

Another equally melancholy casualty occurred to a child named **BERTY CHAMBERS**, aged 4 years and 2 months, whose parents reside in Church street. On Saturday last, being left alone in the room, her clothes caught fire, and she was, in consequence, so dreadfully burned, that she died on Tuesday morning.

INQUEST.—Yesterday, a Coroner's Inquest was held on view of the body of **JOHN KILLAN**, Private, in the Rifle Brigade. Verdict, *perished by the severity of the cold.*

Melancholy Accident.—On Monday night last, about ten o'clock, **CHARLES KIRK**, Jr., aged 25, son of Mr. Charles Kirk, of this City, was unfortunately drowned, by falling between the wharf of N. Marritt, Esq., and the Brig *George*.—The manner in which the accident happened we learn to be, that in attempting to go on board the pilot boat *Teaser*, which he belonged to, and which lay outside of the George, he had first to go on board the brig, and then to jump from the deck of the brig, he grasped the warp or spring, intending to throw his feet from the wharf to the side of the brig, which, however, he failed in doing; and after holding on for a short time, lost his hold, fell into the water, and sunk almost immediately. Two other young men in company, had been on board the boat, who were prompt in rendering assistance as soon as the danger was known, but to no purpose.—The body was found on Tuesday morning, and a Coroner's Inquest held thereon. Verdict.—Accidentally drowned in attempting to get on board the Brig *George*.—Obs.

From the City Gazette.

LIBEL CASE.—On Friday last, commenced the long expected trial of the *King*, vs. *John Hooper*, Editor of the British Colonial News Paper, and *Thomas Gardiner*, of Fredericton, for maliciously composing and publishing a Libel in January last, against the Judges, Lawyers, Sheriffs, and Clerks of the Courts in this Province.

This trial, in which some persons supposed the Liberty of the Press to be involved, excited intense interest, and the Court House was exceedingly crowded with anxious spectators.

The case for the Prosecution was opened by the Attorney General. After addressing some general observations on the subject to the Jury, he read the information, and also a number of authorities explanatory of the Law of Libel. He maintained the Constitutionality of the *ex officio* mode of prosecution by information, and defined the Liberty of the Press as established in Great Britain, and in all other free Countries, to be an absence of censorship, and a liberty to publish whatever the Printer might think proper; but he is liable and accountable for the consequences, if any individual, or the public be defamed or injured thereby. He dwelt at length upon the defamatory nature and injurious tendency of the libellous article.

Mr. Hooper acknowledged the publication, pleaded his own defence, and read the defence, which occupied considerable time. The principal grounds of his defence were, the Liberty of the Press, that his Press was independent and unshackled, that the article was sent to his publication, that he considered it to be his duty to publish it, that he had no malice, and that he would also have published any article which might be sent him in reply thereto. He considered himself not so much standing on his own defence, as in the defence of the Liberty of the Press, involving also the liberty and right of the subject, which he said would stand or fall with this decision, and he urged upon the Jury, that generations yet unborn would either curse or bless the decision upon this case. He decided, according to the decision made by him. He adverted to, and dwelt upon the recent revolutions in France and Belgium, as evidences to prove the great moral power and beneficial effects produced by the Press, and entreated the Jurors, not to allow by their verdict, the Liberty of the Press to be invaded. He complained of the harshness and severity of his case in consequence of the *ex officio* proceedings against him, considering himself as a victim, to be impossible sacrificed for the cause of free discussion, strongly asserted his firm and undoubted loyalty to his country, and his independent principles, and being satisfied that he could not be found guilty of malice in the publication, he threw himself with confidence upon a Jury of his country.

The Solicitor General, who closed on the part of the prosecution, replied to several parts of Mr. Hooper's defence, particularly maintaining the constitutionality of the proceeding by *ex officio* information. He stated himself not to be behind any other person whatever, in his high opinion of the great importance and value of the Press, ascribing to it, as a medium of communication, the improvements which have taken place in literature, arts, sciences, civilization, and the general diffusion of knowledge, and especially knowledge of the most important kind, a knowledge of the Holy Scriptures, which contain the rule of our faith and practice. But the Press, he said, though a powerful instrument of the most extensive good, when under proper conduct and management, yet was also a powerful instrument of evil, when under improper direction and control. The infidel and demoralizing principles of Hume, Voltaire, and Paine, have been widely disseminated thereby, and if it be allowed to degenerate to licentiousness, the social fabric may be shaken, and incalculable evils will be produced. He also defined the Liberty of the Press to be a freedom from censorship, a liberty to publish whatever the printer may think proper, but an accountability for the consequences after publication. Liberty of person and of property, consists in having the unrestrained use and enjoyment of these in such manner, that no other person or persons shall be molested nor suffer wrong. Printing is a mechanical art, and a printing establishment, the same as any other species of property, may be used in any manner the possessor pleases, so long as no injury is done to any other person or to the public; but when it becomes a means of scandal or injury to others, the law will interpose, call the Printer to account and punish him. Were this not the case, the Press would be above all laws, and consequently would be inconsistent with the British Constitution, which declares the law to be supreme. The publication in question was gross and scandalous libel, the malice was inferred from the terms in which it was expressed, it had a tendency to bring contempt and obliquity upon the Jurisprudence of the Country, and to destroy all confidence in the administration of justice. And if the Judges, Lawyers, Sheriffs, and Clerks, were the unjust, rapacious and cruel persons this article represented them to be, the Executive also must be in fault; as it was impossible that such abuses as were alleged could exist without his knowledge and connivance. The publication in question was therefore, not only a gross libel upon the Judges and other officers of the Courts, but also upon the Government of the Province.

Judge CHAPMAN, who presided, charged the Jury in a most cool and dispassionate manner, and as far as we have yet heard, greatly to the satisfaction of all present. He stated himself to be a warm admirer and a cordial friend to the legitimate liberty of the Press. He dwelt largely upon the benefits it has produced to mankind and also declared upon the evils it will inevitably produce if become licentious. He defined the Liberty of the Press which he called the *Liberty of British Liberty* the same as had previously been defined by the Attorney General and the Solicitor General. He said it was competent for the conductor of a public journal or any other person, freely to discuss the decision of any of the Judges, and to remark upon the reasons upon which such decision was founded; but this should be done in a temperate and respectful manner. By this means errors if there were any, might be corrected, the remarks were made would be benefited. Such remarks would tend to the improvement of our institutions.

He supported the constitutionality of the mode of proceeding by information, it being a part of the common Law of England, and being handed down from time immemorial. He said he was bound by the Law quoted by the defendant, to state to the Jurors, his own opinion of the case before them, and he would do so, his opinion being that the publication in question was a gross and scandalous libel, the malice was inferred from the terms in which it was expressed, it had a tendency to bring contempt and obliquity upon the Jurisprudence of the Country, and to destroy all confidence in the administration of justice. And if the Judges, Lawyers, Sheriffs, and Clerks, were the unjust, rapacious and cruel persons this article represented them to be, the Executive also must be in fault; as it was impossible that such abuses as were alleged could exist without his knowledge and connivance. The publication in question was therefore, not only a gross libel upon the Judges and other officers of the Courts, but also upon the Government of the Province.

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publication in question was not calculated to produce reform, not a single fact was stated, it was a general, indiscriminate, sweeping calumny against the whole Jurisprudence of the Country, and therefore could not possibly do any good, its only tendency was to bring into contempt the tribunals of the country, and to weaken confidence in the administration of justice. It however, he said, belonged to the Jury to decide, they were the sole judges of the whole case as it stood before them, and he charged them to find such a verdict as would satisfy their own consciences.

The trial occupied the Court from ten to three o'clock, at which hour the Petit Jury retired. The Jury continued out all night, and about twelve o'clock on Saturday, as we are informed, they stated to the Court, that they could not possibly agree upon a verdict, with regard to Hooper, two of them finding him guilty of maliciously publishing as charged in the information, and ten of them finding him not guilty, but not with malice. Upon which the Court, to relieve the Jurors from further attendance, received their verdict of guilty of maliciously composing the libel, against Thomas Gardiner, and the Attorney General entered a Noli Prosequi, in the case of Hooper.

In the course of the trial it appeared, that Gardiner had stated to one of the witnesses for the prosecution, that the original composer and writer of the libellous article, was William L. Layton of Richibucto, and that he, Gardiner, had copied the article and sent it to the Colonist. Officer of publication, and that he had burned Layton's manuscript.

—OBS—

OCEANIC DANGERS.—Rocks, shoals, banks, broken water, &c. are from time to time, fortuitously discovered, even in those parts of the sea much frequented, and the existence of others, which have been long reported as existing, is still doubtful, or, perhaps, it would be more correct to say, that their true positions are not correctly known. Several instances may be given, but these are already well known: the coral shoal, about nine miles off shore on the southeast side of Jamaica, was unknown until the Barbadoes frigate sailed upon the pointed tops of the rocks, which were distinctly seen. Had not this shoal been verified since, the sceptical navigator would have attributed the shock received by the ship to her having struck a sleeping whale; this circumstance may serve to show the difficulty of finding a small isolated spot in the ocean. A sand bank above water has been recently discovered, and soundings obtained in twenty fathom water, in a position, I am sure, that must astonish all the old cruizers of the Halifax station: that is, between Bermuda and the former! If the account be not altogether fabricated, (and there is no reason to think so, except from the circumstance being most extraordinary,) how many thousand, during the shades of night, have, perhaps, passed within a few fathoms of this treacherous danger of the ocean, wrapped in deep security! Another danger has been seen between Bermuda and Cape Hatteras, (in 1824,) and called Ashton Rock; and I was in the frigate myself, which discovered a submarine bank, north of the Florida Strait, and distant nearly 70 miles east of the coast of Florida, until then unknown, although lying in the track passed annually by our fleets, and, for centuries, by single ships of all nations. The rock now, I believe, named the *Dreadnaught*, off Cape St. Vincent, was reported years ago, and, although struck upon by ships, and even touched by the hand from a boat, the true position of it appears not to be known to this day! and it was long considered doubtful, and omitted in the charts accordingly. The loss of the brig *Briton*, in 1821, by striking upon it, as well as other instances, has fully established its existence. This event confirms the opinion of an old and intelligent seaman, who says, "I am convinced we too often treat doubtful dangers, in charts, with indifference, because they are not always seen by those who look for them; may it not be the case that ships sometimes are wrecked on them and never heard of?"

—United Service Journal.

NOTICES.

To-morrow (Sunday) Evening, a Sermon on the subject of *Temperance*, will be delivered by the Rev. Mr. ASHLEY, in the Asylum Chapel, King's Square. The sittings free for the evening. The service will commence at six o'clock.

In order not to interfere with the above, the Rev. Dr. PURVIS will postpone his Lecture intended for To-morrow evening, till the following Sunday.

On Monday evening next, at 7 o'clock, a General Meeting of the Temperance Society will take place at the Music Hall. The Public are respectfully invited to attend.

Persons who are favorably disposed towards the formation of a Company for effecting Insurance against Fire, to be located in this City, are hereby respectfully requested to attend a Public Meeting at the Exchange Coffee-House, at one o'clock on MONDAY next the 24th inst. for the purpose of adopting means to carry the same into effect.

Subscribers for defraying the expense of a Reporter in the House of Assembly, at the approaching Session, are requested to meet at the Exchange Coffee-House on Tuesday evening next the 25th instant, at seven o'clock.

MARRIED.

At Georgetown, on the 12th instant, by the Rev. Samuel R. Clarke, Mr. WILLIAM THORN, to Miss M. BLIZARD, both of that place.

DIED.

In this City, on Sunday night, ELIZABETH, eldest daughter of Mr. Samuel Crawford, aged 4 years and 11 months.

At Hampton, on the 12th inst. after a lingering illness, which she bore with patience and resignation, JANE, wife of Mr. Wm. Tweedale, schoolmaster, aged 49 years. She was left a husband and five children to lament her loss.

At Chatham, (Miramichi,) on the 9th instant, after a long and painful illness, Mr. WILLIAM JONES, Apollonia, aged 35 years.

MARINE JOURNAL.

PORT OF SAINT JOHN—ARRIVED, Thursday, 2nd. *Eliza*, 24days, 2 days—Isaac Keelcham, assorted cargo.

Ship William Pitt, Ogilvie, Liverpool, timber. Mary, Armstrong, Liverpool, timber. Barge Joanna, Kerr, Liverpool, timber. Brig Eliza, Kerr, Cork, timber.

Frederick Keeling, St. John's, Liverpool, timber. Elizabeth, McLean, St. John's, assorted cargo.

LOST.

ON Tuesday evening last, a pair of Silver mounted SPECTACLES. The finder will be handsomely rewarded on leaving them this Office.

January 22, 1831.

MRS. COOK.

RETURNS her best thanks for the very liberal support she has received from her friends and the public, since her commencement in business in St. John. She is, by this means, enabled to keep her Table and every other comfort for the accommodation of either transient or permanent Boarders, equal to any in the Country.

Mrs. C. has also lately fitted up a convenient and comfortable STABLE, where the best attention will be paid to horses.

Price William street, 1st Jan. 1831.

GANNET ROCK LIGHT-HOUSE.

TENDERS will be received until SATURDAY the 25th instant, from Persons desirous to Contract to make a LANTERN for the Light House to be built on Gannet Rock, near Grand Manan, and to put up and Glaze the same, and fit the Lamp in every respect for use, the whole to be completed on or before the first day of September next.

Separate Tenders will also be received for a FOUNTAIN LAMP, to contain 3 Gallons of Oil, with 12 Lights and Burners, to be completed on or before the 10th day of August next.

Persons wishing to Contract for the Lantern or Lamp, will receive a particular description of either, or both of them, from THOMAS BARLOW, or JOHN WARD, Jun. Esquires, who will receive Tenders therefor.

THOMAS BARLOW, JOHN WARD, JUN. ROBERT W. CROOKSHANK, ALLEN OTTY, CHARLES SIMONDS, Commissioners for Light Houses in the Bay of Fundy.

January 22, 1831.

FOR SALE.

A VERY neat London built CARRIAGE, in excellent order, with or without a double set of new Brass Mounted HARNESS; a light double SLEIGH, with Skins, &c. complete, adapted for one or two Horses, with or without Harness, and a very good WAGON, with both Shafts and Pole, so as to be used for one or two Horses. Also, a thorough bred English SEALION, in fine condition, seven years old.—The property of a Gentleman about to leave the Province. For further particulars inquire at this Office. St. John, January 22, 1831.

CIDER.

20 BARRELS of excellent Nova-Scotia CIDER, may be had cheap if applied for immediately.

ALEXANDER YEATS, Market-Square.

AT PRIVATE SALE.

6 SHARES of the Capital Stock of the "St. John Marine Insurance Company." 1 Trunk fashionable London Millinery; 2 Cases Brandies; 1 Irish Pork; 1 Tea; 1 Candles; 1 Corned Beef; 1 Biscuits; 1 Dinner Sets, complete; 1 Stoves; 1 Anchors, Chain Cables, &c. &c. JOHN V. THURGAR, January 15.

TEAS.

PURCHASERS of TEAS have now the opportunity of obtaining a good and cheap article. Also, sweet Vegetable Oil for Lamps.

DEALS.—Persons disposed to Contract for the delivery of DEALS by the 15th or 25th of April next, will please apply to JOHN HAMMOND.

St. John, January 15, 1831.

ON HAND, and for Sale.

25 PUNCHONS Windward Island and Jamaica RUM, 10 Punchons Molasses and 20 barrels Sugar, 250 Bbls. superfine Flour; 50 ditto Rye ditto, 100 ditto Indian Meal; 50 ditto Navy Bread, 15 Barrels Rice; 20 dozen Brooms, 100 Barrels Irish Moss Pork, 50 do. & 15 Pounds Beef; 14 cwt. Irish Bacon, 50 cwt. New-Brumwick Oatmeal, 30 Bags ditto common and Pearl Barley, 50 Firkins Butter; 100 Kibbles Salmon, 50 Bags & Bbls. East India and Jamaica Coffee, 50 Boxes Soap and Candles, 20 Crates assorted Earthenware, 15 Casks do. Glassware, 400 Boxes do. Crown Glass, 250 Bbls. bleached and unbleached Canvas, 50 Casks assorted Gordage, 200 Casks fine wrought Nails; 100 do. Cut do, 100 ditto Green and assorted ditto, 3 Casks and 40 Jars Baled Linseed Oil, 25 Bags Corks; 100 dozen Woollen Socks, 10 Chests Tea; 1 chest Indigo, Assorted Bar Iron and Copper, Best Madeira and Sherry Wines, 3 Bales assorted Slops, 200 Reams assorted Writing Paper, 100 Assorted Blank Books, 40 Kegs and 25 Bladders Putty, 30 Barrels Day & Martin's Blacking, 25 Pieces Carpeting, and 50 Hearth Rugs.

ALSO.

Lamp Black in barrels; Ivory Black in bbls.; Whiting in do.; Red Ochre in do.; bbls. Yellow Ochre; casks of Glue; Powder of Litharge; Red Lead; Orange Red; English Umber; Ground Point; Brushes and Sash Tools; patent Floor Cloth and Painted Bails; Table Mats & Dollys; Kegs of Mustard; Ginger; bags Potatoes; Cornmeal; Rose and Point Blankets; 300 pair of Flannel Drawers—with a further assortment of British DRY GOODS, too numerous to detail.

All of which are offered at as reasonable rates and terms of payment as possible. J. & H. KINNEAR.

FLOUR, BREAD, &c.

The Subscriber has received per Brig George, from New-York—

200 B BLS. Best Western Superfine Flour, 100 ditto ditto Fine ditto, 100 ditto ditto Navy BREAD, 100 Hogsheads TOBACCO, 50 Barrels PITCH and TAR, 50 Barrels Newtown Pippin APPLES, 20 M. (New-York inspection) Red Oak Hogshead STAVES.

ALSO, IN STORE.

100 Puns. high proof Jamaica & Demerara RUM, 20 Bags COFFEE, Which will be sold low for satisfactory payments. N. MERRITT, St. John, 15th January, 1831.

PORK AND BEEF.

JUST received—A few Barrels of Nova-Scotia and Irish PORK; do. do. BEEF—All of excellent quality, and for sale at very low prices, per Jan. 15. E. DEW. RATCHFORD.

NOTICE.

THE Subscriber hereby gives Notice, that he has revoked and countermanded the Power of Attorney given by him to Mr. WALKER TISDALE, on the 25th day of April, 1827; and that in future his business will be managed by himself—no other person having any general authority to receive or pay monies on his account. St. John, Dec. 1, 1830. JAMES CUDLIP.

PORK, HARDWARE, &c.

Received per Lord of the Isles, and Pacific, from Liverpool, and for sale by the Subscribers:—

30 B BLS. IRISH PORK, 4 Cases HATS, assorted, 3 Tons cast Iron POTS and BAKE PANS, 5 Crates of Successors and Tea Kettles, 7 Dozen small handled FRYING PANS, 2 Casks PILES, assorted, 5 Casks HARDWARE, assorted, 150 Casks Cut NAILS, 2 Chain CABLES, 2 Crates EARTHENWARE, &c. &c. WILLIAM STOKES & Co. 1st January, 1831.—65 Nelson-street.

RUM AND MOLASSES.

Just landing from on board the brig ROSEAU, from Dominica—

50 PUNS. fine flavored RUM; 5 do. choice retailing Molasses, For sale very low by JOHN V. THURGAR, December 18.

PORK, &c. &c.

Per the Pacific and William Booth, received for sale—

100 BLS. PRIME MESS PORK, 14 Hundred Weight BACON, 25 do. do. DYE CANDLES, 2 Hogsheads WHISKY, 64 Casks assorted NAILS, 50 Boxes Liverpool SOAP. Jan. 1, 1831.—47 J. & H. KINNEAR.

AUCTION SALES.

On MONDAY next, at 11 o'clock, will be sold by JOHN KERR, at his Auction Room:—

A CASE containing 25 Pieces of IRISH LINENS—some very fine; 50 Barrels RYE FLOUR; 50 Cases RAISINS; Bbls. BARLEY; 2 Crates well assorted EARTHENWARE; 40 Bundles COTTON WARP, Liquid and Paste BLACKING; 5 Pieces CHECKS; A case Gentlemen's HATS, And a variety of other GOODS—Without Reserve. January 22.

VALUABLE REAL ESTATE, BY AUCTION.

On MONDAY the 31st day of January instant, at 12 o'clock, will be offered at the Auction Room of the Subscriber—

The following valuable PROPERTIES, situate in the City of St. John, belonging to the Estate of the late JOHN L. VICKERS, Esq. viz:—

1. A HOUSE pleasantly situated, Dwelling HOUSE and extensive Yard attached to it, in Prince William-street, at present in the occupation of Mr. Alexander Mc-Groarty.

2. The valuable CORNER LOT OF LAND, fronting on Prince William and Duke-streets, commencing 5 feet South from the above described Dwelling House, with an excellent Stable on the premises.

3. These extensive WAREHOUSES and Premises situate at the corner of Saint John and Duke-stre