

this Act, upon the importation thereof into this Colony, provided proof be made to the satisfaction of the Collector of his Majesty's Customs, or other proper officer authorized to collect the Colonial Revenue in this Island that such wine, brandy, gin, rum, or other spirituous liquors, respectively, had been duly imported into the United Kingdom, or to any other British Possession, or such Foreign Port or Place, by a certificate under the hands of the Collector, and Comptroller of the Customs at such Port in the United Kingdom or in such British Possession or under the hand and seal of the British Consul or Vice Consul at such Place, then under the hands and seals of two well-known Merchants, of the actual and due landing of such wine, brandy, gin, rum, and other spirituous liquors, at such Port in the United Kingdom, or such British Possession, or such Foreign Port or Place respectively; *Provided always* that no drawback shall be allowed upon any of the said enumerated articles unless the same shall be exported in boats or vessels exceeding in burthen sixty tons registered tonnage, and be claimed within one year from the day of such shipment: *Provided nevertheless*, that the aforesaid Collector, or other proper officer, is hereby authorized to allow a further time for the production of such certificate, on reasonable cause.

XII.—*And be it further enacted*, that all and singular the duties imposed by this Act shall attach to, and be raised, levied, and exacted upon all or any of the above enumerated articles which may be stored or deposited in any of his Majesty's Warehouses in this Island, at the time of the passing of this Act.

XIII.—*And be it further enacted*, that from and after the passing of this Act, so much of the said recited Act of the Legislature of this Colony passed in the fourth year of his present Majesty's reign, as grants a certain commission on the amount of duties to the Collector of the Customs, shall be and the same is hereby repealed.

XIV.—*And be it further enacted*, that this Act, and every clause, matter, and thing herein contained, shall be and remain in full force and virtue for the space of one year, and from thence until the end of the then next Session of the Legislature of this Island and no longer.

LAW LIBEL.
DECEMBER 10, 1833.

We yesterday alluded to the alteration and amendment of the laws respecting libels and the press in the North American United States—that great store-house of legal experiment and improved jurisprudence.—The statute and common law of England was the basis or substratum of the American law of slander and libel. But it was happily the early and great constitutional principle of that federal union that "every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right, and that no law can rightfully be passed to restrain or abridge the freedom of the Press." This great principle of civil liberty soon warred strangely with the legal doctrines imported from the mother country, and the Republicans quickly discovered that the subtleties of technical practice, and the craft of the lawyers, were inconsistent with that protection of the right of suffrage, and that controul over their rulers, essential to a free people. The combat of popular opinion against the law and the lawyers soon commenced, and the natural result was an improvement of the jurisprudence of the majority of the States of the Union. We will not fatigue our readers by a wordy citation of cases from American works and legal reports in our possession, but the history of the question in that country is extremely interesting and important, because its modern legislation has grown out of its original adoption of our jurisprudence and resulted from the same double evils so justly complained of in this kingdom.

In the case of "The People v. Crosswell," in the Supreme Court of New York, in 1804 argued at the bar with great ability, the Court were equally divided in opinion on the point, whether on an indictment for a libel, the defendant was entitled to give in evidence to the Jury the truth of the charges contained in the libel. The constitution of that State now makes the facts in every possible case a necessary subject of open investigation; the facts are laid bare, and go to the Jury to determine, "as it shall appear to them," whether the motives of the libeller were good and his end justifiable. In that admirable code, the "Revised Statutes of the State of New York," the sole legislation on the law of libel, excepting the general principle of the limitation of all actions within two years of the cause of action—is comprised in the following brief and simple enactment (vol. 1, chap. 4, "of the rights of the citizens and inhabitants of this State," sec. 21):—

"In all prosecutions and indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party is to be acquitted; and the jury have the right to determine the law and the fact.

In South Carolina, the case of "The State v. Lehre" came before the Court of Appeals, and was solemnly argued, when the Court unanimously decided that they must uphold the English libel principle. The same decision was made in Massachusetts, in "The Commonwealth v. Chase," in 1808, and before the same Court in 1825, in the case "The Commonwealth v. Blanding," when proof of the truth of a libel was deemed inadmissible in evidence upon the trial of an indictment; and the same rule was maintained in Louisiana in a civil suit for damages. But since the Massachusetts decision in 1825, the Legislature of that State have interposed, and by an act passed in 1827, have allowed the truth to be given in evidence in all prosecutions for libels; but with a proviso that such evidence should not be a justification, unless it should be made satisfactorily to appear upon the trial that the matter charged as libellous was published with good motives and for justifiable ends. By virtue of that vital and excellent political principle which insures the periodical revision of the constitutions of the States, almost all their amended constitutions within the last few years have made special provision in favour of giving the truth in evidence in public prosecutions for libel. In the constitutions of Pennsylvania, Delaware, Tennessee, Kentucky, Ohio, Indiana, and Illinois, it is declared that in prosecutions for libels on men in respect to their public official conduct, the truth may be given in evidence, when the matter published was proper for public information. In Mississippi, and Missouri the extension of this right applies to all prosecutions or indictments for libels, without any qualifications annexed in restraint of the privilege; and an Act of the Legislature of New Jersey in 1839, allowed the same unrestricted privilege. The Legislature of Pennsylvania, in 1809, went far beyond their own constitution, and declared by statute, that no person should be indictable for a publication on the official conduct of men in public trust; and that in all actions or criminal prosecutions for a libel the defendant might plead the truth in justification or give it in evidence; and in New York, in a celebrated case "Thorn v. Blanchard," the majority of the Court of Errors maintained the same unlimited toleration as respected libels on members of the government of that State. We do not doubt that some of the Conservative daily and "Sabbath Journals" would covet such a liberty; when they might libel Lord Grey, Lord Brougham, and Mr Ellice for their ease, and calumniate the Earl of Durham, as a Privy Councillor, to their hearts' content. We cannot expect that our citations of Transatlantic law will be very grateful to Tory prejudices; but we hope that Lord Althorpe will take a leaf next Session out of the American law books referred to by us. We may hereafter allude to the forcible and unanswerable arguments which in the above cases, and in the discussions on the amended States' constitutions, led to the alteration of the American law. And we will console the libellers and slanderers by assuring them that the alterations of the United States law, although framed to secure reputation and to punish libellers, nevertheless afford ample scope to libelling propensities; for the American press sufficiently teems with personal abuse, calumny, political party spirit, and misrepresentation. Moreover, the libellers have still, as they ever must have in England and Ireland the chances of the lottery of juries. The fact is, that the subject of libel law—the security of the liberty of the press—and the repression and punishment of its abuses—are matters of great legislative difficulty and embarrassment to all who have maturely considered the question. We may have the most patriotic and generous anxiety to maintain freedom of discussion, and the liberty of the press, but character public and private, has an equal claim to generous protection, and in the just protection of the press we are not to destroy its responsibility to just laws and national restraints; nor will the true liberty of the press, or its moral influence, be advanced by unlicensed and unbridled power.—*Morning Chronicle.*

(From the Liverpool Chronicle, May 24.)

FRANCE.

It appears that the French Carlists, after keeping aloof from the election of Deputies to the Chamber for four years, are about to take part in that which is expected to take part in that which is expected shortly to take place. This rather unexpected appearance of the adherents of the late monarchy in the electoral lists, is stated to be very likely to prove a formidable element of embarrassment to the candidates of Government, more particularly in the southern and western departments. Great bustle still prevails in the dock-yards at Toulou. The Nestor ship of war, has sailed for the coast of Africa, for the purpose it is thought, of restoring something like order in the principality of Tripoli, which has been for a long time in a state of the greatest confusion: since the capture of Algiers by the French, this place has been a prey to intrigues of all sorts. The old Pacha, after a reign of six or seven and thirty years abdicated the throne in disgust, leaving it to his

son; but this latter, who appears to be a feeble character, has been opposed and exiled from the city by a rebellious nephew, who has invoked foreign assistance. The scenes which are reported to have occurred, have been so shocking, that the sooner they are put an end to the better. Admiral Roussin was reported to have refused the portefeuille of the Ministry of Marine. The Chevalier de Lima presented his credentials on Saturday last to King Louis Philip, as Envoy extraordinary, and Minister Plenipotentiary of her Majesty Donna Maria, Queen of Portugal.

The Paris papers of Tuesday, state that the Queen of the Belgians was hourly expected in Paris—a circumstance which had suggested to rumour various topics, among which, the most prominent (and probably that least entitled to credit,) was the determination of her Majesty to sue for a divorce, on a ground which we should not feel ourselves justified in mentioning. On her arrival, the entire of the Duc d'Anmale, who is at the Chateau d'Eau, in Normandy, will be assembled at Neuilly, near Paris. King Leopold is also expected.

M. Persil, General Sebastiani, and M. Duchatel, who had, on accepting their new official departments, vacated their seats in the Chamber of Deputies, have been re-elected. M. Persil was hard pressed, however by his opponent, the Duc de Fitz James a Carlist, the former having had only a majority of 19 over the latter. The Session—and consequently the existence of the Chamber, would it was supposed, terminate on, or about the 31st inst. The *Moniteur* of Tuesday contains the official appointment of Admiral Jacob to the Ministry of Marine. Baron Werther, the Prussian Ambassador to the Court of France, is said to have notified to that Court, that his Government had formally refused its assent to the separation of Neuchâtel from the Swiss cantons.

FAILURES IN THE EAST INDIES.—Private letters from Bengal, of the 1st of February, bring information that the last of the agency houses in Calcutta, was compelled to suspend its payments on the 10th of January.—The firm of Messrs. Cruttenden and Co. of Calcutta, which has existed for nearly fifty years, is the firm alluded to; but it is right to mention that it is not likely to affect any firms here. The debts are stated to amount to £1,000,000; their assets to £1,700,000; and their bad debts to £450,000. The claims on the firm of Messrs. Ferguson and Co. are now said to amount to £2,000,000; their assets to £3,500,000; and their bad debts to £700,000. Freights at Bombay were nominally at from £2 10s. to £3 per ton. The exchange 2s. 2d. The letters from Madras also mention that the firm of Franks & Coles have failed for 9 lacs, or £90,000, and that their assets are 11 lacs, or 110,000.

BANK FAILURE.—The Sturminster bank has stopped payment, but arrangements are making, and it is hoped that the creditors will be paid in full.

CIVIL WAR IN PERU.—From South America we had arrivals to the middle of January, they announce the outbreak of another Civil War in Peru. The Presidency of General Gamarra having expired, three candidates were proposed, one being favored by the late President, in the hope it is said, of preventing any enquiry into his own maladministration; the others by parties in the Senate. During the election, all arts of party intrigue and the influence of faction were resorted to, but eventually General Orbegoso was chosen. This person took the customary oaths, and was recognised by the Senate and Foreign Ministers. Subsequently however, the influence of General Bermudez, an unsuccessful candidate, but a creature of the late President, prevailed with the army, and Orbegoso was obliged to fly from Lima, and take refuge in the castle of Callao, of which he possessed himself by a bold surprise.—There he remains in a state of siege, Bermudez being at the head of the troops in Lima. The rivals did not appear to be very unequally matched, as to military force, and the result of the contest is still doubtful.—The British consul however, has extorted a pledge, respecting British persons and property at Lima and Peru.

UNITED STATES.—It appears from the papers brought by the Caledonia, which arrived on Tuesday, that the debates in the Senate upon Mr Poindexter's motion, for the rejection of the President's protest, still continue, nor can it be conjectured when they will terminate. It is thought extremely probable however, that the verdict of the Senate will be against General Jackson, in which case we may look for a renewed struggle in the election of a new President, and a protracted period of disorder.

TORONTO.—U. C. May 22d.—Two of the principals of the Banking establishment which has been for some time talked of—viz.—Mr Commissary General Green, and Captain Troscott, R.N. with a chief Clerk, from England, have arrived in this city; and are making active preparations for putting the new Bank in operation. Mr Billings we have understood is to be the Cashier.

The Montreal Courant publishes a letter from London, under date of May 11, which states, that the "Government have determined to unite the two Provinces. The two Lieutenant Governors' places to be abolished. The Governor General to reside at Brockville, Head Quarters, Legislative Assembly to be held there; two Major Generals, one stationed at Quebec the other at York.

A heavy snow-storm, with severe frost, was experienced in Philadelphia about the 30th May.

THE STAR.

WEDNESDAY, JULY 9, 1834.

We have been politely favoured by several of our respectable friends with the loan of Lisbon letters of the 21st of May, 4th, 10th, and 11th of June, from which we have extracted, as will be seen in our columns, the interesting, and to the people of this Country, the important information, that the affairs of Portugal, had, at length been brought to a state of comparative order.

Don Miguel had been taken to Italy, in the Stag Frigate, and Don Carlos with his family and suite had gone to England in the Donegal line of battle-ship.

So much for the termination of the fraternal and ignoble warfare in Portugal. The pressure of that warfare, has been severely felt by the trade of this country, and the effects of it will not be readily obliterated, from the circumstances of the Portuguese people.

We are inclined to hope, that the treaty between England, France, and Spain, may in some of its provisions, be in favour of the trade of this country, by taking off some of the heavy duties, at present levied on our fish. This would bestow a more permanent benefit, than can at present arise out of the little increase that may take place, in the consumption of fish at Portugal, for we cannot, without being too sanguine, expect that the article will be much enhanced in value, until the people in the interior recover, in some means from the impoverishment, caused by their late circumstances.

But man is an enterprising animal, and with hope heightened by every new stimulus, he starts again on the race, like the refreshed courser; and he heeds not the stumblings, and broken down fortunes, of those who are failing and falling around him.

We must be careful not to offend our contemporaries, by diving too deeply into such "abstruse points, connected with our local affairs," if we do, "the Lord only knows" how we shall be ridiculed.

By the arrival of Papers to the 2d June, in St. John's, it appears that there has been a break up in the Ministry.—The following Members have retired: Mr Stanley, Secretary for the Colonies; Sir James Graham, Lord of the Admiralty; Duke of Richmond, Post-Master General; and the Earl of Ripon, Lord Privy Seal. Their places have been filled up as follows:—

Lord Auckland will be the First Lord of the Admiralty in place of Sir James Graham.
Lord Carlisle Lord Privy Seal in place of Lord Ripon.
Lord Mulgrave Postmaster-General in place of the Duke of Richmond.
Mr Spring Rice Secretary of State for the Colonies in place of Mr Stanley.
Lord Auckland and Mr Spring Rice will vacate the offices they at present hold; and the vacancies will be supplied:—
Mr Poulett Thomson will be President of the Board of Trade in place of Lord Auckland.
Mr Francis Baring Secretary to the Treasury in place of Mr Spring Rice.

Lisbon, May 21, 1834.

"I now hasten to acquaint you that after a severe battle fought not a great distance from the place in which Don Miguel lost, in prisoners only, 2000 men. Don Miguel has abandoned Santarem, and it is very doubtful if the disordered state of his army, from which numerous desertions have already taken place, (the flower of his cavalry, upwards of 300, which came over, were reviewed here by the Emperor yesterday,) will allow of his sustaining himself at Elvas whither he has proceeded, pursued by his and Don Carlos's Portuguese and Spanish opponents, which together are very considerable. Indeed here we consider the war as virtually ended, and people are dropping in from the interior in search of supplies."

Lisbon, June 4, 1834.

"We are happy to inform you the civil war in this country has terminated by Don Miguel having been forced to surrender, and his troops lay down their arms, by a treaty with England, France, and Spain, a general amnesty has been granted, and he