





HASZARD'S GAZETTE.

Wednesday, May 11, 1883.

SUPREME COURT—EASTER TERM.

(Reported for Haszard's Gazette.)

Appeal from the Judgment of the Magistrate, in the case of the Queen versus Henry Haszard, for refusing to swear and give evidence before them, in the case of the Queen versus Richard Red, for neglecting to have the accommodations required of him, by Law, as a Licensed Tavern-keeper.

In this case, the decision of the Bench, as delivered by His Lordship, the Chief Justice, was, in effect—That, although no member of the Grand Jury can be called upon "to disclose the council of himself, or of his fellows, or of the Queen," yet when any Bill of Indictment shall have been found, by the Grand Jury, or presented made, by them, on the evidence of any member or members of their own body, the individual member or members of the Grand Jury, on whose evidence any such Bill of Indictment shall have been found, or presented made, are liable, as any other witnesses, would be, to be called upon, under penalty, to sustain such Indictment, or presentment, by their evidence, in any Court in which a legal decision concerning the one or the other is to be made. The Grand Jury were certainly entitled to, and would always receive, the protection of the Court; but this certainly was not a case in which they could claim exemption from giving evidence before the Magistrate. They had visited those Licensed Houses, ascertained, on view, that they were deficient in point of the accommodations which the law required, and had presented them accordingly, to the Court; and it would never be conceived that, under such circumstances, they would be considered as being under any obligation of giving evidence of the facts ascertained by them before the Magistrate, whose duty it was to enforce the penalties against the parties complained of. The conviction must be affirmed with costs.

His Honor Judge Peters had previously observed, that, on the evidence of certain members of their own body appointed and commissioned by themselves to inspect and report to them concerning certain Licensed Taverns, the Grand Jury had made a Presentment against certain Licensed Tavern-keepers, for not having the accommodations required of them by the law, and the absurdity of supposing that such members of the Grand Jury could not be called upon, in a proper Court, to sustain proceedings taken against any of the said Licensed Tavern-keepers, in consequence of the consideration of the fact, that such Presentment would be altogether nugatory, unless sustained by the evidence on which it had been made.

B. H. Cumberland and Wife, Plaintiffs, vs. Neil Darrah, Defendant.

This was an Application to set aside a Judgment obtained by the Plaintiff, in February, 1882, for £30 10s. 10d., made up as follows, viz. £2 15s. sterling for one year's rent, and £26 10s. 6d. for the occupation of 50 acres of land held by the Defendant on Lot 4, Township No. 60.

The Defendant's Affidavit set forth, that he is wholly illiterate and does not understand English, and that when he was served with the writ, or copy of a common process—the first step in the cause—he did not know what the Plaintiff meant by it, as he had only the day previous tendered the year's rent, and which the Agent and Attorney refused to take; and the Affidavit further contains copies of Plaintiffs' receipts, showing the rent to have been regularly paid since 1846, down to the year 1881.

The main point relied upon by Mr. Stewart, on behalf of Darrah, was, that the claim for use and occupation could not be made good, without some express promise or agreement on the part of Darrah, which the provisions of law were so decidedly in his favor; that the plaintiffs' attempting to recover for use and occupation, without any express promise, or agreement by Darrah, was shut up to a period of 6 years after the cause of action; and here he had shown payments including over a period of 13 years.

The Court granted a Rule nisi, returnable Trinity Term.

A. H. CUMBERLAND and WIFE, Plaintiffs, vs. NEIL DARRAH, Defendant.

This was an application similar to the one made in the preceding case, the Judgment herein being in favor of £44 12s. 6d.

The proceedings had taken place under the following circumstances—The Plaintiff had, in 1861, obtained a lease under the indenture of Lease between 1847 and 1851, the amount being £4 6s. 6d. currency. The Defendant, in his Affidavit read by Mr. Stewart, set forth that he had caused to be retained as his Attorney and Counsel, the Hon. C. Young, who had been entrusted with his lease and conveyance receipts, showing that the rent which had accrued since the date of the Lease had been regularly paid with the exception of a small balance which had been tendered to the Agent and Attorney before the commencement of the action and who refused to take it, unless the Defendant would give up his lease; and takes a new one, in which the Agent stated he designed to make provision for the ultimate payment of certain back rent which he alleged to be due to the Plaintiff, and that, notwithstanding the production of his lease and receipts, his Attorney advised Judgment to be entered against him for the full amount claimed by the Plaintiff, under which the Plaintiff sent out an Execution and detained him 9 months in jail—when to remove his liberty, he was obliged to surrender his lease and farm on account of the Judgment in this and the other action.

The Court observed in reference to this case that as it appeared by the Defendant's own affidavit that his Attorney had confessed or allowed the Judgment against him, to be entered against him, his remedy lay against his Attorney if he had acted improperly in so doing, and therefore declined making any order in the case of the matter.

THE LEGISLATIVE COUNCIL DEBATE.—We found that we should not be able to insert the whole of the Debate on the Salaries Bill, in one issue, as we should have wished to have them themselves divided it in a place where the connection will seem the least broken; and shall conclude it in our next number. Our readers will understand that this debate is furnished by the authorized Reporter of the Council, H. D. Morpeth, Esq., a facility of whose reports has never yet been equalled. As such a short time elapses between our issues, we trust no person will lose the thread of the Debate by this unavoidable postponement.

ASSOCIATION FOR MUTUAL IMPROVEMENT.—On Friday evening next, the 18th inst. Mr. Taylor will lecture on "The Fine Arts," in connection with the "Club," in the usual place of meeting, when the public generally are invited to attend.

CHARLOTTEVILLE GAS LIGHT COMPANY.—At a general public meeting of the shareholders of the Charlotteville Gas Light Company held this day at the Temperance Hall pursuant to notice, and in accordance with the Act of Incorporation, the following gentlemen were elected by ballot directors of the said Company, viz. Messrs. D. Brown, James Walkinshaw, Esq., James Anderson, Esq., Hon. C. H. Massey, Esq., W. D. B. B. Esq., R. L. Lydell.

PROVIDENCE CHAPEL SOCIETY.

The Baptist Tea Meeting came off, according to announcement, on Friday evening last, in the Temperance Hall. The evening was fine; Twenty tables, provided gratuitously for the occasion, were spread, and plentifully supplied; and a large company—as large and respectable as we remember to have seen on any similar occasion—partook of the repast. The Brass Band of the "Sons" gave their services gratuitously, and played a number of their best pieces. We thought the Band ever sounded "so well" in the Hall. After tea, the tables and dishes disappeared as if by magic; the seats were vacated, and a full attendance was waiting to hear the address of Rev. W. Hobbs, Pastor of the Baptist Church in Charlotteville, who presided on the occasion, spoke first. He was followed by Rev. O. Orford, on the "claims of Sabbath Schools and Sea-faring men." His remarks were appropriate, touching and solemn. On each of these points he could speak from experience, and would lead his Baptist brethren a helping hand, upon the truly English principle of helping those who are trying to help themselves. Rev. Mr. Narraway, of the Wesleyan Church, read the concluding address, upon Christian Union. The exercises were varied by Hymns and Vocal Music. At about 10, the company separated. Those interested in getting up the Tea, were affected with the kindness shown them by the community of Charlotteville, and the spirit of kindness and gratitude seems to have been mutual. "Behold, how good and how pleasant." &c. Upwards of £20, clear of all expenses, was realized.—Con.

Correspondence of Haszard's Gazette.

Since our Temperance Hall has been opened, the Total Abstinence Society—which had been languishing since the introduction of the Order of the Sabbath has been re-organized, and monthly meetings established, to awaken the public mind in favor of its principles. The first of a series of Lectures, on the subject of Temperance was delivered by the Rev. G. O. Heaslip, the second by the Rev. R. Patterson, which produced a great accession to the ranks of the Society. On Tuesday evening last, Mr. W. G. Strong, delivered a Lecture on the same subject, treating it physiologically, which was listened to with marked attention; after which, Mr. J. B. Cooper, from Charlotteville, made some interesting statements as to the general consideration of the Secretary's Office, on or before the 20th inst.

Summary of Government Advertisements.

Persons desiring of performing the duties of Light House Keeper at Bilkhead Island, in Richmond Bay, or elsewhere, are invited to apply to the Secretary's Office, on or before the 20th inst.

GEORGETOWN ASSURANCE.—Edna Wickham, John Smith, Thomas Mahin, Henry Griffin, Thomas Loxley, William Macdonald, John F. Howitt, Fraz W. A. M. Esq., Alexander Robertson, Hugh M. Escher, Peter Ferguson, John Smith.

An Assessment of Is. 6d. on all improved, and 4s. 6d. on all unimproved Lots, granted in the within forty days, to be paid to the Collector, on or before the 20th inst.

James McKay, St. Peter's will let on Monday, 23rd of May next, at 9 o'clock, forenoon, the repairing the Wharf at the Head of St. Peter's Bay; at 10 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 11 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 12 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 1 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 2 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 3 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 4 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 5 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 6 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 7 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 8 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; at 9 o'clock, the repairing of the Wharf at the Head of St. Peter's Bay; 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IMPORTANT SELECTIONS. HAZARD'S GAZETTE. An article in the "Herald" of the 29th March, 1852, entitled "Steam around the Cape," contains the following explanatory remarks...

J. GILLEAN, Great George Street. HAS now open a full and complete assortment of goods...

JUST RECEIVED. A further supply of New Goods, at the LONDON HOUSE, per Steamship Canada via Halifax.

Glasgow and Manchester Hosiery. DAVID WILSON, No. 2, Richmond Street, has JUST RECEIVED...

Mrs. Forsyth. WOULD respectfully intimate to the Ladies of Charlotte and its vicinity...

WHOLESALE. WILLIAM ELLIOT & Co., BOSTON. United States, Merchants, have constantly on hand...

200 TONS OF HENLOCK TIMBER. BEER wanted for a BREWERY, to be delivered by the 1st JUNE next...

MONEY TO LEND. ENQUIRE in the Office of CHARLES PALMER, Esq., Charlotte, Feb. 1, 1852.

THE COLONIAL LIFE ASSURANCE COMPANY. GOVERNOR—THE RIGHT HONORABLE THE EARL OF EGLIN...

ALLIANCE LIFE AND FIRE INSURANCE COMPANY. ESTABLISHED BY ACT OF PARLIAMENT. CAPITAL £2,000,000 Sterling.

NATIONAL LOAN FUND LIFE AND FIRE INSURANCE COMPANIES OF LONDON. Incorporated by Acts of Parliament.

A FARM TO BE LET. AND POSSESSION GIVEN IMMEDIATELY. IT is situated Nine miles from Charlotte on the N. E. corner of the New Glasgow Road...

FARM TO BE SOLD. THE Leasehold interest of 100 acres of LAND, 70 of which are under cultivation...

TO BE SOLD OR LET. DWELLING HOUSE, Out House, and Premises, and Lot of LAND, in Georgetown, No. 8, Third Range...

NOTICE. THE Subscriber having been duly appointed by the General Assembly of Nova Scotia...

FOR SALE. FIVE Hundred acres of LAND, with a Marsh attached, which contains annually Fifty tons of Hay...

WANTED IMMEDIATELY. A NUMBER of SHIP CARPENTERS, to proceed to Board of Fisheries for Wages and other particulars...

TEMPERANCE HALL COMPANY. AT A MEETING of the Directors of the above Company, held in the Temperance Hall...

NOTICE. THE Tenants on Township Numbers Sixteen and Twenty-two, in the Island, the property of The Right Honourable, Lawrence Sullivan...

BELLS! BELLS! BELLS! THE Subscribers manufacture and keep constantly on hand, all sizes of Church, Factory, Steamboat, Ferry, Locomotive, School House and Plantation Bells...

PEOPLE'S PACKET! THE well-known and highly appreciated clipper Schooner "H. INGRAM," will ply regularly...

WILLIAM STRAIGHT, HATTER. DESIR to inform his friends that he will continue the re-dyeing, cleaning, and stiffening of Beaver and Silk Hats.

NOTICE. THE TEA-TANTS of THOMAS HEATH HAVILAND, Esq., on Township Numbers 68 and 69 and other Lands in this Island, are requested to make immediate payment of the amount of Rent due to them...

BAZAAR. THE Ladies of St. James's Congregation intend holding a BAZAAR on THURSDAY, the 17th day of JULY...

J. S. DEALEY, COMMISSION MERCHANT AND SHIP BROKER. No. 7, SOUTH STREET, NEW YORK.

REMOVAL. MR. SELDON. CRATEFULLY acknowledges the liberal patronage received from his friends...

FOR EUROPE. THE fine new substantial BRIG LADY COLVILLE 300 tons burthen, JAMES MURPHY, Commander, will be ready for sea on or before the 20th inst.

FOR LONDON. TWO or Three Cabin Passengers can be comfortably accommodated in the new Barque "THOMAS," to sail from Three Rivers...

STATESMAN. THE handsome and well-known Horse STATESMAN will serve for the season, commencing on the 1st of May...

Young Saladin for Sale. THIS very superior Entire Horse five years old is offered for sale...

The Splendid Entire Horse VULCAN. THIS Superior Animal, three years old, took a prize at the Royal Agricultural Society's Show in 1850...



Established 1823. HAZARD'S GAZETTE. GEORGE T. HAZARD, Proprietor of the Charlotte, South Carolina Edition, F. E. Lee Office—Annual Subscription, 10c. In advance.

UNCLE TOM'S CABIN. Forebodings—Eva's Illness—Promises—Yearnings for the Father—The Last Request. Two days after this, Alfred St. Clair...

THE MORMONS. Large numbers of emigrants professing the Mormon faith, have recently arrived or are on their way to this country from Europe...

PLEASEASERS. A friend observes that he always looks under the marriage-bed for the news of the world...

A SUBSTITUTE FOR WILD DUCK. A black-legged chicken stuffed with macaroni. QUANTITIES OF A ROVER. His coat collar always about—but his boots never...

WHY are the snows of Mount Blanc like a ship-builder? Because they can out-fence (have a launch) whenever they get ready. "I have improved," John said to Ben. "How improved?" "Why dropped the three S's."

WHY would the English people, if they established a Republic, lose more than the Queen? Because they would lose a some, reign, and her Majesty, but a crown.