

Street: I think this account is my father's writing.

The evidence for the defence closed here. Mr Street offers evidence to rebut the defence.

1st: Offers editorial in the Gleaner of June 29.

2nd: Offers evidence to show that the witness Hea had settled several accounts with Plaintiff, since the election bills.

3rd: To prove that the Plaintiff had paid more for election expenses than the amount shown he received on the subscription lists.

Mr Johnson objects to the first evidence offered on the following grounds:

1st: That the editorial in the Gleaner of June 29 cannot be evidence to rebut defence, but is a part of plaintiff's own case. It is an action for damages, and this evidence, if intended for anything, is to increase damages. The Plaintiff in his opening stated that he would prove subsequent editorials to show the *quo animo*. He tried to prove this very paper in his own case and failed; and secondly, this editorial was published after the action was brought.

Judge: I should like to hear Mr Street upon the point. It appears to me that the evidence should have formed a part of the Plaintiff's own case.

Mr Street: It is rebutting the defence set up. Defendants have sought to show the absence of malice. Roscoe 179, 174.

Mr Johnson: I take the objection, but will not take up time in argument. If the evidence be admitted, your Honor will note my objection.

Judge: Under these circumstances I will admit the evidence if you, Mr Street are prepared to take the risk. I think the evidence should not be given now; and this is not a hasty opinion. I have thought the matter over on other occasions. If you wish, Mr Street, I will admit the evidence subject to the objection taken by Mr Johnson.

Mr Street: I will give the evidence, your Honor. Gleaner of 29th June, 1850, put in and Editorial read in evidence.

Several accounts of John Hea with the Plaintiff during several years since 1843, and settled between them were then put in and read for the purpose of showing that Hea did not look to the Plaintiff for the election bills.

Wm. Carman, Jun., Esq., sworn. I recollect the elections of 1842-3. There was a scrutiny after the first election. I was employed as Counsel for Mr Williston. I was paid my bill. I received fifty six pounds seven shillings; the whole account was one hundred and sixty two pounds ten shillings, and I allowed a deduction of forty one pounds seven shillings, and H. C. D. Carman's subscription of thirty nine pounds, and my own of twenty five pounds.

Cross-examined by Mr Johnson. John Hea furnished horses, waggons, &c., for the election purposes. He was one of the leading men. If I had been in Plaintiff's place at the first election, I would have gone on, but at the second I would not, because there was a great deal of riot, and Mr Williston's friends, myself and Mr Perley, were driven from the poll.

Edward Keary, sworn. I had an account against Plaintiff for the elections of 1842-3. He paid me £7 10.

Cross examined by Mr Johnson. Part of this bill was for meat and drink furnished to voters. My account was against the committee, about £7.

John Wilson, sworn. I had an account against the Plaintiff for the election. It was principally for ferriages. It was between £12 and £20. Mr Edward Williston paid me.

Cross examined by Mr Johnson. I could not say it was all for ferriages. No doubt there were charges for eatables.

William Williston, sworn. Am brother of Plaintiff, and one of the late firm of P. Williston & Brothers. I believe P. Williston & Brothers settled their account for the election with Plaintiff. It was kept against the election. This account is in P. Williston's handwriting.

Cross-examined by Mr Johnson: I saw P. Williston here about a month ago. Part of this account is in John Townley's handwriting. I do not know anything of the accounts but from the books. Mr Hea was a most active man in the election in one way. — Was most abusive. During both elections Hea and my brother were frequently together — yes, constantly. They consulted together. I don't know of any settlement of the account spoken of till about a week before P. Williston & Brothers closed their store.

The evidence here closed. Mr Street cites S. Car and Paine, 222 Duncombe vs. Daniel, Stephens' Nisi Prius 223 and 224, Chitty's Barn's Justice, 730, Vol. 3. Mr Johnson cites Saunders' Pleading, and Evidence 502-3, Roscoe 293.

The Speeches of the Counsel, and the Charge of his Honor Judge Parker, will appear in our next.

#### EUROPEAN NEWS.

The Mail Steamer Canada, arrived at Halifax at half past 5 o'clock on Monday last, making her passage in 84 days, being the shortest ever yet made. There has been a decided change for the better in the weather, and the harvest has turned out much better than was anticipated. Trade still continues good and money was abundant.

Willmer & Smith's paper contains the following important announcement, confirming

the report published in the Novascotian, that the steamers bound to New York would not in future call at Halifax.

"The Lords of the Admiralty have directed that henceforth the British and North American Royal Mail Steam Ships, sailing between Liverpool and New York, shall cease calling at Halifax on their outward and homeward passage. The company's ship's sailing between Liverpool and Boston, will continue to call at Halifax both out and home, as usual."

NOVA SCOTIA.—Numerous meetings have been held in the Western parts of the Province, respecting the building of the Railroad to connect Nova Scotia, New Brunswick, the United States and Canada. They recommend the Western route to the serious consideration of the public.

The papers report that the late storm has caused damage in the County of Cumberland in bridges, crops, &c. to the amount of £10,000.

The Journal reports that so soon as the necessary arrangements can be completed, Mr. Cunard proposes extending his line of Steamers from Bermuda to New York.

CANADA.—The Press.—A Public Dinner was given by the inhabitants of the Third Riding of York, to their Representatives Messrs. H. J. Boulton, W. H. Boulton, and J. Smith, who voted for Mr. Cameron's resolution, recognizing the right of the public to be present at the proceedings of the House of Assembly. On the occasion the Hon. Mr. Boulton thus spoke of the benefits which are derived from the labours of an unbacked Journalist.

"Having said so much respecting the Ministry, he would now turn his attention to the question respecting the rights of the Press; in his opinion, next to free institutions, the greatest blessing conferred on any country, was the possession of a Free Press. The press, sometimes, made a little too free, it was true, with other people's characters, and abused them more than they should, but still he could not refuse it that praise to which it was justly entitled. The fact was, that nothing kept such a check on a public man as the knowledge that some devil of a printer was constantly on the watch, and if he could detect the slightest slip, instead of having the charity to conceal it, would instantly stick it in the paper. As a matter of course, if it were a thing of any consequence, it played the very devil; but he forgave them; most heartily, as long as they confined themselves to the truth, and did not go out of their way to slander or calumniate. A free press when properly governed, was of the greatest importance, not merely to the people but also to the government. It was almost as important as an independent judiciary. Individually they were each of great importance, but when they went together, it was impossible for misgovernment long to go unchecked. If any one wanted confirmation, let him look at France, where the press has upset Charles X. has upset Louis Philippe, and would very possibly upset Louis Napoleon. The influence of the press being so great, he thought it was expedient that they should be admitted within the walls of Parliament to report the proceedings, but at the same time he was bound to tell them as a lawyer, they had no legal right there. The law of the land was clear and distinct on that point, and it would be impossible to change it by a mere resolution of the House of Assembly."

A woman has been committed to goal at Hamilton for strangling her son, a boy about six years of age.

UNITED STATES.—Jenny Lind has made her first appearance before a New York audience, and her reception was most enthusiastic. A paper states that the choice seats were sold at auction, 4476 tickets being thus disposed of at the aggregate price of \$34,753. The gross avails of the first concert will probably not fall much short of \$30,000. The prize of \$200 offered for the best song to be sung by Jenny Lind as a greeting to America, has been awarded by the committee to Bayard Taylor. Seven hundred and fifty songs were offered in competition.

The following is the song alluded to above: Words by Bayard Taylor. — Music by Jules Benedict.

"I GREET with a full heart the land of the West,  
Whose Banner of Stars o'er a world is unrolled;  
Whose Empire overshadows Atlantic's wide breast  
And opens to the sunset its gateway of gold!  
The land of the mountain—the land of the lake,  
And rivers that roll in magnificent tide—  
Where the souls of the mighty from slumber awake  
And hallow the soil for whose freedom they died!  
Thou cradle of Empire though wide be the foam

That severs the land of my fathers and thee,  
I hear from thy bosom the welcome of home,  
For song has a home in the heart of the Free!  
And long as thy waters shall gleam in the sun,  
And long as thy heroes remember their scars,  
Be the hand of thy children united as one,  
And Peace shed her light o'er thy banner of stars!"

At the close of the Concert, Mr Barnum informed the audience, that Mdlle. Lind instructed him to pay over her share of the concert, amounting to \$10,000, to various Charities in the city.

#### Communications.

##### THE STEAM FERRY-BOAT.

To the Editor of the Gleaner,  
SIR,—It must be very humiliating to any man of spirit, to witness the manner in which every project or improvement attempted in this community, calculated to reflect credit on our town, and which are the sure indices of progress, are allowed to fall to the ground. Bible Societies, Debating Societies, Libraries, and every institution of the kind, inevitably wither and decay. Of the many societies which have been started from time to time, the Ladies Bible Society and the Agricultural Society are the only ones which remain. But one great cause of the prosperity of the latter institution may be found in the fact, that the members reap immediate benefit from its operation, in the shape of pounds, shillings and pence. The Gentlemen's Bible Society, the Emigration Society, and many others, have gone, and are now numbered among the things that were. Our Mechanics' Institute, which was commenced under such favorable auspices, and which bid fair to be a source of amusement and instruction to our population, during the long and dreary months of winter, is on its last legs; the Library is neglected, and the Secretary informs me that a sufficient number of members have not paid their subscription for the last year, to furnish the necessary officers. Whether the downfall of the Institute is to be attributed to the Directors, the Members, or the community, is not for me to say.

I have been led to make these remarks by the fact, that the Steam Ferry Boat, which has proved herself a great convenience to the travelling community, is now laid up in ordinary, not having realised enough in the busiest part of the summer to pay her necessary expenses. She was purchased some time ago by Messrs. Johnson & Mackie, and during the past winter was put in a complete state of repair, at a heavy outlay, and is now admirably adapted for the purpose for which she was constructed; but at the very time when she was about to prove herself a greater benefit than ever, her owners have been compelled to lay her up for want of support. There must be some cause for this. Surely there is sufficient travelling to support the boat provided it was centered upon her; but unfortunately this is not the case. There are two old fashioned ferries opposite Chatham, which are patronized by a class of persons who suppose that these ferries must be supported because their proprietors have been long engaged in the business, and who will not recognise the claims of any other mode of conveyance, however commodious it may be. But it may be asked by some why do not the Sessions withdraw the license of the row-boats? Why do not the people petition for their removal? Those who would thus reason know little of our community. They know nothing of the secret springs which govern the majority of our Bench.

\* \* \* \* \* But I humbly submit that such is not the feeling which should guide our public men in disposing of their favors; but it has been broadly asserted that this has been the case with regard to the Steam Ferry Boat.

\* \* \* \* \* I would like to see the people of Chatham take this subject up in a proper spirit. I would suggest the expediency of calling a public meeting to devise some method of keeping the boat in operation, either by petitioning the proper authorities to withdraw the old ferries, or by individual subscription. A small payment, say five shillings from each man of business in the town, or a lesser sum from any person who may feel disposed to subscribe, would enable Messrs Johnson & Mackie to keep the boat on the river in a manner creditable to themselves, and satisfactory to the public.

I am, &c.,

TOM STEAMBOAT.

Chatham, September 11, 1850.  
[Having obtained our correspondent's consent, we have expunged such parts of his communication as we did not feel disposed to publish without a guarantee.] Ed. Gleaner.

#### Partnership Notice.

The Subscribers having entered into Partnership, the business hitherto carried on by Mr JOSEPH RUSSELL, at Beaubair's Island, will in future be conducted by them at the same place, under the style and firm of HARLEY & BURCHILL.  
JOHN HARLEY,  
GEORGE BURCHILL.  
Beaubair's Island, Miramichi.

#### THIS DAY'S MAIL.

UNITED STATES.—Norfolk, Sept. 17.—Orders have been received for the immediate repair of the Saranac, Water Witch, and Vixen, to be ready for service at a moment's warning. The St. Mary's is almost ready for sea. There are rumours of another Cuban invasion.

The steamship Canada arrived at Boston about noon on Tuesday last, thus making the passage within ten days.

The Prince Edward Island papers state that the recent heavy rains have done very considerable damage in that Island, carrying away bridges, mills, mill-dams, &c.

LIVERPOOL, N. S., Sept. 7, 1850.

Our harbor has been full of Herrings the last six days. Some thousands of barrels have been stopped, and a number of people are employed curing them—still a large quantity will be lost, as they cannot be saved properly.

We regret to learn that the potato blight has become pretty general in this province—Halifax B. N. American.

NEW BRUNSWICK.—St. Andrews and Quebec Railroad.—The Standard says that this Railroad is now ready as far as Chamcook Lake for the laying of the rails; that the Bridge at Katy's Cove will soon be finished, and the rails which have been shipped are then to be laid. A new locomotive will be placed on the line this fall.

Outrage.—We learn from the New Brunswick that on Saturday night an attempt was made to enter the premises of Mr G. Carvill, in Brunswick Terrace, and the servant man hearing the noise, got up and opened the front door, with the intention of cutting off the retreat of the robbers, who were at the back of the house, when he was overpowered by several persons, knocked down with a bludgeon, and his arm broken, besides receiving other serious injuries.—Tom. Telegraph.

The steamer Osprey which has been employed as a Mail Packet between Halifax and Bermuda, was to leave the former port yesterday for New York, and it is said is in future to run between that port and Bermuda.

A project has been started in Philadelphia to establish a line of steamers between that city and Liverpool, to make monthly trips. Messrs Richardson, Watson & Co., it is said, have headed the subscription for stock with the sum of \$100,000, one third the amount required to build two propellers of 2000 tons burthen.—St John Courier.

#### Ship News.

##### PORT OF MIRAMICHI.

ENTERED, September 16, schr. Caroline, Beamlieu, Quebec, general cargo.

17th, brig Vista, Walsh, P. E. Island, master.

18th, schr. Speculator, Lowell, Labrador fish, Gilmour, Rankin & Co.

19th, Prussian brig Adolph van Loutsen, Voss, Halifax, ballast.

20th, schr. Villager, Watt, Halifax, general cargo.

CLEARED, September 16, Russian ship Admiral, Hensdait, Cork, timber and deals, Johnson & Mackie; schr. Mayflower, Jerroir, Newfoundland.

17th, schr. Ceres, Grigs, Liverpool, timber and deals, Gilmour, Rankin & Co.

18th, schr. Speculator, Lowell, P. E. Island, ballast.

19th, Prussian brig Die Krone, Hoppe, Chester, timber and deals, Gilmour, Rankin & Co.

20th, American ship Revere, Howes, Liverpool, deals, Gilmour, Rankin & Co.

##### PORT OF RICHIBUCTO.

ENTERED, Sept. 18, Norwegian bark Hendrick Weigand, Prebensen, Philadelphia, ballast, L. Desbrisay.

19th, schr. Relief, Marshall, Halifax, general cargo, L. Desbrisay and others; Progress, Feagan, Norfolk, U. S., ballast, L. Desbrisay.

ENTERED, Sept. 13, schr. Euphonia, Murchison, P. E. Island.

16th, Allen Brown, Harris, Gloucester, deals, D. Wark; Sovereign, Hayden, P. E. Island, L. Desbrisay.

##### PORT OF DALHOUSIE.

ENTERED, September 15, bark Adonis, McWilliam, Greenock, ballast, W. Hamilton.

September 17, brig Harmony, Anderson, Troon, ballast, A. Ritchie & Co.

18th, bark Herald, —, P. E. Island, ballast.

19th, brig Emma Zoller, Madge, Torquay, ballast, H. & J. Montgomery.

CLEARED, September 17, ship James Morrison, Morrison, Greenock, timber, W. Hamilton.

#### TEA PARTY.

A Tea Party will be given in the Building recently occupied as a Store, by John Fraser & Co., in Chatham, on THURSDAY EVENING next, for the purpose of raising means to pay off a portion of the debt due on Wesley Chapel in Chatham.

Price of Tickets.—Two Shillings to be had of Messrs. Forbes, and Mr James Henderson. Hour of attendance, half-past six o'clock.

Chatham, September 23, 1850.