HASZARD'S GAZETTE.

Saturday, May 10, 1856.

The case of Gaul vs. Pope, was in effect, to try upon whom the loss of a forged note, paid to the Defendant, as he stated, by the Plaintiff, was to fall. The facts on the whole of the case are as follows:—Some time since—two or three years—the Plaintiff, Mr. Pierce Gaul had occasion to pay the Defendant (Mr. W. H. Pope,) a sum of money, £75. and he paid the same in notes to Mr. B. DesBrisay, at that time the Defendant's Clerk. After the money had been paid, and while the Plaintiff was waiting for a receipt, the Defendant came into the Office and took up the notes, and carried them away with him, and tendered them along with some other notes which he had received immediately before from Mr. James Moore, (at Mr. Peake's,) and which were in his hand at the time he took the notes paid by Plaintiff, to Mr. D. Hodgson in payment. Mr. Hodgson in counting them, detected the note in question, and threw it out The Defendant (Mr. Pope) a little while after, but in the course of the same day, met the Plaintiff, and said—"Hallo, Gaul, how came you to give DesBrisay this forged note?" "I do not think I gave it," replied Gaul, "but if I did, I will give you a good one for it, as I know from whom I received it." The Plaintiff then sent a good note. On examining his books and casting the thing over in his mind, the Plaintiff became convinced, that there was some error, and claimed the money thus paid by mistake to Defendant, who refused to return it. Gaul brought his action in the Commissioners' Court for the £6. when it was decided against him, he then appealed to the Supreme Court, and the above facts come out, with this in addition, that Mr. B. DesBrisay upon being applied to by Defendant, denied having received the note in question from Mr. Gaul, stating as he did in Court, that he thought it impossible, that he could have taken a one dollar note for a five pound one. Mr. Gaul stated in his evidence that he had received the sum of about £90 and upwards from Mr. F. Brecken, and that he had counted it carefully, with that gentleman looking over his shoulder and checking him. Mr. Brecken deponed to the same effect, stating that he had received the same sum from Mr. R. Brecken, and had not counted it, and was therefore the more anxious to ascertain whether it was right. It was from this bundle, that Mr. Gaul had taken the notes to pay Mr. Pope. The defendant who was examined stated, that having but two parcels of notes, the one from Mr. Moore which was only £25 and consisted of five £5 notes, in which he thought he could not be mistaken, and the other which contained a greater number and considered it morally certain that the note in question must have belonged to the larger parcel, and that DesBrisay must have taken it from Gaul. The Court however, reversed the judgment of the Court below and decided in favor of the plaintiff, Mr. Gaul. We regret we were not in Court when the judgment was pronounced and cannot therefore state the exact grounds upon which the learned Judge—Peters—who tried the case came to his decision.

The great misfortune of this and smaller ones, is, that the costs on the appeal come to a sum very disproportionate to the amount in litigation. There is a great anomaly in giving to men totally ignorant of Law and who would themselves, in the least difficulty, be obliged to have recourse to the advice of a Lawyer, the right of sitting in judgment upon the cases of others. It is a still greater, that when these judgments are pronounced, they are considered as having claims to infallibility so that the party appealing is compelled to find security to pay the costs of the appeal, a matter of serious difficulty with many a poor but honest man. We have known on frequent occasions, of parties having to submit to the grossest injustice in consequence of being unwilling to ask or unable to obtain the necessary security. If a Jury in the Supreme Court give a verdict contrary to evidence, or the Judge mistake the Law or misdirect the jury, a new trial is a matter of course, and there is no asking either plaintiff or defendant to give security, though the second hearing may not take place for several months, and though the defendant may have every opportunity and inducement to leave the Island. We have no hesitation in saying, that the administration of law and equity in Prince Edward Island is radically inefficient, and that there is no department in which reform is more necessary. Why the administration have not looked to this before, is a question which the members can alone answer. In England, in the Colonies and in the United States, where the same law forms the basis of their jurisprudence, various reforms have taken place. Prince Edward Island alone pertinaciously clings to error.

We kept our paper back to day in expectation of the arrival of a British Mail, but up to the time of our going to press, (4 o'clock) the Packet had not arrived.

The Legislature of New Brunswick was prorogued on Thursday, 1st May, the Lieut. Governor in his Speech says:—

"The consideration of the means whereby the formation of Railways may best be promoted, has occupied your attention. In the course of the session, measures of great importance have been passed on this subject, and I hope that these measures may attain the object for which they have been adopted."

During the latter part of the Session we noticed the following paragraphs in the summary of proceedings:

"The Bill to authorize the Lord Bishop of Fredericton to grant Marriage Licenses, and a Bill relating to the British American Great Land Company, brought in by Mr. Harding, was also postponed for three months.

On motion of Mr. Smith, a Committee was appointed to take into consideration the expenses for public printing, with a view of lessening the same."

James M'Callum acknowledges the receipt of £26 7s., from the Missionary, Bible, and Educational Society of Cascumpec, to be appropriated as follows, viz:

Foreign Mission	£10	0	0
Home Mission	8	3	6
West River Seminary	8	3	6
	£26	7	0

JAMES M'CALLUM.

Brackley Point, May 6th, 1856

MECHANICS' INSTITUTE.

ON Tuesday Evening last—John Kenny, Esq., Vice President, in the chair,—ARCHIBALD MAC NEILL, Esq., Secretary of the Institute, at a few hours notice, delivered an extemporaneous Address on "The Position, Prospects and Duties of the Working Classes," dividing these classes into the mind-labourer and the body-labourer. He descanted with much ability, on their social and political importance, and glanced at the improvement which has taken place in the condition of the working men of Britain the past 200 years.

The speaker illustrated his views by reading extracts from a Pamphlet entitled "Britain's working men," being a lecture recently delivered at Cheltenham, England, by E. R. Humphreys, L. L. D., formely Headmaster of the Central Academy, of this city.—Mr. McNeill remarking that he felt assured he should have the less occasion to bespeak the indulgence of the audience in making copious selections from the eloquent publications before them, when, apart from the high reputation of the author, it was remembered that Dr. Humphreys had, at one time filled the Presidential chair of this Institute.

A discussion ensued, which was well sustained by Messrs. A. A. McKenzie, J. Lepage, and J. Tanton, the latter of whom, in particular, spoke at considerable length, and with great animation, in favour of the mechanic and other labourers, and instanted some of the most illustrious names in the various departments of art, literature and science, as having arisen from among the working classes.

On Tuesday evening next, the Hon. E. Whelan will deliver a lecture on "The events of the late war against Russia, and its results," after which the present session of the Institute will be adjourned until further notice.

☞Mr. Donald Sutherland, Missionary, will preach (D. V.) in the Temperance Hall, on Sabbath first, 11th inst., Service to commence at the usual hours in the morning and afternoon.

Married,

At Cascumpeque, Lot 5, on the 5th inst., by Mr. Jacob Gale, Bible Christian Minister, Mr. William Sweet, to Mrs. Frances Veale, both of that place.

Died,

At the residence, Albion Farm, Three Rivers, on the 6th inst., Mr. George Aitken, aged 51 years, after a long and protracted illness which he endured with Christian fortitude and calm resignation.

On Friday 25th ult., at the residence of Rev. Doctor Twining, Catherine M'Kenna, in the 18th year of her age, a native of P. E. Island.—*Hfx. paper.*

Port of Charlottetown

ENTERED.

5th, Schr. Curlew, Languille, Pictou; lumber. H. Ingram, Lund, do.; mails and passengers.
8th, H. Ingram, Lund, do.; mails and passengers.
10th, Schr. Lively Lass, Robertson, Pictou; coal. Elizabeth, Scott, Halifax; goods.

CLEARED.

May 8th, Schr. Curlew, Languille, Tatmagouch; produce.
10th, H. Ingram, Lund, Pictou; mails and passengers. Liberator, Foley, Newfoundland; produce.

Boat Found!

GOING adrift out of the Harbór, a BOAT, about thirteen feet keel. The owner can have the same by proving property and paying expenses on application to—

EWEN McKINNON, Canso Point.

May 3, 1856.

METEOROLOGICAL JOURNAL.

From April 1st to April 10th, 1856.

DAY OF WEEK	DAY OF MONTH	BAROMETER 9 a.m.	BAROMETER 6 p.m.	THERMOMETER HIGHEST	THERMOMETER LOWEST	DIRECTION, &c., OF WIND	WEATHER.
Tues	1	30.17	30.15	45	19	N. W. mod.	Blue sky.
Wed	2	30.16	30.11	49	27	W. light	Do.
Thur	3	30.00	30.06	49	32	S.W. do.	Do.
Frid	4	29.95	29.95	51	36	S.S.W. do.	Overcast—rain a. m.
Sat	5	29.92	29.92	53	33	S. S. E. do.	Do. —drizzling p. m.
Sun	6	29.90	29.85	41	31	N. E. do.	Raining at intervals.
Mon	7	29.75	29.94	46	31	N. N. E. do.	Overcast till 2 p. m.—snow 1 inch—then clear.
Tues	8	30.00	30.06	58	32	N. W. do.	Blue sky.
Wed	9	30.39	30.30	51	33	NW&NE do.	Do.
Thur	10	30.91	30.73	45	23	S & N. W do.	Rain—5 p. m. squall of wind.

Sailed from Georgetown—Isabella, Turnbull, to Portland, United States, with cargo of Juniper Knees.

ENGLISH GARDEN SEEDS, Growth of 1855.

JUST received at "APOTHECARIES' HALL," from WHALLEY's celebrated establishment, Liverpool, by Steamer "ARABIA," via Halifax and Pictou, a supply of GARDEN and FLOWER SEEDS in every variety, warranted the growth of 1855. A further supply daily expected per Ship "*Majestic*" direct.

T. DESBRISAY & Co

Charlottetown, May, 1856.

TENDERS FOR PAINTING.

Fire Department,
Secretary's Office.

SEALED Tenders will be received by the Subscriber until Saturday 17th May, inst., 12 o'clock noon, from persons willing to paint the several Carriages and water Casks belonging to the Fire Department of this City Security will be required for the due and faithful performance of the work, specification of which and information thereon, seen and known by application at the office in the City Hall.

WILLIAM B. WELLNER,
Secretary.

Charlottetown, 8th May, 1856.

VALUABLE PROPERTY.

TO BE SOLD by PUBLIC AUCTION, on WEDNESDAY, the Second day of JULY next, (1856,) at the hour of twelve o'clock, noon, at the Colonial Building in Charlottetown, pursuant to License, duly granted for that purpose by his Honor the Surrogate and Judge of Probate of this Island, bearing date the Twelfth day of February, A. D. 1856.

All the Right, Title and Interest of the late Honorable DONALD M'DONALD, Glenaladale, Township Number Thirty-six, (36) deceased, in and to the following Land and Real Estate:

Namely—All that Tract, Piece or Parcel of Land, situate, lying, and being on Division No. 2, on the Plan of the Estate of Castle Tioram, from actual survey of William Curtis, Assistant Surveyor General, made July 1828, and now filed in the Office of Keeper of Plans, bounded as follows, that is to say—Commencing at the South-East angle of Division No. 3, on the said Estate on the Northern edge or side of the Post or St. Peter's Road, thence (according to the magnetic North of the year 1764) North one degree and thirty minutes West (N. 1° 30′ W.) for the distance of Seventy-eight (78) chains, thence North Eighty-six (86) Degrees East Forty-seven (47) chains and Eighty-eight links, thence South one degree thirty minutes East (1° 30′ E.) Eighty-four (84) chains to said Road, thence following the various courses of the said Road Westwardly, to the place of commencement, containing Three hundred and sixty-two (362) acres of Land, a little more or less, and is part of Lot or Township Number Thirty-five (35) in Prince Edward Island.

Excepting out of the above Tract, the Land and premises at the Eastern end thereof, under lease to, or in possession of Mr. James M'Williams, being about Fifty acres of Land, a little more or less; the Tract to be sold pursuant to this Notice, comprising an ates of 312 acres, a little more or less.

The above Land will be sold in several Plots or Divisions. For further particulars, and conditions of Sale, apply to the Subscriber at Glenaladale, or at the Office of the Honorable Joseph Hensley, in Charlottetown.

JOHN ARCH. M'DONALD,
Administrator of the Estate of the said late Honorable Donald M'Donald.

Charlottetown, 10th May, 1856.

CITY SURVEYOR.

THE City Council has appointed Mr. Thomas Pleadwell, Surveyor of Highways, Streets, Squares and Bridges, in accordance with a By-Law of the City, for the ensuing year.

WILLIAM B. WELLNER,
City Clerk.

City Council Office,
Charlottetown, 7th May, 1856.

Household Furniture.

TO BE SOLD BY AUCTION on THURSDAY, 15th MAY next, at the residence of the Rev. Mr. SNODGRASS, upper Prince Street, all that Gentleman's Household Furniture, &c., &c.

For further particulars, see Handbills.

A. H. YATES,
Auctioneer.

Charlottetown, April 15, 1856. Isl. Ex.

SALE OF VALUABLE

BUILDING LOTS AND PASTURE LOTS.

THE Subscriber has received instructions to sell by Auction (*without reserve*) at 12 o'clock on FRIDAY, the 16th day of next month (MAY,) Twenty Building Lots adjoining the City of Charlottetown, comprising part of Common Lot 32, known as Longworth's corner, according to a plan to be seen at his Sale Room; also, immediately after will be offered to public competition, four of the most valuable Pasture Lots in the Royalty of Charlottetown, being Lots 561, 562, 566 and 567, (in one block) and situated on Paul Jones's hill, about four miles from the City,—this property is unequalled in the Royalty for the commanding view it possesses of the Harbor, River, and surrounding Country; about 18 acres are cleared (but not broken up) and the remaining 30 acres are covered with a fine mixed growth of hard and soft wood. A good title guaranteed

Terms at sale.

A. H. YATES,
Auctioneer.

April 26th, 1856. Isl. Ex. Adv.

Freehold Property in the Suburbs

BY A. H. YATES.

TO BE SOLD by Auction on FRIDAY the 9th MAY next, at 11 o'clock, on the premises, the remaining portion unsold of those

Valuable Pasture Lots

fronting on the *BRIGHTON ROAD* and near *GOVERNMENT FARM*, lately the property of the late Lieut. Col. Lane.

This property being contiguous to, and delightfully situated so as to command in one view from almost any part of it, nearly the whole of the Public Buildings and City, strongly recommend it as one of the choicest situations, possessing both Town and Country advantages. It will be offered in lots of about an acre each, or less, to suit purchasers, according to a plan which will be submitted at the time of Sale and may be seen any time previous at the office of the Auctioneer.

Terms at Sale.

Charlottetown April 29th. Isl. Ex.

☞ The sale of the above property is postponed until Monday, 26th May, inst. at 12 o'clock.

Valuable Building Lots for Sale.

THE Subscriber will offer to Public Competition, on THURSDAY, the 29th day of MAY next, on the premises, at 12 o'clock noon,

TOWN LOTS NOS. 43, 44, 45, 88, 89 & 90,

in the Fifth Hundred of Lots in Charlottetown; and part of.

COMMON LOT NO. 31,

being a portion of the 'EGKER' Estate. This property has been intersected by Streets opened through it, and the whole has been laid off into suitable and convenient Building Lots, in accordance with a Plan prepared for the purpose.

As the Terms upon which this Property will be offered, will be extremely favourable to the Purchaser, an opportunity will thus be afforded of acquiring Valuable Lots, not perhaps again to be had in Charlottetown.

For Terms please apply at the office of JOHN LONGWORTH, Esq., Barrister, where a plan of the propery can be seen.

WILLIAM S. LONGWORTH.

Charlottetown, April 24, 1856.

FREEHOLD ESTATE

For Sale
without reserve, on the Premises.

BY PUBLIC AUCTION, on Tuesday the Thirteenth day of May next, at noon, all that Lot of Land, situate at Summerside, between Crabbe's Hotel, and Peter M'Phail's Dwelling House, having a breadth of fifty feet on the Street, with a depth of of one hundred and sixty feet on to the shore. On this Lot, there are two buildings erected, one of which is divided into two convenient Shops, and the other is at present occupied by Mrs. Connors, as a Dwelling House and Store. There is also a spacious Granary or Warehouse. The whole yielding an annual rent of £36 currency, and is one of the best stands for business in this thriving and progressive village.

The terms of sale, will be ten per cent deposit, and the remainder on delivery of the Deed. A good title will be given.

For further information, please apply to the Hon. Charles Young, Charlottetown.

WILLIAM WARWICK.

Charlottetown, March 29, 1856 Ex.