

declared upon and judgment thereon in cases where according to this act such motion may be made.

10. And be it, &c. That the Plaintiff in any suit, may file his declaration in the office from which such process shall have issued at any time after the arrest of the Defendant, and leave a copy of such declaration with the clerk of such Court, to be by him received and delivered to the Defendant or his Attorney (if required) without fee or reward.

11. And be it, &c. That it shall and may be lawful for each and every Defendant personally, or by Attorney, to enter his appearance at the office where such process issues upon the return day thereof; and if the Plaintiff shall (previously to the Defendant's appearance) have filed his declaration in the said office, and left a copy thereof for the Defendant as hereinbefore provided, then such Defendant shall (without any demand of plea) file his plea to such declaration within four days after his appearance, and deliver a copy thereof to the Plaintiff, and in all cases where a plea has been duly filed, and served, the Plaintiff shall within four days thereafter file and serve a copy of his demurrer or replication (as may be necessary) and the Defendant shall within four days after the filing and service of the demurrer or replication, file and serve as aforesaid his rejoinder and so on until the parties are at issue; in default whereof either party as at issue may be, may sign interlocutory judgment, or judgment of non prosecution in the other, subject nevertheless to be set aside in the discretion of the Court.

12. And be it, &c. That if the Plaintiff shall not have filed his declaration, before the appearance of the Defendant, he shall do so before the end of the term next after such appearance and serve a copy thereof on such Defendant who shall plead thereto within four days after such service and in default of such plea, the Plaintiff may sign interlocutory judgment. Provided always that after plea filed and served as aforesaid, the parties shall then proceed to issue as hereinbefore provided.

13. And be it, &c. That in all actions to be brought in any of the said Courts, where the Defendant shall not be held to bail, if such Defendant do not file his appearance as hereinbefore provided upon the return day of the Writ, it shall and may be lawful for the Plaintiff, any day after such return day, upon filing the process with an affidavit of due service thereof and of the notice hereinbefore mentioned to enter an appearance for the Defendant, and file his declaration, and to sign interlocutory judgment the day following such appearance. Provided always, that the Defendant may plead in the interim upon entering an appearance for himself and payment of costs, and that the Defendant may in the discretion of the Court in term time, or a judge thereof in vacation be relieved from such interlocutory judgment, and provided also, that if after any action has been instituted and before issue joined, the period of six calendar months shall be suffered to elapse without any proceeding had in such cause, the same shall be considered to be out of Court.

14. And be it, &c. That where the Defendant shall enter in appearance according to the practice of the said Court, and shall not plead in due time conformably thereto, the Plaintiff shall be at liberty to sign interlocutory judgment as in other cases of default, and proceed thereon accordingly.—Provided always that no such judgment shall be signed in cases where the Plaintiff is required to serve a copy of the declaration or other pleading upon the Defendant until an affidavit of such service shall be first made and filed.

15. And be it, &c. That the Defendant in any suit pending in any of the said Courts, may give notice of set-off in the same way, and in the same cases (within the jurisdiction of such Court) as could be done in the court of King's Bench, and that it shall and may be lawful for any Judge of the said Courts respectively in term time or vacation, upon the delivery of the particulars of the Plaintiff's demand or Defendants set-off in any action instituted in this court, in the same way as in the court of King's Bench.

16. And be it, &c. That it shall and may be lawful for any Defendant or Defendants in any action or suit in the said court, to plead as many several matters thereto as he shall think necessary without leave of the said court in the same way and in the same cases (without the jurisdiction of such Court) as could be done in the court of King's Bench. [To be continued.]

COMMUNICATIONS.

FOR THE UPPER CANADA HERALD. To H. C. Thomson, Esq.

Sir—It is now a year, since I gave the public, a statement of the conduct pursued towards me, by Judges Campbell and Sherwood, in their Court of King's Bench at York. I request, that you will re-print the said statement, correcting at the same time, the errors of the press. I have two objects in view. One is, that Judge Willis (whom heaven shield from harm) may see it.—You will therefore have the goodness to send him a paper at my charge, particularly directing his attention to that article. The other is, that the memory of the public may be refreshed, concerning that diabolical transaction; and I hereby request, that the Editors of all the papers in the Province, (Stanton, and McFarlane not excepted,) will give it an insertion, that a full knowledge of that unparalleled case, may be disseminated through every nook, and corner of the Colony; nay, that it may pierce its way, to the ears of the masters, of our petty tyrants.

I presume, they will have too much patriotism to demand pay for the insertion; but at any rate, let them insert it. I am without redress, for the reason, that I have had no opportunity of applying, but to the very parties who inflicted upon me the injury. There is however now, a Hercules cleansing the Augean Stables. Our high Court of law, will be purified of its pretences, and become a Court of JUSTICE. The exasperated feelings of the injured, will be soothed, by the sweet hope of coming relief.

Public injustice is a terrific thing in any community whatever. It altogether unhinges society. It generates the worst and deadliest of passions; it excites contempt,

and disaffection for the government that tolerates it; fills the generous mind with detestation and abhorrence of its perpetrators; and disturbs with revengeful feelings the manly breast, which never harbored a sentiment prejudicial to our species. I speak practically, for I must ingenuously avow, that I entertain towards those two men, Campbell and Sherwood, a severe and bitter resentment, which I should like very much to have appeased, by the redress of my grievance, and I freely offer to any Lawyer, who feels himself competent by his talents, to procure me Justice, one half the amount of the money of which I have been palpably, openly, and violently wronged, which is £112 10 0, with costs prodigious, and unknown.

I am Dear Sir, Your Friend and Servant, THOMAS DALTON.

Kingston Brewery, June 22d, 1828.

§§ We shall endeavour to comply with Mr. Dalton's request next week.—Ed. Her.

FOR THE UPPER CANADA HERALD. Sir—The annexed "Question" having been proposed to me from different quarters, it is thought to be the more economical way to request a place in your columns, by way of a general answer.

I am Sir, Your Obedt. Servt. ROBERT JEFFERS. Kingston, June 12th, 1828.

QUESTION.

Hiern King of Sicily ordered one of his Jewellers to make him a Crown containing 63 ounces of Gold. The workman thought that substituting part Silver, was only a proper perquisite; which taking air, Archimedes was appointed to examine it: who on putting it into a vessel of water found that it raised the fluid 9,2245 cubic inches; and having discovered that the inch of Gold weighed 10,36 ounces, and that of Silver but 5,85 ounces—he found by calculation what part of the Kings Gold had been changed. It is required to repeat the process.

Table with columns for Specific Gravity of Gold (10.36) and Silver (5.85), and calculations for the King's Crown. Results include 10.36 x 5.85 = 60.507, 63 ounces = 651, 10.36 - 5.85 = 4.51, and final calculations for 34,546,784 and 34,567,784.

63 0 0 The Answer.

FLINDALL'S RECOLLECTIONS OF LONDON.

I remember it was once observed to me in conversation with a police magistrate of London that the fish women of that great city gave them more trouble at the offices than any other of the lower classes; and that as far as the law could effect them, there were many descriptions of crime, incorrigible.—Convinced that there was indeed but too much truth in the observation, I soon after produced a trifle which appeared in one of our popular periodicals, in which the celebrated Colonel Thornton is said to have had no small share. The piece was entitled "The Fish Womens Complaint." (Scene the front of a Police Office.)

Well! how did you come on? How have you settled it? O! you never see such a place in your life as it is! There is that poor-fretted fellow with a flower in his mouth, that stands at the door there, he threaten just now to have me locked up for my impudence: says I to him, says I, if you can find me a better lodging than I have now, I shall be much obliged to you for it. I can assure you says I, mine is but a poor one at present; just so!—And because I could not treat the rascal with Brandy, as the other did, he told the justice as how I was a common nuisance.—O, you never see such a place in your life as it is! Says I, your worship, this here publican, lives in Dark-house lane; and because I would not pay him twice over for my gin, he beat me about the head with a pewter pot, he did, and pushed me out of doors into the mud; just so, says I.—Says the justice, says he, where is your witness and bruises are my witnesses, you worship, for I can't afford to bring any others here to your worship, says I, just so, as I may say to you, Sall. And the publican said as how I pelted mud at him, and as how I slap his chops with a stinking mackerel, he did.

So says the justice, says he, though this man is the publican, I believe you are the sinner! and then he laughed at me he did, and told me to go and discharge the warrant. Then says I I noboddy to give me satisfaction for the assault, and the loss of my bonnet!—says I, but I see plain enough, that justice is bought and sold here, as well as sprats is at Billingsgate; just so, says I, O! you never see such a place in your life as it is, Sall!—This method of lashing by ridicule where the law failed, being somewhat new and diverting, "happened to take" and was afterward much used by the police reporters, for the different newspapers, on all subjects where the vicious and ludicrous were mingled.—The Venerable Justice Burns who was, at that time, my neighbour, and subscriber, paid me a much greater compliment on the subject, than such a trifle deserved: but he appeared to have in recollection the following words of the poet;

"Safe from the Bar, the Pulpit, and the Throne, Yet touch'd, and shamed, by Reticule alone."

COUNTY OF NORTHUMBERLAND AGRICULTURAL SOCIETY.—Concluded.

The objects of our Agricultural society, will be to give encouragement to every thing that will be conducive in promoting the true interest, and increasing the resources and independence of the farmer. The society will receive written or verbal reports, respecting every thing that will have a tendency to diffuse Agricultural and useful knowledge to its members. The nature of soils, as adapted to the various kinds of grain, and rotation of crops will meet with due attention from the society. All must be sensible of the great deficiency of many of our farmers in raising good crops, and keeping wheat, &c. free from all kinds of smut, and other seeds, which greatly diminish the quality of our grain, and often renders it unfit for market. The rearing of live stock will also form an important branch of the operations of the society, and to which its attention will be necessarily directed as a pri-

mary object of importance. Our breed of horses, stands in need of great improvement, and will afford ample scope for competition to those who undertake the rearing of that noble and useful animal. Next to the breed of horses, that of cattle, either for performing the labours of the field, or the dairy, demand our best attention, as they are highly useful, and may be very profitable, if well attended to and properly managed. The breed of sheep in this country, and the best modes of rearing them, claim the particular notice and care of the society. The breed of hogs is also very susceptible of improvement, and to be acquainted with the best methods of rearing and fattening them, should meet with the greatest attention, they being one of our chief articles of food, and one of our staple commodities of exportation, and if well seen to, may be as profitable as any other article of produce we can raise.—The raising of flaxseed should meet with more encouragement than it does, it being a highly useful article. The various kinds of grain, such as wheat, rye, corn, barley, peas and oats might be all greatly improved in their quality and growth, if only proper means were used, and pains taken in bringing them to perfection. The manuring of lands, and the rotation of different kinds of crops, would also be worthy of attention, as neither of these essential requisites in producing good crops, are much minded by most of our farmers. The affairs of the dairy, would also be a fit object of consideration to the society, because neither the quantity nor the quality of our butter and cheese is such in the present way of managing them, is neither very profitable or creditable. The introduction of proper and efficient implements of husbandry also demand the notice and patronage of the society, as they will abridge manual labour very much, and make every thing appear comfortable and neat. The concerns of the kitchen garden will also be well worthy of the notice and support of the society. Home manufactures so far as they may be useful and economical, should have the attention of the society directed towards them. The raising of poultry, the newest, and most approved methods of feeding and keeping live stock during the winter season, with the different kinds of food best adapted for them, should all meet with the prompt attention and care of the society. In short, to enumerate all the different objects that will naturally come under the Society's sphere of notice and general utility, it would require volumes, instead of this brief and hasty sketch. It is difficult to tell how extensively useful and beneficial the operations of this society may be; but one thing is certain, that if it can only be well supported, and the objects it has in view, be prosecuted with vigour and perseverance, it will confer the greatest benefits that the farmers in this county ever did, or can expect to enjoy; as from the experience and knowledge of Agriculture it would impart to them, they will derive more knowledge and advantages as practical farmers in the course of a few years than if they were to live half a century in following after the present ill adapted modes of farming, which too many do in this county, to their great personal labour, and pecuniary loss.

It is sincerely to be hoped that a new era in the theory and practice of Agriculture, is about to dawn upon us, and that every farmer in the county, will try to excel his neighbour in raising the best crops, rearing the finest cattle, keeping his farm in the best state of cultivation, having the largest barns, and the most and best of grain to fill them with, have the most comfortable houses to live in, and the best teams to go to church or market with; and above all, to try and keep himself as free from debt, as possible—let him strive to keep the country merchant in his debt, instead of being indebted to him all the while, and in danger of losing his farm by the means; and when all our farmers can do this, then they may feel themselves as happy and independent as princes. This is no extravagant wish, or theoretical speculation, for I expect in the course of a few years to see it happily realised in the many, as well as it now is in the few of our farmers, who, much to their credit and practice, keep themselves entirely free from debt, and are in my opinion, the happiest, and most independent men amongst us. These individuals it will be found, are none of your lazy loiterers about the taverns or stores, they do not spend the half of their time idly, either at the one place or the other, but mind their own business, work their farms early and late, attend to the wants and comforts of their families, and the certain and happy consequence is, that every thing goes well with them, both at home and abroad; and where is the individual in this assembly, that would not wish to be just so. Industry, honesty, sobriety and perseverance will accomplish the desirable object; and it is sincerely to be wished, that all of us will cordially unite in striving with all our might to rear up and support the Agricultural society now about to be established amongst us. We are all equally interested in its welfare and success! It is in Agriculture, and the prosperity of our farmers, that we all chiefly depend, for an honourable and comfortable living. The farmers must first prosper and flourish, before that any other class of individuals in the county can say they are independent themselves—let us then lose no opportunity of supporting and encouraging the farmers—let us unite together, with the laudable and patriotic design, of improving our condition, and rendering ourselves more independent of foreign supplies—let all private animosities, and strife be banished from our minds, when we meet for the purpose of establishing an Agricultural society, which may be the happy means of cementing us more closely together in the "bonds of unity and peace." Every one present must, or at least ought to feel strongly interested in the prosperity of the society we live in; and more especially in that portion of it in which we have fixed our residence, and intend to spend the remainder of our days; and if we sincerely well towards the success of the Agricultural society, we will not withhold our best exertions in its cause, and endeavour to make it as ultimately useful as it is calculated to be. We must not be niggardly in keeping back such pecuniary aid, and personal exertions, as we can well afford and spare, and in giving your contributions towards the support of our infant institution, you will only be giving out your money at least at compound interest, for it is confidently anticipated, that the general good effects and great benefits that will result from it, will more than counterbalance all the bodily la-

bour and pecuniary assistance we may give towards its encouragement and support.

From past experience, I have little doubt, but that this society will meet with liberal support, as the inhabitants have done all they can in encouraging institutions, calculated to improve both their moral and personal condition, and never was there a call made upon their liberality and generosity, more pressing and deserving than the present, for all are concerned in the success of the society, the great importance of which can hardly be described, and the inestimable utility of which, is yet to be experienced! It must be gratifying to every friend to improvement, and wellwisher of their country, that this society has been projected and conducted so far by gentlemen of the first standing and respectability, and that their patriotic design has been so far successful as to meet with the hearty concurrence, and ready approbation of every sensible and intelligent person, that has been consulted, with regard to the propriety and expediency of forcing such an institution amongst us. All have unanimously agreed that an Agricultural society, would be highly useful, and eminently beneficial. Indeed it would be a matter of great wonder, were any one living in the county to think or say otherwise; as the real and avowed design of the society is to give encouragement and protection to the Agricultural interest, and in which, one and all of us, are equally and deeply interested! N. B. The rules and regulations herewith, were then read and unanimously adopted by the meeting, after which, the officers and directors were chosen for the present year.

AGRICULTURAL SOCIETY. Rules and Regulations of the County of Northumberland Agricultural Society, as adopted at a general meeting held at Mr. G. Kent's Inn, Cramahoe, on Saturday the 17th May, 1828.

1. The object of the society is to promote the science of Agriculture, and to contribute to the instruction of the farmers in this county in all matters relative to their profession, and to lay before them the most useful improvements that have been made, and are still making in that highly important science. To encourage by the publication of all communications addressed to the society, which may be deemed useful, the employment of the most approved implements of husbandry; the best modes of cultivation, and to point what soils are best adapted for the different kinds of grain raised in the county; to show the defects and disadvantages arising from the present bad system of Agriculture, as practised in many parts of the county. To excite a laudable emulation, and to reward meritorious industry and skill, by the distribution of prizes in money, or in Agricultural implements to those individuals, who shall have distinguished themselves the most, and excelled in raising the best crops, in rearing all kinds of live stock, or in the manner of performing some of the various and multiplied labours of their profession.

2. The Agricultural society of the County of Northumberland, comprises two classes of members, the one ordinary, and the other honorary corresponding members.

3. The direction of the concerns and interests of the society is placed under the superintendance of one President, two Vice Presidents, a Treasurer, and of thirteen Directors, all ordinary members of the society, forming a permanent committee of seven, one of which, the President, or one of the Vice Presidents, shall, in his absence, be authorized to proceed to business.

4. The President, or in his absence either of the Vice Presidents, shall preside at the sittings of the permanent committees, and at general meetings, there to put to the vote, after discussing all written or verbal propositions offered by any of the members present. All questions shall be decided by a majority of the members present, and in case of an equal division, the person who presides, shall have a casting vote.

5. The officers and members elected this year, shall remain in office, until the third Monday in May, 1829. There shall be two general meetings of the society annually; viz. on the third Monday of May, and on the third Monday of October in each succeeding year. The election of members to compose the permanent committee, shall be by a plurality of votes, at the general meeting of May, and five at least of the members who have served during the last year, shall be re-elected.

6. The general meetings, admit or reject such persons as are presented, to become either ordinary, honorary or corresponding members of the society—receive the reports of the permanent committee, and deliberate and decide, as well on these reports, as on all other verbal or written propositions made by any of the members present.

7. The permanent committee is to meet at least four times in the year, and oftener if found necessary. It shall draw up and publish Agricultural reports for this County from time to time. It shall examine, and give its opinion of the merits of such written communications as may, or shall be addressed to it; shall regulate in what will consist the annual prizes, which the society shall distribute, for what object, and on what conditions they are granted; shall decide on the pretensions of the candidates who claim them; and generally to regulate all matters relative to the institution.

8. In order the more effectually to promote the views of the society, each of its ordinary members shall on his admission, pay to the Treasurer, not less than one dollar, and the like sum annually, previous to the general meeting of October, at which the Treasurer shall report the names of such members, as may have neglected to pay their subscriptions, and in all such cases, their right of deliberating in the committee, if they should be members of it, or at general meetings shall be suspended, until they shall have paid, and in case of a failure of making the second payment, the following year, the Treasurer will report the same, at the general meeting which may expel him.

9. Persons not residing in the county, who shall have made communications to the society, which the committee shall have judged important and useful, and of which it shall have made a favorable report, may be proposed at a general meeting, as honorary and corresponding members, and may be elected as such at the ensuing general meeting, if a majority of the members present at all general meetings, without paying the annual subscription, or receiving any prizes or premiums offered by the society.

10. One of the first incumbent duties on the officers and Directors elect, shall be to

publish the rules and regulations of the society, to address circulars to all those residing in the county, whom they may deem eligible to become members, and to induce them to second the efforts, and promote the interests of the society.

The following persons were at the general meeting, elected to serve as officers and Directors until the third Monday in May, 1829, agreeably to the foregoing rules and regulations.

- BENJAMIN WHITNEY, Esq. President. JOHN SPILSBURN, R. N. Vice. MR. CHARLES POWERS, Secretary. JOSEPH A. KEEKER, Esq. Treasurer. DIRECTORS: SHELDON HAWLEY, HENRY RUTMAN, WM. FAULKNER, JOHN FLATT, MR. JOHN GROVER, EPHRAIM DOOLITTLE, JOHN KELLEY, OZEM STRONG, J. D. GOBLE, ISAAC PROCTOR, ESSLEY TERRILL, DAVID CUMMINGS, JOHN STELE, Secretary.

FOREIGN INTELLIGENCE. From the New-York Commercial Advertiser.

LATE AND IMPORTANT. The packet Ship Pacific, Capt. Crockett, arrived this morning from Liverpool, whence she sailed on the 16th May. By this arrival we have received London papers to the 15th inclusive. The late hour (half past one o'clock) when we received the papers compels us to be very brief.

CATHOLIC CLAIMS. The resolution of Sir Francis Baring, which was given on Saturday, was adopted on the 13th in the House of Commons, by a majority of 6, after a very long and animated debate.

REPORT FROM PORTUGAL. A telegraphic dispatch from Bayona announced, on the 10th ult. that Don Miguel had been proclaimed King, without opposition in Coimbra and several other towns. The Courier remarks that he is now a spectator to his niece, the legitimate Queen, Dona Pedro having Abdicated on March 26th, in favour of his daughter Donna Maria, charging Don Pedro, as his Lieutenant and Regent of the kingdom, with the execution of the decree.

An Armistice was concluded on the 12th between Don Pedro and the Buenos Ayrean government, through the mediation of the English government, by the agents of the two powers in London.

RUSSIAN DECLARATION OF WAR. The long threatened crisis has at length arrived. The die is cast; and the Muscovite advances upon the Ottoman.

The Russian Declaration of War is accompanied, and the Manifesto by which it is accompanied, will be found below. We have time to give the Declaration, extending more than two columns, this evening. It will appear to-morrow. Wittgenstein's my crossed the Pruth on the 26th or 27th April, and is in full march towards Constantinople. While the large naval armament of Sebastopol co-operates on the side of Vera the corps of General Paskevitch, situated with its recent triumphs in Persia, is to advance through the southern frontier of the key. But this is not the only operation with which the war is expected to commence. The Russians, it is said, would cross the Danube about the same time into Bulgaria, and push forward as rapidly as possible, supporting their main army by landing near the Gulf of Verona. The State Papers issued on this occasion possess all that diplomatic tact for which the Russian Cabinet under Count Nesselrode, has been always distinguished.

EXTRAORDINARY SUPPLEMENT TO THE RUSSIAN STATE GAZETTE. Berlin, May 6.

We have received to-day from St. Petersburg the following official documents:—Manifesto of His Majesty the Emperor.

By the Grace of God, we, Nicholas I. Emperor and Autocrat of all the Russian Empire, &c. &c.—The Treaty of Bucharest, concluded in the year 1812 with the Ottoman Porte, after having been for sixteen years the subject of reiterated disputes, now no longer subsists, in spite of all our exertions to maintain it, and to preserve it from all attacks. The Porte, not satisfied with having destroyed the basis of that Treaty, now defies Russia, and prepares to wage against it a bold and dangerous warfare; it summons its people to a mass to arms—accuses Russia of being irreconcilable enemy, and tramples under foot the Convention of Akerman, and with that all preceding Treaties.

Lastly, the Porte does not hesitate to declare that it accepted the conditions of the peace only as a mask to conceal its intentions, and its preparations for a new war. Scarcely is this remarkable confession made, when the rights of the Russian flag are violated—its vessels which it covers detain—and the cargoes made the prey of a rapacious and arbitrary government. Our subjects themselves compelled to break their oaths, to leave without delay a hostile country.—The Eosphorus provinces deprived of the only channel for the exportation of their produce, are threatened with incalculable injury. Nay more! At the moment when the negotiations between Russia and Persia are nearly concluded, a sudden change is made in the course of the treaty. It soon appears that the Ottoman Porte exert itself to make Persia waver, by promising powerful aid; armaments haste the troops in the adjoining provinces, and preparing to support, by a threatening attack, this treacherous hostile language. This is the series of injuries of which Turkey has been guilty, from the conclusion of the treaty of Akerman up to this day, and it is unhappy the fruit of the sacrifices and the generous exertions by which Russia has incessantly endeavoured to maintain peace with a neighbouring nation.

But all patience has its limit. The honour of the Russian name—the dignity of the Empire—the inviolability of its rights, and that of our national glory, have prevailed over its still calm after having weighed its full extent the duties imposed upon it by imperative necessity, and inspired with the greatest confidence in the justice of its cause, that we have ordered our army to