COLONIAL LEGISLATURE.

HOUSE OF ASSEMBLY, Saturday, April 9, 1853.

NIEL DARRACH'S PETITION.

(Concluded.)

House in Committee on the Report of the Special Committee appointed to report on the Petition of Niel Darrach—Hon. Mr. Jardine in the Chair.

Mr. HAVILAND. With reference to the declaration of the Hon. Mr. Coles, "That the House was not bound by what Lawyers called Constitutional Law, but by parliamentary precedents; and that, where no precedents could be found, they, themselves had the power to create them for the guidance of future Houses," the hon. and learned member observed that, considered as proceeding from the mouth of the Leader of the Government, it was a most extraordinary declaration indeed—such a declaration as had never yet been made by any Prime Minister of Great Britain, and as never would, he thought, proceed from any man occupying so high a position in the Government and the Parliament of Great Britain—at least so long as the political constitution of Great Britain should endure. It was true enough, as the hon. the Speaker had said, that the Assembly of Prince Edward Island had frequently undertaken to investigate disputes—grievances as they were alleged to be—which had arisen out of the private relations of life; but he (Mr. Haviland) was not aware that such investigations had ever been productive of any real benefit, either to the parties at whose instigation,—and for whose benefit, ostensibly, they were undertaken, or to the people at large: they had, on the contrary, occasioned nothing but much angry and acrimonious discussion, and consumed much valuable time, to the retardation of real business, and the detriment of the public, through the prolongation of the Sessions in which they occurred, and the consequent increase of the public expenditure. And the reason why such investigations had always been so lame and impotent, or worse, was, that, although the House could institute the enquiries, and prosecute them too until fairly tired of them, they could do nothing more. The power to afford redress, even where wrong had been done, being, in such cases, not with them, but in the Courts of Law. And, with respect to the case of Warren Hastings, to which the hon. Speaker had referred with an air of triumph, he would take leave to remind that hon. member, that the House of Commons did not arrogate to themselves the right to try that personage, or to sit in judgment upon him, on account of the various crimes and misdemeanours laid to his charge—they were merely his accusers at the Bar of the House of Lords, before whom he was eventually put upon his trial. Past experience had proved, with respect to such investigations, that the House had no power to adjudicate; and, that being the case, for the House to prosecute them was, therefore, clearly nothing, at the best, but a waste of time. The Attorneys employed in Darrach's case might, very possibly, be both deserving of censure; and, perhaps, much which had been alleged against them might admit of being proved and established against them, before a proper tribunal. It was at least quite certain that, if Darrach's interests were sacrificed, through the neglect or ignorance of his Attorney, or that he (Darrach) had been made the victim of fraudulent collusion between the Attorneys,—the Supreme Court was still open to him, and that there, if any such charges could be substantiated against either one or both of the Attorneys, redress would be awarded to him, and justice done upon the delinquent or delinquents. He did not, then, however, pretend to decide concerning the merits of the case; and neither was he prepared to give expression to any positive opinion concerning them.

Hon. Mr. PALMER here observed that the agent of the Defendant, by endeavouring to pass off, upon Mr. Young, his Attorney, a Receipt which had been given in 1843, for a Receipt given in 1849, had certainly attempted to put a fraud into his (Mr. Young's) mouth.

Hon. the SPEAKER. It was unfair to attribute fraud to the agent in such circumstances. He knew very well that all the Receipts were genuine; and, as to a date, he, an illiterate man, might very easily be mistaken, when, as it appeared, the learned lawyers themselves had been completely so. There was no proof whatever—nothing of the kind—that, in Court, Archibald Darrach attempted to prove that the the two Receipts in question had been given in 1849. But, even admitting that one of the Receipts was doubtful, there was nothing in that to justify Mr. Young in the abandonment of his client's cause—still less to justify his confession of judgment for £50 on an Action of Covenant under the Lease, when if nothing whatever had been paid on account of Rent under the Lease, there could have been due no more than £20 16s. 8d. Whatever was the motive of Mr. Young, nothing could justify his making such a confession on behalf of his client: no; not even its having been proved to him that his client was indebted, on account of arrears, previous to the date of the Lease, to the amount of £34 and upwards, erroneously set forth, by Mr. Pope, in his Affidavit, as due under the Lease. It might be that Darrah had got off scot-free for years before he took a Lease of his farm; but that, although it had been an established fact, would have been no justification of the Action brought against him; and, least of all, could it have afforded a justification of Mr. Young's confession of judgment for £50. The proceedings, in fact, were altogether of such a character as nothing could justify.

Mr. DAVIES. Darrach never even simply said, still less did he insist, as the hon. and learned member for Charlottetown (Hon. Mr. Palmer) assumes he did, that two payments, each of a year's Rent, were made in 1849. But he knew that all the Receipts which he had put into Mr. Young's hands were genuine—and he maintained that they were so. That there were, apparently, two Receipts for 1849, was a discovery of Mr. Young's, after the whole of them had been in his hands for some months; and it was most unjust to Darrach, to say that, in putting those Receipts into the hands of Mr. Young, he intended that any other, than an honest and legal use, should be made of them. The fancied discovery of two Receipts for 1849 was made by Mr. Young, or if not by him, certainly, (as the evidence clearly shews,) between him and Mr. Pope; and it was very unfair to charge Darrach, on that account, with a fraudulent intention: an intention which, in fact, it was quite clear he could never have thought of; for, knowing the Receipts to be all genuine, unaltered Receipts, he could not have persuaded himself that it was possible to make a fraudulent use of them. The hon. and learned member for Charlottetown (Hon. Mr. Palmer) amongst other insufficient and unsatisfactory objections, made, by him, to the investigation of Darrach's case, had said that there was nothing in it but what frequently occurred, and that twenty if not a hundred other such cases could, at any time, and at a very short notice, be got up and brought before the House. Such an observation, he (Mr. Davies) thought had—as respected the hon. and learned member's own views concerning the case under consideration—been very unfortunately made by him; for his admission that such cases were of almost every-day occurrence, was one of the strongest arguments that could possibly be adduced for the Assembly's resolving upon a complete investigation of every such case which might be brought before them, with a view to the prevention of similar ones for the future; and, with no man possessed of the common feelings of humanity, would the consideration of the frequency of such cases of hardship, ever operate to the steeling of his heart against any impressions of sympathy for the only sufferer, whose case might be brought immediately under his notice:—how numerous soever the victims of wrong and injustice might be, the generalness of their operation made their oppression no less grievous to any one individual victim. The hon. and learned member (Hon. Mr. Palmer) had also, he (Mr. Davies) thought, been rather unfortunate in ascribing prejudice against the lawyers to the Special Committee: for their Report itself afforded evidence sufficient to rebut that allegation. The recommendation of the Special Committee, with which they concluded their Report, was, that the House would be pleased to grant to the Petitioner, Darrach, such a sum of money as would enable him to bring his whole case again before the Supreme Court. This recommendation was a proof that the Special Committee were not, by any means, so prejudiced against the members of the legal profession, as the hon. and learned gentleman had endeavoured to make it appear they were; for certainly they knew very well that Darrach's case could not be again brought before the Supreme Court, without the assistance of at least one, if not more members of the Bar; and it was surely most unreasonable to think that they would recommend the adoption of such a course, with a view to redress, as could not be pursued unless it were left wholly to the direction and management of individuals on whom they could place no dependence.

Hon. Mr. PALMER. The hon. member for Belfast (Mr. Davies), by his attempt to refute what has been said by me concerning an intention to create a prejudice against the lawyers, which, on the part of some members of the Special Committee, I believe to exist, has only made himself ridiculous; for he, as well as others who have urged the propriety of the House's interfering in Darrach's case, have all rested their main arguments, in support of the course adopted by the House with reference to it, on the fact, as assumed by themselves, that Darrach is effectually shut out of the Supreme Court, and debarred from all redress therein, by the Judgment entered up against him on the confession to the suit made by his counsel. And, as to his comments concerning what he terms the admission made by me of the frequency of such cases of hardship, as he has represented Darrach's to be, they have been entirely thrown away. They have been made without cause; and, can, therefore, have no such effect as he, no doubt, supposed they would produce. I will not, however, allow the misrepresentation on which he has based them, to go forth uncontradicted. I did not say that a hundred cases of hardship on the part of tenants could, at any time, be brought forward; but that hundreds of cases of disputes—disputes of every-day occurrence—between landlords and tenants—and Darrach's is nothing more—would be brought before the House, if it should be found that we had thrown open our doors for their admission: and, besides, I added that, in the great majority of such cases, it would, I believe, be found, if they were properly investigated, that the landlords, by the conduct of their tenants, and not the tenants, through the harshness of their landlords, had suffered wrong.

Mr. MOONEY. I am not all surprised at the opposition to the course pursued by the House, with respect to the case now before us in Committee as made by the honorable and learned member for Charlottetown (Honorable Mr. Palmer); for, faithful and earnest as he himself always is in advocating the interests of his clients, and little as the result of such an enquiry as that now pending could affect him professionally, his regard for the credit of his profession will not allow him to acquiesce in any of our proceedings which, as it may appear to him, are at all likely to damage the lawyers generally in the estimation of the public. But I am, I must confess, much astonished at the resistance made to this enquiry by the Hon. the Treasurer (Mr. Pope), and his declaration, that the House has no power to deal with such matters and questions as those involved in the enquiry; particularly when I remember how very different a view he took of the powers of the Assembly when, a very few years ago, he sat in the Speaker's chair. According to his shewing then, the powers of the House were almost without limit; and neither Courts of Law, lawyers, nor yet Governors were beyond the reach of those powers. What has occasioned so complete a revolution in his opinions, on that subject, I cannot well understand. He is going to leave us, I know; but surely he would not seek to diminish the powers of the Assembly merely because he will not long have opportunities to share in the exercise of them. That the House, with respect to Darrach's Petition, is merely exercising one of its most evidently constitutional and necessary functions, is what I am fully persuaded of; and that this opinion—which, I am glad to find, is entertained by the majority of the House, without party distinction—rests upon the best foundation, cannot be denied, without, at the same time, denying—which I think no member of the House will do—that we possess no such powers to enquire into, or redress grievances, as those which belong to the House of Commons; and that we are scarcely invested with higher authority than is exercised by a Court of Common Council-men when passing a sort of by-laws for the observance of the inhabitants of their borough. Lord Chancellors have more than once been called to strict account for mal-practices by the House of Commons, and judges, although beyond the power of the Crown, are not beyond that of Parliament, when their uprightness and integrity can be impugned. Surely then we have power to enquire into such a grievance as that which has been brought before us by the Petion of Niel Darrach; and will not allow ourselves to be driven from the course which we believed it right to adopt with respect to it, merely because our pursuing it may be the means of placing some facts before the public, in such a light as will not be very favorable to the landlord or his agent and the attorneys who were immediately concerned in the matter. The hon. and learned member for Charlottetown (Hon. Mr. Palmer) has endeavoured to shew that, because the Receipts produced by Darrach do not expressly state for what years the Rents, acknowledged as received, were paid, they could not have been established as Receipts for Rent under the Lease although given as Receipts for Rent paid after the Lease was given. I know not, indeed for what injustice it would not be possible to find some advocates, but I think it would be very difficult to get twelve men, empannelled as a jury, to return a verdict in accordance with that opinion, and from a conviction that the Receipts were given for moneys paid on account of any other Rents than what had accrued under the Lease. Such Receipts, however, have neither beginning nor end; and there is too much reason to believe that they are very seldom given with a strictly honest intention. Indeed, I do not hesitate to say, that the giving of Receipts for Rent in such a way—in a form purposely loose and indeterminate—amounts to swindling. A Receipt for Rent, if honestly given, will specify the year for which it is paid. The hon. member for Murray Harbour (Hon. Mr. Thornton) has very earnestly endeavoured to convince the Committee that the payments on account of Rents, for which Receipts were given by Capt Cumberland, after Darrach came under the covenants of a Lease, might, very properly, be placed to the account of old arrears—arrears due at the time when the Lease was given—although they were not expressed as given for payments made on that account; but I am persuaded the hon. member himself never gave a Receipt in that way. It certainly does appear very strange, with respect to Mr. Pope's Affidavit, that he should have declared by it that Neil Darrach was justly and truly indebted to Capt. Cumberland, in the sum of £34 and upwards, for arrears of Rent due under the Lease, when it was quite evident that, provided nothing had been paid on account of Rent accruing under the Lease, the whole arrears could not have amounted to more than £20 16s 8d. It might have been a mistake, as some hon. members had explained it to be; for, surely, lawyers, whatever might be said of their consciences, were not so bad as to make false declarations upon oath, knowing them to be false. But, allowing all the credit and weight which can possibly be given to the explanation about the mistake in Mr. Pope's Affidavit, it still remains unexplained how he could, with any regard to conscience, take advantage of his own mistake, by claiming, and allowing Judgment to be entered up for £50, the amount of the arrears—£34 and upwards, erroneously set forth as due under the Lease, and of his own Bill of Costs, £15 and upwards.

Mr. FRASER. I am of opinion that it is quite competent to the House to direct that a representation of the whole case shall be laid before the Judges of the Supreme Court. Lawyers, I know, will not admit that we have any such power; nor will they hear of the matter's being brought before the Judges at all, unless by what they term the legal course; to the end that every obstacle and difficulty which legal ingenuity can devise may be thrown in the way, and that, whatever be the result, as respects poor Darrach, the mode of proceeding may, at least, prove a profitable one to them. Plain common sense and reason would adopt the most direct and least uncertain course; but lawyers would chose the most intricate and doubtful. I am quite satisfied that it is within the province of the House to request His Excellency to lay the whole affair before the Judges of the Supreme Court; and also—if it shall appear to them that justice has not been done—that they can grant a rehearing of the whole case. At any rate, I am of opinion that we ought to devise some means for having the whole matter brought fairly before the Supreme Court. There might, I admit, be some difficulty about the Judgment on the first action, which was entered up by confession of the suit, on the part of the Defendant, by his Counsel; but, with regard to the other, in which Judgment went by default, I cannot conceive why any difficulty should be apprehended. Justice, surely, ought to be quite as accessible in the Supreme Court, as in a Small Debts Court; and we all know very well that, if judgment went by default in the latter, on proper application, the Judgment would be cancelled, and a trial granted. With respect to the second action, if all the particulars connected with it, be brought under the cognizance of the Judges, I feel persuaded, they will permit the case to be brought anew before them for trial. And with respect to the first, although the Judges might not think it right to set aside the Judgment entered up on confession of the suit, I believe that, on their being made fully acquainted with the shameful manner in which the defence was mismanaged, they would take such steps as would be productive of some measure of redress to the Petitioner. If such doings as those which have been brought to light by our investigation of Darrach's case, are to be upheld by the Law Courts, there can be no safety for any who enter them as litigants. But, I again repeat, that I think it is the duty of this House to cause Darrach's case, by some means or other, to be fully brought before the Judges; for, even although it may not bring about any effectual redress of the wrong which Darrach has sustained, it may ultimately lead to such legislative action as may prove highly beneficial to the public. It will not do to allow such practices in the Courts of Law, as we know, by the evidence of Darrach's case, to be now possible in them.

Hon. Mr. COLES. We are not, I think, in a position to follow out the recommendation of the Special Committee. Even in the Small Debts Courts, if a suit be confessed, nothing remains but to submit to the judgment consequent upon the confession; and the practice is the same in the Supreme Court. In cases of confession, the judgment is always, and indeed very properly, adhered to. Could judgments so given be reversed, no dependence could be placed upon them; and applications for their reversal might be made at any time. I think it is now too late to make an appeal to the Judges; and as they could not interfere, it would be useless to grant a sum of money to enable the Petitioner to carry his case again into the Supreme Court. The hon. member for the Second District of Queen's County (Mr. Mooney) has proposed the granting of 50 acres of Land to the Petitioner; and to that I have no objection. Our agreeing to such a proposal would be an evidence of our sympathy with the poor man, and it would afford him some measure of substantial redress.

Hon. Mr. LORD. I am inclined to adhere to the recommendation of the Special Committee. We do not recommend that a sum of money shall be voted for the express purpose of enabling Darrach to carry his case into the Supreme Court again, but for that purpose, or otherwise.

Hon. Mr. PALMER. If hon. members are in earnest, I will tell them how I think they may evidence their sympathy with the Petitioner without any departure from principle, or the recommendation in the Report. If fraud and imposition can be established against both or either of the Attorneys who have been concerned in the case,—if it can be proved that judgment has been recorded against Darrach, contrary to equity—let them provide means to have the case taken into the Supreme Court again, in a regular way; and on that step's being taken, the whole proceedings will be reviewed and ripped up; and if wrong has really been done, substantial redress will be afforded by the Court. To this end, let a sum of money be granted, or engaged for: and, the necessary legal requirements having been complied with, the whole matter may be brought before the judges, all the parties examined on oath, and the Receipts and accounts properly examined; and, thereon, such a decision obtained as the merits of the case, and the material facts thereof, duly established, shall warrant.

Mr. LONGWORTH. I think the case one of extreme hardship. The throwing of Darrach into jail, on the judgment obtained on the first Action, amounted, in my opinion, to nothing less than false imprisonment. I cannot admit that we have not power to investigate such a grievance, although we cannot directly afford redress. The investigation was, in my opinion, properly entered upon by the House; and now, having been carried quite as far, perhaps, as we can extend it, the next thing which we ought to do is, in my opinion, to make provision, by a grant of money, for having the whole matter referred back to the Supreme Court, or else, if shut out there, carried into the Court of Chancery.

Hon. Mr. LORD. The case is one of very great and peculiar hardship; and I am prepared, to support a Resolution for the granting of a small sum of money, to enable the Petitioner to get his case either taken into the Supreme Court again, or else carried into the Court of Chancery.

Hon. Mr. COLES. The supplies are closed: it is, therefore, too late to talk of voting a sum of money. We had better agree to address His Excellency, praying him to be pleased to grant Darrach 50 acres on Lot 55. As to granting a sum of money to have the case taken into Chancery, I question whether £500 would be enough to carry it through the delays of that Court; and, in all probability, before it could be determined there, the old man would be in his grave.

Mr. YEO. I am inclined to think that, if the Report of the Special Committee be sent home to Capt. Cumberland, accompanied by a proper representation of the case, it will induce him to direct that the original Lease shall be given back to Darrach. I cannot think that a gentleman of his character would authorise such proceedings; and I am strongly inclined to believe that they were instituted without his direct sanction.

Hon. Mr. COLES then moved that the last paragraph of the Report should be amended by striking out the recommendation of a Grant of Money, and substituting therefor, a recommendation to the House to address His Excellency praying for a Grant of 50 acres of Land to be made to the Petitioner, Neil Darrach.

The question being put thereon by the Chairman the Committee divided:

Yeas—Hon.Hs. G. Coles, E. Whelan, W. W. Lord, and J. Warburton, the Hon. the Speaker, Mr. Fraser, Mr. Laird, Mr. Davies, Mr. Mooney, Mr. Macneill, and Mr. Yeo—11.

Nays—Hon. Mr. Palmer, Mr. Haviland, Mr. Longworth, Mr. Montgomery, and Hon. Mr. Pope—5

So it was carried in the affirmative.

HOUSE RESUMED

When the House was resumed, the Hon. Mr. PALMER moved that the Report be disagreed to, the remedy being else where.

The House divided on the motion:

Ayes—Hons. Messrs. Palmer and Pope, and Mr. Haviland—3.

Nays—Hons. Messrs. Coles, Lord, Whelan, Jardine, and Warburton; Messrs. Yeo, Davies, Longworth, Laird, Macneill, Montgomery, Fraser, Mooney—13.

Mr. LONGWORTH moved that the Report be amended, by striking out all that related to a Grant of Land, and inserting a recommendation of the case of the Petitioner to the favorable consideration of the House, for the grant of a sum of money to enable him to bring the matter fully before the Supreme Court, or otherwise.

The House divided on the motion:

Ayes—Messrs. Longworth, Montgomery, Fraser, Yeo, Hon. Mr. Whlean—5.

Nays—Hons. Messrs Coles, Pope, Warburton, Palmer, Lord, Jardine; Messrs. Laird, Macneill, Mooney, Haviland, Davies—11.

WEDNESDAY, April 13.

The House again took up the Report of the Special Committee on the Petition of Neil Darrach, which had been agreed to by the House, on Saturday, 8th instant, and agreed to strike out the last clause thereof, which recommends *the granting of 50 acres of Land, in Lot 55, to the Petitioner, and an application be made to the Lieut. Governor to that effect;* and to substitute instead thereof the following:

"Your Committee would therefore recommend that an Address be presented to His Excellency the Lieut. Governor, requesting that he will be pleased to submit the evidence and Report of the Special Committee of this House, to the Judges of the Supreme Court of Chancery, with the view to ascertain their decision on the merits of Neil Darrach's case, and should they recommend a new trial to be commenced, then this House will make good any expense attending the same."

R. B. IRVING, Reporter.

LATEST INTELLIGENCE.

AUSTRALIA.

By the overland mail. Melbourne dates are to March 3d. Gold had advanced to 77s. and exchange in London 16 par, so that shipments of coin from England might be expected wholly to terminate. The general state of the colony seemed favourable. The emigration to Melbourne had been continuously heavy, and some cases of death from exhaustion and destitution are said to have occurred. Total arrivals in December, 11,699; do. in January, 8101. An expectation that some part of the overflow would find its way to Western Australia is mentioned, and in Van Diemen's Land, even at the beginning of February, landed property at Launceston sold at an advance of 400 per cent. upon the current prices of a few weeks previously.

The London Times has a letter dated Perth, Australia, Feb. 16th, which says, the mining prospects of that colony are improving, while the prospects held out to former emigrants are equal to any other part of Australia.

Flour was ranging at Perth, from £28 to £30 per ton, and this, too, at the end of the harvest, and in spite of large importations from America pouring into the neighboring colonies. The crop this year of wheat was splendid, and the quantity on hand, kept back from last harvest in expectation of still higher rise, was considerable.

NEWFOUNDLAND.

SHOOTING AT A MAGISTRATE.—With much regret we have to record a most daring attempt upon the life of P. W. CARTER, Esq, the respected Senior Stipendiary Magistrate for St. John's. On Wednesday afternoon, a man of the name of LOWE, a cooper, called at the residence of Mr. CARTER, and asked for poor-relief. The man had a double-barrelled gun, and when asked what he was going to do with it, told Mr. C. not to touch it. He then laid hold of the gun, when the man seized him by the collar, and dragged him down over half-a-dozen steps, leading up to the door. He then pushed Mr. Carter about 3 paces from him, and taking aim, pulled the trigger, but fortunately the gun missed fire. He immediately fired from the second barrel, Mr. Carter instantly stooping and raising his right arm, two balls passed through the fleshy part of the forearm and the left collar of the coat. Mr. W. Carter, the Magistrate's son, who, from his father's garden, witnessed the whole affair, succeeded, after much struggling, in securing the fellow, and preventing his doing further injury. Some constables arriving, he was given into custody. It is worthy of notice that although a large crowd had collected, not one person assisted in the capture. We are glad to learn that Mr. Carter's wound, although very painful, is not dangerous, and that he is doing well.—*Ledger.*

NEWFOUNDLAND'S TRIBUTE TO THE NEW EXHIBITION.—Amongst the articles to be sent to the New York Exhibition this year, is a representation of a vessel at the Seal Fishery, executed by Mr. William Knight, of this town. We believe that nothing of the sort has ever been attempted here; and we would direct attention to this specimen of handiwork, not merely as an elaborate and skillful production, but as giving so complete an idea of seal catching as to be true almost to the life. Moored to the ice, in the centre of a surface seven feet square, is a brig-rigged craft, (named the GOVERNOR HAMILTON,) built of mahogany, chocked and sheathed; she is 3 feet long on deck, 3 inches beam, built upon a scale of 1 inch to 3 feet, giving a brig of 108 tons. She is fitted out with the usual necessaries of a sealer, having ten punts with oars, batts and gaffs, iron cambouse, water casks in the hole, pound boards, &c. She is an excellent model, and the exact counterpart of a superior class of sealing vessel. Seals (unmistakeable.) are scattered in all directions, and are of every variety, and the "hands" are busily employed in killing, sculping, hauling, and hoisting on board the brig, whilst a few unfortunate fellows are being treated to a cold bath between the ice, their shipmates helping them out. The ice is represented by plaster of Paris, upon blocks of wood, and the whole is fastened upon a wooden bed divided into three parts for more easy conveyance.—From no person could a work of this description come more appropriately than from a native of this country, and Mr. Knight has earned for himself much credit for ingenuity and perseverance.—*Ledger.*

HASZARD'S GAZETTE

Wednesday, June 15, 1853.

ST. ELEANOR'S COURT.

(Reported for Haszard's Gazette.)

The Supreme Court commenced its sittings at St. Eleanor's on Tuesday, the 7th instant, before his Honor Mr. Justice Peters. There were no record cases on the docket, a number of appeals were tried and disposed of, and nothing worthy of remark occurred except in the case of Daniel Green appellant and Samuel M'Fadyen respondent, when Samuel M'Fadyen was ordered into custody by the learned Judge, for Perjury committed in the opinion of the Court, on the trial of the case in which he was an evidence for himself. An Indictment will be preferred against him at the next October sittings.

There were three criminal trials.

The Queen vs. *Sarah Crossman.* John Longworth, Esq., Solicitor General, conducted the prosecution on the part of the Crown. The prisoner was defended by the Hon. Edward Palmer, and Charles Palmer, Esquire.

This was an Indictment for the murder of her bastard child. The prisoner was acquitted, under the direction of the learned Judge, for the murder, it having appeared in the course of the trial, that the child could not have been born alive, but the jury were directed, in pursuance of the Statute passed, during the last session, for the improving the Administration of Criminal Justice, to enquire whether the prisoner was guilty of a criminal disposition of the body with a view of concealing the birth of the child; and the jury having found her guilty, she was sentenced to one month imprisonment, she having been five months in prison previous to trial.

The Queen at the prosecution of *Edward Mahar,* vs. *William Harris,* for maliciously stabbing with intent to do some bodily injury. Solicitor General assisted by C. Palmer, Esq., for the Crown, Hon. E. Palmer, for prisoner.

This case created considerable interest and detained the Court until a late hour. Several witnesses having been examined and cross-examined, at great length on both sides.

The principal facts of the case are as follows:—On the 1st March last, Mahar—the prosecutor—stated that he was in company with the prisoner at the hauling of a House, of Mr. Ephraim Read, down to Green's Shore, at which time he had a quarrel with the prisoner, and blows had been given and received by both parties. Mahar left Green's Shore to go to Mr. Read's—he had previously enquired whether the Harrises were there and received an answer in the negative. On going into Read's house, he saw Harris sitting with a jacknife in his hand, cutting tobacco. The prisoner immediately said to him "keep clear of me." The prosecutor apprehending an attack attempted to leave the room, when the prisoner came up and stopped him. Some noise occurred and Mr. Read caught hold of the prisoner. Prosecutor was then struck by prisoner's father and brother, and struck the father in return. He then received a blow from the prisoner on the face, and felt himself cut. On this he clenched the prisoner and they both fell to the floor, the prosecutor being uppermost. He was pulled off the prisoner, but not off the floor, and the prisoner got above him, and while in this position stabbed him three times—twice in the belly and on the thigh—he cried out that he was stabbed and desired the by-standers to take him (the prisoner) off. Mr. Read and others interfered and took prisoner off. Dr. Bell was sent for and prosecutor's wounds were dressed—prisoner was taken into custody. The above is the substance of the prosecutor's testimony who underwent a keen and searching cross-examination from the learned and able counsel for the prisoner. Nothing, however, was elicited which tended to weaken the effect of his evidence which was corroborated in the material point by a number of witnesses, so that it was impossible for the jury to avoid finding the prisoner guilty. He was sentenced to be imprisoned 18 calender months in the common Jail of the County, and to be publicly whipped—39 lashes, on the 1st August next, between 12 and 3 o'clock, in the Jail yard at St. Eleanor's.

The Queen vs. *John Campbell.* Indictment for stealing a Horse. Solicitor General for the Crown. Hon. E. Palmer for Prisoner. Gregory Arsenault proved that he lost a horse March 25th, 1852. It was taken out of his stable at night. James Ramsay, Constable, proved that he took the horse on a Search Warrant from John Healey, Lot 49. John Healy stated that he got the same horse from Hugh Campbell Johnston's River. Hugh Campbell testified that he had the horse from Angus Campbell, Cape Traverse. Angus Campbell got him from Jenny Campbell. Jenny Campbell not being able to give a very satisfactory account of where he got him and his counsel having failed to convince the Court that the original taking was not felonious, the Jury, under the instruction of the Judge, found the prisoner guilty. Sentence, four calender months' imprisonment.

The Petit Jury was summoned under the new Jury Act; and on the panel being called over those who made default were fined 5s each.

TEMPERANCE MOVEMENT.

On Monday evening last, a large and influential Meeting of "Sons", and others friendly to the prohibition of the Liquor Traffic, was held in the Temperance Hall. Mr. John Boyver was called to the chair, and Mr. Cooper requested to act as Secretary. The object of the meeting, as stated by the chairman, was, in the first place, to affirm what, in the opinion of the meeting, ought to be the course of Legislation with reference to the Liquor Traffic—to afford the late Representatives of the Town of Royalty an opportunity of explaining their views on this important subject—and to determine what ul-

terior measures, if any, it ought to adopt at the approaching Election with exclusive reference to this great object.

Immediately after the Meeting, the Hon. E. Palmer, Esquire, the late Speaker, and were loudly cheered, as were other ex-M. P. P.'s.

The following Resolutions were formally moved and seconded, spoken to and discussed, and adopted unanimously:

Moved by John Arbuckle, Esq., seconded by J.B. Cooper, Esq.—

1. *Resolved,* That this meeting, in accordance with the spirit of Christianity, which inculcates universal love, as to love our neighbour as ourselves, and which