

Longworth, Royalty; Edwin Locke, Crispin; Thomas Alley, Chastelot; Henry J. Conolly, do; James H. Cherry, Valley; August McAnally, do; James H. Cherry, Valley; Samuel Drake, Truro; Alfred DeLorge, Royalty; John H. E. do; John A. McDonnell, do; William Brown, do; George L. Dughery, do; and W. E. Dawson, do; Esquires.

Having been sworn in, the Lordship the Chief Justice addressed them, and said: "Mr. Foreman, and gentlemen of the Grand Jury: You will be gratified to learn that the criminal cases for your consideration at this Term, in so far as the court is informed, are only three in number, two of which are cases of assault and battery upon, and rescue from, a Small Debt Court Bailiff, of a party in his custody under Execution."

This state of the Criminal Calendar of the most popular County in the Colony, for a period of time, extending over nearly half a year, is most satisfactory as regards the paucity of crimes of magnitude; but cannot be taken as a correct index of the state of the County in regard to the lesser description of offences, such as larcenies, and receipt of stolen goods and assaults and batteries, many of which are omitted and disposed of by the City Police Court, under local acts, giving it summary jurisdiction in certain cases.

The local statutes relating to the issue of licenses, authorizing the sale of spirituous and fermented liquors, require you to prevent all persons guilty of retailing such liquors without license, and under these Acts you have the power of enjoining or annulling the License of any Inn or Tavern Keeper offending against these provisions in the management of his house, as one of public entertainment, and the Acts in question direct the Court to bring these matters to the notice of the Grand Jury every Term.

At this Term also you are required by law to present to the Court tests of competent persons to fill the office of Fence Viewers, and Constables for the several Townships in your County; and it is necessary that in the exercise of this duty you take care that no place requiring such officers be omitted, occasioning serious public inconvenience.

These are the only remarks unnecessary to make to you, gentlemen, beyond assuring you that you may always depend upon receiving the aid of the Court in the performance of these important duties which devolve upon you as the Grand Inquest of this County. As will be seen by the Lordship's charge to the Grand Jury, the Criminal Calendar is light, and contains no offences of an aggravated character. The Record causes are as follows:

- J. S. Carvell, vs. James Stewart.
- J. Cantwell and ano., vs. John Conolly and ano.
- J. Lampher, vs. J. F. Jones
- R. Harris and ano., vs. Thomas Owen
- R. Harris and ano., vs. Geo. Ford
- R. Harris and ano., vs. Wm. Dark
- J. A. McDonald, vs. John McNally
- E. Locke and ano., vs. P. Mousghau
- W. H. Wilson, vs. M. Coffin and ano.
- Albert Kelly, vs. N. Cousins
- T. W. Doid and ano., vs. B. Bell and ano.
- James Palmer, vs. Neil Currie
- Patrick Breen, vs. John Conolly
- R. B. Stewart, vs. William McKay

These, with twelve summary suits and five appeals, comprise the civil side of the docket for the present Term.

On Wednesday, the case of Carvell vs Stewart came on for trial, and occupied the whole day. This case was brought to recover a claim for tonnage. It appeared from the evidence that on the 15th of December, 1855, the "Arctic" owned and commanded by Capt. Stewart, on her voyage from Boston to Charlottetown, with 1012 barrels of flour belonging to the Plaintiff, was kind her way through the dilling ton, &c., to Iron Point, at the eastern entrance of the harbor, and, finding the tide against her, there dropped anchor. Mr. Carvell, hearing that a schooner was a signal flying for a steamer had been seen in the Straits two days previously, and believing her to be the "Arctic," entered into an engagement with the Steam Navigation Company, and agreed to pay them \$100, if, during Capt. Stewart's inside of Point Prim, they brought him into port. Shortly after the "Arctic" had come to the Princess of Wales have in sight, steamed up, took the schooner in charge, and towed her up to Leek's Wharf. When the Steam Navigation Company's vessel, in reply to a question as to who would pay the Steam Navigation Company was told that that matter had been already arranged by Mr. Carvell. The schooner was then made up to the steamer, and towed in. The defence set up by the defendant's counsel, who did not appear, was that Capt. Stewart had made a contract with the Steam Navigation Company, himself, not authorized any person to do so on his behalf; that he did not require the assistance of the steamer, and could have made his way into port without such assistance.

Mr. Carvell made the contract on his own responsibility, and on account of the contract he was in the cargo. On the other side it was argued that the mere fact of Capt. Stewart's being taken in charge by the steamer with his consent, was evidence of an implied contract with the Steam Navigation Company, and that the claim now made, was both a legal and an equitable one. It was an advantage to him to get his vessel, and it was an advantage to the company to get the vessel, and he should pay a proportion of the expenses so incurred by the Plaintiff. The Jury held, that there was in the circumstances of the case, sufficient evidence of an "implied contract" found for the Plaintiff, Messrs. E. Palmer, C. Palmer, and McLeod: for the defence, Messrs. Longworth and Henley.

Breen vs. Conolly, was commenced on Thursday afternoon, and took the whole of Friday. This was an action brought to recover the amount of three joint and several promissory notes, purporting to have been made by John Conolly and James Costello in favor of the Plaintiff. All the notes were dated 18th of March, 1855, at which time Conolly and Costello were carrying on business as brewers and distillers, in partnership. The notes were filled in by Costello, and signed by him in his proper hand, writing. The notes were made, though he could write, and the notes were made, though he could write, and the notes were made, though he could write.

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Verdict for the Plaintiff for the amount of the notes and interest. For the Plaintiff, Messrs. Henley and Longworth; for the defence Messrs C. Palmer and McLeod.

The Queen vs. William Harris and Cyril Brown. Indictment for stealing a quantity of goods from the Office of the Chief Justice, under a true Bill, charging with William Harris and Cyril Brown, when the prisoners were arraigned, Harris pleaded guilty. Brown pleaded not guilty, was tried and convicted.

The Queen vs. William Hurdleigh. Indictment for stealing two woollen rugs, the property of Charles Lord, Esq. A true Bill. Prisoner tried and acquitted.

The Queen vs. James Cameron. Indictment for stealing a sheep, the property of John McLeod. A true Bill. Prisoner's trial going on as we write.

The Grand Jury made the following presentments: Against John Storey, for obtaining from the Post Office a letter addressed to Mr. Senter, and after reading it, abstracting money therefrom, with the intention of applying the same to his own use.

Against Joseph McNab, for an assault upon Michael McBride, a constable, in the execution of his office. An indictment founded on the presentment in this case, was subsequently brought down a true Bill.

Against John McNab, for refusing to assist Michael McBride, a constable, in the discharge of his duty. McBride was executing an execution for debt, issued from one of the Small Debt Courts, and in such a case no person is bound, when called upon, to assist a bailiff, otherwise, every man in the community might be made a bailiff's assistant. No further action was taken on this presentment.

This term, F. N. Longworth, Esq., Attorney, presented a Bill to the Supreme Court, and Mr. William D. Hazard applied for examination, preparatory to his being entered a Law Student in the office of Edward J. Hodgson, Esq.

Correspondence. To the Editor of the Herald. Sir—Any person who has witnessed a view of parties on the subject of Confederation, cannot have failed to observe that very many among the Clergy, and more especially among the Scotch clergy, are warm advocates of this measure.

To the Editor of the Herald. Sir—The Editor of the Herald, Mr. William H. Pope, is not very well satisfied, as it appears, with the prospect of the representation of Charlottetown. What his objection is, and how he would remedy it, if they are not, I do not know. I am, Sir, yours, &c.

BY-THE-WAY. Lot **, January 12, 1867.

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INDEPENDENCE. January 14, 1867.

A LETTER FROM "FELIX GALLANT, CROSS ROADS."

Mr. Heditour.— You must excuse a poor Frenchman, but I wish I had the language to let the people know de law, if he is true, I wish I was in Town, I call to let my horse, and I meet my cousin Joe; he is just one from de town. I am not de use from de town. I am not de use from de town. I am not de use from de town.

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The Herald.

Wednesday, January 23, 1867.

NOTICE.—All persons indebted to the "Herald" Office whose Accounts have been finished up by January 1, 1867, are hereby notified that the same must be paid before the 15th of February next.

EDWARD KELLY.

Herald Office, Charlottetown, Jan. 23, 1867.

A LITTLE PLAIN TRUTH.

THERE is a lesson in the history of Newfoundland which should be earnestly taken to heart by the electors of this Island, and we are reminded of it by the leading editorial in the *Advertiser* of the 18th inst. Most of our readers are aware that Newfoundland, both at the polls and in the Legislature at its last sitting, almost unanimously pronounced against Confederation, and refused to send delegates to London to assist in carrying out the scheme.

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to Quebec. These are undeniable facts which cannot be successfully controverted, and we leave it to the country to say if the Government which has made them facts is to be trusted again with the reins of power. The *Advertiser* of course is well paid to suppress and misrepresent the truth, but let the people examine and judge for themselves, and they cannot fail to come to a right decision when they will be appealed to in the course of a few weeks.

So much for Mr. Clark's statesmanship, and if the Electors of the Second District want to know what his peculiar claims upon them are for their suffrages, we beg to refer them to the Journal of the House of Assembly for the year 1853, pages 72 and 73. On these pages we are informed that "the Hon. Mr. Jardine, from the Committee to whom were referred the Petition of the Inhabitants of Townships 55 and 56, and the Petition of two Inhabitants of Township 41, to examine the same and report thereon, presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and is as follows: Your Committee, to whom was referred the Petition of certain Inhabitants residing on the Bay Fortin Road, Township 55 and 56, setting forth the destruction caused to their crops and other property, by a terrific hail storm in July of last year, and praying that the House of Assembly would vote them a sum of money for their relief; and also a Petition of Donald McInnes and Hugh McKinnon, on the Milligan Road, Lot 41, in reference to the same subject, and praying for similar relief, have to report—That they have examined three witnesses on the subject of these Petitions, viz: John McIntosh, Esquire, Commissioner of Roads for the District in which some of the Petitioners reside, the Hon. Donald Boston and the Hon. James Dingwall; that the evidence given by these gentlemen corroborates the statements of Petitioners; they are eye-witnesses to the great injury done to the crops and buildings of the Petitioners, all having to their knowledge suffered very severely from the storm; and some individuals to a greater extent than others; and that these particular cases of Larceny are fully set forth in the evidence of the gentlemen alluded to."

On the 26th of April, 1857, while the House was in Committee upon the Public Accounts, an item of £267 7s 6d, which had been disbursed by Col. Swaby, the Commissioner of Public Lands, and for which no vouchers were produced to the House, was severely criticised by the Conservatives, and finally led to the following Resolution: "Resolved, That it is the opinion of this Committee that the Commissioner of Public Lands, in charging the sum of £267 7s 6d, for disbursements in his account, submitted to this Committee, without a warrant or vouchers, under the hand and seal of the Lieutenant Governor, and for which amount no vouchers have been laid before the House, has acted contrary to the requirements of the Colonial Statute, under the authority of which he received his appointment as such Commissioner."

As this Resolution contained a direct censure upon Col. Swaby as well as upon the Government who employed him, the Hon. Mr. Coles, as Leader of the Government, objected to the Resolution, by stating that it put a wrong construction upon the fact, and that he had been called for when his accounts were before the Committee.

This explanation, as the reader will perceive, gave to those Liberal members who might have had doubts about the formality of Col. Swaby's disbursements, and who were aware of the consequences which their voting for Mr. Palmer's Resolution would produce, a decent pretext for supporting their "Leader." But Mr. Clark, in the simplicity of his nature, and in the gush of his new-born independence and zeal, did not inform Mr. Coles "that those vouchers," meaning his own, "were paid into the Treasury, and were accounted for."

Before the Committee rose, "the motion was put on the Resolution, when there appeared in favor of it:—Hons. Messrs. Palmer, T. H. Haviland, Montgomery and Longworth; Messrs. T. H. Haviland, Wm. Laird, Cooper, Clark and Perry—10.

Against it—Hons. Col. Secretary, Col. Treasurer, Whelan, Lord, the Speaker, Mooney and Wightman; Messrs. Munro, Melatosh, Dingwall and McDonald—11."

This was a narrow escape for the Government. As the Public Accounts had been taken three days before the House, and it being late in the Session, and a good deal of other business to transact, Mr. Coles moved that the Speaker take the Chair, and the Chairman report the Report upon Public Accounts agreed to.

Mr. T. H. Haviland sought for further delay to enable the House to enter more minutely into the Accounts of the Land Office, and for that reason opposed Mr. Coles' motion.

Mr. Clark, anxious to bore holes in the accounts of a brother official, and utterly ignorant of the contentment of his conduct, or of the rod that was in his hand, also contended for delay, and said "he saw no necessity for that hurrying; they would take up the time with Bills detaining them, and now they had no time to wait on these accounts. He said there were any more items, such as that alluded to by Hon. Mr. Longworth, he would not sanction them."

Hon. Mr. Coles replied to these objections, and remarked, in allusion to Mr. Clark's objection to the Government under which he held office, "that such a thing would vote for a resolution to condemn his own Government and still hold office. He defied him to show that there was such a thing."

Mr. Clark said he knew what the hon. member alluded to. He knew that he had threatened him several times. The question had been to adjourn the debate, and he had no alternative. Did the hon. member think that he should vote against his conscience?"

Whether Mr. Coles thought so or not, Mr. Clark very soon convinced him that "conscience" was a small matter when it stood in the way of an office of £300 a year, for he voted not only against all further inquiry into the Public Accounts, but even against a modified form of the Resolution which he supported a few hours previously! He even went further to convince the House and the country at large that if he were troubled with a "conscience" as all, it was of the most indolent nature, for such was the effect of Mr. Coles' remarks upon him, that he published the following and humiliating apology for his sham show of independence, which we give in our last. This is the official account of Mr. Clark's parliamentary career, and his speech, and the disastrous effects which have already shown. They were also such that he dare not present himself for election before any constituency where his past political history is known, and they are now known in the Second District of King's County, who hope they will have the desired effect of inducing him to remain for the rest of his days in the sphere for which he has been adopted—namely, private life.

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Mr. T. H. Haviland sought for further delay to enable the House to enter more minutely into the Accounts of the Land Office, and for that reason opposed Mr. Coles' motion.

Mr. Clark, anxious to bore holes in the accounts of a brother official, and utterly ignorant of the contentment of his conduct, or of the rod that was in his hand, also contended for delay, and said "he saw no necessity for that hurrying; they would take up the time with Bills detaining them, and now they had no time to wait on these accounts. He said there were any more items, such as that alluded to by Hon. Mr. Longworth, he would not sanction them."

Hon. Mr. Coles replied to these objections, and remarked, in allusion to Mr. Clark's objection to the Government under which he held office, "that such a thing would vote for a resolution to condemn his own Government and still hold office. He defied him to show that there was such a thing."

Mr. Clark said he knew what the hon. member alluded to. He knew that he had threatened him several times. The question had been to adjourn the debate, and he had no alternative. Did the hon. member think that he should vote against his conscience?"

Whether Mr. Coles thought so or not, Mr. Clark very soon convinced him that "conscience" was a small matter when it stood in the way of an office of £300 a year, for he voted not only against all further inquiry into the Public Accounts, but even against a modified form of the Resolution which he supported a few hours previously! He even went further to convince the House and the country at large that if he were troubled with a "conscience" as all, it was of the most indolent nature, for such was the effect of Mr. Coles' remarks upon him, that he published the following and humiliating apology for his sham show of independence, which we give in our last. This is the official account of Mr. Clark's parliamentary career, and his speech, and the disastrous effects which have already shown. They were also such that he dare not present himself for election before any constituency where his past political history is known, and they are now known in the Second District of King's County, who hope they will have the desired effect of inducing him to remain for the rest of his days in the sphere for which he has been adopted—namely, private life.

So much for Mr. Clark's statesmanship, and if the Electors of the Second District want to know what his peculiar claims upon them are for their suffrages, we beg to refer them to the Journal of the House of Assembly for the year 1853, pages 72 and 73. On these pages we are informed that "the Hon. Mr. Jardine, from the Committee to whom were referred the Petition of the Inhabitants of Townships 55 and 56, and the Petition of two Inhabitants of Township 41, to examine the same and report thereon, presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and is as follows: Your Committee, to whom was referred the Petition of certain Inhabitants residing on the Bay Fortin Road, Township 55 and 56, setting forth the destruction caused to their crops and other property, by a terrific hail storm in July of last year, and praying that the House of Assembly would vote them a sum of money for their relief; and also a Petition of Donald McInnes and Hugh McKinnon, on the Milligan Road, Lot 41, in reference to the same subject, and praying for similar relief, have to report—That they have examined three witnesses on the subject of these Petitions, viz: John McIntosh, Esquire, Commissioner of Roads for the District in which some of the Petitioners reside, the Hon. Donald Boston and the Hon. James Dingwall; that the evidence given by these gentlemen corroborates the statements of Petitioners; they are eye-witnesses to the great injury done to the crops and buildings of the Petitioners, all having to their knowledge suffered very severely from the storm; and some individuals to a greater extent than others; and that these particular cases of Larceny are fully set forth in the evidence of the gentlemen alluded to."

On the 26th of April, 1857, while the House was in Committee upon the Public Accounts, an item of £267 7s 6d, which had been disbursed by Col. Swaby, the Commissioner of Public Lands, and for which no vouchers were produced to the House, was severely criticised by the Conservatives, and finally led to the following Resolution: "Resolved, That it is the opinion of this Committee that the Commissioner of Public Lands, in charging the sum of £267 7s 6d, for disbursements in his account, submitted to this Committee, without a warrant or vouchers, under the hand and seal of the Lieutenant Governor, and for which amount no vouchers have been laid before the House, has acted contrary to the requirements of the Colonial Statute, under the authority of which he received his appointment as such Commissioner."

As this Resolution contained a direct censure upon Col. Swaby as well as upon the Government who employed him, the Hon. Mr. Coles, as Leader of the Government, objected to the Resolution, by stating that it put a wrong construction upon the fact, and that he had been called for when his accounts were before the Committee.

This explanation, as the reader will perceive, gave to those Liberal members who might have had doubts about the formality of Col. Swaby's disbursements, and who were aware of the consequences which their voting for Mr. Palmer's Resolution would produce, a decent