

leave it to the company at the first stopping place."

"When the coach arrived at the village, all the principal men of the place had collected at the Hotel to welcome the Governor, and when he alighted he was saluted hat in hand,—how do you do, Governor Seward—happy to see your Excellency—was repeated on all sides."

"Well driver, what do you think now; are you ready to pay me the five dollars?"

"No, I don't believe you are Governor yet."

"But don't you see these gentlemen all address me as Governor, and treat me as such?"

"All that may be," said the driver, "but that don't make you Governor. May be you was voted in, but that little Editor down to Albany is the real Governor after all!"

OUR LIBEL CASE.

In our last paper we stated that for the first time, we had a suit in Court. On Wednesday morning it was brought up, and occupied the whole of that and the following day. The Jury retired about seven o'clock in the evening.

This suit was brought against us by John T. Williston, Esq., for LIBEL; we having published an advertisement under the signature of Mr John Hea, calling the attention of the Freeholders to the Election Card of Mr Williston, and making certain charges, representing him as an individual, unfit to fill the high and honorable position of a member for this County.

We are not sufficiently acquainted with the technicalities of the Law, and proceedings of Courts of Justice, to follow the intricacies of the pleadings, but shall endeavor to give a brief synopsis of the trial.

A number of witnesses were brought by the Plaintiff, Mr Williston, to prove his case. That the Gleaner was published by us; that it was a highly respectable Journal; that it was circulated in this and the neighboring Provinces, Great Britain, the United States, &c. That the article in question was published in our paper; that it was calculated to injure him in the estimation of his neighbors, and damage his character abroad; that it was, to use the words of one of the witnesses, "a highly inflammatory article."

We set up in Defence, that the article alluded to, was published at the request of the author, as an advertisement; that it had his name attached to it; that we did so simply in the discharge of our duty as a public Journalist, without malice, not having seen the article till after it was printed; that we were placed in a wrong position, being called upon against our feelings and inclinations, to prove the charges of another. In confirmation of the truth of his charges, Mr Hea was brought forward to prove that the Plaintiff had promised to pay him his election bill, which he subsequently refused; and several others, that subscriptions were paid in produce to liquidate this and other similar bills.

Rebutting testimony was brought in to prove, that the Plaintiff had discharged a number of election bills, and that we had in a subsequent paper, in an editorial article, justified our conduct in publishing Mr Hea's advertisement.

The examination of these witnesses, and arguments of Counsel, occupied the attention of the Court until 1 o'clock on Thursday.

After a recess of an hour, JOHN M. JOHNSON, Jun., Esq., who acted as our Counsel in the business, addressed the Jury. His speech, which occupied two hours and a half, was listened to by a crowded court with breathless attention. We question much if a finer address to a Jury, and one more replete with thought, sound logic, and bursts of eloquence, was ever delivered within the Province; particularly when he spoke of the Liberty of the Press—the benefits and blessings it had bestowed on all nations who enjoyed its privileges, and the struggles which Curran, Sheridan, Erskine, Fox, and others of Britain's best and noblest patriots, had to endure, and the opposition they had to contend with, before Juries were allowed, as they now were, to be judges of the fact, and to assess damages. But the rebuke which the Plaintiff received, when he interrupted Mr Johnson, at the close of his address, by exclaiming that the article was a vile slander, was bitter, sarcastic, and withering.

The Plaintiff's case was most ably conducted by JOHN A. STREET, Esq., and went to show the high and honorable principles which actuate that learned gentleman, who, for the success of his client, could, as in this instance, bury his personal feelings, forget wrongs done, and injuries inflicted, and plead

so warmly and so strenuously on behalf of his client—at one time a successful rival on the hustings, but whose return was set aside by the Legislature in consequence of riot and other disreputable proceedings; which contest must have occasioned Mr Street much expense and mental anxiety. The address of this gentleman was characterized by much ingenuity, displayed an intimate knowledge with legal subtleties, and a thorough acquaintance with law. It took about an hour in its delivery.

The Charge of His Honor Judge PARKER occupied some time. He gave a lucid exposition of the Law of Libel, which, in our opinion, is anything but what it ought to be in those times of Reform, when the People are struggling to shake off the corruptions which have long existed in high places, and perpetuated by men in authority; and are endeavoring through the Press to break them down, and create in their stead a more wholesome state of things. He also recapitulated the principal points of the evidence on both sides.

The Jury after being out about two hours, returned into Court with a verdict for the Plaintiff: Damages—TEN POUNDS. The Damages were laid at ONE THOUSAND POUNDS.

The trial created considerable interest, and the verdict looked for with considerable anxiety. The subject still continues to occupy the attention of the public, and frequently leads to interesting discussions.

Thus has closed a matter that has caused us considerable anxiety, and in which was involved an important principle. We knew that the Law held us responsible for all matters arising out of anonymous communications, but we never imagined that the People, through the *Jury Box*, would hold us liable for the remarks of our advertisers. We even felt assured they would protect us, should they be ever called upon, from suffering pecuniary loss, for having allowed our columns to be made the medium of attack on public men—to correct public abuses—to expose the tricks and machinations of men in high places, who have by their selfish acts, and to build themselves up, curtailed the privileges and rights of the masses, and introduced measures, and established systems, melancholy to contemplate. Those things have caused considerable dissatisfaction, and tended much to create and foster that discontent which exists throughout the length and breadth of the land. So formidable has this feeling become, that His Honor the Judge thought it necessary to allude to it in his addresses to the Grand Juries in this and the Counties of Gloucester and Restigouche.

But the verdict of the Jury in this case, and the first test we have made of *Public Opinion*, shows us that we have entertained a very erroneous idea. As a Journalist we have always acted as public stewards. Our Press, we conceived, was public property, and to be made use of by that public to subserve their interests; we, of course, taking care that the parties assailed should be public men, or those who placed themselves in public positions, and that the names of their opponents should be forthcoming, if not published, and of such a character as entitled them to the privilege, and occupied such a position in society as would lead us to suppose that they were as able as ourselves, to meet the expenses of any prosecution that might be brought against them. So conscientious were we in this matter, that we have published on several occasions, from anonymous writers, articles reflecting on our character as Journalists, and containing charges, insinuations, and "inuendoes," of which we have heard so much during this trial (witness the last letter of *Fidus*), than we ever felt authorized to put forth to the world, in such a way, against any man. But the Law says the opinion entertained by us was an incorrect one, and the *Public*, through the *Jury Box*, have echoed the same sentiment. We are now corrected in an error we have entertained for very many years, and patiently bow to the decision. The Press, it appears, is *our own*, and we are to be held responsible for all matters contained in its pages, whether bearing the signatures of the writers or not. The information is dearly bought, and we shall govern ourselves accordingly.

Mr Williston has exultingly boasted, and on one particular occasion in the public street, to a party whose near connexion to us should have been a protection, and would have been to a gentleman or a man of any feeling, that *he would rain us*. Not that we had published

Mr. Hea's advertisement, but that we had allowed a correspondent under the signature of *Punch*, to criticise his acts as a Magistrate. Here was the gist of our offence. When he thus boasted, the *One Thousand Pounds*, we have no doubt, in his sanguine imagination, was within his grasp; but fortunately for us, there stood between his estimate of his own character and us, twelve men, who narrowed down the sum to a very small figure. The amount, certainly, is as little as any Jury could well give for damaging a character, but the costs will be considerable. The sum must be raised from our subscribers, but we look with confidence for a ready response to our call on them for help, and live in the expectation that it will be met with promptitude, and thus prevent the consummation of Mr Williston's hopes.

One thing we will tell him, and we have no doubt the information will be received with much gratification—that the result of this prosecution will tend materially to destroy our *independence and usefulness* as a Journalist.

Knowing that there exists considerable anxiety abroad, to ascertain the result of the trial, we have hurriedly given a brief synopsis of it. In our next paper, we shall publish a detailed report of the evidence, speeches, and charge of His Honor the Judge.

IMPORTANT CHANGES.—The following paragraph is copied from the *Novascotian* of Wednesday. The information it conveys is well worthy of consideration.

It is currently reported and generally believed that the Asia will not, on her return trip to England, touch at Halifax. And it is asserted that the New York Steamers of the Cunard line will for the future, proceed direct to that port—thus leaving Halifax out of that portion of the arrangement altogether. So that while all the West Indian Islands, and the Bermudas, are crying out at the injustice with which they have been treated by the British Government, in the remodeling of their Mail route, we of the North American Colonies are to be afforded an opportunity for using the onion also. To what good natured friend are we indebted for the change as far as we are concerned, it is not necessary to inquire. We know that when the home government consented to the increase of communication between the two continents, by the Company, at an immense addition to the allowance paid as a premium, there was a saving clause in the new contract which left the contractors at liberty to proceed direct to New York, at every alternate trip, when it should suit their convenience. And now, forsooth, when the Collins line of Steamships are proving themselves worthy of their antagonists, the loyal Province of Nova Scotia is to be robbed of what has been hitherto considered a legitimate right, merely to suit the pecuniary views of a few speculators. Be it so. But we very much question the prudence of the step at the present juncture in the affairs of British North America. It is from a repetition of acts such as these that England may possibly be called upon to mourn the loss of her fair domains in the Western World.

NOVASCOTIA.—The papers report that the Lord Bishop of this Province is lying dangerously ill.

COUNTY GLOUCESTER.—Launched—At the Ship Yard of Messrs. Ferguson, Rankin & Co., Bathurst, on the 6th September, a superior built Schooner, of 121 tons, constructed by Mr James Willis.

TO CORRESPONDENTS.—A. B.'s received. He complains of recent appointments in Gloucester County by the Government. He also makes severe strictures on certain parties for the part they have taken in the affair. If he favors us with his name, and gives a guarantee to protect us from any pecuniary loss we may sustain by its publication, we shall publish it, but not otherwise.

An article under the signature of *Consistency* has been received. The remarks above will also apply to this letter.

Tom Steamboat.—If the writer will erase the remarks on the conduct of certain Members of the Bench, for continuing to license the row boats, we shall publish it. If he will take the responsibility, the whole article shall appear.

The decision of the Jury in the recent Libel case, has compelled us to be thus cautious.

The Report of the Kent Agricultural Society, &c., will receive attention next week.

Also the proceedings of various meetings held in Gloucester, Restigouche, Newcastle, and Chatham, in connection with the New Brunswick Society for the encouragement of Agriculture, Home Manufactures, and Commerce.

IMPORTANT DECISION.—A case has recently been decided in the supreme court of the third judicial district of New York, that an action lies against a rail road company in favor of a church corporation for a nuisance in running cars and engines, ringing bells, blowing off steam, and making other noises in the neighborhood of a church or meeting house, on the Sabbath and during public worship, which so annoy and molest the congregation worshipping there, as greatly to depreciate the value of the house, and render it unfit for a place of public worship.—*Halifax Novascotian*.

Burial of John W. Webster.—The body of Professor Webster was dressed for the tomb, at the jail on Friday afternoon by John Peak, undertaker, and placed in a mahogany coffin. At about eight o'clock it was removed by the private entrance to Lowell street where a hearse was in waiting, and conveyed to his residence in Cambridge. Funeral service was then performed in presence of the family, and a few friends of the deceased, by Rev Dr Walker. The remains were then re-placed on the hearse, and without any funeral train, conveyed to Mount Auburn. There, alone in the silence and darkness of the night, at about 11 o'clock, the earthly remains of Professor John W. Webster were deposited in the family tomb.—*Boston Mail*.

Deaths.

In Chatham, on Saturday last, WILLIAM, infant son of Mr. William Yorston, aged one year.

Ship News.

PORT OF MIRAMICHI.

ENTERED, Sept. 9—schr Isabella, Cassidy, P. E. Island, ballast; brig. Ceres, Orr, P. E. Island, Gilmour Rankin & Co.
12—ship Lady Falkland, Smith, London, ballast, 30 days, Gilmour, Rankin & Co.
13—schr May Flower, Gerroir, St. Peters, ballast, master; Irish Lass, Cahil, P. E. Island, Fish.
14—schr Trial, Terrio, P. E. Island, ballast.
CLEARED, Sept 9—schr Isabella, Cassidy, Boston, fish; Ellen, Walsh, London, deals, Gilmour, Rankin & Co; Amagent, Nicholson, Newfoundland, lumber, do.
12—schr Seaflower, Currie, Halifax, fish and lumber, John Bagnal; bark Bolivar, Dunn, Belfast, deals, Gilmour, Rankin & Co.; schr Irish Lass, Cahil, P. E. Island, general cargo.
14—schr Trial, Terrio, P. E. Island, lumber.

PORT OF DALHOUSIE.

ENTERED, September 8, Prussian bark Hevelius, Girth, Halifax, ballast, A. Ritchie & Co.
11th, bark New York Packet, Farquharson, Liverpool, ballast, A. Ritchie & Co.

PORT OF RICHIBUCTO.

ENTERED, September 9, Prussian brig Heckermunde, Schwarz, New York, ballast, L. Des Brisay.
9th, Euphemia, Murchison, Pictou, coals, J. Creelman; Eagle, Veno, Pictou, ballast, J. W. Holderness.
12th, Sovereign, Hayden, P. E. Island, ballast, L. Des Brisay.
CLEARED, September 4, Jolly Tar, Bouchet, P. E. Island, deals, L. Des Brisay.
11th, brig Mecca, Hale, Penzance, timber and deals, James McPhelim.

PORT OF BATHURST.

ENTERED, August 29, brig Tusket, Stowe, Liverpool, goods, Ferguson, Rankin & Co.
September 4, schrs Brothers, McRae, P. E. Island, W. Dawson; Radius, Falconer, Boston, Sprague, Soule & Co.; Garland, Spearling, do., do.
5th, schr J. L. A., Jeune, New Carlisle, ballast, Ferguson, Rankin & Co.
9th, schr Emma, Savord, Quebec, furniture, W. Waterson.
11th, ship Abeona, Miles, London, ballast, Ferguson, Rankin & Co.
12th, brig Grace, Fearon, Sullivan, U. S., ballast, Ferguson, Rankin & Co.; bark Henry Hood, McArthur, Glasgow, goods, do.
CLEARED, August 30, bark Actæon, Hull, deals, Ferguson, Rankin & Co.
31st, bark Ann Rankin, Hull, deals, Ferguson, Rankin & Co.; brig Ariel, Newfoundland, lumber, do.
September 5, schr Radius, New York, grindstones, Sprague, Soule & Co.; Garland, Boston, do. do.
9th, schr J. L. A., Boston, lumber, Ferguson, Rankin & Co.
11, schr Emma, New Carlisle, fish, master.

AUCTIONS.

To be Sold at Public Auction, on Union Wharf, Chatham, on THURSDAY, the 19th instant, at 11 o'clock, A. M., the

Hull and Materials

Of the Brig "LIDDELL," 328 tons, British built, as she now lies wrecked about three miles North of Point Escuminac. Also,

The CARGO.

Consisting of Timber and Deals. Sold for the benefit of the Underwriters and all concerned. Terms at Sale.

W. M. SALTER, Auctioneer.
Saturday, 14th July, 1850.