

It was important as tending to establish the principle whether historical works could be fully and fearlessly criticised. If they could not be, there was an end to all true freedom of the press. The decision was also important in the bearing it might have on the Navy. Those engaged in the service attach the highest importance to their name and fame with posterity. If criticisms like the one under consideration were decided to be an actionable offence, what assurance could they have that if, in after years, their good name should be called in question, or their actions misrepresented, any friend would come forward to vindicate them, as by doing so he would subject himself to the vexatious litigations and expenses of a lawsuit? In this case it was not merely whether justice had been done to Captain Elliott, but whether injustice had not also been done to Commodore Perry. The object of the reviewer was to correct what he considered to be injustice to the memory and fame of Commodore Perry; and the question for the arbitrators to decide was, whether it was a criminal offence to defend the fame of a friend from what was considered to be injustice and aspersion.

Mr. Cooper summed up one of his own side in person. He denied that any improper motives had influenced him in his account of the battle of Lake Erie, as had been intimated by the counsel for the defendant and that his aim was to give an impartial account of the battle and its principal actors from the most authentic testimony he could procure. For this purpose he went to Philadelphia to print his work, where a greater number of naval officers were generally assembled than at any other place.

He then proceeded to analyse the testimony given on both sides, by officers who were engaged in the battle, from which and his own professional knowledge of the naval service, he had been and was satisfied that Captain Elliott did his duty in that battle. He said his first prejudices were in favor of Commodore Perry, but he was first led to investigate the subject by noticing the fact, that among the officers who gave their testimony on the subject, 14 testified in favor of Capt. Elliot, and 11 against him. This majority in favor of Elliot led him to inquire into the character of the testimony, and the result was what he had given, in his view of the truth of the case, in his history of the battle. He threw Perry out of the testimony against Elliot, as he had first eulogized Elliot and afterward recalled it. He went on to analyse the testimony of others, reducing the number against Elliot to six.

Mr. Cooper concluded his argument for this day by reading the testimony by Lieut. Webster and Dr. Barron, now in Virginia, whom Tristram Burgess's pamphlet had waked up, he added, like Rip Van Winkle after 20 years sleep, to prove that the Niagara under Captain Elliot, had suffered severely in killed and wounded, before Commodore Perry came on board to bring her into close action. This showed, he continued, she had been within fighting distance, and had been in danger. The reverse was the generally received opinion, he knew, of officers of the navy, but it was founded on prejudice, and ignorance of the facts, and not on any investigation of the testimony. This, he contended at length, was an important fact, having a great bearing upon this case, particularly when Elliot was assailed for having kept out of harm's way.

Mr. Cooper, (abruptly)—How long do you intend to sit? (to the arbitrators)

Mr. Foote—How much more time shall you occupy?

See seventh page.

ARRIVAL OF THE BRITANNIA.

The news brought by the Britannia is comprised in a few sentences. Ghuznee, garrisoned by a few Scapoys, had capitulated to the Affghans. General Polloch had, on the other hand, obtained possession of the all-important Khyber pass. General Sale had made a successful sortie from Jellalabad—and preparations on an extensive scale were being made for carrying on the war with vigor against the enemy. Thus much for Indian affairs.

In London a great sensation had been created by a young vagabond who had, on two several occasions, pointed a pistol at the Queen in which there is no reason to believe there was even powder (since one person only pretends to have heard any report) and whose evident objects were notoriety and a sea voyage at the expence of the Government—nothing more. He had been arrested and examined be-

fore the Privy Council and thus having attained one of his views, will in all probability secure the other, by being sent to a country in which, if we are to believe the following account of him, he will be no great loser by his change of condition.

The prisoner's real name is John Francis, and he is about five-and-twenty. On the 14th January last, he engaged the second-floor back room at the house of Mr. Foster, 105 Great Titchfield street, Marylebone, and occupied that room with another young man named William Elam, and they jointly paid the rent. The prisoner was considered a good-tempered, inoffensive young man, and came home regularly to his meals, and was never out late at night. One person, of a rather superior class of society, from his dress and general appearance, has latterly been in the habit of visiting him, and remained for some time alone with him in his room; but no parcels were ever sent to him, as appears from very particular inquiry made upon this subject by the police.

The prisoner's conduct during the last few days appears to have been extraordinary. He had been all along getting his livelihood by working as a journeyman carpenter, but on Monday week he engaged a shop and parlor at No. 63 Mortimer-street, which adjoins Great Titchfield-street, at the weekly rent of twenty four shillings, and expressed his intention to open in the trade of a tobacconist. He then employed a painter to put his name over the door, as it now appears—"Francis Tobacconist;" and expressed his intention to open the shop on Thursday morning. In the meantime he caused cards to be printed, and a great quantity of snuff, tobacco, cigars, and such articles were sent in, and on Thursday morning the shop was opened, and the prisoner attended in it all day. On that night having closed the shop, he went home to bed as usual, and the next morning he again proceeded to the snuff shop, and remained there until his fellow lodger had gone to work; he was then seen to go up into his room and remain there a short time, when he again left the house.

Upon the young man, Elam, returning he found that his box had been broken open, and that four pounds ten, in gold, had been stolen. He immediately gave information to Mr. Foster, his landlord, who at once proceeded to the snuff shop in Mortimer street, where he found the prisoner sitting in a most unconcerned manner behind the counter. He [Mr. Foster] immediately said to him, "what have you been about? I suppose you know what I have come here for?" The prisoner immediately replied, "Oh, I suppose you want the money," and directly pulled out the gold and gave it to Mr. Foster, who then told him not to enter his house any more. The prisoner expressed some anxiety about his boxes, and said he supposed Mr. Foster would not object to letting him have them. Mr. Foster suspecting from the discovery that had been made that the prisoner might have committed some other depredations that would be discovered by searching his boxes, determined upon retaining possession of them, and told him that he would take care of them for him, but that he should not have possession of them for the present.

It appears that on this same day the persons of whom the prisoner had purchased the articles to stock his shop, and to whom he promised immediate payment, came to him and insisted upon receiving the amount of their goods. He told them he was unable to pay them, and they insisted on having back their property, and the whole of the goods were accordingly removed, and the shop closed. This occurred in the latter part of the day, and about dusk on Tuesday evening the prisoner shut up the shop, and was seen to walk away. He then, it appears, not having the opportunity, for the reason above stated, of going to his own lodging proceeded to a coffee shop at the end of Oxford-street, where he hired a room, and there remained until the Monday, when the desperate act was committed.

Sir James Alexander, in an account of his late travels in the Rocky Mountains, mentions a singular race of Indians living far in the interior, of fair complexion, with a language of their own, and possessing considerable knowledge of the arts. It is supposed they may be descendants of the colonists who left Wales, under Prince Madoc, in 1162.

TO OUR SUBSCRIBERS—As the second number from the present of the New Era, will complete the Operations of the Right Division of the Army in Canada, during the war of 1812, and as it will necessarily require some time to prepare those of the Centre Division with that fidelity which alone can render them of value, we have determined, in compliance with the wishes of many of our Subscribers to publish, as a sort of appendix to the operations of the Right Division, the Poem of Tecumseh, the last remaining printed copy of which, it will be recollected, has been set apart for the purpose of being placed under the foundation stone of the monument to be erected to the memory of that Great Chief and Warrior at Amherstburg. All persons desirous of obtaining copies of the complete publication, from the commencement, can obtain them through the several post offices, on enclosing two dollars, or six months subscription. We shall feel obliged if the press will do us the favor to notice this.