CORRESPONDENCE.

NEW BRUNSWICK AFFAIRS.

(From our own Correspondent.)

This is a gala day in New Brunswick. At least it is intended for such, and all may mingle in the common sports provided for the occasion. The weather, however, is not a little unpropitious from the ominous hovering of thick mist and heavy fog in the upper neighbourhood of the city. To me, personally, it matters little whether snow, rain, sunshine, or mist usurp the upper regions. I have little in harmony with the yelling and meaningless shouts of a tumultuous crowd, and less conviction that any good will result from the events that will engage the minds and sway the feelings of those who have been let loose from their confinement. I intend not to moralise here, my good reader, so you must not conclude that I am a stoic in my ideas of wherein consists true pleasure, and I claim a share in the universal privilege of individual judgment. No person can entertain a more unshaken respect for the long-established precedents and customs of our glorious forefathers than I do; but this sentiment, most laudable as it is, is quite consistent with the noble and exerring privilege of private opinion, consecrated as it has been with the blood of the heroic fathers of the Reformation, and transmitted to us as a heritage of priceless value.

I have digressed to some extent here; but digression and myself are not entire strangers. Let me endeavor to atone for it by resuming my main subject. I believe I was saying something about the upper regions, but a further edition must be offered in order to comply with the reader's requisition. Now know ye that by Executive proclamation this the anniversary of the accession of Queen Victoria has been substituted as a public holiday throughout the Province, instead of the more usually observed anniversary of Her Majesty's natal twenty-fourth of May. Several hundreds of persons have seized the opportunity to suspend their regular avocations, and to proceed to some favorite country spot, there to breathe the atmosphere of health and freedom not experienced in the walks of city life and toil: there to wonder at, or admire, according to their vitiated or refined taste, the unpolished manners of the hardy rustics who tremble in the presence of external excellence. To Fredericton a steamer load of those seekers for pleasure proceeded on last night, to witness a grand review of the troops in that city, and to stroll amongst the beautiful promenades and lanes and bowers and gardens that give to the capital an almost unrivalled prominence amongst the handsome cities of America.

In St. John, notwithstanding the unfavourable condition of the day, some attempts have been made to produce merriment and dissipation through the idle inhabitants. A few companies of the military marched through the public streets, and presented a very fine appearance, while bands of music, cricket matches, ludicrous processions assist to infuse a spirit of liveliness into the despondent, the gloomy or morose.

A considerable assemblage of Revd. gentlemen of the Wesleyan Church has been with us for some days past, and their presence no doubt contributes to transport the reflections of poor sublunary mortals to the world beyond the sky, to the possession of which their pious labours are dedicated. I have not the satisfaction of knowing any of the important resolutions of their convocation, and, therefore, my Christian reader, I am unable to communicate any intelligence in regard to the deliberations of those evangelic gentlemen.

The play of "Cooleen Bawn" is to be performed at the Theatre this evening: and as I have practiced enough of self-denial to-day, I think my presence at the play this evening is not improbable; in fact, I am pretty certain I'll be there; and oh! if I only had *some one* to accompany me, how much happiness would I not enjoy in the brief space of a couple of hours, *mais au revoir*. Now, laugh or conjecture.

St. John, June 29, 1862. P. E. I.

TO THE EDITOR OF THE EXAMINER.

DEAR SIR—On the road from Charlottetown, on Friday evening June 20th, I was overtaken by a party of the Volunteers, headed by two of the officers. Now, there was nothing remarkable in this meeting with the gallant defenders of "Happy homes and altars free," nor would I have troubled you with this, did not their semi-barbarous conduct deserve to be shown up to the men who granted four hundred pounds for the "more efficient organization of the Volunteer corps," and who, perhaps, had not the pleasure of witnessing the use to which Her Majesty's gunpowder was applied. The party of Volunteers, numbering eight or nine, who rejoiced in a suit of grey clothes, striped with red, and a neat grey cap with a red ball, a la militaire, loaded their rifles with the coolness of "veterans of a hundred battles," and after the words 'Ready, Present, Fire,' discharged their pieces either simultaneously or in divisions. The firing was continued for several miles along the road, and while loading some of them sang in a thick musical voice:

"We'll hang Jeff. Davis to a sour apple tree."

This tended to vary the monotony of the firing, and likewise to give vent to their playful inclination in regard to the President of the Southern Confederacy. Had the Volunteers been driving along some "forest aisle," far from the "noisy haunts of busy men," their conduct might have been excusable; but what must we think of them, when in passing a cart, in which there were two women for each Volunteer, when alongside of the cart, to discharge their rifles, and rend the air with coarse Bacchanalian shouts, and to

"Play such fantastic tricks before high heaven
As make the angels weep,"

thereby compelling the fair occupants of the cart to quit them with eggs, which emitted an odour anything but agreeable. As they neared "Milton Inn" they raised a regular feu-de-joie, and in file far from military they drove up to the door to refresh themselves with

"Horns of mead, the blessed mead,
That can unpack the laden heart of care;
That climbs a heated traveller to the brain,
And sits there singing songs."

Such conduct on the part of any persons is to say the least disgraceful. There is no knowing what consequences might have happened from this reckless firing. What could have prompted men to so far forget themselves as to act in a manner calculated to awaken disgust at the Volunteer movement? Perhaps they were practising in order to become expert at firing against the time they are called upon to repel "insolent invaders." This is the only reason which can be given for the profligate use of the Government gunpowder. Hoping the Volunteers will never again repeat their conduct of June 20th,

I am yours truly,
Queen's County, June 23, 1862. P. M.

CAPTURE OF JACK McGWIGGIN.

This individual, against whom a writ has been in the Sheriff's hands for the last six months, was caught on the 17th inst., and lodged in King's County Jail. McGwiggin lives on Brown's Road, Lot 61, a locality famous for the resistance given to the ex-Sheriff John Smith, Esq., in 1859, who there narrowly escaped with his life, having had his horse killed, and his hat knocked off by musket shots.

McGwiggin is a native of the County Monaghan, is a thick set powerful built man, and about 55 years of age. At the time of Coiner Hughes' rebellion, which cost the country £3500, McGwiggin was second in command to the Coiner, and although second, was chief in organizing and carrying on the plans of resisting and evading the tactics of Sheriff Smith. Last winter he paid a visit to his Agent in Charlottetown, and made some overtures of a settlement, laying a considerable sum of money on the table. After some perleying, McGwiggin taunted the agent for having sent the Sheriff after him, and the futility of his attempting to take him. "You d-a-m-n sc-ou-ndrel, I-I-I have a good mi-i-n-d to take you now, b-be-fore you go," says the agent, when Jack coolly goes to the table, scoops off the money, and walks out. His capture, after repeated attempts, was effected by Sheriff McFarlane, accompanied by Kiely, a pugilist, from Guysborough, and Tom Newman, a Devonshire Orangeman. McGwiggin was working at a lime-kiln in company with two or three others, his son, a lad about 12, stationed as a sentry. Newman was sent in advance, disguised as a countryman, carrying a bundle in his hand, the Sheriff and Kiely advancing in an opposite direction. The sentry on seeing them gave the alarm to his father, who looked up and around. On they come, when McGwiggin draws a long breath, and invokes an imprecation on the bloodhounds approaching, starts off like a stag rapidly for the forest. On, on he bounds, leaving his pursuers far behind, the Sheriff first, then Kiely and Newman following the whole. McGwiggin's courage revives, and a yell of defiance reverberates from him as he leaves them gradually behind, and as he thinks of old Ireland and the days of his boyhood. Was it for this he left the Green Isle and cleared the forest for Larry Sullivan of London? What did Sullivan give for the land? Kiely, a tall powerful man, with a voice of thunder, commands him to stop. On they run. Newman's long arms and legs rapidly in motion, passes the others, and at last gains slowly on Jack, who, turning round, sees his position becoming critical. Still he runs, bounding along, his head drooped and crouched, and Tom, with head erect, swiftly pursuing and gradually gaining on him. Jack picks up two stones and runs on, at last finding his foe advancing, he turns like a chafed tiger, and defies Newman, threatening to smash his head. Newman draws his pistol, and at once encircles the Monaghan in his long lathy sinewy arms, holding him like a child until the Sheriff and Kiely came up, both exhausted. McGwiggin quietly submitted, and was lodged in Jail along with his chief the Coiner, the meeting of these two fellow-countrymen and companions in rebellion against their landlords being very affecting.

The Steamer "Ino" is laid up at Georgetown wharf, and it is said is to be iron cased for a gunboat. The shareholders refuse to pay their instalments, and the directors cannot sue, as the Commissioners of the Small Debt Court are shareholders themselves, and consequently interested parties. The 'Islander' is blamed for puffing up the "Ino" in her trip to Rocky Point.

The Examiner.

Charlottetown, 30th June, 1862.

INJURED INNOCENCE!

THE COLONIAL SECRETARY GOES INTO COURT FOR A CERTIFICATE OF CHARACTER BY MEANS OF AN ACTION FOR LIBEL! — FAILS IN THE ATTEMPT TO GET IT!!—AND COMES TO GRIEF!!!

WHILE attending to our duties in the House of Assembly in March last, Mr. Secretary Pope quietly tramps down to Georgetown, in company with his friend the Leader of the Government, Mr. Palmer—and, the Supreme Court then sitting at Georgetown, the last named gentleman makes one of his usually brilliant and animated speeches to the Court, in a case of deeply injured innocence. He regretted—(according to the report furnished to us by a listener)—that the painful necessity devolved upon him of bringing to the notice of their Lordships a very grievous libel which had been published in THE EXAMINER of the 3d February, 1862, on the character of his friend the Colonial Secretary. That officer, he said, did not intend to ask a jury for damages—he was willing to admit that his character had not been injured by the libel—(*we* should think the admission might be made in safety)—but the imputation upon his character was nevertheless a very grave one, and should not be allowed to pass without judicial censure and punishment. Mr. Pope, he reminded the Court, held the high and responsible office of Secretary to the Colony and Chief Clerk of the Executive Council. A gentleman occupying his position should have and maintain a character free from blemish—otherwise, the Government who continued him in the public service would be seriously compromised. After uttering a great deal of nonsense about the reluctance he felt in taking such a case in hand, he then said, in a flow of generous enthusiasm, which must have been very refreshing to the entranced auditory of this superbly eloquent man—that neither he nor his client wished to deal harshly with the editor of THE EXAMINER. If that person would retract all that he had written in the EXAMINER of the 3d February against Mr. Pope, and make a humble apology to that gentleman, he had no doubt that, in the exercise of a kindly disposition, the Colonial Secretary would not proceed to trial. In the meantime he moved the Court to grant the Rule *Nisi*, and based his motion on an affidavit made by Mr. Pope, which he then handed to the Clerk of the Crown; and as it sets forth the cause of action, we insert it here, having obtained a copy for that purpose.

Prince Edward Island:

In the Supreme Court of Judicature.

William Henry Pope, of Charlottetown, in Queen's County, in the said Island, Colonial Secretary of the said Island, maketh oath and saith, that Edward Whelan, of Charlottetown, is the proprietor and publisher of a certain weekly Newspaper, printed and published in Charlottetown aforesaid, intituled "The Examiner, a weekly Journal of Politics, Literature and News;" and this deponent saith that on or about Tuesday, the fourth day of February, One thousand eight hundred and sixty-two, this deponent read in a number of the said Examiner Newspaper, bearing date the third day of February last past, the following words, namely:—"James B. Cooper and William H. Pope are certainly a fancy lot to be regarded as preachers on such a subject. Both forget their antecedents woefully. The one has evidently lost all recollection of having diddled the public out of a large sum of money, besides exhibiting such conduct towards an aged parent as renders more than doubtful his claims to the possession of one honest or honorable principle. The other, who regrets that the Editor of the Examiner cannot be arraigned for an alleged infringement of moral law, ought to remember that he was *arraigned, tried* and censured for an immoral and disgraceful act; and that he owes it to the clemency of a few friends that he was not also arraigned, tried and convicted of something which bears a very ugly name in connection with money matters. These are brave fellows certainly to write short sermons on morality. They fairly illustrate some of their masters in the Government, who, it must be confessed, always give a generous patronage not only to the taking qualities which Messrs. Pope and Cooper possess, but to those other traits by which they are both distinguished—hypocrisy and humbug." And this deponent saith that he hath inspected one other number or copy of the said Examiner Newspaper, bearing date the third day of February last past, and which contains the above recited paragraph, and which copy of the said Examiner Newspaper is hereunto annexed, marked A. And this deponent saith that the name William H. Pope, in the said paragraph, as he verily believes, refers to this deponent. And this deponent saith that the said paragraph contains a wicked and malignant libel on the character of this deponent, and was published, as this deponent believes, from a corrupt motive, and for the purpose of injuring this deponent. And this deponent saith that so much of the said paragraph as is contained in the following words, namely: "He owes it to the clemency of a few friends that he was not also arraigned, tried and convicted of something which bears a very ugly name in connection with money matters," relates to this deponent; and to certain business matters of a pecuniary nature which this deponent had theretofore transacted with the Bank of Prince Edward Island,—and which recited words are intended to cause it to be believed that this deponent had been guilty of crimes or offences, or of some crime or offence for which this deponent was liable to be arraigned, tried and convicted, and for which he would have been arraigned, tried and convicted, had it not been for the clemency of his friends. And this deponent saith that the imputations made upon this deponent, in the paragraph hereinbefore recited, with reference to the said transactions of this deponent with the said Bank of Prince Edward Island, are false, and without any foundation. And this deponent further saith that he did not do, commit, or perpetrate, or participate in doing, committing, or perpetrating any crime, misdemeanor or offence, in connection with money matters, and in relation to his transactions with the said Bank of Prince Edward Island, or with any other Bank, or person, or persons whomsoever, which would render him liable to be either convicted, tried or arraigned; nor does he owe it, nor did he ever owe it to the clemency of a few or any other number of friends, or of any person or persons that he, deponent, was not arraigned, tried, and convicted of something or anything which bears a very ugly name in connection with money matters. And this deponent further saith that the words contained in the paragraph published in the said Examiner Newspaper, first hereinbefore recited, namely, that he, this deponent, was "arraigned, tried and censured for an immoral and disgraceful act," has reference to a complaint laid against this deponent, when a youth, before a Magistrate or Magistrates, for an alleged injury to a public building, which said offence was not proven against this deponent. And this deponent saith that the said charge is, in the said paragraph, so published in the same newspaper, grossly and maliciously exaggerated. And deponent saith that the printed Newspaper hereunto annexed, intituled "The Examiner, a weekly Journal of Politics, Literature and News," and containing the paragraph hereinbefore recited, was printed and published by the said Edward Whelan, and that the said Newspaper was purchased, as this deponent has been informed and believes, at the office of the said Edward Whelan in Charlottetown aforesaid.

W. H. POPE.

Sworn at Charlottetown, in Queen's County, this eighth day of March, in the year one thousand eight hundred and sixty-two, before me,

(Signed) D. HODGSON,
Commissioner for taking Affidavits in the Supreme Court of Judicature.

Never dreaming that such a man as Mr. W. H. Pope, who has been for many years an unscrupulous slanderer and libeller on the best men that ever set foot in this Colony, would ever think of commencing an action for libel against any individual;—and having no intimation whatever of the object of his visit to Georgetown in March last—we confess we were much surprised when we heard of Mr. Palmer's speech and motion, of which we have given a meagre outline. We must say, however, that we were not in the least annoyed, because we felt sure we could make matters worse for Mr. Pope than better if he had the hardihood to go to trial. As to making an apology to *him!* and retracting anything we had written about him, such an absurdity could not, by any possibility, occur to our mind. But what must we think of the bravery of a man—*a man!* who keeps duelling pistols to fire daily at a target, so that he may attain to an unerring aim in mortal combat—what shall we say of *him* when we find him sneaking off to a distant County to ask for the interposition of the Supreme Court, in a very unusual way, against an adversary who is engaged in his parliamentary duties, and who has no knowledge of his designs? Is *he* the man of spirit and pluck who uses the money which he gets from the people for doing nothing, to subsidise the Leader of the Government, in order that *he*, too, may use *his* GREAT INFLUENCE, to perplex and oppress a public journalist, many miles away, who has no knowledge of their designs? Is it a courageous act for one editor to ask the Court to file a criminal information against another, when the applicant, as can be easily proved, is the most outrageous libeller that was ever known in this Island; and when, if his application were allowed to take effect, his antagonist could not bring witnesses to prove the charges which were alleged to constitute the libel? Is it the part of an honourable man who pretends to possess a great deal of physical and moral courage to attempt to seek shelter under the cagis of the Supreme Court, and fire upon his adversary, while he seeks to deny to that adversary the very weapons which he employs himself? Such, in fact, would be the effect of his application to the Supreme Court for a criminal information against the editor of THE EXAMINER. Mr. Pope might bring forward any number of witnesses he pleased to give testimony in his favour: we could not bring forward one solitary witness if the Rule *Nisi* were made absolute, and a criminal information filed against us.

When the Georgetown Court was closed, the following notice was handed to us by a writer in the office of the Hon. Edward Palmer:—

KING'S COUNTY, } In the Supreme Court of Judica-
TO WIT: } ture, March Term, in the twenty-fifth year of the Reign of Queen Victoria.

Upon reading the several affidavits of William Henry Pope and Joseph Bertram, and part of a printed Newspaper thereto annexed, called "The Examiner," and published Monday, the third day of February, in the year of our Lord one thousand eight hundred and sixty-two, beginning with the words "James B. Cooper," and ending with the words "hypocrisy and humbug;" It is ordered that Tuesday, the sixth day of May next coming, in Easter Term of the said Court, at Charlottetown, in Queen's County, be given to Edward Whelan to shew cause why an information should not be exhibited against him for certain misdemeanors in printing and publishing certain scandalous libels, upon notice of this rule to be given to him in the mean time. On motion of Mr. Edward Palmer.

By the Court,
(Signed) D. HODGSON,
Prothonotary.

It is amusing to observe the way in which this legal document refers to the alleged libellous matter: "Beginning," it says, "with J. B. Cooper, and ending with the words hypocrisy and humbug." The connection was certainly very close, and nothing could be more suggestive of "hypocrisy and humbug" than the name with which the article commenced.

At the Easter Term of the Court, in Charlottetown, Mr. Whelan appeared in his own person to show cause why the Rule should not be made absolute. He stated that he had not been furnished with a copy of Mr. Pope's affidavit, which he thought Mr. Pope's Attorney should have given him; he had, however, an opportunity of perusing it through the kindness of an officer of the Court, only a few hours previous to the opening of the Term; and, with the assistance of Counsel, had prepared an affidavit in reply to it. Before reading the reply, Mr. W. proceeded to comment on some of the statements contained in Mr. Pope's affidavit. He denied most positively, as his replicatory affidavit would be found to set forth, that he had published the matter complained of from a malignant feeling or corrupt motive. He had published it in self defence, because Mr. Pope had grossly attacked him (Mr. W.) in a previous number of the 'Islander,' and the publication contained only a brief recital of two facts well known to the whole community. One of these facts was admitted by Mr. Pope himself in his affidavit, namely, that in reference to his having been censured by a Bench of Magistrates for disfiguring some buildings in Charlattetown. The other fact which had reference to his Bank transactions, he, Mr. Pope, *denied*; but he (Mr. W.) said he was prepared to prove every word he had written on that subject. If their *Lordships*, however, deemed it right to make the Rule absolute, he knew he could not adduce one particle of evidence, and would, therefore, be placed at a great disadvantage. He wanted nothing more than an opportunity to meet his opponent on equal grounds, and he was sure he could satisfy any honest jury of the truth of all his statements. Mr. Whelan then proceeded to read some extracts from Chitty on Criminal Law, relating to informations in actions for Libel—showing that "it is not usual, except under particular circumstances, to grant an information in the case of a Libel against a private individual, unless it be of a very injurious and malignant nature." (*Chitty, p. 855.*) "And even where the facts of the accusation cannot be denied, it is still open to the party against whom it is made to allege the purity of his intentions, and to negative the allegations of corrupt design, *which will frequently induce the Court to refuse their sanction to the severer course*, and leave the prosecutor to indict, if he thinks proper"—(*Ib. p. 859.*) The learned Judges having noted these authorities, Mr. Whelan said he had acted in strict conformity with the latter. He negatived the allegation as to corrupt design, and was prepared to prove both facts of the general charge—one of which was not denied by the prosecutor. It was not necessary for him, he said, to say anything further at that stage of the proceedings. He left the matter in the hands of their lordships with the most perfect confidence in their justice and impartiality. He then read, and handed into Court, his affidavit, which is as follows:—

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 this deponent further saith that the said William Henry Pope is, as he, this deponent, believes, in the habit frequently, if not weekly, of writing articles in a certain Newspaper called the 'Islander,' published in Charlottetown aforesaid; and in such articles violent, abusive, libellous, and irritating attacks have been, from time to time, and very frequently, made on this deponent, one of which said articles, which was, as this deponent thought and still thinks and believes, written by the said William Henry Pope, is referred to in the article in the 'Examiner' now complained of, and led to this deponent's publishing the same, as a set off against the said article in the 'Islander.'

That deponent, in the article referred to in the affidavit of the said William Henry Pope, used the word "arraigned," not considering that in technical construction it was applied solely to criminal prosecutions. And deponent most solemnly swears that he did not, in the said article, intend to create or convey the impression that the said William Henry Pope was indebted to the clemency of his friends for having been saved from *criminal* proceedings in connection with money matters, or any other matters. That deponent used the terms "arraigned, tried and convicted," as applicable to a civil action. That deponent did not publish the said alleged libel from a corrupt motive, as alleged in the affidavit of the said William Henry Pope, but it was published solely in reply to an article in the said Newspaper called the Islander, as hereinbefore stated, which this deponent believes to have been of a grossly libellous nature, and reflecting personally on this deponent; and which this deponent furthermore believes was written by the said William Henry Pope; and this deponent did so believe at the time of the publication of the article in the Examiner complained of by the said William Henry Pope.

And deponent further saith that he humbly submits this case should not be met by filing an Information, as sought for, but that said William Henry Pope should be left to the more ordinary and less oppressive tribunals and modes of proceeding, if he has cause for complaint; but this deponent doth say that if said William Henry Pope hath sustained any damage by said article complained of, this deponent is ready to pay such damage as a Jury of the country may, after hearing the merits of the case, with proofs and pleadings in the ordinary and usual mode, require by their verdict that this deponent should pay.

(Signed) EDWARD WHELAN.

Sworn before me, J. LOW, Commissioner for taking Affidavits in the Supreme Court.

The article referred to in the above affidavit, which appeared in the 'Islander' of the 31st January, and which called forth the remarks of the 'Examiner' of the 3rd of February—is as follows:—

"INDECENCY OF THE "EXAMINER."—The last number of the "Examiner" contains an anonymous communication, signed a DREAMER, which we notice only in order to express our reprobation of the conduct of the editor of that paper, in circulating one of the most indecent, filthy, obscene, and disgusting productions ever printed; a production, the publication of which, were Lord Campbell's Act in force in this Island, would render Whelan liable to severe punishment. As Lord Campbell's Act for the suppression of obscene publications is not in force here, and the ABANDONED CREATURE, who publishes the 'Examiner,' cannot, we presume, be punished in a summary manner, for the outrage which he has offered to the moral sensibilities of the community, we trust the subscribers of that paper will express their disgust by discontinuing so filthy a production, and return the last number to the HONORABLE EDWARD WHELAN."

Mr. Palmer then rose to reply. He professed to be very much astonished at the affidavit just read. Mr. Whelan, he said, had taken a course entirely opposite to anything he expected. It was true Mr. W. had denied corrupt motive and design in publishing the matter complained of, but he was not satisfied with the denial; and he proceeded to read several law authorities, in the vain attempt to prove that the mere fact of publication proved the existence of a malignant and corrupt motive. The learned Judges took a very different view of the matter, and told Mr. Palmer, several times, that his cases were not to the point. The learned Leader of the Government, unabashed, continued to flounder on—to read and argue—but the more he read, and the more he argued, the more confused he became, and the offence he was interrupted by the Court. Finally, the Chief Justice addressed him in words nearly as follows:—"Mr. Palmer, you should remember that you are applying to the Court for a very extraordinary exercise of its authority, and before making the application, you should have been prepared with proof so clear and positive as to leave no doubt on the minds of the Court as to the propriety of acceding to your request." This rebuff seemed to stagger the learned Counsel—he lost temper for a few moments; and then he sought to try what virtue there was in political sympathy. He communicated to their Lordships the notable fact—announced by him in the March Court at Georgetown—that Mr. Pope was Provincial Secretary in this Island—a very able and influential officer—that it was of the first consequence not only to himself, as an individual member of the community, *but to the Government*, to have his character cleared of the imputations alleged against it; and he assured the Court that if his client were not allowed an opportunity to do this, by means of a criminal information being filed against the accused, *His Excellency the Lieut. Governor could not continue him in office* ONE HOUR! The Judges did not seem to think that Mr. Pope's expulsion from office, on account of his bad character, would bring a serious crisis on the country—they evidently appeared to have no political feelings—at all events, they were not in the least disturbed at Mr. Palmer's announcement of the fate that awaited Mr. Pope in the event of an adverse decision by the Court; and in a moment after Mr. Palmer sat down, the Chief Justice calmly said that the judgment of the Bench was postponed.

It will now be obvious to our readers why we have been so long silent on this subject. We felt grateful to the Judges for the courteous manner in which we had been treated by them; and we thought that—agreeably to the terms of our own personal declaration in open Court, when we said we cheerfully awaited their decision and confided in their justice and impartiality—common courtesy required that we should be perfectly silent on the subject until they gave their judgment. That judgment has been given, and we feel ourselves at perfect liberty to deal with all the facts of the case.

We were not in Court on Tuesday last, when Trinity term began, but we have been informed that one of the first acts of the Court was to pronounce judgment in our case. The Judges intimated to Mr. Palmer that as his client had failed to answer the statement set forth in Mr. Whelan's affidavit regarding foul libels having been written and published against him by Mr. Pope, the latter was not in a position to ask and receive the special interposition of the Court. Their Lordships added, we understand, that in commencing an action for libel in the manner proposed, *the complainant should take good care that he came into Court with clean hands.* The rule was then discharged; and there the matter dropped, so far as the Bench was concerned.

Mr. Pope was exceedingly crest-fallen and very indignant at this unexpected decision. He fully believed that his application would be successful; and, indeed, he offered to lay wagers on the issue. The appeal to the presumed political predilections of the Judges was made to strengthen the application; and when they were informed that the Governor's honour was involved, and that the honor of the whole Colony was likewise involved, as Mr. Pope was one of its chief officers, it was confidently expected that everything would go on swimmingly—that the Editor of the "Examiner" would soon be within the toils of the Leader of the Government and Colonial Secretary—would not be allowed to justify in the usual way his publication of the article complained of; and would, perhaps, be heavily fined and imprisoned just on the eve of a general election. We have, however, in this instance, a good illustration of the truth of Burns's line, about "the best laid schemes of mice and men" going to the dogs. And we have now to record the fact, that Mr. William H. Pope—the man with the unclean hands—went from the Supreme Court to the Grand Jury Room.

The Grand Jury, at this Term, was composed of nineteen gentlemen, drawn, as usual, from various parts of the County—seventeen of them have been known to entertain Conservative opinions in politics, to which most of them have adhered with great tenacity; two only have been known as Liberals. In the nineteen Jurors there were eighteen Protestants, and only one Catholic. These facts were well known to Mr. Pope. Should he despair of success before such a Jury, notwithstanding the heavy rebuff he received from the Judges? He!—the leader in journalism of the Conservative party—the arch plotter and schemer of the Government—the chief clerk of the Council and the first officer in the civil Government of the Colony, besides being the Representative Man of the Proprietary party, who control the Government! And, then, only consider that he has put himself forth as the champion of Protestantism! He has written divers articles—intended to be very stirring—warning his co-religionists against the evils of "Popery!" And has he not written sage homilies on the immoralities alleged to have been propagated from the Vatican? Why should he doubt that he would not be eminently successful in his application to the Grand Jury, composed as it was, with only one Catholic and two Liberals on the panel, for an Information against a very obnoxious Liberal and "Papist!" Mr. Pope evidently thought that his chances were at least equal to seventeen against two; and he entered the Grand Jury room with a defiant air.

He had nearly the same story to tell which his friend Mr. Palmer told in the room below. He said he did not feel personally aggrieved or injured by the article which formed the subject of his complaint; but the honour of the Government was affected by retaining an officer against whom serious charges were preferred. He did not bring his own private feelings into the matter, but he asked the Jury to regard the article complained of, as an attack upon the whole Government, and to visit it with their high displeasure.

The Jury were not impulsive men, but plain, practical sons of Adam and Eve. They did not intend to hurry on their decision. They gave a power of thinking to the matter—slept over it two nights, and had jolly good dinners for three days before they decided. In the course of one of their interviews with Mr. Pope they asked him if he had written the editorial article in the 'Islander' of the 31st January, which had called forth the objectionable remarks in the 'Examiner,' of the 3rd of February. He admitted that he did. That admission established two important facts—first, that he was the editor of the 'Islander,' which, it was sworn, had made libellous attacks on the editor of the 'Examiner;'—and, second, that he was really the aggressor in the affair under consideration. The Jury then fell into one of their profound cogitations—they probably indulged a glance at Mr. Pope's digital extremities. They began to think that the Judges *were right*—that, in fact, Mr. Pope's hands *were not clean;* and that he should be sent out of the Grand Jury Room as speedily as possible to perform a moral ablution, and mend his manners generally. In very plain words, the Grand Jury dismissed the case, *without one solitary dissenting voice.* In doing so, they have given a high proof of their independence and impartiality, for which we sincerely thank them.

We have dwelt, perhaps, longer on this subject than we should, on account of its personal character. But the public importance which Messrs. Palmer and Pope attached to it has very greatly diminished the personality. Those gentlemen plainly stated that they regarded the contemplated action for libel as one which affected the honour and influence of the Government—both said that Mr. Pope could not worthily hold the office of Colonial Secretary, unless the Court first, and then the Grand Jury acceded to his application for a criminal Information against us. He has been most signally defeated in the two attempts he has made to obtain it. We shall now see whether Messrs. Palmer and Pope were practising a *ruse*—or, as the latter defines the word, "fraud and deceit"—in appealing to the political sympathies of the Court and Jury, when they tried to have us criminally indicted, and to muzzle our Press. With the foul blotches on his character, Mr. Pope admits that he is not worthy of the situation he holds—Mr. Palmer states positively that the Governor cannot continue him in office without doing great dishonor to himself. Will the Governor and Mr. Palmer consent to Mr. Pope's continuance in office? They will—they *must*—*they cannot help it.* They were well aware of Mr. Pepe's antecedents before he took the office of Colonial Secretary. They knew the grounds upon which Governor Daly positively refused to appoint him; and by continuing him in office now, the whole Executive Council, from the Governor down, become parties to "fraud and deceit," according to the argument used by the Colonial Secretary himself. We hope he will be continued for the few days yet allotted to the Government. No man can be found who will serve the purposes of the Liberal party so well as Mr. W. H. Pope, so long as he is continued a dead weight on the present Government. We have just had a very signal proof of the feelings of disrespect with which he is regarded by his own political friends and partizans. He is the man who owns the "unclean hands," and who, by his own confession, *is a dishonoured officer of the Government.*

THE Editor of the 'Islander' devotes another article in his last paper to the despatches of Governor Daly on the Rent Roll Bill, and attempts to fasten the responsibility of those documents on the late Government. We very distinctly stated, last week, that the Liberal Government had nothing to do with the writing of those despatches. As for ourselves, we cannot see why we should be abused on account of their having been written, for we were not in the Government at the time. The Colonial Secretary seems to forget that the present Government went much further than their predecessors in the matter of despatches. The Palmer and Gray Government positively repudiated the despatch written by Mr. Dundas respecting the first Bill passed to confirm the Award of the Land Commissioners; and they placed His Excellency in the very improper position of advising him to write a letter for the 'Royal Gazette,' in which he was weak enough to declare, in the face of the world, that his Executive Council were ignorant of, and not responsible for the production of a public despatch. Take that, Master Pope, as a set-off for your nonsense about Governor Daly's despatches.

Latest News from England.

THE R. M. S. Arabia arrived at Halifax on Tuesday morning last, with dates to the 14th from Liverpool. The Mail for this Island reached here on Friday morning. The news, which is not very important, is comprised in the following extracts:—

GREAT BRITAIN.

A horrible tendency of parents to murder their children is on the increase. The recent case of Taylor and his wife, who destroyed three of their little ones by poison, and then murdered their landlord in cold blood, is fresh in every one's memory; and a man named Mackford, distressed by the death of his wife, has killed two of his children in London in the same way, and completed the tragedy by mortally stabbing himself.

The friends of Galway have not been idle during the recess, for Lord Dunkellin and Mr. Gregory both pressed the Premier on the subject of the renewal of the contract, to which the terse reply was that "the subject was under consideration." This was not deemed satisfactory by the interrogators, and he was asked when the decision might be expected, but Lord Palmerston curtly replied that "it was impossible to say when."

The Earl of Carnarvon had called attention in the House of Lords to the proclamation issued by General Butler to the forces of the Northern States in New Orleans, ordering that any woman who showed any disrespect to any officer or soldier should be treated as a woman of the town, plying her occupation. Earl Russell, in reply, expressed his hope that the American Government would, for its own sake, refuse its sanction to, and disavow this proclamation. He considered it was very likely to lead to great brutality.

With respect to a second question but by Earl Carnarvon with regard to the rumours of a mediation between the Confederate and the United States, Earl Russell said he was glad that the noble Lord had raised the subject, for the prevalence of these rumours was likely to lead to much mischief. Her Majesty's Government had made no proposal to the French Government, and the French Government had made no proposal to her Majesty's Government. Therefore, there had been no communication of this kind between the two Governments. Without, however, giving any opinion as to the propriety of offering a mediation at some future time, if circumstances should be favorable, he must say that the present appeared to him to be most inopportune, and he considered that in the embittered state of feeling of the hostile parties, it would not only lead to no good, but retard the time for such an offer being favorably made.

Lord Palmerston made a similar statement in the Commons in reply to a question put by Mr. Hopwood. The same noble Lord also expressed his strong disapprobation of the Proclamation of Gen. Butler. He thought there was no man who could have read the proclamation without feelings of the deepest indignation. It was a proclamation to which he did not scruple to attach the epithet of infamous. An Englishman must blush to think that such an act has been committed by a man belonging to the Anglo-Saxon race.

The stock of Cotton at present held in Liverpool—and, indeed, throughout Europe—compares very unfavourably with the stock at the corresponding period last year. According to a published statement there are now only 428,000 bales against 1,644,000 in hand on the first of June, 1861. The depressing influence of this state of things in the manufacturing districts is seen in the great increase of pauperism and the pressure on the rates.

PRUSSIA.

The King has received a deputation from the Chamber with the Address, and delivered the following reply—"I have received with pleasure the assurance of loyal devotion which has just been expressed. While repeating that I still remain unchangeably upon the ground of the constitution to which I have sworn, as well as upon that of my programme of November, 1858, and that I am therein in full accord with my Ministry, I add thereto the firm expectation of seeing the sentiments you have expressed ratified by deeds. As you have selected a sentence of my programme of 1858, it would be well that you should impress it, line by line, upon your minds. You will then rightly estimate my sentiments."

AUSTRIA.

A somewhat curious scene has taken place in the Austrian Representative Chamber. During the debate on the budget various telling attacks were made upon the Finance Minister, Von Plener, and it was announced and established that he had made a great mistake in his calculations, the deficit turning out to be 74 millions of florins instead of 60 millions as he had originally fixed it. The House was disagreeably startled by this revelation, and signified its want of confidence in its Finance Minister by declining to take in hand the subject of augmented taxation until it should be satisfactorily settled what the amount really was requisite to meet the deficiency.

SPAIN.

The *Correspondencia di Espano states* that Spain will act in America as she has acted at Naples and Turin. Jealous of her own independence, she will respect that of others. She will recognise accomplished facts if Europe should sanction them, but will never be reconciled to actions hurtful to her dignity and interests.

THE BISHOPS IN ROME.

The Bishops in Rome, in their address to the Pope, deplore the oppression of the Church, and declare that the temporal power is necessary for the independence of the Pope. They approve all that the Pope has done in defence of the rights of the Holy See. They condemn the errors which have already been condemned by the Pope, and exhort his Holiness to continue firm in his resistance. The address is signed by 21 Cardinals and 214 Bishops.

BELGHUM.

We regret to learn that the accounts of the health of the King of the Belgians are the reverse of favorable.

NEW ZEALAND.

Otago continues to yield large quantities of gold, but the severity of the winter has driven back many of the miners to the fields they left in Victoria. Up to the 28th of March there had been exported from Dunedin, mainly to Melbourne, some 357,091 ounces of gold, worth about a million and a half sterling. Sir George Grey seems to be gradually winning his way to the establishment of a line of policy which will restore the Queen's supremacy in New Zealand, without recourse to war being necessary. He appears to have succeeded in creating or bringing out a loyal feeling, and forming a strong Queen's party among the natives, by whom his measures for the proper administration of justice seem to be appreciated. According to official returns published in the 'New Zealander of April 5, it appears that in the province of Auckland the area of land open for selection comprises 68,356 acres, and that of unsubdivided lands there are 229,185 acres of good quality, and 386,360 inferior. In addition it is found that there is a large quantity of land over which the native title has been extinguished, but which has not yet been handed over to the Provincial Government.

The Civil War in the States.

INCIDENTS OF THE BATTLE AT FAIR OAKS.

THE CHARGE OF THE IRISH AND OTHER BRIGADES.

Soon the fire became general, and spread along the lines of the Irish Brigade, French's Brigade, and the brigade of the gallant Howard. This day also the enemy's fire was well directed and severe. But it was returned with certainly equal effect, and our men pushed forward across the railroad and down into the swamp, and now the enemy in his turn gave way. It was very difficult ground, and the men could not at all times