

by the willing promise to comply with the request of the dying man, to transmit his last wishes to his family and friends—by reading to him who wished it, the Scriptures in which his youth had been trained, and to which, in the dark hour, his soul returned, seeking light to lead him through the valley of the shadow of death. After having undergone fatigues to which the robust constitution of healthy men had been proven unequal, and after having witnessed scenes of agony before which, doubtless, man's strong spirit had succumbed, but which she beheld with unshaken nerves—

"Love watching madness with untroubled mein"—

her health gave way, the lofty spirit which animated her delicate frame could no longer sustain it amid such misery—she was spared to return to her native land, to experience the reality of the feeling that

"'Tis sweet to hear the honest watch-dog's bark
By deep-mouthed welcome as we draw near home;
'Tis sweet to think that other eyes will mark
Our coming, and look brighter when we come."

As want of space prevents our notice of many other prominent events which have transpired in Great Britain during the last year, we shall re-cross the Atlantic, and bid adieu to our readers at our own threshold.

This article has already grown to such a length that we cannot afford space to touch upon a title of the topics which present themselves to our minds, in connection with the British North American Colonies. Their climate, superior to most, inferior to none in the world, for its health and invigorating influence on the human frame—the general fertility of the soil—their mineral wealth as yet but in the commencement of development—their forests of the finest timber—their noble rivers, safe and capacious harbours—their shores offering to the hardy fishermen an inexhaustible supply of the finest fish in the world—the almost total freedom from taxation—the possession and appreciation of the freest political institutions known among men—the peace within their borders, while war stains with blood the plains of Europe, Asia and the American Republic;—these, and blessings such as these, are calculated to raise our hearts in grateful acknowledgment that our "lines have fallen in pleasant places." Within the British North American Colonies, from Canada, the big brother of the happy and thriving family, to Prince Edward Island, the baby of the flock—no overgrown towns nurse "the pestilence that walketh at noon day"—no starving thousands cry in vain for bread. With us there is no necessity that want should impel to crime—the means of comfortable living are within the easy reach of all who are willing to earn them by honest industry; and we can sit each under the shade of his own fig tree, and there is none to make us afraid. Such is a brief summary of the blessings we enjoy, and who shall say that they have not been bestowed with a lavish hand?

SUPREME COURT.

The Hilary Term of this Court commenced on Tuesday last, and the gentlemen of the long robe appear to have their hands full of business. The criminal cases tried so far were but few and unimportant; but the civil suits, we understand, were numerous and of considerable consequence to the parties interested. Maclean's libel case against the editor of this paper has made no further progress down to the time we write (Saturday evening.) At the commencement of the Term, his counsel—not being able to get a special jury out of the three panels which the Court in the last June Term decided to give him—applied for a special jury in the usual way, and the Sheriff handed in a list of the most unexceptionable names—there being no extreme partisans of either side upon it. This, however, would not suit the taste of our procrastinating antagonists, and they applied to the Court to set aside their own jury on the most frivolous grounds, and send the *causé* to the Coroner for a new one, which the Court very properly declined to do. Maclean's counsel has since postponed, from time to time, striking the special panel, in order to waste time, so that the Sheriff would be unable to summon the jury by the day appointed for the trial (Tuesday next, the 13th inst.) Their conduct throughout the whole of the proceedings consequent upon the prosecution, has exhibited the most contemptible dodging and shuffling. We suppose they would be quite satisfied to go to trial, if they could manage to crowd into the jury box twelve staunch Tories, but not otherwise. We shall have something more to say upon this subject probably in our next.—We understand that the Grand Jury have had under their consideration the peculations, so often adverted to in this paper, of the somewhat notorious Patrick Kearney, in reference to whom two presentments were made on Saturday. On the same day the Hon. E. Palmer was presented for contempt to the Grand Jury in open Court. More of this anon.

Since writing the above, we have learned that Maclean's counsel, after several applications to him on behalf of the defendant's Attorney, attended, late on Saturday, the striking of the Special Jury; and it is satisfactory to think that the matter is now in a fair way of being brought to a final settlement.

A list of the cases tried during the Term we shall give in our next issue. Meanwhile we readily make room for the charge delivered by his Honor the Chief Justice to the Grand Jury, of which Benjamin Davies, Esq., was Foreman. The case of manslaughter referred to at some length in the Judge's charge, was tried on Saturday afternoon, but there was no verdict, the jury not being able to agree.

JUDGE'S CHARGE.

The criminal calendar for this Term comprises but few cases, and one of them only of the higher class of offences. It embraces a case of manslaughter, five larcenies, and two or three cases of assault and battery; one of the latter including also the offence of rescuing a prisoner from the custody of the City Police Constables.

The case of manslaughter is against James McGonnell, upon the finding of an Inquest taken before the Coroner for this County, charging him with having caused the death of his father, Hugh McGonnell; and this sad event seems to have occurred from that prolific source from whence the great majority of cases where life is lost or endangered, generally spring, viz., the inordinate use of intoxicating liquors; and the present case is the more deplorable and revolting, from the fact, that both father and son appear to have become intoxicated at the same drinking bout, the fatal result of which is now matter for your consideration, and it may be as well to state to you, at the outset, before adverting more particularly to the facts of the case in question, that the temporary absence of reason produced by drunkenness is not a legal excuse for the acts which it may occasion or excite; but, as Lord Coke observes: "A drunkard who is voluntariously demon hath no privilege thereby, but what hurt or ill soever he doth, his drunkenness doth aggravate it." All homicide

is presumed in law to be malicious, and therefore amounting to murder, until the contrary appears from circumstances of alleviation, excuse or justification. Murder is the killing any person under the Queen's peace, with malice prepense or forethought, either express or implied by law. Express malice is where one person kills another with a sedate deliberate mind, and formed design; such formed design being evinced by external circumstances discovering the intention, as lying in wait, antecedent menaces, former grudges, and concerted schemes to do the party some bodily harm; and malice is implied by law from any deliberate cruel act committed by one person against another, however sudden: thus where a man kills another suddenly, without any or without considerable provocation, the law implies malice, for no person would be guilty of such an act upon slight or no apparent cause.

Manslaughter is principally distinguished from murder in this—that though the act which occasions the death is unlawful, or likely to be attended with bodily mischief, yet the malice, either express or implied, which is the very essence of murder, is to be presumed to be wanting in manslaughter, the act being rather impetuated to the infirmity of human nature. Whenever death ensues from sudden transport of passion or heat of blood, if upon reasonable provocation, and without malice, or upon sudden combat, it will be manslaughter.

A upon provoking language or behaviour to B, and strikes him, uses which a combat arises, in which A is killed. This is holden to be manslaughter, for it was in a sudden affray, and they fought upon equal terms; and in such combats, upon sudden quarrels, it matters not who gave the first blow.

It appears from the deposition of Francis Sheridan, taken before the Coroner, that the witness and his own father, the deceased Hugh McGonnell, and his son James McGonnell, the party charged, Patrick Traynor, and James McClaskie, met at public-house, on Lot 65, kept by Patrick Murray, on Christmas night last—that the whole party freely indulged in drinking—consuming between them and the inmates of the house, six pints of some intoxicating spirit—that no quarrel or any misunderstanding took place in the house—that the deceased, the prisoner, the witness, Sheridan, Traynor and McClaskie, left the house about ten o'clock at night—Traynor and McClaskie proceeded only about a quarter of a mile with the party, and then left to return to Murray's—that the deceased was at this time so much affected by the liquor he had taken, that he staggered very much—that Sheridan and the son both assisted him in walking—that some angry words passed between the father and son; Sheridan thinks the father began the controversy, and that he struck his son—that they then mutually grappled, and both fell, the son uppermost—that Sheridan, at the desire of the father, then took the son off him, when he arose, rushed at the son and struck him—that Sheridan interfered and prevented the son from returning the blow, and took hold of the father, and they proceeded on, the father continuing to abuse the son, evidencing, as he thought, a desire again to strike him; the son replied to the father's abuse, but in what terms he professes not to remember. Very soon after, the father got hold of the son and endeavoured to strike him, and Sheridan thinks that blows were struck by both—that they grappled and both fell, the son uppermost—that on Sheridan's taking off the son from the father, the latter made no effort to rise—that he then attempted to raise the father, but was unable to do so—that he appeared neither able to stand nor speak, and, as he describes it, "was kicking like one in the agonies of death." He then asked the son to assist in lifting the father, but he declared his inability to do so—that, in fact, both father and son were very drunk—that he desired the son to remain with his father whilst he, Sheridan, went to his own father's house, a distance of a quarter of a mile, for a horse and sleigh to remove the old man, but the son said he would go himself for a horse and sleigh—that he left apparently for this purpose, and Sheridan remained, and again attempted to raise the father, and did so, his head resting on his (Sheridan's) shoulder—that he spoke to the deceased several times; he attempted to answer, but appeared unable to do so; and after remaining with him a considerable time, and no assistance arriving, he laid him down, and proceeded to his own father's house, where he found the son sitting by the fire, and when he abused him for not bringing the horse and sleigh, he began, to use Sheridan's own expression, to "talk like a foolish man," and refused to return with him; Sheridan then proceeded to the place where he left the father, with a horse and sleigh, and found him dead. On taking the body to the house where the son remained, the latter shed tears—that until this unfortunate event, the father and son appeared always to be on very good terms. A post mortem examination was made by Dr. MacKieson, who, in his deposition, states—that there was a large contusion on the right temple, with a cut in the centre about $\frac{3}{4}$ of an inch long, and a second contusion over the left parietal bone, and the integuments on both sides were much contused and injected with blood, and a considerable quantity of coagulated blood was discovered on the left hemisphere of the brain; both cheeks were spotted all over with scratches and excoriations; and Dr. MacKieson gives it as his opinion that death ensued from injury to the head and brain. The whole case against the prisoner rests upon the testimony of Sheridan; and if, from his evidence, you are of opinion the deceased came to his death by the acts of the prisoner, your proper course will be to find a bill against him for manslaughter, thereby putting him upon his trial for that offence.

With respect to the cases of larceny, which are of the ordinary description, it is merely necessary to observe that the crime of larceny is complete by a party wrongfully or fraudulently taking and carrying away the personal goods of another, with the felonious intent to convert them to the taker's own use, without the consent of the owner; and the felonious intent consists in the intention of the party to defraud the owner, and to apply the articles stolen to his own use, and must exist at the time of taking; and no subsequent felonious intention will render the previous taking felony. There must be also an actual taking and severance of the goods from the possession of the owner, and the felony lies in the act of removing the property; and the least removal of the thing taken from the place where it was before, with an intent to steal it, is sufficient to constitute the offence, though it be not quite carried away. No larceny will be committed when the goods are taken on a claim of right, however unfounded. The openness and notoriety of the taking, when the possession has not been obtained by force or stratagem, is a strong circumstance to rebut the inference of a felonious intent; but this also will not make it the less felony. The possession of stolen goods renders it incumbent on the party in whose possession they are found, to prove how he came by them, otherwise the presumption of law is, that he obtained them feloniously. In the offence of obtaining goods or money under false pretences, it must be made out to your satisfaction that whatever the party is charged with so obtained, was actually obtained by reason of the pretence alleged—that such pretence was false, and that it was obtained with intent to cheat and defraud some person. The cases of assault and battery have been sent up to this Court by the City Court, as cases of an aggravated nature, requiring, in the event of a conviction, a heavier punishment than that Court is authorised by law to inflict. One of these cases, as before remarked, involves a charge for rescuing a prisoner from the legal custody of some of the City Police Constables, and which renders it of a more aggravated nature than an ordinary assault and battery. The Police of the City, whilst engaged in repressing riots and disturbances of the peace, and in arresting parties charged with any offence, are entitled to every protection the law can give

them, and it is the duty of every person to assist them when called upon; and those who refuse such assistance, are as liable to punishment as those who actually resist or assault them.

It is to be observed that no language, however aggravating, justifies an assault, and beyond this the other cases of this nature require no further comment by the Court.

Having remarked upon the several classes of cases within the knowledge of the Court, it is only necessary to remind you that, in the discharge of your general duties, as the Grand Inquest for the County, you are not limited to those cases given in charge by the Court, but that your duty requires you to present to the Court all such other offences and misdemeanours as shall have come to your knowledge, as committed within the limits of your County.

The law of this Colony requires you to present to the Court all parties who have retailed spirituous or fermented liquors without license, and it authorises you to suspend or annul the license of any tavern or inn-keeper, whose house is conducted in a disorderly manner, or who offends against the provisions of the License Acts; and in suspending or annulling any license, your decision being final, you are to hear evidence as well for as against the party complained of, a departure from the ordinary rule as to the admission of evidence before Grand Juries which requires them only to hear evidence on the part of the prosecution.

You are also required by the law of the Colony to furnish to the Court at this Term, lists of persons fit to serve as Constables and Fence Viewers for the current year; and such lists should consist of double the number requisite for each District in the County, as the Court is by the same law required to strike off from your lists one-half of the persons you may nominate for those responsible offices.

STUFF vs. SILK.

We had heard that some of the lawyers had expressed dissatisfaction at the nominations to the rank of Queen's Counsel which His Excellency the Lieutenant Governor was pleased recently to make; but we certainly had no idea that the parties who felt that the reputation of their order might suffer by the unfettered exercise by the Executive of the power of conferring silk gowns, would have published to the world such self-condemning documents as those which comprise the correspondence and memorial to the Queen on the subject.

We find, in the first instance, a notice calling a meeting of the Bar at a particular time and place, but no name appended to it,—a notice which might have emanated from any practical joker, who wished to coax the legal foxes from their holes on a fool's errand.

We next observe that the greatest number that could be induced to attend at the bidding of the unknown enchanter, was ten;—and of these, but four—viz: Messrs. Longworth, C. Palmer, Haviland and Brecken—are entitled to be considered, in view of this question, as Barristers. The remaining six affect broad-cloth and homespun more than stuff or silken robes.

It so happens that the practising Barristers of this Island, who did not attend the great meeting, outnumber, by a considerable majority, those who did. We have of the absentees, *all practising Barristers*, as an offset to the four whose names figure upon the memorial to the Queen, the following: Honorable Attorney General, Charles Young, Q. C., William Forgan and Edward Palmer; John Lawson, Theophilus Stewart, the Solicitor General and William M. Howe, Esquires. Thus giving eight, who might be supposed to feel an interest in the question, against four equally to be affected.

When we had made the calculation, we were not a little amused at the coolness with which the ridiculously convened and ludicrously small gathering of the *Barristers*—justly entitled to the designation—styled their pop-gun Address to Her Majesty, "The Memorial of the Bar of Prince Edward Island." We wonder if these worthies ever heard of the Three Tailors of Tooley-Street, in London. Presuming that the acquisition of their pre-eminent legal knowledge has left but little time for historical or other learning, we will inform them that at the time when the agitation produced by the events of the French Revolution, at the close of the last century, was affecting the minds of thousands in England, an anonymous address appeared in London, indicating in no measured terms that the institutions of the country, the lives of the Sovereign and of all who favoured the then existing state of things, were about as safe as that of a man who should throw down a lighted match upon an open keg of gunpowder. Well, the document created great excitement—government was alarmed—the monarch's residence was protected by additional guards—the bank received increased protection—the funds fell—the enemies of England triumphed in her anticipated downfall,—when at length the sagacity of a constable discovered that this terrible missive, beginning with "We the People of England," was the joint concoction of three tailors who resided in Tooley-Street.

We trust that the remembrance of the turgid address of the knights of the needle may have the effect of calming the minds of Her Majesty and her Colonial Minister on the subject of this precious memorial. We can assure them that its prototype hails from Tooley-Street.

One of the most curious specimens of the epistolary style, which we have read for a long time, is that which bears the well-known signature of "William Cooper," in *Haszard's Gazette* and the *Islander* of the past week. The Unholy Alliance—(which body we suppose is by this time nearly defunct)—confidently calculated upon the adhesion of the old Escheator; while the *Islander* patted him affectionately, dropped the scurrility which it formerly used in reference to him, and called him by the most endearing names. It appears, however, that the veteran agitator saw through the dodge—he perceived that there was no real intention on the part of the Unholies, or of the press which supports them, to entertain that delusive question the satisfactory settlement of which has been the object of his whole political existence; and so he has spurned their overtures in the most unceremonious manner, and exposed and ridiculed the absurdity of some of their political nostrums. The upshot of his letter is, that so far as he is individually concerned, he will support Responsible Government and the party at the head of affairs, rather than aid the introduction of a mongrel and un-British system, and pave the way for a proprietary faction to wield the power and influence of our local administration. At this breaking the word of promise to the hope, which the *Islander* had been keeping to the ears of the Unholies for several months, regarding Mr. Cooper's co-operation in their schemes, the literary drudge of the faction waxes wroth, and treats their supposed proselyte to a full measure of abuse. We regard this as a good omen in the horoscope of our quondam friend. The more the *Islander* abuses him, the better chance he has of political salvation.

DUNCAN MACLEAN vs. EDWARD WHELAN.

The public are informed that it is intended to inaugurate the trial of this important case by escorting the plaintiff to the Court in a manner worthy of his deserts and the dignity of the cause. The procession will leave the *Islander* Office, by the back door, at the hour of ten o'clock precisely, if the day should be cold, in the following order:—

- A Fiddler.
- The President of the Political Alliance, bearing the Cordon of Provost Marshal.
- A Goose. The Secretary of the Alliance. A Goose.
- The Members of the Alliance, two and two.
- A Gander. The Plaintiff's Counsel. A Gander.
- Two Apprentices, bearing the libels of the *Islander*, covered.
- A Jackass. DUNCAN MACLEAN. John Ings.
- Pursuivant from Apothecaries' Hall, bearing box of Antibilious Pills.
- Another bearing box of Ith Ointment, with directions for use.

The Devils of the *Islander* Office, according to seniority, the youngest bearing a tailor's thimble to receive the damages.

The friends of the Plaintiff, two and two.

N. B.—To prevent the disappointment and disgust which were experienced by the Plaintiff's friends, of New London, who accompanied him to Court when tried for Sedition in the year 1843—notice is hereby given that the Plaintiff will provide no refreshments for his supporters.

ARRIVAL OF THE MAILS.

The Courier arrived in Town about 10 o'clock on Saturday night, bringing the British, Colonial and Foreign Mails. The R. M. Steamship *Niagara* arrived in Halifax on Wednesday night the 31st ult. Her latest dates are to the 20th December, but the news is quite unimportant.

We regret to learn that a very destructive fire has occurred in Halifax, the particulars of which, together with the news by the English mail, will be found in our Supplement to-morrow.

SUPPLEMENT!

OWING to the unavoidable omission, from the present sheet of a variety of interesting matters, news, shipping intelligence, advertisements, &c., we shall publish as early as possible to-morrow a Supplement half the size of this No.

The weather has been exceedingly stormy during the past week—no greater snow-storm having occurred in this Island, within the memory of that respectable individual, "the oldest inhabitant," than that which commenced at the beginning of the week, and ended about the middle of it. One of the first effects of this storm has been to cut off, almost entirely, the communication with the interior, and to have interrupted the regular transmission and receipt of the mails. But a few days of fine weather will suffice to break the roads, and, as there is plenty of snow on the ground, make good travelling for the remainder of the season.

HASZARD'S GAZETTE appeared on Wednesday last in a very much improved style, under the management of Barris, Brother & Co. We could find no trace of the learned Recorder's pen, but this was no cause for lamentation, as the columns were well and tastefully filled, and the original articles spiritedly written.

MECHANICS' INSTITUTE.—John Kenny, Esq., Vice President, will deliver his postponed Lecture on "Currency," to-morrow evening, at the usual hour.

Died.

On Sunday, the 11th inst., at Ravenwood, in the Royalty of Charlottetown, deeply deplored, after a lingering and painful illness, which she bore with much Christian fortitude and resignation to the Divine will, Sarah Johnstone, the beloved daughter of the Honorable William Forgan, Barrister-at-Law, in the 21st year of her age.

New Advertisements.

SELLING OFF!

H. HASZARD informs his friends and the public generally, that having determined on closing his present business, during the ensuing month, he will commence on MONDAY, the 12th January, SELLING OFF THE WHOLE OF HIS

EXTENSIVE STOCK,

At unusually low prices. All GOODS remaining unsold, after the fifth day of February next, will be sold at PUBLIC AUCTION. Sale commencing on TUESDAY, the 10th of February next. See Advertisements. Charlottetown, Jan. 12, 1857.

AUCTION!

WITHOUT RESERVE.

TO BE SOLD by PUBLIC AUCTION, commencing on TUESDAY, the 10th February next, and will be continued until the whole is disposed of, the Extensive and Valuable

Stock of General Merchandize,

of HENRY HASZARD, Esq., in

British, West India & American Manufactures, who proposes closing his present business. Sale to commence each day at TEN o'clock, a. m.

A Catalogue of the quantity and description of the various kinds of GOODS will be distributed in a few days. TERMS.—All sums under £10, Cash. Approved Notes at 3 months above £20 and under £30; at 4 months above £30 and under £50; at 6 months above £50 and under £100; at 12 months above £100—bearing interest after 9 months. A. H. YATES, Auctioneer. Charlottetown, Jan. 12, 1857.

NEW GOODS.

Fall 1856.

EX "Majestic," from Liverpool, "Obi," from London, and recent arrivals from Boston and Halifax, the Subscribers have received upwards of

1000 Packages British & Foreign Merchandize.

which they offer for sale at their usual low prices for prompt payment. Wholesale Customers supplied at two rates and on liberal terms. The assortment consists of
 60 Chests prime Congo TEA, 2 cases Gala Plaids & Linsey,
 7 Bales Carpets and Woolens, 1 do Silk and Straw Bonnets,
 8 Cases and 2 Bales Ready Made 1 Trunk Ladies' Mantles,
 Clothing, 1 case Gloves and Hosiery,
 15 Trunks Boots and Shoes, 1 do Jewellery & small wares,
 4 do. silks, silk dresses and ribbons, 50 boxes Soap,
 8 Bales Gray, white and Printed 90 kegs White Paint,
 Calicoes, derry and ginghams, 2 casks Oil, 1 cask Putty,
 16 Bales assorted Cloths, Boxes Ward's washing Powder,
 6 Cases Ladies' Dress Materials, Paste Blacking, Chinese,
 2 do FURS, 1 case Glenfield and Blue Starch,
 2 do Woolen Shawls, 1 do Polka Jackets and Sleeves, Bags Pepper, Alsenie, Corks,
 1 do Glazed Linings, Barrels Crushed Sugar,
 15 Kegs "Halls" Powder, Logwood, Rice,
 30 Packages Ironmongery, 85 Bags Cut Nails.
 A large quantity of AMERICAN GOODS.
 Queen-square, Jan. 12. D. & G. DAVIES.