

buildings. This was done with considerable exertion. The house destroyed was a large two-story brick building and was understood to be insured. Accidental fire is said to have been the cause of the fire.

TORONTO WINTER ASSIZES

BEFORE JUDGE McLEAN.

NELSON vs. SUTHERLAND.

An action against defendant as a common carrier by water to recover damages for the loss of a chest shipped in May 1847 at Hamilton, on board the steamer "Magnificent," of which defendant was captain. The box was consigned to plaintiff at Toronto but did not come to hand. The contents were engineers' tools &c., alleged to be worth £23.10s.; the value, however, could not be proved as the plaintiff himself had packed the chest. There was no conflicting testimony in reference to the receipt of the chest or board of the steamer.

Plaintiff's counsel contended that his client was at all events entitled to damages which would carry costs, and so prevent further loss.

Verdict for plaintiff, 15s. damages.

Mr. R. Dempsey for Plaintiff; Mr. Duggan for Defendant.

Van Vlack vs. Major.
Plaintiff is bailiff in the division court at Whitby; defendant is a farmer in good circumstances at Pickering. The action was to recover damages for the loss of services occasioned by the seduction of Plaintiff's daughter.

The plaintiff's daughter Mary Ann Van Vlack, was in the service of a person named Milligan, the defendant's step-father at Markham. She was introduced to defendant during one of his visits at Markham, and on his second visit, the criminal intercourse took place. This was late in November, 1849. In the following January, she discovered that she was pregnant and at once left her situation. She applied to defendant for 20 shillings, to enable her to leave the country, but he refused. She then went to her father's where, in August she gave birth to a child, which she swore was the result of her intercourse with defendant. Witness underwent a lengthened cross examination, with the view of showing her intimacy with others. She swore that she had been intimate with no one but defendant, and that her conduct while in Milligan's service was proper.

The counsel for defendant, characterized the case as a libel conspiracy not to ruin the character of a young man of position and respectability. Several witnesses were called to sustain the assertion.

Mrs. Hannah Vardol, a resident at Pickering, was at Milligan's house during the time she was there, and heard frequent complaints with regard to the girl Van Vlack having many visitors.

While witness was there, defendant did not visit the house. But Van Vlack rode about 2 o'clock on Monday and went up stairs, where the servant had slept.

She remained there until the time of rising. There were two rooms up stairs in one of which she slept during part of a summer. Milligan's son was then absent.

Early in January Van Vlack complained of illness to witness, leaving an impression that she was pregnant.

In her cross examination witness said she had a daughter, about 19 years of age, defendant frequently called at her house; but she declined to say whether he visited her daughter.

Josiah Milligan son of the Mr. Milligan named, step-brother of defendant, remained that on going to bed, one night Van Vlack was up with a Mr. Haggerman, a person of respectability in the village, and on another night was left with a Mr. Higgins servant. Defendant did not visit the house on or about the 23rd of October, (about the time fixed by plaintiff, as the date on which the illicit intercourse occurred.) Witness believed he was not from home during the latter part of November.

Sarah Eldred was nurse in Milligan's house from November 23rd till the end of December, and during that time slept with Van Vlack. Major was not at the house in the latter week of November. One night Van Vlack told witness that on the night of the 21st of November, she had sat up till 2 o'clock in the morning with Haggerman. During another night, when the lady by which witness had been troubled some time, Van Vlack rose from her bed and went up stairs, where the servant and Milligan's son slept. Witness noticed great freedom between Haggerman and Van Vlack and considered that her conduct was marked by improper levity.

Peter Stitts, who had been acquainted with Van Vlack for some years, visited her several times at Milligan's as her suitor.

He had on several occasions spoken of marriage. On Christmas day, 1849, she had told him of her pregnancy, and finding that she had other suitors, he withdrew his pretensions telling her that she would not suit him. Before this witness knew her to be a girl of loose virtue. On cross examination, witness declined to say whether he was related to any one connected with the "Markham Gang."

Mr. Milligan, son added little to previous statements. When cross-examined, he said he did not consider that there was any thing remarkable in Van Vlack going up stairs as stated by other witnesses, as the child was very cross on that very night.

She kept rather to much company, but witness did not consider her conduct improper, and would not have noticed her levity had she not been a professor of religion.

Two respectable witnesses, who have known the girl Van Vlack for many years were called by plaintiff's counsel to speak as to her uniform good character. One

of the witnesses was the late town Rev. of Whitby.

On the testimony of these two witnesses defendant's counsel commented, mainly in regard to general statements could not invalidate the circumstantial evidence that had been adduced to rebut the accusation.

Plaintiff's counsel replied on the whole case, remaining in detail on the evidence brought forward for the defence. The discrepancies between the statements of other witnesses were pointed out; and importance was attached to the absence of all attempts to show that the defendant did not commit the offence on the 18th, 19th, or 20th of November. In conclusion, the jury were called upon to give heavy damages to the plaintiff; if they were so heavy that they stippled the defendant off, he possessed, they would not be more than his bargain as married. Had he lived in the adjoining town, he would have been prosecuted against as a criminal; instead of having his pocket only touched, he would have been consigned for services to the penitentiary.

At half past four, (the trial had occupied from 10 am, till that hour.) The Judge summed up the evidence, noting its points, and dwelling upon contradictions, real or apparent—which existed between the testimony of Van Vlack and the defendant's witnesses. With regard to contradictions as to precise dates, his lordship remarked that Van Vlack could have no motive in stating that which was wholly or partially incorrect. It was as possible that she had been mistaken as that she had wilfully told a truth.

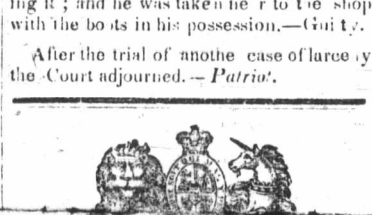
Verdict for plaintiff, £50 damages. Messrs. Copley and Cameron for plaintiff; Messrs. John Bell and James Boulton for Defendant.

The Court then proceeded with criminal cases. John Archibald, a boy, pleaded guilty to a charge of stealing a horse, the property of his uncle, John Archibald of King in the County.

Schenk, Plot, and Stephen Germans, charged with the outrage upon Mr. Ross Keele, pleaded not guilty, the trial was fixed for Saturday. The bill against Schaefer was ignored by the Grand Jury.

James Wilson was charged with stealing a pair of boots, the property of Messrs. Brown and Cliffs. The robbery took place on the 15th inst.; prisoner was seen effecting it; and he was taken near to the shop with the boots in his possession. (Cont.)

After the trial of another case of larceny the Court adjourned. — Patriot.



THE WAGONMAN.

ST. THOMAS:

SATURDAY, FEBRUARY 8th 1851.

THE WORKING OF THE RAILROAD TAX!!!

The principle of assessing under the new Act will be so different from the old one, that we were much surprised indeed, at the fifteen northern Councillors of the County of Middlesex determining again to make check in the Great Western Railroad by imposing a tax of one farthing in the pound on the property in the County, in charging the town of London, before they themselves actually knew what they were about, and particularly before the working of the new assessment act was fully understood by them, or even had a trial.

The people in the town of London assuredly are to be censured very much for pushing and driving the fifteen northern Councillors of this county in for the tax, so unthinkingly, hastily and imprudently for pushed and driven they certainly were by the Londoners, and no mistake. Every exertion has been made and is now making in the town of London to force this unjust tax on the farmers of the County before they become acquainted with the features of the new assessment Law.

Before closing this article we shall endeavor to open the eyes of the Farmers in Middlesex, and show them why so much anxiety and haste has been manifested in London for the tax, and the immediate passing of the By-Law—a By-Law that must stand as law for 20 years; once the law, then no repeal. Before doing so we beg to inform our readers that the united counties of Wentworth and Halton have not yet taken any step, although they are the united Counties where the great depot is located—the head quarters of the great speculation. The city of Hamilton is situated on the limit between these counties. The council of these counties is not opposed to the tax for the Railroad, (see extracts from the report of their Railway Committee in another column) but that council cautiously and wisely recommends that no action be taken to tax the Farmers

in the county until the nature and working of the new assessment law is more fully comprehended. What a rebuke that report and decision of the council of Wentworth and Halton is to our fifteen impetuous northern councillors in Middlesex. The course pursued by that council in the city of Hamilton, is highly commendable, and speaks favorably not only for the councilors of that council, but also for the people of the city of Hamilton, who have not the least disposition to humiliate or wheedle the Councillors, or to force them to vote for the tax, but allow the county Councillors to act cautiously and freely for themselves, although no place in Canada will derive more advantage from the Railroad than Hamilton. Who can say as much of our fifteen northern county Councillors, and the town of London, who force these fifteen come horse forward to rule this county by the aid of superior men, men numbers alone, and counsel them by declaring (see Free Press) they—

"Have never seen a more intelligent and respectable body of men in any of the present Councils, or men who seem sincerely and zealously to labor for the good of the County."

Why, these very councilors appointed a committee, Messrs. Meo, Smith, Dixon and Moye, to examine the assessment law for the guidance of the council. We should like to read their report, for we cannot understand how such councilors are described in the above quotation, could vote for such a By-Law as they did take Stock in the Great Western Railroad by imposing one farthing in the pound on all assessors property in the county, including the town of London, if they read and comprehend the new assessment Law.

Reading a law or act of Parliament one may be quite sufficient for the 15 northern councillors—who see as a simple and zealously to labor for the good of London?—shall we say the county, or London?—But let us understand the law is quite a different thing, and so be left to such dull heads as compose the Council of Wentworth and Halton.

We have peered into the assessment act, and in the absence of the report of said committee of the County of Middlesex, we have read the following remarks before the rate-payers of the said County, on which they may depend until Tuesday the 4th day of March ensuing.

The new Act provides that, in Townships all the property, real and personal, shall be estimated by the assessors, and entered in the Assessment Roll at its actual full value, not its yearly, or six per cent value, and in incorporated Towns, all the taxable property, real and personal shall be assessed by entering in the Assessment Roll, not the actual, but only the yearly value of all taxable property, and the yearly value shall be the amount of the interest only on the actual value at 6 per cent—in other words, the difference in assessment and tax under the By-Law for the Railroad will appear thus on the roll for Wentworth Township, or any other six-hundred and lands full value, £2,000. horse, etc. and carriage, full value, £500 full value, total £2,500; and the tax under the By-Law for the Railroad would be on the above property, at one farthing in the pound, exactly two pounds twelve shillings and one penny; and the same property if located within the Town of London would appear thus on the roll for London Town, say House and lands yearly value £120—Horse, cattle and carriage, yearly value, £30, yearly value total, £150—And the tax on the above property in the incorporated town of London, under the same by-law for the Railroad imposing one farthing in the pound would be exactly 28 1/2 d. So that under the By-Law supposed to be framed, read, and delivered on by the Council. A By-Law could not be passed by the Council by Messrs. Anderson and Barker, two of the intelligent men in the county council, men who seem so sincerely and zealously to labor for the good of the County.

A By-Law carried by 15 northern councillors, in the very face of justice actually declaring that a farmer in the township of Middlesex, whose property, at the full value shall be one hundred and assessed at £2,500 should pay during the continuance of the impious By-Law; the sum of 52s 16 d. yearly, in addition to all other taxes for school purposes, roads, bridges, and other township purposes, also, the tax for the Lunatic Asylum, where a person might suppose the By-Law was framed. It declares that a gentleman in the town of London whose property is equally valuable, &

far more productive, but assessed only for the yearly value and entered at £150 should pay only 3s 1/2d. Do you call that equal justice? We call it fleecing the farmers in the north as well as south to aggravate London. No wonder the Londoners are zealous to hold a county meeting in their town. It is not strange that we are censured by the people in London for the opposition given to the Tax, and our unflinching advocacy for the interests of the Talbot settlement.

The new assessment act points out the equitable manner for the Council to raise money equally on the property in the county and town of London for county purposes. The 3rd section enacts that where a tax is to be raised for the County by the County Council, it shall direct by the By-Law what portion of such tax shall be levied in the townships and in the town of London. We ask, does the By-Law of the county council make any such provision? The 31st section also enacts that for the guidance of the county council the clerk of such township shall transmit to the County Clerk a statement of the aggregate full value of all the taxable property on the roll of his township, and that the clerk of the town of London shall transmit to the county clerk a statement of the yearly value of all the taxable property on his roll. After this is done the county clerk shall certify to the township clerk's and the clerk of the town of London, the amount to be levied by the By-Law of the county council in each Municipality.

We ask, why so much haste to pass the By-law until all this is done in a regular manner? Why not pause until the farmers find out in what manner the new act & the By-law will operate in the county and London. It may be that the people in London in their haste overlooked the above facts. They overlooked the law in the Railroad business once already, and we trust they have not decidedly overlooked the law this time. But just to have shown themselves to be, we hope to be a not yet lost to every sense of justice. We trust the honorable position of the community in London will not sanction such injustice, although they may desire the Railroad and a tax. We enter the Warden once more to adjourn the meeting—he is the head of the county, and we trust he will retract his steps and see fair play given in the matter between the shopkeepers in London and the farmers in the county.

Men of Middlesex, we have tried you to be placed in by the 15 Northern Councillors who are reported as men who seem so sincerely and zealously to labor for the good of the County, that if you attend the meeting in London, and vote for the By-Law, or if you neglect to attend the meeting to vote against it. We know the farmers in the Talbot Settlement will not submit to an unjust tax, they will stand by the option of this County as decided a few Months ago at the Public Meeting of the County in the county, and we have some hope that a large majority, if not all the Farmers in the North, will resist the imposition of such an unjust By-Law. We shall be glad to hear from the northern townships, that they will not submit to be thus unfairly taxed, but that they will turn out like men on the 4th of March, and in London Town vote down the unjust By-Law.

MECHANICS INSTITUTE.

We have much pleasure in directing the attention of our readers, to the very able Lecture delivered by the Rev. Mr. Fraser on Tuesday Evening last, on "Elements of the Nature of Nature." After a short but impressive prayer, the speaker, with that easy and familiar style peculiar to himself, presented to the audience many facts, incidents and illustrations at once novel and interesting. We scarcely know how to return our grateful acknowledgments to these Rev. Gentleman who with a laudable zeal have taken part in the organization and advancement of our Institution.

MECHANICS INSTITUTE CONCERT.

At the close of the last Lecture to the Institute, it was announced that a concert of sacred music would be given in the same place. The Baptist Meeting House, on next Tuesday evening. The handbills will partly show our readers the treat in store for them. And we hope that the kindness of our spirited and ambitious Amateurs, whose performances are gratuitous, and solely for the benefit of the Institute, will be met by a hearty response on the part of the public in general, and the members of the Institute in particular.

The Mechanics Institute of this Village has, we think, been very successful, and we have been often highly gratified with the admirable and instructive lectures delivered. We know of nothing amongst us which has a better social tendency, or to which the need of praise has on all hands been awarded. It is now desired to procure works suitable for the perusal of its members and lecturers; our amateurs are ready and willing to do their part, and we hope our friends and the public will do theirs by buying up all the admission tickets.

DOGS KILLING SHEEP.

We have been informed that a number of sheep belonging to farmers in the neighborhood, have been torn to pieces by blood-thirsty dogs. And among the sufferers our large townsmen Mr. Dibby, who has lost a large number. There certainly should be some means taken to put a stop to it. We would caution the farmers to keep a good look out after their sheep in future.

PUBLIC MEETING.

A public Meeting will be held at Mr. Montford's "THOMAS HOTEL" on Monday Evening next, at 7 o'clock, to take into consideration the propriety of purchasing FIRE EXISNS, &c. for the use of this Town. A GENERAL ATTENDANCE IS REQUESTED.

FIRE.

We understand that several buildings were consumed by fire in London last Evening. The fire originated in Mr. Till's Cabinet Shop. We have not as yet learnt the full particulars.

ARRIVAL OF THE CANADA.

ONE WEEK LATER.

The Steamer Canada arrived at Halifax yesterday morning. She left Liverpool on the 18th ult. she brings no intelligence of the missing steam ship Atlantic.

None of the Canadian news has as yet been published, in consequence of its having been kept back by the associated Press of New York.

THE ATLANTIC.

We learn that premiums as high as 50 percent have been given in New York for insurance on the Atlantic or portions of her cargo. Old sailors seem to hold to the belief that she is safe. Washington Union.

In order to relieve in some measure the anxiety of those who may have friends on board the Atlantic we should state that every possible means of a safe voyage in case of accident was fully provided by Mr. Collins.

We understand that the Atlantic has pumps sufficiently powerful to flood the ship in case of fire, and a metallic life-boat to land through any surf. Besides, she has six of Freyer's metallic proof life-boats, of immense power and size. The crew of them will carry one hundred persons each, and the boats cannot be submerged. She has seven boats in all.

THE COUNTY COUNCIL OF WENTWORTH AND HALTON.

The Railroad Committee made the following report on Thursday afternoon: "The standing Committee on Railroads beg leave to make their first report:

Your Committee are fully aware of the great advantage that would result to the people of this Province, from the completion of such an important line of Railroad, connecting, as it would, the several lines of road already completed, and the act of being constructed in the Western, with those in the Eastern States of America, as well as the line of road between, lately by the inhabitants of Cobourg; but would recommend a postponement of any further action upon it by the Council, until the working of the new Assessment law is more fully understood.

MICHAEL AYKMAN, Chairman.

On the same day the Council adopted a memorial to the Legislative Assembly, soliciting a repeal of the most objectionable feature in the amended School act, and asking the dismissal of the Chief Superintendent.

DREADFUL DEATH.

Niblo's was closed Tuesday night in consequence of the death of Adele Lehman, who died Tuesday morning of the injuries occasioned by the sad catastrophe which happened the other evening. We have heard the most interesting and affecting accounts of the heroism of this young girl, both at the moment of the accident and during the long subsequent suffering. She was mounting a ladder at the side scenes when her dress took fire from the lamps. She immediately leaped down without uttering a cry, which she knew would alarm the audience and probably occasion some fatal confusion. The curtain was dropped at once but there was nothing at hand to extinguish flames but carpeted lounge-jackets, which she threw off and wrapped around her. Her sufferings were unexpressed after the accident to her lodgings, where she received the most able surgical attention. But it was all unavailing. The same tone enameled of the grace that rivaled its own littleness, had folded her in a fatal embrace. Adele Lehman was, we believe, about 23 years of age, and much beloved for the genial graces of her character and the large circle that leaped her sudden and sad death.—N. Y. Tribune.

NEW ORLEANS, JAN. 27th.

Our city last evening was the scene of two of the most terrible tragedies that have occurred here for many years.—One of which was enacted at the Verandah, between two men named Errington and Byrdin, which the latter received two fatal stabs and almost instantly expired. Byrd's brother died in the same way a few days since, at Lexington, Mississippi.

The other occurred at a ball, the parties being a Mr. Tate and Miss Shoppard. The former asked the lady to elope with him, to which she answered "No," whereupon he drew a pistol and shot her dead. It appears that the parties had been previously engaged to be married, but the parents of the lady were opposed to the match.

DROWNED.—We have also been informed that on Monday evening five teams were crossing the ice from Fairfield's tavern, Bath Road, the ice gave way, drowning the whole five, and four out of five men driving them.—Kingston Herald.

The City of Hamilton is now lighted with gas. Our neighbours deserve credit for their enterprise.

There has been an epidemic affliction of the eyes in Paris.

Lady Morgan has written a most pungent and satirical letter to Cardinal Wiseman. Zealous efforts are being made in the south of Ireland to extend the culture of flax.

Perlet, the prince of Parisian actors died at Paris on the 20th ult., at the age of 56, after a long illness.

Female posachers are becoming numerous in Perthshire.

The Belgian Senate has passed, by twenty three votes to eight, the bill for putting gold money out of circulation.

Mrs. Mowatt has entirely recovered her health—she is engaged to play at the Dublin theatre during this month.

In Austria the government some time since gave, or rather renewed a former permission for the sale of horse flesh as an article of food.

The annual expenditure of half one's income in New-year's gifts, has become one of the established institutions of France.

Majah Nosh, in speaking of the women's Convention, says that if the ladies persist in wearing the breeches, he intends to turn tailor, so as to have the pleasure of measuring them.

EQUITABLE FIRE INSURANCE COMPANY.

OF LONDON.

CAPITAL, £50,000 STERLING.

HEAD OFFICE in Canada, 17 Great St. James street, Montreal. Board of Local Directors for Canada—

WILLIAM LUNN, Esq.

JOHN TORRANCE, Esq.

H. L. ROUTE, Esq.

JOHN FROTHINGHAM, Esq.

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Proposals will be accepted for Insurance against Loss or Damage by Fire in Buildings, Household Furniture, Goods, Stock in Trade, Farming and Agricultural Stock.

EDW. ERMATINGER, Agent.

The object of the Equitable Fire Insurance is an immediate reduction in the rate of premium through returns to the Insured by way of Bonus resulting from Classification and average of risks, and by a careful analysis of its own experience.

It is a time saving such rates of premium as the nature of the risk may justify.

9th.

LOST.

On Friday afternoon between Mr. Hinchelwood and Allworth & Co's Store, a Steel headed purse with clasp, containing three dollars. Any person finding the same and returning it to this office will be liberally rewarded.

St. Thomas, Feb. 9, 1851.

LIST OF LETTERS REMAINING IN THE ST. THOMAS POST OFFICE 1st Feb. 1851.

Brady Patrick 3
Bride Dugal
Brimcomb John
Berlan Thomas
Berlan Samuel
Blekley Dennis
Brown B F
Clark Albert
Coleman Mrs.
Campbell Mary
Campbell John
Deacon Daniel
Daggett John
Fowler John
Fraser Alex.
Halton Bartholomew
Heckley A.
Hanna Charles
Hovey Philip
Lewis Joel
Lawrence Mrs. Mary
Mears John
Mendish Abraham
Mendish Thomas
McKee David

Loughlin Michael
Grigor Lachlan
Kellar Neil
Norris Mary
Ogilvie Bedford
Perkins Horace
Ross Duncan
Tealson John
Thomas Sarranus
Wilcox William
Whitell Aaron
Walker Wm
Weldon Andrew
Waite William
Ward Edw.
Vade Jacob
Vermatanger P. M

Per T. R.

BIRTH.—In this Town, on the 6th. instant, Mrs. E. ERMATINGER of a Son.

DIED.—In this Town on Monday the 3rd. instant, ELIZABETH, Daughter of M^r. JAMES WHITE, AGED 3 YEARS.

JOHN M'KAY.

DEALER IN DRY GOODS, GROCERIES, CROCKERY, HARDWARE, &c. &c.

Brick Store, St. Thomas, Dec. 6, 1850.

O. B. JACOBS,

DEALER IN DRY GOODS, GROCERIES, CROCKERY, HARDWARE, &c., Talbot Street.

10 PRINTERS.

WANTED IMMEDIATELY, at the Office of this Paper, a Practical Printer. Steady employment will be given.

Printing Office, St. Thomas, Jan. 31, 1851.

EXCHANGE FOR CASH!

ALL those Notes and Accounts past due, if not EXCHANGED FOR CASH before 1st March next, will be sent up for collection, unless an arrangement is made for an extension of the time on them.

E. PAUL.

St. Thomas January, 1851.