted by mail.

The Deputy Post Master General would pretend that the large sums of the public revenue, which he thus devotes to his own personal advantage, are a quantum meruit which he receives from the printers for certain services which he renders them. But your

Committee would respectively submit, that this reasoning is perfectly fallacious, since it is not the Deputy Post Master General but the Province which defrays the expenses of transporting and carrying the said Newspapers, and of receiving and delivering them at the Post Offices. The monies paid to contractors for the mails, and the salaries and remuneration of the respective post masters, and their assistants and clerks, are, with the exception of a certain per centage on the amount of Newspaper postage collected, paid from the gross receipts from Letter postage.

The Deputy Post Master General contributes none of the expenses for the transport of the Mails, nor of the salaries to the post masters or their assistants. The public revenue is therefore taxed for his private advantage, a fact which is established beyond a doubt by the evidence of the Contractor who forwards the mail between Quebec and Montreal, who admits that the Province is charged an extra sum of £200 a year for the transport of Newspapers on this route alone.

The amount which the Deputy Post Master General acknowledges to have received from this source for the last three years was as follows:—

1832,	£541 9 10,
1833,	2005 17 0,
1834,	1863 1 1,

being on an average £1900 16s 2d, currency, per annum, a sum which falls short only £400 of what is now paid for the transport of the mail from Quebec to Kingston in Upper Canada five and six times a week, a distance of 379 miles.

Under all these circumstances your Committee consider that the Deputy Post Master General had no right to appropriate to his own private advantage the sums received for the transmission of Newspapers and other printed papers by mail in these Provinces, and respectfully suggest that legal means be taken to oblige that Officer to reimburse the said sum of £9550 6s 2d, currency, which he exacted and appropriated to his own use; that he be obliged for the future to abstain from such practices; and to pay into the general fund the net sum which shall be received from Newspaper printers, and for the transmission of Newspapers per post, after deducting the post masters' per centage, which general fund ought to be expended after the necessary expenses are paid, in extending post office accommodation in these provinces, instead of being remitted to England, as is now the case.

Your Committee have next to call the attention of your honourable House of Assembly to the gross discrepancies between the returns made to your Committee and that made to the Provincial Government as stated in the Blue Book, by the Deputy Post Master General of his salary and emoluments of office. Your honourable House will be better able to judge of the extent to which that Officer has deceived the King's Government by an examination of the following comparative statement from Returns laid before your Committee, and those furnished by Mr Stayner, for the Blue Book, for the years 1831, 1832, 1833, and 1834:—

Annual Salary and Emoluments of the Deputy Post Master General.

Years.	From statements furnished to the Committee.	From Blue Book.
1831	£2610 12 2-1-2	£500 0 0 sterling.
1832	3122 18 01-2	500 0 0 "
1833	3311 + 31-2	500 0 0 "
1834	3121 17 8	500 0 0 "

[Remarks.—No return of Fees,—supposed to be considerable.]

In the Blue Books for the years 1831, 1832, and 1833, to the question whether "he enjoy any and what other profit or advantage not required to be stated in the preceding columns," the word "None" is opposite to Mr Stayner's name. The following note however is at the foot of the page,—"£500 per ann. is allowed to the Deputy Post Master General for an Assistant in his office, his fees are derived from printers who pay him for their papers sent through the post office, and distributed by his Deputies." The amount of these fees your Committee would however remark is not furnished, neither is there any mention of the Commission, or United States postage which he receives, and which amounts on an average of the last three years to £478 5s 2d per annum. In the Return sent in for the Blue Book for the year 1834, Mr Stayner states that he receives "no fees"; and in answer to the query whether he enjoys any or what other advantage or profit, he states that "I possess the privilege of sending certain description of Newspapers through the posts in the British American Provinces. The profit derived from this source I have not at present the means of computing for the year 1834. I have received at the rate of £200 a year, for Assistants up to the 5th October 1834"

The interesting object your Committee had in view, has, they regret to say, been entirely frustrated by the unwillingness and refusal of most of those to whom those circulars were addressed, to give the full information which your Committee desired to obtain. It is to be hoped however that when this subject is again taken up, that the enquiry will meet with a more favourable result.

In the course of their enquiry your Committee referred, as in duty bound, to the Reports of, and the evidence taken by, preceding Committees of your honourable House, relative to the Post Office Department, and have been much struck with the pertinacity with which the Deputy Post Master General refused to give those Committees any information relative to the finances of the Department, and the amount of his emoluments; and must remark, that much of that labor and trouble would have been spared, had that Officer given the information which was required from him frankly and honestly as he ought to have done, instead of having recourse to mystery and concealment which could only excite suspicions to his disparagement. From certain parts of the correspondence between that Officer and the Secretary of the Department in London, which has come under the observation of your Committee, it appears that previous to being called before the Committee of your honourable House in 1831, Mr Stayner pre-determined to withhold every information of any value relative to his Department which he expected might be demanded of him by the Committee. In order to be supported in this improper determination, he waited on the late Governor in Chief, as appears by a Letter dated 15th June, which he addressed to the Secretary of the post office, "to solicit his Lordship's advice." His Lordship he states concurred with him in the view which he had taken beforehand, and the requisite information was withheld. He then goes on to add, "I therefore chose rather to incur the risk of displeasing the Provincial Parliament than to be an instrument of giving trouble to those authorities to whom I consider my first duties are engaged;" a rather strange contradiction with the professions of the Deputy Post Master General a few months before, when he stated that "his ambition was to put the Department on such a footing as would ensure to him the public approbation here." The acts of the Deputy Post Master General are the best commentary on these professions:—On the 29th Dec. 1833, he told your Committee that he conceived it his duty to afford, to all parts of the province, post accommodation, to the extent of the funds at his disposal. How did he dispose of those funds? On the 10th of February following, he remitted \$3000 to England. In the Letter above mentioned to the head of the Department in England, the Deputy Post Master General permits himself to make some unjust reflections on the Committee of 1831, and to accuse them of suppressing "some very important parts of his evidence." Your Committee have taken the pains to examine the records of 1831, in order to see if this grave charge brought by Mr Stayner against the Committee of that day be founded or not. The parts of this evidence which he states were suppressed, consist of a Letter dated 13th March, 1831. The "important" information which it contains consists in stating that "Newspaper Editors in this Province receive their exchange papers free of postage;" a fact which was already in the knowledge of every person in the community, and that there was a Deputy Post Master General in Canada, in 1778. This information is wrapt up in a mass of unnecessary verbiage which however "important" in the writer's estimation, was properly of no moment in that of the Committee.

Your Committee would respectfully submit, that public Officers should be obliged when performing their public duties, to abstain for the future from remarks which cannot answer any good purpose, and which must at best be both ill timed and ill placed. The duty of the General Post Master here is merely to accommodate the public as far as his means permit, and to give all the information in his power when called on so to do, and his time can always be better employed in the performance of the duties of his office than in writing despatches reflecting on superior authority, or in endeavouring to protect himself and his Department from that wholesome scrutiny which they stand so much in need of.

Your Committee would not have alluded to this matter, were it not that they perceived in a Letter from that Officer to Mr Freeling, dated 29th March, 1835, a latent desire to act by the House of Assembly of Upper Canada, in the same manner that he for two Sessions acted towards Committees of your honourable House. It is to be hoped, however, that firmness on the part of your honourable House, and a determination on the part of his Majesty's Government to discountenance a repetition of such improper conduct in public officers, will put an end for ever to that concealment which has, until now, so constantly enveloped the affairs of the Post Office Department. Quebec, 8th March, 1835.

To our SUBSCRIBERS.—As a change in the ownership of this Paper is in contemplation, to take place on the 16th of May next, at the close of the present Volume,—it is expected that all accounts due to this establishment, up to that time, will be paid on or before the first day of June following.

Subscribers beyond the limits of this County, in places where we have no Agents, are informed that unless their papers are paid up at the end of the present Vol. they will then be discontinued. We have to pay the postage regularly on these papers, and without prompt payment, it is unreasonable to expect that we will continue to send them.

By an arrival at New York, we have London dates to the 4th January, and Paris to the 1st. We refer to some extracts in another page. A considerable body of troops, it appears, are under orders for Canada—a part of which are to be disembarked at New York, and proceed through that state to the British Provinces. We do not know what Jonathan will say to this.

A Montreal paper of the 20th ult., says that a large portion of the inhabitants of that city had emigrated to the south in a body. It adds that the cause of the movement was, that Papineau had given them notice, that the city would be attacked the next week, and that they might secure their own safety. This we believe to be a constitutional lie.

We refer our readers to some documents we publish to day, taken from a second report of a committee of the General Assembly of Lower Canada, on the Post Office Department.

The whole of this report, together with the evidence taken, and appendix, are valuable, as showing a variety of facts connected with that establishment, which have hitherto been kept in profound secrecy from the public. It will scarcely be believed, that the Deputy Post Master General in Quebec should be pocketing nearly £3500 sterling, yearly, while he was reporting his salary at £500 to his employers at home. Yet such is the fact; and this together with the extraordinary discovery of a yearly balance of nearly £10,000 being remitted to England, was good reason for an enquiry into the Post Office transactions of that Colony.

In this report, there is occasionally a glimpse given of the doings in the Nova Scotia and New Brunswick Post Offices. Tables are given of the amount of the Newspaper postage for the years 1829, '30, and '31, which in the latter year amounted to £125 in Nova Scotia, and £37 10s in New Brunswick,—and which, according to colonial usage, is made a perquisite by the D.P.M.G. It is to be remarked in these tables that the Royal Gazette postage is the only one which has decreased. It is stated as follows: in 1827, £9; 1828, £6; and in 1829, '30, and '31, £5 each year. The charge for transmission of mails rose from £1,130 in 1827, to £2,540 in 1836. From this report it also appears that Mr Howe's salary is £220, charge for assistance £70 9s 2d; rent of office £50; printing £100—all sterling, besides the Newspaper postage already alluded to, which cannot be much under £200 at the present moment. Upon the whole, we feel convinced that if this establishment were brought under provincial controul, as it ought to be, and proper economy observed in its management, a very considerable revenue might be derived from it.

NOTICE TO CORRESPONDENTS.—We have examined Mr W. McPhail's Communications, Nos. 3 and 4, on Education; but at this season of the year, when all our readers want the parliamentary proceedings reported, it would be doing them great injustice to occupy our columns with Communications on any subject.

We can, however, give Mr McPhail's leading ideas in very few words: He thinks the present School Act very deficient; and so do we. He thinks a competent person should be appointed to examine the subject of Education thoroughly, and report thereon to the Assembly; we think a Committee would be better. He thinks assessment should be substituted for subscription for Common Schools; so do we. He thinks, moreover, that the Scotch system, generally, would work better than ours, as by providing a more permanent and competent salary, and more comfortable lodgings, their qualifications would be improved, and thus the present half-educated generation of teachers would soon give place to a better educated and more respectable class.

Not being "wedded to any party," as "A Friend to Truth" very justly remarks, we cannot deny our columns to one party, when we published the papers of the other. Our Correspondent shall have good evidence of this disposition on our part, when he gives us his sentiments in the same temperate language, and with as much regard to truth as "An Opponent" has done. But his present Communication is too vituperative, and deals too much in invidious designations for insertion.

THE LEGISLATURE OF NEW BRUNSWICK have negatived two Bills providing a bounty on grain and fish; and have also rejected a motion of Mr End, for leave to bring in a Bill for providing pay for the Legislative Council.

ACCIDENTS FROM CLOTHES CATCHING FIRE.—On the 16th Dec. last, at North River, Onslow, a child, eight years of age, having on a cotton frock, caught fire, and before it could be extinguished, was so much burned that it expired in great agony 17 days after the accident.

On Sunday evening, 18th instant, Janet, daughter of Mr George Joudrie, of River John, aged 18 years, unfortunately got her clothes on fire, and was so severely burned, that her life is despaired of.

PICTOU COUNTY ELECTION.—By the following memorandum, which has been handed in by a friend, it will be seen that Mr McKenzie's majority at Egerton, was exactly the same as Mr Dickson's at Maxwellton,—leaving the majority of the latter the same there as at Pictou.

	Dickson.	McKenzie.	Majority.
At Pictou,	577	531	46 for D.
" Egerton,	281	376	95 for M.
" Maxwellton,	177	82	95 for D.
Final close,	1035	939	46 for D.

A scrutiny has been demanded, and is now in progress. This operation will no doubt reveal some unpleasant truths, connected with the Freeholders' oath. This oath, we think, should be abolished, as its too frequent administration destroys its solemnity; and we fear it is taken by many who are ignorant of its nature.

The Nancy Givan arrived at Liverpool in 22 days from Pictou.

A gentleman in Tatamagouche writes his friend in this Town, as follows:—"I have just gone to the Post Office to say that we heard thunder this morning (Saturday) since I wrote you. It was heard here in a S E direction; and by several persons on the New Annau, Tatamagouche, and River John roads, four or five miles distant from this."

THE CUMBERLAND SCRUTINY is again being prosecuted before the Committee who have, we understand, decided to receive the testimony prepared last session.—Recorder.

COUNTY OF LUNenburg.—Messrs Creighton, Bolman, and Zwicker, are, it is said, canvassing for the seat of the hon. Wm. Dewolf.—Jb.

WINDSOR.—Mr McHesley has been returned for the Township of Windsor, in the room of honble. L. M. Wilkins. The Poll closed on the 16th instant, as follows: McHesley 68; Dewolf, 64.

THE LITERARY AND SCIENTIFIC SOCIETY will re-open this evening. Mr Sproull, senr., lectures—On Geology.

DIED,

On Saturday last, John, third son of Mr Nicholas Beck, in the 10th year of his age.

On Sunday last, after a lingering illness, Hugh, only son of Mr George McKay, senr., in the 11th year of his age.

Same day, after a protracted illness, Sarah, daughter of Mr Andrew Fisher, aged 2 years and 2 months.

To the Obituary notice, in our last paper, of Mr John Matheson, Rogers' Hill, a friend of the deceased adds the following: "He was a native of Sutherlandshire, Scotland, and a passenger in the ship Hector. His obliging disposition and correct deportment secured to him the universal esteem and respect of a large circle of acquaintance. As far as the eye of humanity could discover, he died rich in faith and an heir of the Kingdom."

JUST PUBLISHED,

And for sale by the Subscriber; and to be had of Mr C. H. Belcher, and Messrs A. & W. McKinlay, Booksellers, Halifax:

THE HARMONICON;

A new collection of Church Music, containing 244 TUNES,

With ANTHEMS, DOXOLOGIES, &c.

Price, 6s.—payable on delivery. A liberal discount made to purchasers of 12 or more copies.

February, 1838. J. DAWSON

ETNA FIRE INSURANCE COMPANY, OF HARTFORD, CONN.

THE Company having determined to renew its business in Nova Scotia and Prince Edward Island, has appointed the Subscriber its Agent, by Power of Attorney duly executed for that purpose.

From the old standing of this Company, from its well known liberality and punctuality in the adjustment and payment of losses, and from the present moderate rates of premium, the subscriber is induced to hope it will receive that fair share of the business of this Province and of P. E. Island, which it before enjoyed.

By application to the Subscriber, if by letter post paid, the rates of premium can be ascertained and any farther information, that may be required will be freely communicated.

CHARLES YOUNG.

Halifax, N. S. Feb. 14, 1838.

CHEAP AND ELEGANT PERIODICAL.

THE HALIFAX PEARL is published every Saturday morning on superior paper and type, at the very low price of 15s per annum, if paid in advance. Each number contains eight large quarto pages. The first number of the new series of this work, beautifully printed on an enlarged sheet, has just been issued, and may be seen at the different book-stores in town.

The Pearl has been published for the public, not a section of it; and while endeavouring to amuse and improve all readers in turn, it has been very solicitous to give offence to none. It has sought to be entertaining, without violating morality and decorum; grave without tediousness; and moral, without austerity;—to impart useful knowledge, unencumbered by crabbéd technicalities; to inculcate great principles, irrespective of party bias; and to diffuse the all-important truths of revelation, divested of controverted tenets. It will ever eschew all political warfare and all polemical strife. The Pearl is confidently recommended, as a periodical unequalled in cheapness, respectable in general appearance, and in a literary point of view, not unworthy of an enlarged patronage. Persons who are desirous of subscribing to the Pearl from the commencement of the present year, are requested to forward their names, as early as possible, to either of the Halifax Booksellers, or to the Printing Office of Mr W. Cunnabell, as but a limited number of copies have been struck off.

Postmasters and other Agents obtaining subscribers and forwarding the money in advance, will be entitled to receive one copy for every six names.

Agent for Pictou, A. P. Ross, Esquire. PEARL OFFICE, Halifax, January 12.

FALL, 1837.

R. DAWSON,

Has received per ship Westmoreland,

A GENERAL ASSORTMENT OF IRONMONGERY, HARDWARE, AND CUTLERY,

CONSISTING of—English and Sweden Iron; Crawley, German, blister and cast Steel; Borax; spikes, nails, brads and tacks;

PLOUGH MOUNTINGS, complete;

pots, ovens, goblots, and sauce pans; copper and iron coal scoops; copper, B. M., and metal tea-kettles; gridles;

SADDLERS' ASSORTED FURNISHINGS; coach lacings; cabinet and house brass furnishings; locks and hinges, (various), fauner mountings, bed screws; garden hoes and rakes; Philad. plate mill saws, frame and other saws; razors; mathematical instruments; pocket compasses, butcher, shoe, table, jack, pen, and desk knives; iron and B. M. spoons; coffin furniture; plough traces; door knockers;

MATHIESON'S JOINERS' TOOLS,

(well assorted;)

Coopers' tools; lines and twines; Blacksmiths' and other files; coffee mills; spades and shovels; brushes, candlesticks; CRIMPING MACHINES; brass sofa and table castors,

COUNTER BEAMS & WEIGHTS

sad and box irons; cart and wagon bushes; chisels and gouges; Tailors' and other scissors; combs;

FENDERS AND FIRE IRONS;

Franklin, Cooking, and Shop Stoves; Blacksmiths' bellows, anvils, and vices; cue irons; bullet moulds; patent shot, powder; window glass; putty.

PAINT AND OIL;

scythes, sickles; weavers' reeds; fiddle strings, mirrors, (various); Tinsmiths' iron and wire; &c. &c.

A suitable assortment of WOOLEN, COTTON, AND SILK GOODS.

A few Chinese and other rich SHAWLS; Palm leaf HATS, by the dozen; stuff and silk Hats; &c. &c.

ALSO:

Hyson, Congo, and Bohea TEAS;

SUGARS, COFFEE, RICE,

superior ginger, tobacco, snuff, cigars, molasses, vinegar, crockery, sets China, shoe leather, &c. &c.

Water street, Pictou, June 16.

EARLY SEED OATS FOR SALE.

THE subscriber offers a few bushels Early Hop-ton Oats, at 5s. per bushel—weighing 42 lbs. They were sown last year on the 5th of May, and reaped on the 6th September, being the earliest cut in this County.

ALSO,

For Sale,—A few bushels superior Seed Wheat. JAS. DAWSON.

January 31.

TO LET:

ENTRY FIRST MAY NEXT,

One half of that new and well finished HOUSE, a part of which is now occupied by Mr Charles Robson,—containing A SHOP, CELLAR, KITCHEN, and SIX ROOMS,

Or, the premises can be let as a dwelling, exclusive of the shop.

Apply to J. Dawson. [October 14.

AGRICULTURAL PRODUCE

Of all kinds, will be received in payment of the BEE.

ALSO,

Coals, Shingles, and pine & hemlock Boards.

2 TONS OATMEAL WANTED by the Subscriber. J. DAWSON.

February 14. u-w

70 BBLs. of prime fall Mackarel, for sale by A. P. ROSS. January 1, 1838.

POETRY.

THE GIPSEY FORTUNE TELLER.

AVOON only happy days,
 Gipsy, when thy glancing eye,
 Fain would dart its piercing rays,
 Through her future destiny.

Life is yet without a shade,
 She has gathered flowers alone;
 Tell her not that roses fade,
 When the ardent summer's gone.

Sully not her early dream,
 With reality's cold hue,
 Let her morning brighter seem,
 Glittering with her early dew.

Tell her not, that clouds o'er shading,
 Rainbows bright will darkly cover;
 Tell her not, that quickly fading,
 "All that's bright!" ere noon is over.

Tell her not of memory's tear,
 And affection's broken chain;
 Tell her not, that every year,
 Brings but sorrow, care, and pain!

Soon the mist will roll away,
 And the soft enchantment fly:
 Gipsy, hasten on thy way,
 Ne'er unroll her destiny!

Tell her, if thou wilt, that never,
 'Neath the skies may be her home,
 And if thou that hope hadst ever,
 Tell her of a world to come!

[London Mirror.]

PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY.

FRIDAY, FEB. 9.—*The Judiciary.*

After the routine business had been gone through

The hon. and learned *Speaker* rose, and addressed the Chair at great length. We can only give an outline, which is nearly as follows:—Sir, This subject is one of great importance, upon which last evening I was unwilling to enter, not that I required time to consider it, but that the learned gentleman from Inverness had occupied the committee until a late hour, and had not allowed me sufficient time to answer many of his ingenious arguments, or to express my own opinions of the great organic changes, which his Resolutions contemplate. Sir, I cannot allow so important a subject to pass, without bringing to bear upon it, the experience I have had for many years in the institutions of the country, both as a member of the Legislature, and in an extensive practice at the bar.

The regulations of the jurisprudence which may affect the whole country, not only in the present time but in all time to come, should not be left as a matter of indifference to the passions or interests of those who, from temporary motives, may be desirous of changing the institutions of the Province, but should be calmly and moderately considered by those who are well conversant with the present state of things, and who from experience, may foresee the probable consequences of the changes proposed; and who can judge without passion or prejudice, as to those consequences. If laws which merely affect the right of individuals, (I mean private bills,) are considered worthy of great consideration, surely a measure which may affect the lives, the liberty, and the property of a whole community, should demand greater precaution.

I was pleased, Mr Chairman, with the able speech of my learned friend, who proposed the resolutions—I highly respect his legal talent, and the soundness of his opinions as a

lawyer, they are invaluable to him in my opinion as a professional man; but when he comes forth in his legislative capacity, to form new systems, and alter the jurisprudence of the country, I meet him as a legislator, and differ with his views when they discord with my own opinions—upon principle, and not merely with that spirit, which arise from the opposite views of counsel, contending for the interests of litigant parties. As the speech of the learned gentleman, which he made yesterday, was designed to support those Resolutions, which had for their object the changing of the ancient institutions of the country—I must follow him step by step as well as I can remember the course of his arguments, and test the correctness of his proposition; I will try them out in detail, for practical men always run into detail, and we will then see, whether his plan or any part of it can be safely adopted.

His first resolution relates to the Court of Chancery. Let us examine it. Is such a court necessary? I have the declarations of the learned member himself that such is the case—that for the security of property and the due administration of justice, it is necessary that a court should exist here, proceeding upon the principles of the Court of Chancery in England, and having all the powers of that court, and also the Equity Jurisdiction, as exercised and administered in England; and if any gentleman in this Assembly doubted the correctness of this opinion, I could easily convince him; but in an English country, I would no more attempt to prove the truth of this position to Englishmen, than I would in a Christian community, take upon myself to prove the divine origin of the scriptures of truth. The hon. Gentleman has informed you, that he has conversed on this subject with many of the first jurists of the United States, all of whom were in favour of a Court of Equity, and all of whom admitted the necessity of such a jurisdiction, distinct and distinct, from those proceedings by the ordinary rules of the common Law. Sir, no man can form a higher opinion of the Jurists of America than myself, but when we hear of the American Constitution, I deny that they were the framers of those institutions which secured the liberty of America. They brought with them into the New World, the Common Law of England; they had sufficient discernment, to adopt such parts of that great Code, as were applicable to their condition as Colonists—and whoever have risen highest in legal estimation in America, are those who have studied most deeply the institutions of England, and made themselves most intimately acquainted with that law, which was made up from time immemorial, by the usages and customs of a free people—the Common Law of England, and the *Habeas Corpus*, the practical affirmation of it was the freedom of America.—And the wisest among them are proud to refer to our institutions, and to cite as authority, as far as principle is concerned, the decisions of our country.

Sir, that common law is our main dependence, by it we enjoy Liberty, security, and the right of property. We vainly suppose, that we are Lawmakers, and that all depends upon our puny efforts; but sir, we are mistaken, and happy is it for us that such is the case; we are all in the Colonies too fond of Statute Law, and I could point out to any Gentleman who would have patience to accompany my observations, many, very many, Statutes of Nova Scotia, which merely re-enact the Common Law, abridging its most valuable conditions, and limiting the extension of its benefits. I remember being struck in early life, with the remark of an ancient sage of the Law, who described the Common Law, as a kind, indulgent, and nursing mother; while

he represented the Statute Law as a Giant, who run his course by violence. This Common Law, the subjects of Great Britain brought with them to the Colonies. It was sufficient before any Legislature was convened, to afford them protection in life, liberty, and property. It is the *Lex non Scripta*, framed by the immemorial usages of free men, for none but free men could have produced the Common Law of England; the trial by Jury was a part of it, a mode of trial that has been characteristic of freedom, from the days that Tacitus found it in the mountains of Germany. I take the statement of the learned Gentleman then, that his American friends equally concur with every well informed English jurist in the necessity of a Court of Chancery.

Now Sir, as to the mode of proceeding in this court. I must be short in my description. There is the ordinary legal side of this court, the powers of which I must describe by practical usage, such as inquests of office, which for the most part here are *Escheat*, and *Scire Facias* to repeal, and cancel the King's Grants, when made upon improper representation, or against Law. But the extraordinary or equity side, is the most extensive, and reaches to those transactions which are beyond the limits of the common Law. Fraud, accident, trust, the care of infants, specific performance, and many other matters, come within this range. The courts of common Law and the courts of Equity differ not in the legal judgements they pronounce, but in the mode of ascertaining facts there is a wide difference. The courts of common Law have their rules of Evidence from which they cannot depart, any interest in a witness which may be considered sufficient to warp or bias his judgement, or pervert his memory, amounts to a disqualification; but the court of equity, proceeding upon different principles, allows the party who cannot otherwise obtain evidence from the man who has injured him, to file his bill, and call upon the defendant under the solemnity of religion, as well as under subjection to pains and penalties of perjury, to come forth and answer upon his corporal oath, to bring forth papers, documents and evidences, which he may have concealed in his custody, secure against any power of the common Law courts, and to furnish the party complaining with his answer on oath, to all the matters charged against him, but the learned gentleman has told us that it is necessary to assent to his resolutions, that facts may be tried by jury in the court of chancery, but surely his legal research has informed him, that in disputed facts of importance, issues are tried from the court of Chancery in the courts of common Law, by a jury, and not, merely on common Law Evidence, but that court may direct not only the bill, answer, and written depositions of witnesses to be used as Evidence on such trial, but also that the Plaintiff, and defendant may be examined *viva voce* before a jury. That court also often retains a cause and directs a trial at common law, and if the matter be merely legal, and justice can be done in the courts of common law, the bill is dismissed, otherwise it is retained, and a decree follows upon the facts found by a jury or on the matter of Law certified by the court. (Here the learned Speaker described feigned issues, the mode of asserting, in the fictitious form of such actions, real facts necessary to a decree, which would extend beyond our limits.)

Now Sir, what Rules could we establish by Statute, which would be equal to the Rules of the courts in England, wisely in each case, and tested by the experience of every day practice? I have never found the inconvenience which his resolution states, as to the trial of facts in the court of Chancery, and I have had a long and an extensive practice to that

court But says the learned Gentleman's resolutions the granting injunction has been found convenient; no doubt they are at times to the party subject to them; and I can best elucidate this by reference to one issued in a cause, where my learned friend was Plaintiff at Law and my learned friend Mr Gray & myself were the Council for the defendant. The Plaintiff at law had proceeded upon a note made many years before by A. and B. (who had borrowed money) and by C as their surety, but not named as such in the note. The plaintiff and those who had the interest in the note, had dealt with A & B, the principals, without any reference to the surety, who had supposed the note paid. A note had actually been taken at a short day for the balance due on the original note, which was not paid. A & B became bankrupt, and plaintiff sued all the parties on the old note. C the surety had no defence in a court of common law, he could not prove there that he was a surety. A bill was filed in Chancery, and an injunction came down to my learned friend which I have no doubt was inconvenient to his client, and no little surprise upon himself. The cause was brought before the Court of Equity; the plaintiffs at law, now defendants there, acknowledged all the important facts, and on a motion to dissolve the injunction, the cause was detained in court by the decision of the Master of the Rolls; and when I mention him, I am in justice bound to say that there are few such minds, few professional men who have even the industry he possesses, and few who can equal him in talent. He is an ornament to the Court over which he presides, and much as I respect the judges of Common Law, I will never consent to allow an appeal from his decisions, to Gentlemen who are engaged in a different course of reading and study, and whose oath of office, as well as their every day training compels them to decide according to the rules of the common law. But in the very case I have been considering, namely that of injunctions, there is to be an appeal to the court which is to be restrained by that writ, from proceeding. I have been engaged in many cases of injunction where the plaintiff would listen to no terms at Common Law; and I can bear witness to the learned gentleman's resolution in so far—I never remember a case, in which the plaintiff at Law did not consider it wondrously inconvenient. (Here the learned Speaker explained the practice, as to the writ of *Ne exeat Provincia*, and the advantages derived from the authority of the court in such cases.) Sir, the rules which regulate the court are already made, and the discretion of the Judge, will accommodate them to the local circumstances of the country—we, Sir, are competent to many things, but heaven knows, we are far from competent to frame a Constitution, such as this resolution contemplates. The Governor is the Chancellor, and on an appeal he may have the advice and opinion of the Common Law Judges, but it will be out of time to create such a strange appellate jurisdiction, until we hear real complaints, as to the ultimate decision of this court. We have heard that New Brunswick has no Master of the Rolls—Sir, I have not the honor of being personally acquainted with the Lieut. Governor of that Province, but from all I have heard of him, I believe him to be a gentleman possessed not only of great talent, but who has made himself intimately acquainted with the legal institutions of the province committed to his Government—and his Message to the House of Assembly, which a gentleman put into my hand at the moment I was rising to address you, is the best evidence I can offer of this opinion. New Brunswick, for whose Judges and Barristers, as a Colonist, I not only entertain a high respect, but feel, I trust an honest

pride, finds it necessary to follow in our steps in this particular, and I have no doubt, such an Officer will be established in that province. (Here the learned Speaker read the despatch—he then turned to the resolutions—to the Court of Marriage and Divorce, upon which he dwelt at great length, showing the opinions of the former learned Chief Justice and Dr. Croke, in cases in which he had been engaged and the many obstacles they threw in the way of separating man and wife, and the sound reasons for such a course.) But, said the learned Speaker, the times are altered, that court which was first composed by the whole Legislature, and afterwards by withdrawing the Assembly from it, was composed of the Governor and Council only, not as integral branches of the Legislature, for that point had been decided in a case, in which many years ago he had been engaged; but as members comprising one court, of which the governor, the Chief ordinary, was the head, and held the great seal to be affixed to their decrees; that court was to be suspended by the appointing of 5 Commissioners, any 3 of whom would form the court, and to encourage suits before such a tribunal the Judges were to act gratuitously. What inducement in the name of Heaven could the Legislature have to establish such a tribunal? Was it of importance that those who were united by a solemn obligation during their joint lives, were to be encouraged to seek separation in a most extraordinary tribunal, and that without expense.

The next resolution, and the object of it was equally extraordinary, it relates to orders for the Sale of Insolvent Estates of Testators, or inheritors. This power was also formerly exercised by the Legislature, but almost since the first settlement of the Country, has been confided to the Governor and Council. The Governor, by the advice of his Council, appoints Commissions, under the law, and the returns are made to the Secretary of the Province, and Records are kept by him, and the whole business done without fee, except a small sum for the Licence. What is proposed in the place of this ancient course of proceeding? That the Judges of Probates in the several Counties, who may be and who often are subject to party influence are to name the Commissioners and the proceedings are to be addressed to, and the orders made by, the Supreme Court in Term time, or two Judges at Chambers—Try this to detail—who is to keep the Registry? And by whom to be paid?—The Governor and Council can always be found, but during the Summer Circuits, where will you find two Judges at Chambers—if you could—have they a Clerk? Are they to purchase the enormous Volumes which must be necessary to contain this Registry, and is this Book to be carried from the court to the Judges chambers and then returned, and if so by whom, and for what fee? But Sir, this is changing for the sake of change, During a long practice I have never heard a complaint of the Governor and Council as a Tribunal, and I will not assent to such an innovation.

The Learned Speaker then turned to the resolution, which not only abolishes the Common Pleas but contemplates the changing of every court in the Country from the days which they are now held to uncertain days, which could only be ascertained by calculation, and the Judges of the Supreme Court at Halifax are to fill in one of these terms. This the learned Speaker denounced, and also the proposal that the Sessions and the Supreme Court should sit together in each county, so that the Sessions should have the advice of the Judges of Supreme Court, in all matters in which they might require it.—When, said the learned Speaker, are the Justices to sit? the learned Gentleman must have taken the idea from the

outer and inner courts of Scotland but here the Sessions must sit out of doors, or each County must have two court Houses—and how comfortable for a Judge to be interrupted in the trial of a Cause to give advice to the Sessions which were also supposed to be sitting; and what appeal could lie to the Supreme court from the Sessions, when their proceedings were regulated by the order of one of the Judges of that court? This plan, he said, was like many of the others the dreams of a legal mind and not the offspring of the awakened intellect of the learned Gentleman.

Sir, the return days of writs in the Court Westminster are not changed, though some of them fall on a Sunday, but no legal act is done until Monday. In this Province the days of the sittings of the courts, and the return writs, are also well known in each County.—But take the learned gentleman's plan—I select an example, at Truro, on the day after the court rises at Pictou, the Sheriff is commanded to have the body of a prisoner, or a party is summoned to appear—on what day says the prisoner, shall bail be given for my appearance, this is provided for says the learned gentleman, one part of my resolution authorizes the court, at one of its terms in Halifax, to circulate the return days. Thus the Judges are to become almanack makers—and those days are to be published in the Gazette and other newspapers. Here is work for printers! Every man who intends to bring an action, or expects to be arrested must carry a newspaper in his pocket to find out the return day. *Id certum est quod certum reddi potest*, says the learned gentleman—but if the newspapers disagree as much in this as in other matters, no two of them would agree as to the days; add to this the Sessions and Grand Jury dangling about the door of the Supreme Court during its Sessions, and you have a precious medley. So long ago as the year 1789, this branch of the Legislature, composed of men who had been educated in other countries, and who well knew the value of legal institutions—men who, I hesitate not to say, were equal at least to any who have succeeded them—to any who arose out of the dark age that followed them—before institutions of learning were established in this Province—at a time when the population was about 40,000 the revenue £8000, and the debt £13,000; they made permanent the salaries of two assistant Judges, at a salary of £400 a year, which in Old Halifax Currency, is better than £800 is now, with the Chief Justice who was paid from home—and what were their labors? The four terms at Halifax, and one circuit at Windsor, Horton, Annapolis, and afterwards into Cumberland. The whole eastern country, with its tens of thousands of inhabitants, was a wilderness; and here permit me to say that, with the age of a country, legal difficulties arise which were not known in the early stages of it. Every man in these days was either the immediate tenant of the crown, or held but by one remove from it. What is the case now? By conveyances innumerable, by devise, by operations of law, and by inheritance to intestate estates, thousands of difficulties and complex cases arise, unknown in former times. The training of a Judge is different from what it was in former times the legal researches of the Bar, drive the Judges to examine into decisions and principles, to be enabled to satisfy their own minds as well as those of the profession. Sir, independent of the Statute and Common Law of a Country, there is another code, as I may call it, that is the decision of Courts, which, in settling particular cases, have laid the foundation of general rule and the uniformity of decision, is important in all cases similarly situated. Let us now consider the state of this province, and

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 fixed 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 Lally!* 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 *non con*. 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—contra 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 Sawers, 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 son 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.

The intelligence which reached London yesterday from Canada and the United States, the most important particulars of which we hastened to lay before the public in a second edition, is of a mingled character—partaking in pretty equal proportions of the gloomy and the cheering in relation to the actual position of affairs, and presenting us alternately with sinister and with auspicious omens of the future.

Perhaps the most formidable source of danger brought into view by the advices of yesterday, is the disposition manifested by a part of the people, if not also by the government of the United States, to make common cause with the Canadian insurgents. Should this disposition prevail to any considerable extent in the American Union, it is clear that the struggle in which Great Britain is involved by the imbecility or treachery of her rulers is a struggle from which there is no possibility of honorable retreat, and which can only be successfully maintained by the prompt, unsparing and energetic employment of the utmost powers and resources of the State.—*London Morning Post.*

The *London True Sun* says—We will not say there is no telling where it will end; how it may involve America and Europe in wide-wasting contention, what hosts of lives it may cost, and what additional millions it may add to the eight hundred of our debt; we will not urge the interruptions of trade, and the sufferings of famishing thousands; or the certainty of failure in such a country as Canada, and with the American riflemen ever ready to pour across the frontier to its aid; with the sure prospect of cheap, immediate, and complete success, we should not be less earnest in our protest against the commission of a great national crime, the bloody coercion of a colony into the endurance of the violation of its best chartered and constitutional rights. If the people have any sense of justice, let them solemnly declaim that crime. Be the guilt and the blood on the heads of Lord John Russell and his colleagues, to answer for, when the time of retribution shall come, to their country and to their God. In the soul-stirring sentiments of Sir W. Molesworth, "if unhappily a war does ensue, may speedy victory crown the efforts of the Canadians, and may the curses and the execrations of the indignant people of this empire alight upon the head of those Ministers who, by their mis-government, ignorance and imprudence, involve us in the calamities of civil discord, and expend our national resources in an unholy struggle against liberty." This was language to be heard of England and Canada, of Europe and of America, of the world and of heaven. All are responsive to its truth and power, and through future times will often be quoted that impressive but unheeded warning. We have freed our consciences and leave the event.

The *Bon Sans*, a Journal of "extreme opinion," contains the following paragraph upon the present affairs of Canada:—"A number of French volunteers propose forming themselves into an auxiliary legion to go to British America and assist the Canadian Patriots in their resistance to the dominion of England;" adding, "the French who love liberty remember that these insurgents are Frenchmen by origin, that they were given up to England by the good pleasure of Louis XV., and that the treaty of 1763, by which they were delivered over to that power has never been ratified by the people of France." The same Journal also propagates a report that the French Government is about to send a special envoy to Canada, to watch over the interests of the French residents.

PARIS, JAN. 1st.

A letter of the 25th ult from Bayonne states that a Carlist expedition had passed the Ebro in the direction of the Castiles, and that the troops composing it were reviewed on the 23d by Don Carlos, at his head quarters. The men had been newly clothed, armed and equipped, but their precise destination was not known. On the contents of this letter, the *Quotidienne* remarks that if a Carlist has really passed the Ebro, it must be only the first division of the expedition, the main body of Don Carlos's troops being still in the provinces.—Bayonne papers of the 25th ult. make no mention of the movement, which is probably confounded with the march of Garcia from Lodia through Navarre.

COLONIAL.

QUEBEC, Feb. 12.

All was quiet in Upper Canada and along the frontier. The Cornwall Observer of the 8th inst states that McKenzie was at Ogdensburg on the 6th, haranguing the people there. He will, however, get few that will be deceived by him a second time.—*Gazette.*

If Sir Henry Hardinge has been appointed to be Governor General, we shall have a large force nobly commanded and the Province well governed.—*ib.*

We understand that His Excellency the Governor in Chief has been obliged to postpone his departure in consequence of a hurt received by falling on the ice in the street on Friday last.—*ib.*

The swearing in of Sir John Colborne, as Administrator of the Government, will have to be postponed for a few days, as he can only legally act in the absence of the Governor in Chief.—*ib.*

From the *Toronto (U.C.) Palladium*, Jan. 17.

The opinion we formed of the merits of Sir Francis, at an early period after his arrival, has not been materially changed by the late unfortunate events; and we believe the entire Province gives him credit for the excellence of his intentions, for his sincerity, and for his extraordinary activity.—But, if he did not over-rate his own powers and firmness, at the commencement of his government, he certainly under-rated the intelligence; and the influence, he had to contend with. He fell upon evil times in this country, and upon evil counsellors; and, in a still darker hour, had the misfortune to listen to advice which was at total variance with all the wisest maxims of integrity, and with the best interests of the country he was sent to govern; in short, he fell into the same trap which caught all his predecessors for the last thirty years! with the exception, perhaps, of GENERAL BROCK!!

Many of our friends, we know, will say to us "why do you touch upon such a subject now?"—We answer, it is far from our intention to add poignancy to feelings, perhaps, already wounded—or to give any degree of pain, (could any remarks of ours be of that consequence,) to one whom we sincerely respect, and whom we are bound to honor; but it is for a much higher purpose; one, that if successful would indeed be productive of the most glorious results.—it is to excite such a degree of magnanimity on the part of our retiring Governor, as may induce him to warn his successor immediately on his arrival, (before he sets foot on shore, if practicable,) of the rocks and shoals, and quicksands his bark will have to sail amongst in this comparatively unknown "sea of troubles." If he does this, he may accomplish more for this province, than all his predecessors have been able to accomplish.

ADMINISTRATION NOTICES.

ALL persons having any just demands against the estate of the late JOHN RUSSELL, chain manufacturer and blacksmith, of Pictou, deceased, are hereby requested to render the same within eighteen calendar months from the date hereof; and all persons indebted to said estate, are requested to make immediate payment to Peter Grant, at the residence of the deceased, who is fully authorized to adjust the concern.
JOHN RUSSELL, Jun'r, } Ex'rs.
JAMES McINTYRE, }
PETER GRANT, }
Pictou, Dec. 7, 1836. ca-m

ALL persons having any demands against the estate of JAMES SMITH, late of Pictou, Merchant, deceased, are hereby requested to render the same, duly attested, within eighteen calendar months from the date hereof; and all persons in any manner indebted to said estate, are requested to make immediate payment to ANN SMITH, Administratrix.
Pictou, 13th December, 1837. m-m

ALL persons having any demands against the Estate of the late ALEXANDER MCKENZIE, Island, East River, deceased, are hereby required to render the same duly attested to, within eighteen calendar months from the date hereof, to either of the subscribers; and all persons in any manner indebted to the said deceased, are requested to make immediate payment to JANE MCKENZIE Ex'r'x.
ALEX FRASER, Jr. Forks, } Ex'r's
ROBERT GRANT, }
East River, 29th November, 1837. ca-m

ALL persons having any legal demands against the estate of the late DAVID P. PATTERSON, of Pictou, deceased, are requested to render the same duly attested, within eighteen months from the date hereof; and all persons indebted to the said estate are requested to make immediate payment to the subscribers.
R. S. PATTERSON, } Adm'r.
ABRAM PATTERSON, }
Pictou, 28th July, 1837. if

ALL persons having any demands against the Estate of JOHN DOULL, late of Point Breuly, Merchant, deceased, are hereby requested to render the same duly attested to, at the office of Henry Blackadar, Esquire, Barrister at Law, Pictou, within eighteen calendar months from the date hereof; and all persons in any manner indebted to said Estate are requested to make immediate payment.
JANE DOULL, Administratrix
Point Breuly, 20th October, 1836. if

ALL persons having any demands against the Estate of the late WILLIAM CAMPBELL, of Pictou, in the County of Pictou, deceased, are requested to render the same duly attested, within eighteen calendar months from the date hereof; and all persons indebted to the said estate, are requested to make immediate payment to the subscribers.
ALEXANDER CAMPBELL, } Adm'r's
THOMAS CAMPBELL, }
ANDREW MILLAR, }
Pictou, 2d May, 1837. if

ALL persons having any legal demands against the estate of the late DONALD CHISHOLM, East River, farmer, deceased, are requested to render the same duly attested, within eighteen calendar months from this date; and all persons indebted to said estate, are requested to make immediate payment to ELIZABETH CHISHOLM, Adm'r'x.
HUGH CHISHOLM, } Adm'r's
WILLIAM ROBERTSON }
East River, Sept. 4, 1837.

ALMANACS FOR 1838. For sale for 7½d each, by J. DAWSON.

POST OFFICE DEPARTMENT.—See also first and second pages of this paper.

Return of the Receipts and Credits of the General Post Office of Nova Scotia, for the year ending 5th January, 1836.

Charge.	Currency.	Sterling.	Dis-charge.	Currency.	Sterling.
To Amount of unpaid Letters from England,	£ 0 0 0	1074 5 2	By Salary to Deputy Post Master General,	£ 0 0 0	220 0 0
To " paid do sent do.	0 0 0	123 14 3	" do. Assistant,	0 0 0	70 8 2
To " unpaid, received and paid,			" Allowance for office rent & stationary,	0 0 0	60 0 0
" " sent from the Halifax Office,	2672 11 4		" Paid for Riding Work,	2540 0 0	
" Nett Revenue remitted by Deputy Post Masters,	1254 8 10		" Dead Letters sent to England,	0 0 0	512 7 3
" Amount of Way and Ship Letters,	57 17 6		" Letters charged against Halifax, & for-		
" Cash received from the Provincial Treasury,	1171 3 4		" warded to the interior of the Province,	892 11 3	
	5156 1 0		" Incidental Expenses,	218 17 10	
Ex. 1-10th,	515 12 1			3651 9 1	
		9640 8 11	Ex. 1-10th,	365 2 11	
			Balance paid into the Military Chest,		3286 6 2
					1699 6 9
		£ 5838 8 4			£ 5838 8 4

General Post Office,
Halifax, 16th Feby., 1836.

E. E. (Signed)

J. HOWE,
Deputy Post Master General.

A true Copy,

T. A. STAYNER,
Deputy Post Master General.

Account of the Receipts and Credits of the General Post Office, New Brunswick, for the year ending 5th January, 1836.

Charge.	Halifax Currency.	Discharge.	Halifax Currency.
To Amount of unpaid Letters from England,	£ s. d. 649 12 1½	By Salary to Deputy Post Master General,	£ s. d. 0 0 0
" Unpaid Letters received into, and paid, sent from St. John Office,	2572 11 8	" Do. " his Assistant,	0 0 0
" Nett Revenue received from Deputies in New Brunswick, exclusive of St. John,	1230 10 4	" Paid for Riding Work,	902 5 0
" Way and Ship Letters, St. John Office,	30 9 0	" Letters charged against St. John, and forwarded to other Offices,	2940 18 4
	£4183 3 1½	" Incidentals,	105 10 2
		" Balance paid into the Military Chest at St. John and Halifax,	531 16 7½
			£4483 10 1½

General Post Office,
Halifax, 16th Feby., 1836.

E. E. (Signed)

J. HOWE,
Deputy Post Master General.

A true Copy,

T. A. STAYNER,
Deputy Post Master General.

LAND FOR SALE.

500 ACRES of Excellent LAND, at Kempt Town, in the County of Colchester, near the head of Salmon River, westward of the road leading from Salmon River to Earl Town, about 4 miles North of Mr John Archibald's Inn. The said lot was originally granted to Robert Jerrat and Margaret Lindsay. The Land is mostly covered with hardwood and spruce, and is surrounded with good soil, sufficient to make a thriving Settlement in a few years. Two families now reside within three quarters of a mile of said Lot, and others are about to settle in its vicinity. As the Land has lately been surveyed, and lines marked by Mr Alexander Millar, Deputy Surveyor, Pruro, persons wishing to purchase may apply to him, or to the subscriber by whom any further information can be given.

ROBERT DAWSON

Pictou 1st December 1837

R. DAWSON

HAS on hand, a quantity of SHEET COPPER; and BOAT NAILS, assorted.
Also: Codfish Oil. *tf* January 17.

ALMANACS FOR 1838,

For sale for 7½d each, by J. DAWSON.

FOR SALE.

THAT VALUABLE FARM, occupied by Mr Robert Gass, situated ½ a mile west of this town,—consisting of nearly **EIGHTEEN ACRES**, all fit for the plough.

There is on the premises, a neat **STONE HOUSE**, and near it an excellent spring of water. There are two *thorn hedges* planted the entire breadth of the Lot, and the whole will be delivered completely fenced if required. It will either be sold whole, or in two or four equal lots, as can be agreed on.

For further particulars, apply at this Office.
January 10.

NOTICE.

ALL persons having any demands against **JONAS BLANCHARD**, Esquire, Barrister at Law, are requested to hand them in to the Office of the Subscriber; and those indebted to him are requested to make immediate payment to

JAMES FOGO,
Attorney at Law

Any person having the loan of Books belonging to Mr B., are requested to return them as soon as possible.
January 31, 1838. m-m

DRUGS AND MEDICINES.

BY late arrivals, the Subscriber has received large additions to his **STOCK OF MEDICINES**, which is now very extensive; comprising a general assortment of every thing usually kept by persons in his line;—all of which are offered for sale at moderate prices, for prompt payment.

JAMES D. B. FRASER,
Chemist & Druggist.

13,000 PRINCIPLE SEGARS in quarter boxes, for sale as above.
December 6.

THE Firm of **ROSS & PRIMROSE**, of Pictou, merchants, is this day dissolved by mutual consent. All persons having claims on the said Firm, are requested to present them to Mr Ross, for liquidation; and all indebted to Ross & Primrose, are requested to make immediate payment to him.

A. P. ROSS,
J. PRIMROSE.

Pictou, 25th January, 1838.

The business heretofore carried on by Ross & Primrose, at Pictou, will in future be conducted by the Subscriber on his own account.

A. P. ROSS,