



HALIFAX, NOVA-SCOTIA:—PUBLISHED BY WILLIAM MINNS, BARRINGTON STREET, OPPOSITE THE SOUTH-EAST CORNER OF THE DALHOUSIE COLLEGE.

A List of the Ships from Great Britain, employed in the Greenland and Davis's Straits Whale Fisheries, in the Year 1823.

GREENLAND.				DAVIS'S STRAITS.			
Ships' Names.	Tonnage	No. of Fish.	Supposed quantity of Oil.	Ships' Names.	Tonnage	No. of Fish.	Supposed quantity of Oil.
<b>LONDON.</b>				<b>LONDON.</b>			
Margaret, Kay.....	351			Neptune, Ansley.....	291		
<b>HULL.</b>				<b>HULL.</b>			
Cicero, Lee.....	325			Albion, Humphrey.....	321	16	
Cyrus, Welburn.....	346			Abram, Conzens.....	306	14	
Duncombe, Coldray.....	270			Andrew Marvel, Orton..	377	11	
Dordon, Thomas.....	285			Ariel, Hurst.....	340	14	
Everthorp, Ash.....	349			Brimswick, Blyth.....	357	36	Full.
Elizabeth, Rhoades.....	321			Cato, Kitchingman.....	305		
Eagle, Brewis.....	289			Cumbrian, Johnson.....	274	8	70
Exmouth, Thompson.....	321			Comet, Brass.....	303	8	
Fame, Scoresby, sen.....	377			Duncombe.....		14	
Jane, Maddison.....	359			Ellison, Johnson.....	357	11	
Kiero, Colquhoun.....	358			Gilder, Bruce.....	360		
Laurel, Donnat.....	321			Harmony, Sawyer.....	300		
Mercury, Jackson.....	346			Jane.....		6	
Manchester, Lankester.....	285			Ingria, McIntosh.....	316	9	
Neptune, Munro.....	356			Lee, Forster.....	363		
North Briton, Allan.....	262			Mary Frances, Wilkison..	385		
Perseverance, Turnbull..	251			Progress, Manger.....	307	12	
Rachael & Ann, Newham..	223			Trafalgar, Lloyd.....	330		
Swan, Dring.....	320			William, Hawkins.....	350	12	
Unity, Short.....	273			Zephyr, Unthank.....	342	18	150
Venerable, Bennett.....	328			<b>WHITBY.</b>			
Walker, Harrison.....	335			James, Quickfall.....	346	9	
William Torr, Dammatt.....	281			Phoenix, Halliwell.....	324	14	
<b>WHITBY.</b>				William & Ann, Terry...	362	10	
Aimwell, Johnson.....	265			<b>NEWCASTLE.</b>			
Esk, Dunbar.....	354			Cove, Palmer.....	373	15	
Harmony, Thompson.....	364			Greenville Bay, Wareham	340		200
Lively, Baxter.....	251			Lady Jane, Fleming.....	390	12	
Resolution, Kearsley.....	291			<b>BERWICK.</b>			
Valiant, Agar.....	230			Norfolk, Cleghorn.....	310		
Volunteer, Craig.....	305			<b>LEITH.</b>			
<b>BERWICK.</b>				Home Castle, Wallace....	311	16	
Lively, Bell.....	233			North Pole, Marr.....	314	14	
<b>LEITH.</b>				Rattler, Stoddart.....	349		
Juno, Lyall.....	356			Success, Thomson.....	305		
<b>MONTROSE.</b>				William & Ann, Wake....	364	10	
Spencer, Keith.....	340			<b>KIRKALDY.</b>			
<b>ABERDEEN.</b>				Caledonia, Oliphant.....	375	12	
Dee, Denison.....	319			Earl Percy, Davidson....	319		
Hercules, Fairebourne....	248			Rambler, Thoms.....	282	14	
Jane, Bruce.....	280			Triad, Liston.....	287	8	
Neptune, Armstrong.....	282			<b>DUNDEE.</b>			
St. Andrew, Newton.....	313			Advice, Webster.....	324	15	130
<b>PETERHEAD.</b>				Achilles, Valentine.....	367	28	
Alert, Penny.....	314			Dorothy, Deuchars.....	369		
Eclipse, Sutter.....	287			Estridge, Denchairs.....	312	14	
Gleaner, Shand.....	262			Fairy, Thoms.....	247	10	
Hope Robertson.....	242			Friendship, Ireland.....	304		
Jean, Stafford.....	255			Horn, Jeffers.....	368	22	
Mary, Thom.....	157			Princess Charlotte, Adam-		12	
Perseverance, Simpson....	240			son.....	357		
Union, Mackie.....	224			Thomas, Thoms.....	356	20	
<b>GREENOCK.</b>				Three Brothers, Foreman..	339	10	
John, Jackson.....	316			<b>MONTROSE.</b>			
<b>LIVERPOOL.</b>				Eliza Swan, Birnie.....	306		
Baffin, Scoresby, jun.....	321			London, Burn.....	345		
<b>KIRKWALL.</b>				Monarch, Young.....	311		
Ellen, Spence.....	279			<b>ABERDEEN.</b>			
<b>PETERHEAD.</b>				Alexander, Picket.....	282	8	Full.
Alpheus, Duncan.....	260	10		Bon Accord, Paiker.....	363		
Active, Gray.....	311			Don, Brown.....	333	5	
Dexterity, Robertson....	321	18		Henrietta, Small.....	251		
Hannibal, Robertson....	315	16		Lætitia, Clark.....	318		
Resolution, Philip.....	400	15		Middleton, Reed.....	329		
Superior, Manson.....	306	9		Middleton, Cargill.....	294		
Traveller, Hutchison.....	400	5		Princess of Wales, White	308		
<b>KIRKWALL.</b>				Ythan, Craigie.....	264	10	100

Ships to Greenland 49—Ships to Davis's Straits 63.

The produce of the Ships to Greenland is estimated at from 3,800 to 4,000 Tons, the Davis's Straits Ships, perhaps, 10,000 Tons.

### I. MANSFIELD & SON,

HAVE received from LONDON, LIVERPOOL, and GREENOCK, their usual supply of FALL GOODS; consisting of superfine, second and common Cloths; Flushings; swansdown Vestings; rose and point blankets; Flannels; Bombazets; Camblet for gentlemen's Cloaks; printed Cottons; Homespun; Checks, Irish linens; Cambric, book and jaconet Muslins; Imitation Cambric; Cotton and Linen Bedtick; Candlewick; Duck, Osnaburgh, Brown Hollands; a variety of Shawls and Hdks, good East India INDIGO. &c.

They have also on hand, Boxes Tin, Sheet Iron, Iron and brass Wire; a variety of SLOP CLOTHING; with many other articles which they offer for sale at a small advance. Oct. 3.

### William Foster,

INFORMS the Public, that he has removed from Messrs. Collins & Allison's Wharf, to that central situation, long known as Creighton's corner,

Where he offers for sale, Bar, Bolt & Square IRON, Shear Moulds, and Plough Plate, & Rod IRON; Steel, Cast Iron Backs, Hinges, &c.

### All kinds of Blacksmith Work

at the shortest notice.

—ALSO—

A few Kits Salmon Spiced and Soured. Jan., 1824.

### LAW INTELLIGENCE.

#### LIBEL ON THE KING.

COURT OF KING'S BENCH, Nov. 8.

THE KING V. HARVEY AND CHAPMAN.—The Common Sergeant, on behalf of the defendant Chapman, moved for a rule to show cause why the verdict of guilty should not be set aside, and a new trial had. This was an information filed by his Majesty's Attorney General for a libel on the King, in the *Sunday Times* and was tried before the Lord Chief Justice, at Guildhall, when the Jury, after a deliberation of five hours, and after coming into Court with a question to the Judge, found the defendants guilty, but accompanied their verdict by a recommendation to mercy. He now moved for a new trial, on the ground that the Lord Chief Justice had misdirected the Jury in point of law.

The Lord Chief Justice.—Do you mean in my original charge, or in my answer to the question put by the Jury?

The Common Sergeant replied, that he intended to argue that there was misdirection on both occasions. In his original charge, the Lord Chief Justice stated, that "to publish falsely of the King, or of any other person, that he was afflicted with mental derangement was a criminal act;" and that in this case the falsehood of the assertion was admitted. Now the doctrine contained in this opinion was evidently too broad; because there were many instances in which it might be a duty in one person to communicate to another his belief that an individual was insane; as, if a man knew that a friend were about to marry into a family where the disease was supposed to exist; and even if the informant were mistaken in the fact, still if he made his communication *bona fide*, he could not be regarded as criminal. In this instance, no witnesses were called for the defence, but a line of argument was presented to the Jury to induce them to conclude that the statement in the alleged libel was false from commendable motives, and with a sincere conviction of its truth. After the Jury had been absent from Court above two hours, they returned, and asked whether a malicious intent was not necessary to constitute libel; to which his Lordship returned no direct answer, but replied, that when a man published a paper tending to produce certain results, they might infer that he intended to produce those results, unless the contrary were proved, and the *onus* of proving the contrary lay on the defendant.

The Lord Chief Justice expressed a doubt whether his expressions had been accurately reported; as he thought that he began by laying down a more general proposition, and afterwards made the particular application to the case.

The Common Sergeant replied, that he thought his note was accurate, as it was taken immediately after the expressions were used, and was confirmed by other accounts which he had seen. Application had been made at the Crown-office for the short-hand writer's notes, but they had been refused; and therefore he could only rely on his own. Now he submitted that the Lord Chief Justice was wrong in representing a malicious intent as a presumption of law necessarily deducible from the tendency of a writing, when it was a question of fact for the Jury to decide on all the circumstances before them. Undoubtedly, it was not necessary to have extrinsic proof of malice; the intention might be inferred from the tenour of the writing itself; but it was clear the Jury did not think it necessarily deducible from the writing, or their question would have been palpably superfluous.

Mr. Justice Bayley.—Are you not wrong when you assert that malice is not a presumption of law? On the contrary, the law often presumes it from the tendency of a man's actions. Thus, in a prosecution under 43 Geo. III. for setting fire to a mill, where it was shown that the prisoner was a man of infirm though not of insane mind, the jury found him guilty of setting fire to the mill, but expressed a doubt whether they ought not to have evidence of a malicious intent beyond that supplied by the act itself, to satisfy the terms of the statute. The point was accordingly reserved for the opinion of the Judges; but they thought it too plain for argument, and unanimously held the conviction right.

The Common Sergeant said, that he was far from disputing the law of that case, because there the act was unequivocal in itself, and could only spring from the motive imputed. He did not mean to assert that collateral proof of malice was ever requisite; but that the ex-

istence or non-existence of that necessary ingredient in guilt was a question in every case for the Jury.

Mr. Justice Bayley.—When a man is tried for uttering a forged note, the intent laid is to "defraud the Governor and Company of the Bank of England;" not because the offender intended to defraud the Bank, about which he knew and cared nothing; but because the natural tendency of his act is to defraud the Bank.

The Common Sergeant replied, that in such cases there was almost always a count inserted, laying the intent to defraud the party to whom the note was paid; otherwise he should greatly doubt whether a man who had clearly no idea of defrauding the Bank could be convicted.

Mr. Justice Best.—If a man, arrested by a police officer, turns on him and shoots him through the head, there is no malice in the ordinary sense of the term; no previous ill will; and yet he is charged with murder, "of his malice aforethought," and executed.

The Common Sergeant proceeded to object to that part of the answer given to the jury, in which it was said that the "onus of disproving the inference of malice lay on the defendant," from which he contended they would naturally infer that he must call witnesses to prove the circumstances under which he published, and could not rely on mere observations and reasoning.

Mr. Justice Bayley asked whether any evidence was given to justify the expression, "It is from authority we speak?"

The Common Sergeant replied, that there certainly was no evidence given, but that he had argued that the words were not to be taken in any official meaning, but that, fairly construed, they implied no more than that the journalist received his intelligence from some one on whom he could rely. The existence of rumours was admitted, though they were also admitted to be groundless; and it was contended, that, considering the circumstances, an editor had a right *bona fide* to bring them before the public. Here, then, the Jury were first told that the bare falsely imputing to a man insanity was criminal, without any qualification as to malicious design; and when they returned and asked if they must not find malice, they were not answered in the direct manner which they were entitled to expect, but they were told that they must infer malice from the act of publication, unless the contrary was shown. That they had doubts whether malice was fairly deducible from the passage itself, was clear from their long deliberations; they were misled both by the original charge and the reply to their question; and thus the defendants were deprived of their fair chance of acquittal.

Mr. Brougham rose to make a similar motion on behalf of Mr. Harvey. He considered the objection to the charge and reply of the Lord Chief Justice as resolving themselves into three:—first, his use of the word "false" in his charge; second, his omission to answer the question of the Jury in direct terms; and third, the explanation he substituted for such answer. His Lordship told the Jury, that "falsely to assert of any man that he was insane, was criminal;" and then added, that "the counsel for the defendant had admitted that the assertion was false." Now the counsel for the defendant had made no such admission; they had, indeed, admitted that the statement was untrue; but their whole reasoning was directed to show that it was not false—that was, wilfully false. Now there was a wide difference between falsehood and untruth, as every one knew, in common parlance, the former might be innocent; the latter was always guilty, and usually expressed by a shorter term. (A laugh.) A man might assert what he believed to be true, and which turned out to be untrue; or he might assert that of which he had no knowledge, and yet might not be guilty of falsehood in its worst legal acceptation, as was proved by the case of *Haycroft v. Creasy*, where an untrue representation of matters which the party did not know, was held not to constitute ground of action. The use of this equivocal word, then was calculated (though not intended) to mislead the Jury, especially when accompanied by the rest of the charge. Again, why was not their question met with a direct answer? They asked, "Must we not find a malicious motive?" The plain answer to which was, "Yes;" for malice was the gist of the charge; and yet that answer was not given. Instead of that plain reply, they were again misled by the direction that they might infer malice from tendency, unless the defendants proved its absence; because they would naturally construe the word "prove" as applicable only to evidence, and not to comment and reasoning; and thus they might think the defendants had done nothing,