in behalf of the army, and calls for contributions to clothe the soldiers for the coming winter. He says that the quartermaster's department will fall short of providing for them, owing to speculation and extortion.

The Lynchburg *Republican* says that there is a general stampede from Culpepper throughout the country, owing to anticipated early advance of the Yankees in that direction. Having once suffered from the Federals they are unwilling again to undergo like treatment.

The Richmond *Whig* of Oct. 22 says: "A letter from the Mayor of Wilmington, N.C., says that for the first time in many weary days, the reports of new cases of fever show falling off, and we now entertain the hope that we have at last reached the worst."

Advices from Texas state that the "steamer Gen. Rusk has arrived at a Southern port, with an immense amount of powder and other articles." This was the "English" steamer Blanche, lately destroyed on the coast of Cuba.

THE ATTACK ON THE CHARLESTON AND SAVANNAH R. R.

The Boston papers contain full particulars of the attack upon the Charleston and Savannah R. R. by the Federals, and claim it as substantially a victory. They acknowledge, however, that they suffered a very large loss, and did not achieve their object. We take the following *resume* from the Boston Courier:—

"The special design of this enterprise, as we learn from the correspondence of the New York papers, was to destroy the tressel-work bridges of the Charleston and Savannah Railroad, crossing the Tocotaligo, Tullifinny and Coosawhatchie. These streams are all tributaries of the Broad River; and to approach them it was determined to make a landing at Mackay's Point, at the Junction of the Broad and Pocotaligo rivers, a distance of 25 miles from Hilton Head, where our troops could be debarked under cover of gunboats, and a march of eleven miles would take them to the village of Pocotaligo, at which place it was supposed the enemy would make a stand. The attack was intended as a surprise; and while our main force was to advance, as stated, a smaller body of troops was to create a diversion by penetrating to the Coosawhatchie bridge in the steamer Planter, convoyed by the gunboat Patroon; but with imperative orders to retire should they encounter a superior force. By cutting the railroad in the manner proposed, communication between the cities of Savannah and Charleston would be destroyed, and the way opened for a sudden blow upon one or both of these places. The land and naval forces participating in the movement sailed from Hilton Head about 11 o'clock on the night of the 21st. The land forces were composed of portions of the first and second brigades of the Tenth army corps, 4500 in number, commanded by Brig. Gens. J. M. Brannan and A. H. Terry, the former being senior officer, and therefore commanding the expedition. The troops landed at Mackay's Point, and commenced their march soon after ten o'clock on Wednesday morning. The enemy's forces were met about seven miles out, and gradually driven back, fighting as they retired, until, at nearly six o'clock in the afternoon, they crossed the Pocotaligo river and destroyed the bridge, thus preventing further pursuit. There were indications of the approach of reinforcements from Charleston and Savannah, and Gen. Brannan therefore ordered a retreat, which was conducted in a most orderly manner; the regiments retiring in successive lines, carrying off their dead and wounded, and leaving no arms or ammunition on the field. While these events were happening with the main body, Col. Barton, with 250 men penetrated to the railroad at Coosawhatchie, tearing up the track and ties, and cutting the telegraph wire. Col. Barton also attempted to reach the railroad bridge, but was unable, as it was protected by a battery of three guns. Fearing that his retreat might be cut off by the enemy's cavalry, he gave the order to retire to the steam-boat, which was done successfully. The Federal loss on this expedition was 46 men killed, 284 wounded, and 3 missing. "Although the main object of the expedition failed of success," says the correspondent of the New York Times, "yet the benefits conferred were not of trifling value. We have made a thorough reconnoissance of the heretofore unknown Broad river and its tributaries, and ascertained the character of the country, which is knowledge of immense importance, in view of future movements in that direction. We have also demonstrated the necessity of heavy reinforcements, if the Government desire Gen. Mitchell to strike heavily in his department."

A Mr Spencer, a Northern man, who resided for a number of years in Savannah, and who recently succeeded in making his way North, informs the New York *Times* that the feeling of the citizens of Savannah with reference to the rebellion, is unanimous in favor of continuing the course they have begun, and of never yielding until they have gained their independence. Many of them openly declare that they would prefer becoming the subjects of a foreign Power to a reunion with the National Government. Not a few openly avowed that they had meditated that movement for twenty years past, and that in the election of Lincoln they saw their opportunity. He also says that the Emancipation proclamation is impolitic, as it will greatly increase the Confederate army; and the idea is absurd that the mass of plantation negroes in the interior will, in consequence of the measure, strike a blow for their own freedom. He questions whether they will ever hear of it.

BY TELEGRAPH.

ST. JOHN, Oct. 31, 1862.—The Cavalry force from the army of the Potomac made a forced march into Virginia, upon a marauding party of Confederates, capturing sixteen prisoners and one hundred and fifty head of stolen cattle.

The Confederate pickets were driven from Upperville on Wednesday last. Their infantry were said to have marched to Snickersville, with the evident intention of escaping to the right of Blue Ridge, via Snicker's Gap.

The New York *Express* newspaper publishes a private letter from Port Royal, South Carolina, giving a different account of the recent Federal expedition against Charleston City and the Savannah Railroad, making it more disastrous to the Federal forces engaged in it, than the James Island affair, which occurred some months since.

The recent expedition is said to have returned totally defeated, and terribly cut up, having lost one thousand men out of a force of a little more than four thousand which originally formed it. The Confederates had the fullest knowledge of the Federal expedition, and manifested the utmost anxiety to meet it.

ST. JOHN, Nov. 3.—There is a rumour via Corinth that the Federal forces occupy Mobile. —Brig "Barron De Castine," of Bangor, Me., arrived at Boston, reports was captured 29th ult., by Confederate steamer "Alabama," and released upon giving a bond to pay six thousand dollars ($6000) after peace has been declared. The crews of captured vessels were put on board, viz: bark Lamplighter of Boston, Oct. 15th. Burned ship "Lafayette," of New Haven, cargo wheat and corn, bound to Ireland. Also, burned schooner "Crewshaw," of and from New York. Also, burned barque "Lamatta," of Boston. Captain Semmes also reported had captured ship "Tonawanda," and released her on giving bonds for eighty thousand dollars ($80,000). Ship Manchester and brig Dunkirk have been burned, and their crews put on board the Tonawanda.—The British steamers *Anglia* and *Scotia* have been captured and taken into Port Royal, S. C. They were valued, with their cargoes, at one million of dollars ($1,000,000).—Another British vessel was ran ashore, and has been destroyed.

ST. JOHN, Nov. 3.—The Herald's correspondent says the advance of Federals into Virginia slow and sure. Will soon be accelerated.—Centreville correspondent of the Times says Confederate General Walker, with 11,000 men, was driven from Upperville through Thoroughfare Gap.—McClellan telegraphs he has full possession of Snicker's Gap. Enemy's cavalry driven out by column of Federal infantry. They attempted to retake it, but were dispersed by fire of rifled guns. The position is a strong one. Pestilence has been raging in Wilmington, N. C. Sixteen hundred cases and four hundred deaths reported.—Capture of Sabine Pass, by Federal Steamer Kensington, confirmed. Captain Crocket advanced into the country, capturing and burning one fort, two camps, thirty buildings, and two vessels.

ST. JOHN, Nov. 4.—Admiral Dupont has communicated particulars of the capture of the British steamers Scotia, Anglia, and Washuta, and the destruction of the Minto.—The Scotia's crew were intoxicated, and were put in irons. The Richmond Examiner complains of the shameful neglect and sufferings of the Confederate prisoners after release at Confederate hands.—The same paper says that Kirby Smith's waggon train of supplies brought out of Kentucky, was 40 miles long, with a million yards of Kentucky jeans, an immense amount of clothing, bacon and hams; fifteen thousand mules and horses, eight thousand beeves, and a lot of brogans.—The Raleigh, N. C., Express is alarmed at the prospect of the eastern portion of North Carolina being overrun by Federals.—Heavy firing was heard up James River on Sunday evening last.—There was a great gale on the Western Lakes on Sunday. A great many vessels were wrecked, and much life lost.

CORRESPONDENCE.

NEW BRUNSWICK AFFAIRS.

(From our own Correspondent.)

Subscriptions towards the relief of the distressed cotton operatives in England are being obtained here and in other parts of the Province. At the instance of some influential requisitionists a public meeting of the citizens of St. John was convened for the purpose of adopting measures to accomplish this benevolent object. Secretaries, treasurers, and collectors were appointed as an executive directory in the matter. A series of resolutions was passed in the usual manner on such an occasion, without the least appearance of opposition, or a design to commit a breach of the peace. The whole proceedings were conducted in a spirit of remarkable tranquility, and nobody evinced the selfish desire of surpassing his neighbour in the liberality of his contributions. As I have just observed, the peaceable character of the meeting was all that could be desired. It was also unanimously resolved that all the clergymen in the city be requested to appeal to their congregations for assistance in the advancement of this philanthropic enterprise, though some of the churches have anticipated this recommendation, and have collected funds from the proceeds of charity sermons and other sources. This city alone, it is said, will send more than five thousand dollars to the victims of Jeff. Davis' tremendous villainy; and "if hell and treachery keep their promises," this perfidious rebel will surely be amply rewarded for his enormous guilt. I was almost forgetting to state—but which I now do, careless of the consequences, and with full deliberation—that immediately before the meeting referred to, dispersed, a vote of thanks was tendered to and accepted by his Worship, Mr. Mayor McAvity, for "his able conduct in the chair." Wasn't that nice? And so uncommonly flattering!

For some months past the current of public opinion has been strongly coursing against the manner in which the police department of St. John has been conducted; and loudly demanding a rigid investigation. That investigation has been concluded. Its results involve charges of grave delinquency against some of the functionaries connected with the police force. Two of the officials have been dismissed by the Executive Council for incapacity and misconduct in their public duties. One was the Captain of the Watch, and the other Clerk of the Police Court; both highly esteemed and greatly sympathised with in their ejection from offices of considerable emoluments. But that corruption crept into the system and existed somewhere, nobody pretends to question, and the action of the Government in endeavoring to purify this branch of the corporation, however inconvenient to the objects of its operation, is not only justifiable, but was imperatively required as a matter of substantial justice to all concerned.

Mr. Smith's resignation of the first political situation in the Government has caused, as might be expected, a great deal of Newspaper remarks. Every one is willing to bestow unmeasured praise upon the ex-Attorney General for his intrepidity and disinterestedness in surrendering his title to the emoluments and distinctions of a lucrative office. But what political party can count upon his vote and exertions in Parliament, is a question not easily decided without some practical proof, and that must be postponed until the meeting of the Legislature. The same Gazette that announces the withdrawal of Mr. Smith from his late colleagues, contains a notice of that gentleman's elevation to the professional rank of Queen's Counsel. But his secession from the Liberals being entirely upon conscientious grounds, a silk gown will scarcely reconcile the honorable member's political actions with the policy of our present rulers.

The Hon. J. M. Johnson, of Miramichi, whom I once termed a "shrewd old gentleman," has been installed as Mr. Smith's successor in the office of Her Majesty's Attorney General. His re-election is certain. The post of "first commoner" of New Brunswick, lately held by Mr. Johnson, has become vacant. There can be little doubt that Mr. Tilley and his associates will have to encounter a strong and able opposition in the Legislature on the question which induced Mr. Smith's resignation.

A grand review of the Volunteers took place a few days ago on the Barrack Green, at which his Excellency the Lieutenant Governor and suite were present. The day was a sort of gala-day, and a great number of persons attended to witness the manœvres of the noble defenders of our country.

Much valuable property has been lately destroyed by fires in the city. It is suspected that on too many occasions it has not resulted from casualties, but from the deliberate acts of incendiaries. Public suspicion rests upon different villains. Rewards for discovery are offered, and condign punishment awaits the perpetrators of such henious crimes.

The weather is now very changeable and somewhat unpleasant. Beef plenty; potatoes on the rise; buckwheat abundant; money scarce; times hard; business dull, and winter near at hand. No more at present, my dear reader.

P. E. I.

St. John, N. B., Oct. 27, 1862.

TO THE EDITOR OF THE EXAMINER.

SIR,—Through the medium of your widely circulated and popular journal, I wish to call the attention of the Government to two very serious public grievances. The first of these is the detention and stoppage of the mails, in consequence of the inability of the regular packet steamer to perform her trips regularly at this season of the year. The inconvenience and trouble which merchants and traders experience from this irregularity in forwarding mails, can hardly be conceived by those unacquainted with the complications and losses that naturally follow a want of punctuality in making remittances. But it is impossible to meet business engagements in Boston, St. John, and other places unless the mails are promptly forwarded by the first conveyance. Our present worthy and efficient postmaster, would, I am sure, do all in his power, poorly as he is paid to facilitate the public good by hiring a schooner here every time the steamer fails to make her trip, but the authorities in Town refuse to grant him power to act on his own responsibility: consequently redtapeism and "Circumlocution Office" prevail, and the public interests are completely overshadowed by the desire of certan officials in Charlottetown to return to the old-fashioned and aristocratic usages that obtained under the "Ancient Regine." Look to it, Mr. Postmaster Owen!

The other grievance is the rotten and dilipidated state of the public wharf. Notwithstanding that vast sums have, from time to time, been expended upon this piece of public property, so injudiciously was the money expended, that to-day there is not a more insecure wharf on the Island. Passengers would be in danger of losing their lives after dark, were it not in many instances owing to the kindness of an individual who is proverbial for his attention to strangers. The Government should see to it, otherwise they may, perhaps, have to mourn the loss of an efficient public officer who was deprived of an optic years ago on foreign service, and whose official duties call him to the wharf early and late. It is no stretch of the imagination to suppose that this veteran might, some dark night, fall through one of the many man-traps with which the wharf abounds. If these evils are not speedily cured, the Government may expect to hear again from

BIG SANDY.

Summerside, Nov. 6th, 1862.

The Examiner.

Charlottetown, November 10th, 1862.

INNOCENCE AGAIN IN DISTRESS.

THE COLONIAL SECRETARY IN GRIEF OVER ANOTHER PECCADILLO—TRIES TO MUZZLE THE OPPOSITION PRESS, AND GET A CERTIFICATE OF CHARACTER FROM THE SUPREME COURT, WITHOUT ALLOWING HIS OPPONENT TO BE HEARD IN DEFENCE.

WE thought that Mr. Secretary Pope has had enough of law-suits under the name of actions for libel and slander, but it appears that his appetite for these things is as insatiable as his thirst for revenge against the unoffending Catholics because they will not support the Government of which he is a most unworthy servant. Failing to gather wisdom from experience, he tried, a few days ago, to bring another action for libel against the editor of the EXAMINER, by the old, oppressive and arbitrary mode of a criminal information—if he obtained which he would be saved the very disagreeable necessity of having the truth disclosed by witnesses on their oath. The matter complained of as libellous is set forth at length in the following affidavit from Mr. Pope:—

PRINCE EDWARD ISLAND, Queen's County. } In the Supreme Court of Judicature.

William Henry Pope, of Charlottetown, in the said Island, Esquire, Colonial Secretary of the said Island, and John Arbuckle, of the same place, Gentleman, severally make oath and say; and first this deponent, William Henry Pope, for himself saith, that he was appointed Colonial Secretary of the said Island in the year One thousand eight hundred and fifty-nine, and hath ever since held, and still holds, the said office; and deponent saith that in a certain Number of a public Newspaper called "The Examiner," printed and published by Edward Whelan, at Charlottetown aforesaid, and bearing date Monday the twenty-ninth day of September last past, there appeared, as part of a column of the printed matter of the said number of the said Newspaper, the following:—

"PUZZLING QUESTIONS FOR THE COLONIAL SECRETARY—TO MR. SECRETARY W. H. POPE.

"Sir, — Do you know an official of the present Government who drew *from the Treasury* of this Island, under false pretences, seven hundred pounds? Do you know that he had this £700 in his possession about twelve months, and then was privately forced to refund that amount to the rightful owner.

"Do you know that the Hon. E. Palmer was fully cognisant of the fact of the abstraction, under false pretences, of the £700, by the official of the Government of which he, Mr. P., is the Leader? And do you know that he, Mr. Palmer, as Attorney for the rightful owner of the £700, made the official, under threats, refund that money?

"Do you know that because of the official's indispensable connection with the Government, his nefarious and criminal act, known only by the Government and Treasurer, and one gentleman, not residing in this Island, was kept hermetically sealed by the "God-fearing Government?"

"Yours, INTERROGATOR.
"28th September, 1862."

And this deponent further saith that in a certain other number of the said "Examiner" Newspaper, printed and published in Charlottetown aforesaid, by the said Edward Whelan, and bearing date Monday the sixth day of October, One thousand eight hundred and sixty-two, there appears a certain other paragraph, which is as follows, namely:—

"THE £700 "SKEDADDLE."—We have received a second communication from "Interrogator," giving the particulars, dates and facts, as regards the abstraction from the Treasury of Seven Hundred Pounds, belonging to George E. Morton, of Halifax, Mr. Secretary Pope is the person who is charged with the abstraction. He understood this very well from our correspondent's letter in last week's EXAMINER."

And deponent further saith that the passage or paragraph recited from the said number of the "Examiner" Newspaper, as last aforesaid, refers to, and is meant to explain the passage or paragraph hereinbefore recited to have been printed and published in the said number of the said "Examiner" Newspaper, bearing date the twenty ninth day of September last, and that Mr. Secretary Pope, named and referred to in the said passages or paragraphs hereinbefore recited from the said numbers of the said Examiner Newspaper, is this deponent. And this deponent further saith that the whole of the said hereinbefore recited paragraphs contained in the said two numbers of the said Examiner Newspaper, dated respectively the twenty-ninth day of September last, and the sixth day of October instant, so far as they impute to this deponent the abstraction, under false pretences, of seven hundred pounds, or any other sum, belonging to George E. Morton, of Halifax, or belonging to any other person, from the Treasury of this Island, or the commission by this deponent of any nefarious or criminal act, in respect to any monies of the said George E. Morton, or any other person, abstracted or drawn from the Treasury of this Island, are entirely false. And this deponent further saith that the numbers of the said Examiner Newspaper, dated the twenty-ninth day of September last, and the sixth day of October instant, respectively hereinbefore referred to, and containing the hereinbefore recited libellous extracts or paragraphs, are hereunto annexed, marked respectively A and B; and that both of the said numbers of the said Examiner Newspaper are printed and published at Charlottetown, in Queen's County, in the said Island, by the aforesaid Edward Whelan. And deponent further saith that the said extracts or paragraphs contain a wicked and malignant libel on the character of this deponent, and were published, as this deponent believes, from corrupt motives, and for the purpose of injuring this deponent in his official capacity in the estimation of the public. And this deponent, John Arbuckle, for himself saith, that the "Examiner" Newspaper is printed and published, in Charlottetown aforesaid, by Edward Whelan; and deponent saith the number of the said Examiner Newspaper, dated the twenty-ninth day of September last past, and hereunto annexed, marked A, was purchased in Charlottetown, in Queen's County, in the said Island, on the thirtieth day of September last past, by this deponent, from a servant of the said Edward Whelan, who, at the time when the said number was so purchased, informed deponent to the effect that he, the said servant, sold the said Newspaper for and on account of the said Edward Whelan, which this deponent verily believes to be true; and this deponent further saith that the number of the said Examiner Newspaper, dated the sixth day of October instant, and hereunto annexed, marked B, was also purchased by this deponent, from a servant of the said Edward Whelan, in Charlottetown aforesaid, on the eighth day of October instant, and in the office of the said Edward Whelan.

W. H. POPE,
JOHN ARBUCKLE.

Sworn to by the said William Henry Pope and John Arbuckle, at my Chambers, in Charlottetown, in Queen's County, in the said Island, this 28th day of October, 1862, before me,

D. HODGSON,
Commissioner for taking affidavits in the Supreme Court of Judicature.

The following very vague and general affidavits by the Colonial Treasurer and Leader of the Government were also handed in by the Colonial Secretary. It will be easily seen how very feebly they support his application for a Criminal Information:—

PRINCE EDWARD ISLAND, Queen's County. } In the Supreme Court of Judicature.

George Wright, of Charlottetown Royalty, Colonial Treasurer of the said Island, maketh oath and saith that he hath read the affidavit of William Henry Pope and John Arbuckle, hereunto annexed, and deponent saith that he hath held the said office of Colonial Treasurer ever since the accession to office of the present Government of this Colony, in the year one thousand eight hundred and fifty-nine, and that the said William Henry Pope hath never, at any time, to the knowledge or belief of this deponent, drawn from the Treasury of this Island, under false pretences, seven hundred pounds, or any other sum belonging to George E. Morton, of Halifax, or belonging to any other person, nor is this deponent aware of any nefarious and criminal act of the said William Henry Pope in respect to the monies of the said George E. Morton, or otherwise.

GEO. WRIGHT.

Sworn to by the said George Wright at my Chambers, in Charlottetown, in Queen's County, in the said Island, the 28th day of October, 1862, before me,

D. HODGSON,
Commissioner for taking affidavits in the Supreme Court of Judicature.

PRINCE EDWARD ISLAND, Queen's County. } In the Supreme Court of Judicature.

Edward Palmer, of Charlottetown, in said Island, Gentleman, maketh oath and saith that he hath read the affidavit of William Henry Pope and John Arbuckle, hereunto annexed, and this deponent saith that he was not at any time cognizant of the abstraction from the Treasury of this Island, by the said William Henry Pope, under false pretences, of seven hundred pounds, or any other sum belonging to George E. Morton of Halifax, or belonging to any other person, as alleged in the number of the Examiner newspaper annexed to the said affidavit of the said William Henry Pope; and this deponent further saith that he did not, at any time, cause the said William Henry Pope, under threats or otherwise, to refund to this deponent, as attorney for the rightful owner, £700 (seven hundred pounds), or any other sums of money belonging to the said George E. Morton, or belonging to any other person, nor was it known to this deponent that the said William Henry Pope was guilty of any nefarious and criminal conduct or act in respect to the monies of the said George E. Morton or otherwise.

EDW. PALMER.

Sworn to by the said Edward Palmer at my Chambers, in Charlottetown, in Queen's County, in the said Island, this 28th day of October, 1862, before me,

D. HODGSON,
Commissioner for taking affidavits in the Supreme Court of Judicature.

Monday, the 3rd instant, was given to Mr. Whelan to shew cause against granting Mr. Pope's application. The Court opened earlier than the usual hour, and after disposing of some civil business, the Hon. Joseph Hensley informed their Lordships—the Chief Justice and Assistant Judge being both on the Bench—that Mr. Whelan was in attendance to answer the rule of Court. Mr. W. then delivered a speech, which has been reported as follows for the 'Vindicator,' and which gives, as well as we can remember, a fair outline of the leading points urged by him against Mr. Pope's application, and disposes of the affidavits above printed:—

MAY IT PLEASE YOUR LORDSHIPS:—

It is with very great reluctance I again appear before this honorable Court, in a case similar to that which brought me into your lordships' presence a few months ago. I was then required to shew cause why a criminal information for libel should not be filed against me at the suit of Mr. William Henry Pope, because his name figured in the *Examiner* in a way not pleasing to himself. The same individual brings me here to-day with the view of placing me in the position of a criminal, because two other publications in the same paper are alleged to reflect upon him injuriously. I am very far, my lords, from desiring the notoriety which such appearances are apt to confer upon an individual. Law has no attractions for me, in any form, even if I were sure of being a successful suitor. I have no apprehensions for my success in this case, but I sincerely regret that your lordships' time, as well as mine, should be occupied in examining a complaint preferred by Mr. Pope, which, I think, I shall be able to shew the Court is a frivolous, vexatious and unjustifiable one. It may seem egotistical in me, my lords, to speak thus confidently; but I do so, not because I feel conscious of my own ability to conduct this case, or any other, with efficiency, but because my opponent has no ground to stand upon, and I can easily shew that of all others in the community, he should be the last to make application for a criminal information against me, or any one else, in reference to matters of libel. If, indeed, the case were a complicated one—involving difficult and abstruse points of law, and surrounded by legal technicalities — I should leave the matter in the hands of learned counsel: for should I place myself in the position of an advocate under such circumstances, I would warrant the application to myself of the old adage, which says that "a man who goes to law, and acts as his own lawyer, generally has a fool for his client." One of Mr. Pope's objects, I feel assured, is, to put me to all the expense he can, as well as to punish me as a criminal. Now, I think, I can defeat that object, in a great measure, by taking this case to the Court myself, trusting to the justice and impartiality which regulates your lordships' decisions, as well as to the groundlessness of Mr. Pope's application.

The matter alleged to be libellous, is, in the first place, a communication published in the *Examiner* of the 29th September, over the signature of "Interrogator," in which several questions are put to Mr. Pope as to whether he knows an official of the present Government who received £700 from the Treasury, under false pretences,—he is asked whether the money so received did not belong to another person not in the Colony—and whether the official who thus improperly received it, was not compelled to refund it to the rightful owner? This is the first part of the so-called libel. The second part is a small paragraph in the *Examiner* of the 6th October—about half a dozen lines—in which I was provoked to say that the official referred to was William Henry Pope. I say provoked, my lords, because in the *Islander* of the previous Friday, the 3rd of October, there was a communication signed "Responsio," which, I have no doubt, was written by Mr. Pope himself, which, at all events, could not have appeared without his knowledge and concurrence, as he is the editor of the *Islander*—wherein it is broadly answered that no official of the present Government received money from the Treasury under false pretences; and this very letter of "Responsio" contains a foul and malignant libel upon me, every word of which I can prove to be false. I have already proved more than once the falsehood of the statement; but it is repeated by "Responsio" in such a way as to lead the public to believe that Mr. Palmer positively guarantees the truth of it, for his name is mentioned as the person who first gave currency to the statement; and he has not yet repudiated the use of his name in connection with it. Now, my Lords, there was sufficient provocation in that libel upon me to induce me to point out William H. Pope as the official referred to in the letter of "Interrogator." But take that letter by itself, and Mr. Pope must acknowledge himself guilty before he can say it applies to him.

Now, my Lords, let me review the affidavits upon which Mr. Pope bases his application for a criminal information. They are three in number—that is, if I am to regard the first as one, which couples a statement from John Arbuckle with that of W. H. Pope —a very admirable association of names, for two more worthy companions could nowhere be found together—and the other two affidavits are from the Leader of the Government and the Colonial Treasurer. Strip these affidavits of their verbiage, and they positively amount to nothing. Only one very small part of the depositions is, in the least degree, worthy of notice. That small part is, that Mr. Pope did not receive money from the Treasury under false pretences. This denial is broadly made in Mr. Pope's own affidavit —it is qualified in the affidavits generously given by Mr. Palmer and Mr. Wright. Those gentlemen swear that they did not believe, or that they did not know, that Mr. Pope received money from the Treasury under false pretences. I should think they would not allow money to be abstracted from the public chest in such a way. But before entering on a particular review of their affidavits, allow me, my Lords, to return to Mr. Pope's. He positively swears that he took no money from the Treasury under false pretences. I leave your Lordships to consider how much that denial is worth. We all know that Mr. Pope made a similar denial with regard to his famous Banking transactions, which involved a loss to that institution in its infancy of about £14,000. He was very indignant at me for having presumed to inform the public of the fact, and I need not remind your Lordships that he attempted to prosecute me as a criminal, as he is now seeking to do, for declaring that the Bank money found its way into his pocket in a manner not creditable to an honest man. Nor need I remind your Lordships that he failed in getting a criminal information on that occasion; nor shall I comment on his failure when he tried to get the Grand Jury to indict me for the same alleged offence. Had he been above all suspicion of guilt in that transaction, he might have prosecuted me by civil action, as an honest, fearless, innocent man would do. But he preferred the wily, intricate course, of having me placed before a Jury, gagged—so far as evidence goes — all my witnesses gagged — excluded from Court. By that means he would save costs to himself, as the Crown pays all costs in criminal prosecutions. He would compel me to incur heavy expenses in defending a troublesome prosecution—he might have me fined and imprisoned, if the case went against me; and, what was of more importance than all to him, he would have the good fortune of keeping the whole truth from going before the public. Mr. Pope's denial of the imputation alleged against him, does not surprise me. Criminals of every grade invariably plead their own innocence, and are ready to swear themselves out of any crime when most guilty. I do not say that Mr. Pope is guilty of the offence imputed. He, no doubt, thinks himself innocent, and perhaps he finds consolation in the thought. Your Lordships remember the case of Roupell, which was tried a short time ago in England. He was guilty, on his own confession, of the most atrocious forgeries that ever found a place in the calendar of crime. One of these forgeries consisted in altering the will of his deceased father, by which the ruin of his family was effected. The felon attempted to justify the forgery by saying that he believed he was merely carrying out the pious intentions of his deceased parent in forging the will, and expected the applause of the world for doing so, when his act was confessed. I do not mean to insinuate that any parallel should be drawn between the case of Roupell and that of Mr. Pope. I only refer to the former for the purpose of showing that there *are* men in the world who will regard as a virtue, or at least as a meritorious act, that which the world esteems a crime, and which is punished as such.

Before laying aside the affidavit to which Mr. Pope's name is affixed, I beg to offer a few words concerning Mr. Arbuckle's copartnership in the business. This gentleman stands confessed as Pimp and Spy to the Colonial Secretary. That officer could not have a more apt servant, and the servant a master more to his taste. But the Pimp does not, I believe, confine his attentions to the Colonial Secretary—he makes himself useful, I understand, to the whole Government, as messenger, gossipper, tattler, spy, and general worker at small jobs that would be spurned by honourable men. He takes up a great deal of space in this affidavit to shew that I am the publisher and proprietor of the *Examiner*. I have never once denied my responsibility in connection with that paper. I here openly and frankly avow it, and if Mr. Arbuckle had any manly principle about him, instead of putting to the printers in my office, whom he designates servants, silly questions as to whether they sold a paper worth 4d. for and on my behalf, he might put the question direct to myself as to whether I acknowledged myself the publisher of the particular No. he wanted to buy; and profoundly as I hold that individual in contempt, he should have certainly received an answer in the affirmative. But Mr. Arbuckle knew the man for whom he was executing his disreputable mission—the man knew him—and both judged that their purposes would be served best by adopting a mean and contemptible proceeding.

With regard to Mr. Wright's affidavit, it requires but few remarks. That gentleman swears that Mr. Pope did not, with his (Mr. Wright's) knowledge, receive money from the Treasury under false pretences. I am quite willing to admit that Mr. Wright has made a conscientious oath. I cannot see how he could have sworn otherwise. It is not possible to suppose that he could connive at the abstraction of money from the Treasury under false pretences. His oath of office would forbid it,—his position in society, his regard for the honour of the country as a native of it, his respect for the Government under which he holds so high an office, the security of his own official income, independently of all moral considerations, would render it extremely improbable that Mr. Wright should connive at the abstraction of money from the Treasury under false pretences, by Mr. Pope, or any one else. But Mr. Wright does not deny that Mr. Pope has received £700, or £750, with which Mr. George E. Morton's name was in some way connected; and Mr. Wright may have given the money, or allowed it to be given by his deputy, without being conversant with all the facts which bear upon the transaction.—Many of these remarks will apply to Mr. Palmer's affidavit, which is the last to be noticed. He makes his deposition in the same general terms as Mr. Wright does. He declares that he has no knowledge of Mr. Pope having obtained money from the Treasury under false pretences at any time. I believe him. His exalted position as Leader of the Government, without regard to his own just views of what is right and wrong, would be a strong guarantee against his allowing any nefarious act to be practised upon the Government. Mr. Palmer would not, I believe, jeopardize his high station for any individual. He is a clever man, but he is not the first clever man that has been imposed upon by a clever sharper. There was one instance of his delusion—perhaps it was merely a professional delusion—when he espoused Mr. Pope's quarrel, and wanted to punish me as a criminal, as he is now trying to do, for my remarks about Mr. Pope's notorious Bank abstractions. If a criminal information had been granted against me, when I was last before this Honorable Court, Mr. Palmer would have used all his eloquence and influence to shew that Mr. Pope's proceedings in connection with the Bank were of the most honorable and upright character. He might have worked himself into the belief that they were really entitled to that character; but I am confident he could not have converted a Jury to the same belief; and up to this hour the public refuse to believe that every thing was right in reference to that matter. Now, if Mr. Pope had nothing to fear from a full enquiry into the merits of the present case, he would not have asked this Honorable Court for a criminal information; or if innocent of any wrongdoing, or any irregularity, he would not have produced such vague and general affidavits as those on which he has founded his application. Any one who reads them may easily assume that there may be, in the back-ground, a mass of information bearing on the subject; and I am very desirous that this information should be brought to light. In Mr. Pope's eagerness to get affidavits to prove the uprightness of his conduct, it is very surprising that he did not apply to others besides Mr. Palmer and Mr. Wright. Mr. George E. Morton could surely tell something about this matter. He is the person to whom, it is said, the money belonged. There has been time enough to get his affidavit since the 6th October, and if his money had not been taken and used by Mr. Pope, it was easy enough for him to say so. Mr. S. P. Fairbanks is another gentleman who might throw a great deal of light on this subject. He was Mr. Morton's Attorney, appointed to collect his monies in this Island, and it is said that some difficulty occurred between him and Mr. Pope as to the collection of the amount referred to by "Interrogator;" and his testimony would have been of much importance in clearing up the whole affair. If he and Mr. Morton had made affidavits that there was no wrong doing on Mr. Pope's part, the latter might stand in a fair way of having me put up on my trial. And there is another person nearer home, who, I am told, possesses some information on this subject. I allude to the Deputy Treasurer. That officer knows, I understand, a good deal about the whole affair; and I should like to have him, together with Messrs. Morton and Fairbanks, examined before a Jury. But if Mr. Pope is allowed to make a Crown prosecution of this, their mouths must remain shut. Mr. Pope will escape the damaging revelation of unpalateable truths, and I shall be placed at a serious disadvantage.

Mr. Pope's repeated attempts to prosecute me for libel betrays extraordinary sensitiveness on his part. It is well that I and others are not affected in a similar manner, for if we were, much of the time of this honorable Court might be taken up in discussing applications for criminal informations against him. It would be very easy to quote from the volumes of the *Islander*—since that paper came under his editorial management—many instances of gross and malignant libels upon myself and others in public affairs. But it is not only those who engage in political strife, and who have the hardihood to dissent from him, who are made the objects of his libellous attacks. Those who mix not in party conflicts—whose characters stand high in the estimation of all men — who are distinguished by the practice of every Christian virtue, and are revered for their piety and learning—have been most rudely assailed by this meek, modest, inoffensive man who comes to ask your lordships for an oppressive proceeding against me, because I have ventured to hint, that, being a public officer, he has brought disgrace upon the country whose servant he pretends to be. What I most particularly allude to—and which may have come under your lordships' notice—is a letter that appeared in some of the newspapers lately over the signature of W. H. Pope. In that letter, the innocent man who complains of being libelled by me has had the hardihood to declare that the Catholic Bishop of this Island, and all the clergy committed to his charge, are so abandoned to the spirit of evil that they cannot be believed upon their oaths, and are ready to commit perjury whenever they can gain a professional object by so doing. In previous letters by the same writer, and since publicly acknowledged to have been written by him, he went so far as to assert that all priests led immoral, scandalous, and abandoned lives. But not satisfied with these rude, vile and infamous assaults—not content with outraging common sense and common decency in thus coarsely invading the sanctity which is presumed to surround the clerical character—this unscrupulous libeller has consummated his iniquity by assailing female innocence in a manner that should bring the blush of shame to the most profligate libertine that ever breathed. It is humiliating, my lords, to have to state, that the Colonial Secretary of this Island has declared to the public, in letters which he has openly avowed, that every Catholic woman in the land—every wife, and daughter, and sister of a Catholic, becomes a prostitute when she conforms to the rules of her Church. There is not the shadow of a doubt that this foul, wicked and atrocious libel was deliberately published by the Colonial Secretary. I need not say it was never answered—no sane man would think of replying to any thing so infamous. But is it not incredible that a being who will thus revel in the foulest and basest calumnies —who spares no grade of society—who ruthlessly violates the sanctity of domestic life—who pollutes by the slime of his pen the sacred temples dedicated to the worship of God —who has no compassion for woman in her innocence and weakness, but in whose eyes woman when she is most virtuous is most vile, —is it not incredible, my lords, that a man who has thus made himself so notorious as an unscrupulous libeller, should think of preferring a complaint for libel against another?

I do not shrink from my responsibility connected with the matter alleged to be libellous. All I want is to be placed on an equal footing with my opponent—to prove the truth, so far as I can prove it; and I cannot suppose that your lordships will deny me that privilege, should Mr. Pope feel inclined to proceed in the usual and constitutional way.—I shall not presume to cite any authorities in reference to the practice of the Court in granting criminal informations. I humbly submitted to your lordships a few references from Chitty's Criminal Law on the occasion of my last appearance here. Those will apply to the present case, and it would be presumptuous in me to urge them upon the attention of your lordships. I may, however, be pardoned for saying, that under no circumstances has an application such as Mr. Pope has made, been entertained by the Supreme Court of this Colony. Some years ago, Mr. Coles, who was leader of the Government of this Island at the time, applied, with the advice of the late George R. Young, Esq., for an indictment against the proprietor of the *Islander*, because that paper had libelled Mr. Coles in the foulest manner with regard to the returns of spirits distilled at his manufactory. Mr. Coles had no alternative but to pursue the course he did. His returns were made on oath. There could be no evidence to corroborate or rebut the sworn statement; but I very well remember the outcry which was made by the very individuals who are trying to promote this persecution against myself, as to the unfairness of the proceeding which Mr. Coles sought to institute, because it would not allow the defendant to prove his allegations in open Court. On that occasion Mr. Coles submitted his case to the whole representatives of the County, the Grand Jury,—but in this instance Mr. Pope will not trust himself to the Grand Jury. He asks your lordships to do that for him which he seems to think the Grand Jury will not do. He and his party considered it very wrong for Mr. Coles to attempt to indict the proprietor of the *Islander* when he (Mr. Coles) considered himself foully libelled; but now he will not be satisfied with the decision of a Grand Jury. He asks your lordships to prejudge a case against me for libel, after having proved himself to be the most unmitigated libeller that ever degraded the press of this Colony.

After a few further observations as to the evils that might arise from reviving an obsolete practice that is only worthy of the dark ages—a practice by which one man was allowed to have extraordinary immunities over another, and under the operation of which a person accused of libel was placed in a far worse position than a criminal charged with the darkest crime—Mr. Whelan concluded by apologising for the time he had taken up. He was fully conscious, he said, of his own deficiencies and of the imperfect manner in which he had presented his case to the Court. Learned and experienced counsel would have taken a legal view of the whole matter, and have given great force to the arguments which bear upon it. "But I, (says Mr. W.) trust more to the integrity and impartiality which characterise your Lordships' decisions, than to any transient effect that might be produced by the most powerful eloquence, confident that, in forming your judgment, you will not deviate to the right or to the left; but, pursuing the even tenor of your way, administer strict and impartial justice to all alike, which is all I want."

Mr. Whelan then read the following affidavit:—

PRINCE EDWARD ISLAND. } In the Supreme Court of Judicature.

In the matter of a Rule Nisi, for leave to file an Information for Libel against Edward Whelan, at the instance of William Henry Pope:—

Edward Whelan, of Charlottetown, in Prince Edward Island, Printer, maketh oath and saith, that he has been served with the Rule Nisi, hereunto annexed, whereby he is called upon to show cause to this Honorable Court why leave should not be given to file an Information against him, this deponent, at the instance of one William Henry Pope, in such Rule named, for an alleged libel on the said William Henry Pope, alleged to have been published by this deponent as Proprietor and Publisher of the Examiner Newspaper, published by him in Charlottetown aforesaid.

And deponent saith that the first part of the matter complained of, and alleged to be libellous, is a certain letter of a correspondent, published in the 'Examiner' newspaper of the 29th September last past, over the signature of 'Interrogator,' wherein certain questions are put to the said William Henry Pope, as to whether he knew of a certain official of the present Government who received Seven Hundred Pounds from the public Treasury without being legally entitled thereto. And deponent further saith that the second part of the matter alleged to be libellous, by the said William Henry Pope, is contained in an editorial notice or paragraph in the Examiner Newspaper of the 6th October, wherein it is said that the official referred to in the letter of Interrogator is the said William Henry Pope, as this deponent hath heard from general report

This deponent also saith that he hath not of his own knowledge accused the said William Henry Pope of having taken money from the Treasury under false pretences—that the questions of this deponent's correspondent, Interrogator, were put, as this deponent believes, solely with the view of eliciting information on a subject which concerned the character of a public officer, and, through that officer, the character of the whole Colony, and which subject had for some time formed a topic of enquiry with several persons in the community; and deponent further swears that he was not actuated by corrupt or malicious motives in causing the said letter of a correspondent to be published in the Examiner aforesaid. But this deponent saith that if the said William Henry Pope desires it, he, this deponent, will cheerfully cause to be published in the Examiner newspaper his denial of the imputations alleged to have been made against him, as aforesaid. But this deponent humbly contends that if the said William Henry Pope should persist in instituting legal proceedings against this deponent, he, this deponent, should be allowed time to procure evidence touching the alleged libellous matter complained of, and which, for the most part, he can only procure from persons who do not reside in the Colony. And this deponent also humbly submits to your honorable Court that should evidence come to this deponent from any quarter, calculated to throw light upon the subject of the aforesaid enquiries by the correspondent, Interrogator, he, this deponent, should be allowed to have all the facts proved and attested to before a Jury of his country, under the usual and ordinary mode of pleadings by civil action.

And this deponent further saith that the said William Henry Pope is well known to be the editor of the Islander newspaper, wherein attacks of a gross, malicious, and libellous nature are, from time to time, made upon the character of this deponent in his private as well as his public capacity, one of which gross and libellous attacks is herewith respectfully submitted as copied from the Islander of the 3rd of October, over the signature of "Responsio," which hath particular reference to the matter complained of as an alleged libel by the said William Henry Pope; and this deponent believes that this libellous attack upon deponent was published with the knowledge and concurrence of the said William Henry Pope, in the paper of which he is editor, videlicit:—

"ANSWER TO THE "PUZZLING QUESTIONS" FOR THE COLONIAL SECRETARY, BY 'INTERROGATOR,' IN LAST MONDAY'S EXAMINER—TO THE EDITOR OF THE ISLANDER.

"SIR, — Please inform "Interrogator," of the Examiner, that no official of the present Government, nor any other person connected with it, drew from the Colonial Treasury £700, nor any other sum under false pretences. Further, it is said that the Hon. Edward Palmer states that the only person who drew any *money from the Treasury*, under false pretences, during the present Government, is the Hon. Edward Whelan, who, about the month of April, 1859, obtained the sum of £86 13s. 9d., under a false certificate, which, by misrepresentation, he procured from a third person; and that he obtained a Treasury Warrant for monies due him, and by uttering the above certificate, the above sum was included in the said Treasury Warrant and obtained under the false pretence that he had performed a reprint of the Acts of Assembly of the year 1852, when he had done no such thing, or any other work to entitle him to the said sum of £86 13s. 9d.

"Yours, &c., RESPONSIO.
"October 1, 1862."

This deponent further humbly submits that a person who will thus unreservedly libel another should not be the first to complain of a libel against himself, and, in any case, this deponent further humbly conceives that one public writer or journalist should not be allowed to have, in Courts of Law, superior advantages over another.

And he therefore humbly prays that this honourable Court may be graciously pleased not to grant to the applicant, Wm. H. Pope, a rule absolute for filing an information against this deponent, such mode of proceeding being, as deponent submits, harsh, unusual and oppressive, and seldom if ever granted in this Island at the instance of a private individual, much less at the instance of, one who, as deponent asserts is the case with the said Wm. H. Pope, is in the frequent habit of libelling the party against whom he seeks to obtain leave to file an information; but deponent submits that he should be left to the more constitutional and just mode of proceeding by civil action for damages, in which latter event this deponent would be ready, as he would be bound, to pay unto the applicant such pecuniary damages as the Jury should assess, on full and due consideration of the matter.

EDWARD WHELAN.

Sworn to by the said Edward Whelan, in Charlottetown, in the said Island, this third day of November, 1862, before me,

D. HODGSON,
Commissioner for taking affidavits in the Supreme Court of Judicature.

Mr. Whelan having sat down, the Hon. E. Palmer rose to reply. The learned Counsel looked as if he intended to carry the Court by storm. He was brimful of indignation at the latitude given to the defendant, and he gave expression to a sneer about the propriety of admitting laymen to appear in their own persons. He deprecated in vociferous and extremely angry terms the language used towards Mr. Arbuckle, whom he described as a very important officer under the Government — an excellent person, i' faith, against whom it was sacrilege to utter a syllable. The learned Counsel then proceeded to read the alleged libel, and to comment upon it. The volubility of his style — the excitement which quivered through his whole frame — the twisting and turning of his graceful neck—the ominous shaking of his long fingers — seemed to threaten the annihilation of the defendant, who appeared to be busy in taking notes; but any reporter might throw away his pencil in despair if he thought of catching the awful flow of adjectives which boiled and bubbled from the lips of the learned Counsel. Never, said he, under the heavens, was perpetrated so foul a libel by the hand of man — every line, every syllable, had the very essence of malignity steeped into it — the fiends of the lower regions could not have exhibited more malice than the defendant had done in this instance, against his client, who was innocent as the babe unborn, and who filled the second office under the Government. And mark, said the learned Counsel, the defendant himself admits that the libel was a libel upon the whole country! And then there was a string of adjectives, "horrible libel!" "atrocious, malignant, fiendish, diabolical libel," which almost took away the breath of the learned Counsel for a minute or two. His Honor Judge Peters about this time gave him a breathing "spell," but it did not seem to allay the perturbation of his spirit. The interruption of the learned Judge was to this effect: — "Mr. Palmer, since an application similar to the one now before the Court was made on a former occasion, I have examined the most modern authorities, and it is there clearly laid down, that where one person is in the practice of libelling another, *the Court never grants an information*, and it has been proved that Mr. Pope has himself published libels." These are, as nearly as we can remember, the words used by his Lordship. They had a stunning effect on Mr. Palmer. Mr. Pope's visage assumed an interesting aspect, and the seat on which he sat seemed to be stuck all over with pins and needles, and of course he left it for another. The learned Council having recovered — not his temper — but consciousness, which was somewhat disturbed by the shock — went into a disquisition about Mr. Pope's assumed connection with the editorial management of the 'Islander.' There was no proof, he said, that Mr. Pope was the editor of that paper—there was no proof, he asseverated, that Mr. Pope wrote the communication signed "Responsio," referred to in the affidavit of defendant, — he said that Mr. Pope was willing to swear that he knew nothing of that communication, if the Court would allow him twenty minutes to prepare the oath; "but"— says the learned Counsel, evincing a degree of caution that was peculiarly edifying — "I have advised my client not to make the oath, as I think his case is strong enough without it." The Chief Justice and Assistant Judge reminded Mr. Palmer that no new affidavits could be brought in at that stage of the proceedings—that it had been proved Mr. Pope was editor of the 'Islander'—that the letter of "Responsio," which appeared in the Islander, provoked the article in the 'Examiner' of the 6th October, by which alone the alleged libellous imputation was fastened upon Mr. Pope. "Suppose," said his Lordship the Chief Justice, "Mr. Whelan had kept his mouth shut, Mr. Pope could have discovered no libel in the letter of Interrogator." The learned Counsel was off in a tangent. "Ah but, my Lords," says he, "the questions of Interrogator were meant for Mr. Pope—the libel, this most foul and atrocious libel, was meant for him—it is a libel without the article in the Examiner of the 6th October." Mr. Justice Peters said he could not see it in that light. "Suppose," said his Lordship, "that Mr. Whelan had drawn the picture of a great rogue and rascal without putting any name to it, would Mr. Pope or you take that picture to yourself? It could only become libellous by having a name put to it at some subsequent time." Mr. Palmer's temper becomes sadly ruffled — Mr. Pope's countenance undergoes another change, not such as to add to his beauty — pins and needles are again found in the seat under him, and he removes to a different one. The learned Counsel again piles up the adjectives about the atrocity of the libel, but he does not vouchsafe one particle of information regarding the £700 transaction, — he does not attempt, in the smallest degree, to prove that Mr. Pope was innocent of any wrong-doing in the matter. The Court are again reminded that the alleged libel is a reflection on the whole Government. The learned Judge replies—"We have nothing to do with the Government here, Mr. Palmer." The latter angrily retorts: "I mean the country; the Government can take care of themselves." Ill temper increases — Colonial Secretary looks revolvers — pins and needles are again discovered. The learned Counsel now becomes frantic — launches forth an imprecation in which the name of the Deity is irreverently mentioned; and, losing all control of himself—all respect for his high position as Leader of the Government, and trampling under his feet the decorum which even the rudest and most ignorant would observe in a Court of Justice, he plainly counsels ruffian violence as the only alternative left to his client. "If," says he, "there is no redress to be had in this Court, a man who is thus libelled will be under the necessity of taking the law into his own hands!" Here was a recommendation to Mr. Pope to see at once to the cleaning and loading of his revolvers; and this recommendation coming from a man who is not only sworn to observe the peace himself—who is a Magistrate for the whole Island, but whose especial duty it is to see that all classes and individuals in the community shall give ready obedience to the law! Why the outrage on the Court was not punished, or even noticed by the Court, can only be attributed to the charitable forbearance of their Lordships, who too plainly saw that the learned Counsel's temper had got the better of his reason and discretion. — From this point, Mr. Palmer was allowed to exhaust his anger without interruption; and in a few moments he sat down, affording a striking instance of the discomfiture which almost invariably results from over-zeal in a bad cause, and manifesting an evident consciousness that the case of his client was irretrievably lost. The learned Assistant Judge then put the case out of the way, by saying that the Court would take time to consider their judgment upon it.

It is not our place, or our intention to anticipate that judgment; but the opinions of the Court were so unmistakeably expressed as to give, we think, the Colonial Secretary little reason to expect that his application for a most arbitrary rule will be favorably considered. We should