

**DAFT JAMIE.**—Almost all the naturals who have lately been known in Edinburgh, have met with a violent and untimely end. Bobby Auld, who was a well known idiot, and who was also a cotemporary and acquaintance of Daft Jamie, was killed by the kick of a donkey, and afterwards became also a subject for dissection. There is an anecdote told concerning them, which is a curious instance of blindness to a personal deficiency, joined to a just perception of it in another, and which at the same time exhibits in a strong light what has been stated in the papers of Jamie's innocent and artless disposition. Bobby Auld and Jamie met accidentally one day, somewhere in the neighbourhood of the Grass Market. "It's a cauld day, Bobby." "Aye is't, Jamie," replies Bobby. "We wud be the better o' a dram—hae ye ony siller?" "I hae nippence." "And I hae fourpence," says Jamie. "Ou, man," rejoins Bobby, "that'll get half a mutchkin." They then adjourned to a neighbouring public house, where the money was produced, and the liquor ordered. But before either of them had partaken of it, Bobby enquired anxiously if Jamie had seen "the twa dougs fetching on the street?" "No," says Jamie, "I saw nae dougs fetch." "It's a grand fetch though," replies Bobby, "and has lasted half an hour; it's weel worth your seeing, and you had better gang to the door and see it." Jamie accordingly proceeded unsuspectingly to the street to witness this wonderful dog fight, but speedily returned with the intelligence that he could discover no such conflict. "They'll be done then," coolly observed Bobby. "But what's come o' the whiskey?" said Jamie, on observing the stoup standing empty. "Ou man," says the treacherous Bobby, "ye bade sae lang—I could na wait." Upon Jamie's being questioned what he had done to Bobby for this falseplay, he replied, "Ou, what could ye say to puir Bobby? he's daft, ye ken."—*Glasgow Paper.*

### United States.

NEW-YORK, March 28.

#### CASE OF ROWLAND STEVENSON.

In the Supreme Court of this State, on Tuesday last, Mr. Carr moved the Court that Stephenson, then in jail for debt at the suit of ex-Sheriff Parkins, be set at liberty, on the ground that he was brought forcibly and illegally within the jurisdiction of the Court, and there subjected to arrest by Parkins. The Court then pronounced as follows, which report we copy from the *Herald*:

Chief Justice JONES proceeded to deliver the opinion of the Court, in favour of the discharge of Stephenson from prison, and from all arrest, without even holding him to common bail.

His Honor stated that the Court had heard the cause argued, although aware of the cases cited, except one, and that one though a little variant from the general scope, did not alter the opinion formed. An individual, a foreigner, owing no allegiance to the country, is arrested and brought forcibly within the physical power of the State, the question is whether the legal power can be brought to bear upon him, having been in a state of duress, from the moment that he came amongst us. There is no evidence that the plaintiff has been concerned in the forcible arrest, but though he be innocent, yet force has been applied and the victim has been brought here under it. Is it not plain that his presence and present confinement, are the offspring of the forcible arrest?

If ignorance of the force used, or disconnexion from the agents in abduction, is to be sufficient justification for a subsequent arrest, how easy would it be for a crafty creditor, to bring a debtor within the jurisdiction of the laws, under which he intended to proceed, and then keep clear of all concern in the arrest? On this principle, a man who is in his own country would not be liable to arrest, the citizens of different States of the Union having different laws, might be forcibly brought under the operation of laws, entirely different from those under which their contracts originated, and by which they expected to be governed. If such a power of seizing the body of the debtor were tolerated, the inducement of the creditor might be too strong to govern moral principle, and penalties might be incurred not originally contemplated. The creditor might do that in a foreign land, which he could not do at home. The principles of civil liberty, the genius of our institutions, forbid our countenancing a doctrine like this.

It has been said that other creditors, not privy nor parties to the forcible arrest, cannot be deprived of their rights; this has some plausibility, but is one of the fallacies in applying the principles of law. Proof of secret agency, is

at all times difficult. Wrongful restraints may properly be considered to have caused the submission of the party in this case—he must be restored to the same security he originally possessed—he must be set free, and have liberty to return to the place from whence he came, or at his option to have a domicile here, as secure as the castle of the citizen. If he remain here beyond a reasonable time allowed for his departure, he must submit in common with our citizens to the regular process of Law. But he has a right to an inviolable domicile, a domicile that shall be his castle, with the mantle of the law for his shield. The common law will not allow even the breaking open of an outer door for the purpose of arrest. There is one remedy always available—the avoidance of the process that shall be made the instrument of the wrong. I shall abstain from any remark upon the character and conduct of this individual, and look upon him solely as a prisoner. My opinion is that he must be discharged from all arrest, and not be held even upon common bail.

Judge HOFFMAN concurring with the Chief Justice, said—There is no difference in the opinions of the Court. His Honour then commented on the case cited from 2d Henry Blackstone, and in continuation said, public policy, justice, our laws and free institutions, all require the discharge of Stephenson.

Judge OAKLY.—I concur very fully in the opinion of the Court, that an order should be issued for the discharge of Stephenson. I know nothing of him, but what appears in the papers before me. It is a fair inference that Parkins was an efficient agent in producing the forcible arrest. In judgment of law the prisoner is not here, he is not a free man. It is an abuse of terms to say that he is voluntarily under the jurisdiction of this Court. This is the foundation of my opinion, without reference to the cases cited. The case from Blackstone is the only one impugning the opinion we have formed, and if it cannot be reconciled to the principles laid down, it must be said that it is counter to the current of authorities. In the case of a party arrested while transacting business in the office of a master in chancery, Lord Eldon decided that the arrest was illegal.

Immediately upon this decision Mr. Stephenson was set at large, and he shortly afterwards, we understand, left this city for Philadelphia. A letter in the courier of this morning states, that Stephenson left large sums of money, Exchange Bills, and other property in the hands of certain persons in Savannah, who are rapidly converting it into the currency of this country.—*Albion.*

### Colonial.

HALIFAX, APRIL 6.

In the House of Assembly, on Saturday, 28th ult., Mr. Hartsborne rose and said, that he held a Resolution in his hand which he was desirous to submit to the House. The proposition might in some degree surprise his honourable friend, inasmuch as in this country it was entirely a novel one, but he felt convinced that it was one which would be as pleasing to them as to himself, and which would meet their hearty concurrence. The hon. gentleman then read the following Resolution:—"Resolved that the thanks of this House be conveyed to THOMAS C. HALIBURTON, Esq. for his very laudable and laborious efforts to illustrate the History, Topography, and resources of the Province, in the Historical and Statistical account of Nova-Scotia, just issuing from the Press; and that Mr. Speaker be directed to acquaint him with the substance of this Resolution." Mr. Lovett seconded the Resolution, and did so with greater pride that the gentleman was a native of Nova-Scotia.

After many very flattering compliments upon the works and the Author, the Resolution was put and carried; there being no dissenting voice, the word 'unanimously' was added; and after some conversation as to the mode of communicating it the House resolved that Mr Haliburton should be called in and that the general sentiment should be expressed by the Speaker. The Hon. Gentleman having taken his place, the Speaker addressed him thus:—

"Mr. Haliburton, I am commanded by this House to communicate to you, that they have had under their consideration a work now issuing from the Press, of which you are the author, entitled "An Historical and Statistical Account of Nova-Scotia," which they think alike useful to this Province and honourable to yourself; and that to mark the approbation they entertain of this effort to describe the country and develop its resources, they have passed a vote of thanks to you for the laudable and commendable undertaking, which resolution will be read to you by the Clerk,

It affords me a great deal of pleasure to add my own opinion of its usefulness, to that of the representatives of the people, who deem it an object worthy of this honourable notice, as the production of a native of this Province.

The Clerk then read the Resolution, and Mr. Haliburton replied—"Mr. Speaker, I beg leave to return you and this House my most grateful thanks for the honor you have this day done me. I regret that I find myself unable to express the high sense I entertain of this flattering distinction and can only say that I feel the labor I have performed more than amply compensated by the notice this House has been pleased to take of it."—*Journal.*

### HOUSE OF ASSEMBLY.

Mr. BARRY.—One of the greatest excitements took place in this Town on Saturday, we almost ever before witnessed; it having been hinted during the morning that this gentleman, with the particulars of whose suspension from the House our readers have been made fully acquainted, intended on that day taking his seat, the Gallery was, in a few minutes after the doors were opened, literally crammed. About half past two Mr. Barry entered the House, and after having respectfully bowed to the Speaker, advanced to within two or three feet on the left of the Chair and took his seat; after the House had been called to order he arose, and amidst the cries of 'Order,' said, "Mr. Speaker, I have exerted myself in every possible way in order that the interests of my constituents might be represented and considered in this house, but without avail; and therefore appear here with the determination of taking my seat and retaining it while it is in my power so to do." The Speaker then said, he had intended to have asked him, when he first entered, whether he had not come for the purpose of complying with the order of the House, but he having answered that question it was his duty to inform him that he was directed by the House to order him to retire, to which Mr. Barry replied—"I will not, Sir." Upon which the Gallery was cleared. In about an hour after, he made his appearance, in charge of the Serjeant at Arms, who conducted him across the street to his own house, amid the repeated cheers of the people.—Mr. B. is now at large upon his word of honor to be forthcoming when required.—*Id.*

### COPIES OF THE

"Act regulating the Exportation of Lumber," are for Sale at this Office.

IN THE YORK GENERAL SESSIONS, }  
JANUARY TERM, 1829. }

### ASSIZE OF BREAD.

IT IS ORDERED that the following Regulations be in force from and after the 24th instant:—  
ALL Loaves of Bread baked for Sale to be of the following Weights, viz:—

ONE POUND LOAVES,  
TWO POUND LOAVES,  
THREE POUND LOAVES,  
FOUR POUND LOAVES,  
FIVE POUND LOAVES,  
SIX POUND LOAVES.

Each Loaf to be distinctly marked with the figure denoting the Weight thereof, and also with the Initials of the Baker's name; and each and every Loaf of Bread which shall be found deficient in Weight, shall be seized by the Clerk of the Market, as the Law directs: And for each and every Loaf not marked as herein before directed, the Baker shall forfeit and pay the Sum of Five Shillings.

IT IS ORDERED that the price of the One Pound Wheaten Loaf shall be three-pence half-penny—and for other Loaves in proportion.

Extract from the Minutes.

tf.

H. G. CLOPPER.

TO be sold by public Auction, on Thursday the 7th day of May next, at 11 o'clock, in the forenoon, upon the premises in Kingsclear, that valuable Farm, the property of the late Jacob Russell, deceased. The whole or part as may best suit Purchasers. The mode of payments will be known at the day of sale.

WILLIAM RUSSELL, Executor.

Kingsclear, April 11, 1829.