

Witnesses were called, chiefly to prove that Mr. Ward, while conducting the Free Press, was inclined to be quarrelsome, and had become involved in several angry disputes. The evidence amounted to very little, and was taken no notice of by the Court, as the plea was, *not guilty*; the plea of *justification* was not made.

The Solicitor General addressed the Court. The case had received a more serious aspect than when he opened it, by the counsel for the defence arguing that the *intention* of parties was of consequence in alleged libels. That was most explicitly repudiated,—the consequence of such a doctrine would be most dangerous and improper. The libel was a violent slander. It was not such a reply as an aggrieved party should have been allowed to publish. Persons might give opinions of others, without fear of legal consequences, when they were legally acting,—such as a person giving a character of a servant,—a relative or commercial correspondent stating opinions of a third party,—a reporter furnishing proceedings of the houses of Parliament or Courts of law,—these were cases in which the intention was considered,—but not such as that before the Court. Several cases were referred to. The publication of a libel by the plaintiff, by no means privileged the defendant to publish another. It would be an insult to plaintiff to have laid special damages,—who doubted that a man would be damaged in his feelings, and family, and daily avocations, by such charges, going abroad in a widely circulated paper?

The Chief Justice charged the Jury. There was no doubt on the case. The question was, was the article a libel or not; justification by proof was not pleaded. There were three modes of bringing actions for libel: One by going before the Grand Jury, and getting an indictment, on the ground that the offence was calculated to endanger the public peace. Another was to apply to the Court for an Information, in which case the party applying would have to swear that the charges were untrue; under that the truth or falsity could not be gone into before a Jury. A third mode was, by the party bringing his own private action. In the latter, the defendants might plead that charges were true, and bring proof to that effect, and if the Jury were satisfied of the truth, they would not allow a party to put money into his own pocket by means of damages. The defendants in the present case had not done this. The question was, was the article a libel,—of this no doubt could exist. Intention should be judged by the consequences likely to ensue. Was the article, in its nature, calculated to annoy and distress. The printer was responsible,—plaintiff's might choose between printer and writer, where both were known. This was not a question involving any political considerations,—it was not of public men, respecting whom it was somewhat difficult to say how their public and private characters should be kept distinct; this was between private individuals. Plaintiff's publication against *Dunlop*, might, possibly, have been a good public act, but he did it on his own responsibility, and was liable to an action. The article in question was, he, the Chief Justice, considered, a libel,—he did not know how the Jury could draw any other inference,—the damages lay with them.

The Jury (special) retired, and within an hour returned with a verdict for the plaintiff, damages £40. Any amount of damages would carry the expenses.

INSURANCE.—A case of much interest occupied the Court on Tuesday, Wednesday, and Thursday last. It was Messrs. T. & E. Kenny, agents of Mr. D. Brennan, P. E. Island, against the Halifax Insurance Company, for £1938, amount insured on the schooner Joseph Albino. The schooner sailed from Bedeque, P. E. I., for London, on 10th Nov. went aground next day on Indian rocks, and remained on, subject to stormy weather, until the 21st. While in this state, notice of abandonment was given to the Company; the notice was not formally accepted, but the Company took charge of the vessel, brought her to Pictou, gave notice of the same to the insured, and directed him to see after the repairs. He declined, and abided by his abandonment. Notice was then given him, that the Company would proceed with the repairs with due expedition, and pay such sum for losses, as should be afterwards determined. The vessel remained, unrepaid, up to the present time. The Insured brought an action for damages on a total loss;—the Company resisted, on the plea that the vessel was not properly built, and was unseaworthy when she left the harbour; that she sailed without an anchor, which was required,—and that a deviation from the voyage was made. Several witnesses were called; some of the witnesses objected to some particulars of her construction, but the bulk of the evidence appeared to prove, that although not altogether a well finished vessel, she was strong and seaworthy, and that no vessel could have successfully resisted the shocks which she was subject to while aground. Respecting the want of the anchor, and the deviation, it appeared, that the vessel was insured from the time of her leaving Orwel Bay, where she took in part of her cargo,—that she lost the anchor on her passage from the Bay to Bedeque, and that the deviation consisted in her sailing from Bedeque to Charlotte Town, for an anchor, during which time she ran on the rocks. The abandonment was sustained, on the ground, that no negligence had endangered the vessel; that the appearances at the time of her abandonment, were sufficient to make any reasonable man expect a total loss,—and that the Company took charge and dealt with the vessel as if they had accepted the abandonment.

Judge Hill presided,—for the Plaintiff, the Solicitor General and

Mr. Whidden,—for the Company, Messrs. W. Young and J. F. Gray.

Verdict, for the Plaintiff, £1938.

NEWS OF THE WEEK.—English dates remain as at our last. Some items from the United States require brief notice.

Another legislative fracas occurred recently; it helps to prove that if our neighbours are anxious to deserve the title, "a nation of gentlemen," which has been accorded to the population of one of the British isles, they must look well to some of their deliberative bodies. On the 20th of April an altercation occurred, in Congress, between Mr. Bynum and Mr. Garland. The former, approaching the latter, said that a statement to which he, Mr. G., had appended his name, was a tissue of falsehood. Mr. Garland averred its truth, and said that no gentlemen would say otherwise. Mr. B. reiterated the charge of falsehood, and endeavoured to seize the stick of his opponent. A struggle ensued, several blows were struck, the parties were separated, when Mr. Bynum drew a knife, and used abusive epithets. A committee was appointed to inquire into the occurrence, and to take some steps for the purpose of vindicating the character of the legislature.

An account is given of a dreadful affair that happened at St. Antonio, Texas. A party of Comanche Indians, amounting to about seventy, arrived at the settlement, bringing with them a little white girl, captured about a year and half previously. They came to hold a council, wishing to have the girl ransomed, and offering to bring in several other prisoners. After some parleying, a company of military was marched into the room where the chiefs were, and another was placed in the rear over the other Indians. The chiefs were told that they were prisoners, and would be retained until the whites were restored. An attempt to escape was made, and resisted; some of the Indians were wounded, when the whole prepared for battle. The twelve chiefs were immediately shot. The remainder of the party fought desperately, but all the Indian warriors appear to have been killed except one man. Some Mexicans of the party, and Squaws, appear to have been spared, and a Squaw was sent to the tribe to demand exchange of prisoners.

The town of Belevue, Iowa, was recently the scene of a dreadful affray. The Sheriff and a posse, attempted to arrest a noted character, who was the protector of a gang of counterfeiters and thieves. He collected a party, resisted, and the consequence was, that several men at each side were killed. The assailants made several prisoners, who were tried by Lynch law, and punished by severe flogging.

Several dexterous pickpockets are said to be practising their vocation between New York, Philadelphia, Baltimore, and other cities, and to have recently lightened travellers, considerably, but very little to their satisfaction.

An embezzler, a teller of a Norfolk Bank, decamped lately, leaving charges unsettled at the establishment, to the amount of 580,000 dollars.

The Small Pox has been raging at Barbadoes. The Legislature had passed an Act forbidding the dissemination of the disease by inoculation. In March last, a discussion took place in the House of Lords, on the petition of 12,000 medical practitioners, on the state of vaccination, and the necessity of taking measures to prevent the spread of the small pox. The petitioners argued that inoculation, by persons not connected with the profession, was one cause of the spread of the disease, and that vaccination was a certain preventive. They asserted that cow-pox and small-pox were identical, though different in their operation. During last year, 500 persons died in a city of the South of England, where vaccination was not encouraged. The Petitioners proposed that penalties should be inflicted on persons inoculating for the small-pox, and that measures should be taken to extend vaccination.

A disastrous fire occurred at Kingston, U. C. on the night of April 17th. A gale was blowing from the south-west,—the U. States steamer, *Telegraph*, lying at a wharf, got up steam to change her position. Sparks from her chimney fell on the roofs of some of the contiguous buildings, and a conflagration commenced, which destroyed upwards of 70 buildings, about 60,000 barrels of flour, and, altogether, property to the amount of about £130,000.

A Mechanics' Institute has been commenced at Montreal, under good prospects.

HALIFAX MECHANICS INSTITUTE.—The annual meeting, for election of officers, was adjourned to next Wednesday evening, in consequence of the non-attendance of members. Attendance is particularly requested, at 8 o'clock, next Wednesday evening.

TEMPERANCE.—A Temperance Meeting will be held, at Mason Hall, next Monday evening. Seats will be reserved for ladies, and vocal music will form part of the proceedings. Doors open at half past seven.

Temperance seems to excite much more than usual interest, at the present time, all over the civilized world: Halifax should not be in the rear in so good a cause. The amount of benefit conferred on communities by the system, should not be measured by the numbers which are associated, alone, but by the vast effects which are every where, more or less, perceptible on the masses of society.

MARRIED.

At St. Saviour's Church, London, 23d Feb. Mr. Peter M'Cardell, formerly of Halifax, to Miss Elizabeth Dunnett, of London. At Pernambuco, on the 23d March last, Henry Christophers, Esq. to Clara Louisa, daughter of Antonio Marquez da Costa Soares, and grand daughter of the late Antonia M. da C. Soares, an eminent merchant of that city.

DIED.

On Friday morning, after a long and tedious illness, in the 38th year of her age, Helen, consort of Hunter St. Andrew. In Cooper, U. S. 9th April, Mr. George Hall, formerly of England, but more recently of Halifax, N. S. aged about 60 years. At Columbus, Ohio on the 31st March last, after a long and painful illness, Mrs. Mary Laurilla Clarke, daughter of the late Elisha Dewolf, Esq. of Horton, N. S. aged 37 years. At St. John, N. B. on the 30th ult. in the 30th year of her age, Caroline, wife of Hugh McKay, Esq. At Miramichi, on the 18th ult. after a tedious illness, Matilda, wife of Robert Laurie Gray, Esq. Surgeon. At St. Croix, Windsor Road, on the 26th inst. Mr. Wm. Spence, Senr. in the 73rd year of his age. An old and respectable inhabitant. A native of Aberdeenshire. Suddenly, on Monday, Nov. 24, 1839, at a small settlement, near Hiltz's 21 Mile House, Sarah, second daughter of Mr. Robert Frost, in the 14th year of her age. At Portuguese Cove, on Thursday the 7th, in the 71st year of his age, Mr. John Munro, a native of Morayshire, Scotland, leaving a large circle of friends and acquaintance to regret his loss. His funeral will take place from the residence of Mr. Timothy Connors, opposite Mr. Tropollet's, on Sunday at half past one. The friends of the family are requested to attend.

Two young men, sons of Mr. Leonard Hirtle, Mahone Bay, were drowned by the upsetting of a whaler in the neighbourhood of Prospect. Soon after, two other young men, named Uhlman, of Chelsea, while endeavouring to cross the cove of a lake in that vicinity, on a flake of ice, likewise found a watery grave, in consequence of the ice parting under their feet.

On Saturday last, as Mr. Michael Hirtle, of Upper La Have, was coming up to town in his waggon, accompanied by his wife, the horse took fright, and they were both thrown out, and he sustained such severe injury that he died the next evening.

Such solemn and awakening evidences of the uncertainty of life ought not to pass unregarded by those who remain, and to whom the call to pass from time to eternity, may be as near and as unexpected.—Yet alas! how soon does the serious impression at first created by these events, fade away, and the mind becomes as absorbed as ever in the concerns of the world, and as forgetful that "in the midst of life we are in death." So must it be until these outward admonitions of Providence is added the inward grafting of them upon the heart by the energy of God's gracious Spirit, which alone can savingly teach us "so to number our days, as to apply our hearts unto wisdom."—*Colonial Churchman.*

NO. 88 & 89, GRANVILLE STREET.

CALL AND SEE.

THE SUBSCRIBER has received, per recent arrivals from Great Britain, the largest collection of JUVENILE WORKS ever before offered for sale in this town, among which are to be found a number of Peter Parley's, Miss Edgeworth's, Mrs. Child's, and Mrs. Hoffland's publications.

He has also received, in addition to his former stock, a very large Supply of Writing, Printing, and Coloured Papers, Desk Knives, pen and pocket Knives, Taste, Quills, Wafers, Sealing Wax, Envelopes: and a very extensive collection of Books of every description.

Printing Ink in kegs of 12 lbs. each, various qualities; Black, Red, and Blue Writing Inks, Ivory Tablets, Ivory Paper Memorandum Books, and Account Books, of all descriptions, on sale, or made to order.

He has also, in connection with his establishment, a Bookbindery, and will be glad to receive orders in that line.

May 9. ARTHUR W. GODFREY.

NO. 88 & 89, GRANVILLE STREET.

THE SUBSCRIBER has just received, per Acadian, from Greenock, Doway Bibles and Testaments for the use of the Laity, The Path to Paradise, Key to Heaven, Poor Man's Manual, Missal, Butler's first, second, and general Catechisms. May 9. ARTHUR W. GODFREY.

SEEDS—FRESH SEEDS.

BY the Royal Tar, from the Thames, the Subscriber has completed his supply of Seeds, comprising,

RED AND WHITE DUTCH CLOVER,

Swedish Turnip, Mangel Wurtzel, and a general assortment for the kitchen garden. Also, a few choice Flower Seeds: catalogues of which may be had at his store, Hollis street.

May 9. Pearl and Novascotian, 3w. G. E. MORTON.

ROHAN AND LONG RED.

FARMERS disposed to cultivate those Potatoes, will be supplied with small quantities of them, on application at the Gazette office. April 25.