

TO THE EDITOR OF THE EXAMINER.

SIR,

The independence and fearlessness which you have on all occasions exercised in exposing fraud and oppression, induce me to crave an insertion of the statement of transactions under the cloak of justice, so that the Public may have an idea of the administration of the laws in this section of the Island,* and having been a witness to some of the proceedings of the case, I am enabled to give the facts connected with the same, without fear of contradiction.

Early in September last a number of persons, acting in concert with R. D., a Sheep Reeve, had taken and seized several Rams going at large contrary to law, and confined them in a house belonging to one of the party; and as the same persons had made considerable gains in former years by pursuing the same calling, it is evident that another plan was preconcerted by them this year, in order to make their vocation as lucrative as possible, as the proceedings taken by them will indicate. These officials, instead of notifying the owners of the seizure of their rams—kept the affair a matter of the greatest secrecy, and by that means precluded them from regaining their property on paying the fine; and although one of the owners resided within a few chains distance, no intimation had been given him, until the time prescribed by law for redeeming the ram had expired.

Notices of the sale of these rams were posted up in the neighbourhood, but the time limited by law for redeeming them having expired, no one went to see them, save one individual, who had learned from the notices of their capture, and who had been, with a good deal of reluctance on the part of those having the charge of them, admitted to see them. This was the only disinterested person who saw the rams during their captivity.

On the morning the sale was to take place, a number of persons attended; some with the intention of bidding, and others to see if rams, missing by them, were among the number to be sold, but to their disappointment the rams were not forthcoming, the Party who had charge of them alleging that they were stolen during the night.

But the affair was not designed to end here—neither were the owners of the rams designed to pass with the loss of the rams alone. A summons under the hand and seal of D. K., Esq. J. P. was the next day served on J. S., citing him to appear before him, to answer R. D., the Plaintiff, "in an action of fifteen Shillings for having a ram going at large, contrary to law." This citation, however, was of some benefit to the defendant, for it officially conveyed to him information of the ram that his sons could not find during the preceding week, because they did not discover the secret place.

The magisterial mandate was, of course, obeyed, and the defendant met his prosecutors before the tribunal of justice. The first day had passed without recording judgment, and the trial was postponed to another day, when the worthy Judge pronounced the defendant liable to the payment of the fine, together with costs of the suit—amounting in all to about £3, which the defendant has declined paying on the ground of the trial being illegal.

Having now, Mr. Editor, given a plain statement of the leading facts of the case, I beg to add a few words by way of comment on the subject. The part acted by those who took the rams and concealed them, and afterwards sued for the fine, cannot be justified by any person of upright intentions or pure motives: they have deprived the owners of their rams, asserting that they were stolen from them, but when it is considered that the place where they were secreted, is a spot far from being renowned in past times for the safety it has afforded to property, but, on the contrary, a part of the district notorious for the midnight dastard's deeds, a suspicion that they were not taken far away, is justifiable. Injurious as a faction may prove to the interests of a community, or an individual, the injury is increased by an officer of justice heading in an official capacity that faction; this was the case in the proceedings described, and had not the defendant sagacity enough to discern the deception practised against him, a considerable sum would have been extorted from him, under the name of Justice, after having been deprived of a valuable ram. The owners of the other Rams taken and concealed at the same time, were more fortunate in escaping the ordeal of a trial, the prosecutors having delayed summoning till they would see (as they said) if they would gain on one at first. Being sensible of having too much intruded on your attention and space, and leaving the matter to you and the Public to judge,

I remain, Sir,

Your obedient Servant,

JOHN STEWART, Teacher.

Lot 51, Three Rivers, Oct. 17th, 1848.

*The Act 4 W. 4 cap. 5. empowers a Sheep Reeve to take and seize all rams going at large between the 15th of August and the 10th of December, and if no owner can be found to claim a ram so taken within three days from the seizure thereof, the ram is to be sold and the proceeds allowed to the reeve; but the act does not authorize a Justice of the Peace to summon a person for having a ram going at large.

NOT THE ONLY ONE OF THE SORT.—A chap away down east, who served four days on a jury, says he is so full of law that it's hard work for him to keep from cheating somebody.—*Boston Liberator*.

THE EXAMINER.

MONDAY, NOVEMBER 6, 1848.

Third English Mail for October.

On Saturday evening the English Mail—furnishing dates to the 21st ult. and brought by the Steamship *Hibernia*—reached Charlottetown. We have space to insert only a short summary of the news.

Domestic politics in England, says Willmer & Smith, are in a complete state of abeyance. The Court has returned from the Isle of Wight to Windsor Castle.

THE CHOLERA.

The alarm which was at first created in England by the appearance of the cholera on its shores has sensibly abated. The Registrar-General of London has reported thirty additional cases only up to Saturday the 14th ult; but, on the other hand, the general health of London is better this year than in ordinary years, only 991 deaths having been recorded last week within the bills of mortality, against 1154, upon an average of five years. Only one case has been reported at Birmingham, and Manchester and Liverpool have entirely escaped the pestilence. In the city of Edinburgh the ravages of the disease seem to have been rather more extensive than in any other place, while the port of Leith has comparatively escaped. When the whole subject, indeed, is regarded in a national point of view, there is nothing at present to justify any degree of alarm.

STATE OF TRADE.

The general state of trade and commerce during the past week has been quiet. In the Produce markets, both foreign and colonial, there has been considerable languor. Importers have supplied the market rather freely with most descriptions of goods, and although reduced rates are accepted, buyers act with extreme caution. There is more inquiry for money, but the rate of discount cannot be quoted lower.

ADDRESSES TO THE LORD-LIEUTENANT IN FAVOR OF MR. W. S. O'BRIEN.—CONVICTION OF MR. P. O'DONOGHUE.—TRIAL OF MR. T. F. MEAGHER.

The anxiety testified by all ranks and parties in Ireland in stepping forward to second the recommendation of the jury of Clonmel, to spare the life of Mr. Smith O'Brien, reflects great credit on their humanity. We think, perhaps, that the other convicted men, who are not allied by rank and lineage to the great aristocracy of Ireland, might have also received some little consideration at the hands of the memorialists.

The demeanour of M'Manus during his trial, the fortitude, if not heroism, which he has displayed throughout the severe ordeal he has undergone, might we think, have elicited some more zealous interest in his behalf.

The Lord-Lieutenant, in reply to the deputation of the inhabitants of Dublin and its vicinity on behalf of Mr. O'Brien, courteously declined to give any direct answer to the memorial "beyond the assurance that full weight would be given to the recommendation of the highly respectable jury which tried him." The lives of the prisoners now stand as hostages for the future peace of the country; and we earnestly hope that no untoward event will supervene, to counteract the merciful feelings which the Lord-Lieutenant, and the Queen's Government, apparently entertain at the present moment. We may add that the formalities for bringing a writ of error have all been complied with by the legal advisers of Mr. O'Brien; but the official privilege of granting or refusing the certificate, with which the Attorney General is invested, will not be exercised by that officer until after his return to Dublin. It is suggested, with apparent probability, that the Attorney General will not disclose his intentions until he has conferred upon the subject with the heads of the Government.

Further reports of the Clonmel trials show that Mr. P. O'Donoghue, after some hours deliberation, has been found guilty, and a recommendation of mercy accorded, in consequence of his having withdrawn and disconnected himself from his associates previous to the attack on Farrinrory.

The trial of Thomas Francis Meagher commenced on Monday the 16th ult., and was likely to occupy the whole of that week. The latest date from Clonmel to Liverpool, previous to the Steamer leaving, is the 19th (Thursday), at which time Mr. Whiteside had commenced his defence for the prisoner. Great interest is excited by the trial.

The Dublin Commission was to open on Saturday the 21st, at which Mr. Duffy of the 'Nation' and Messrs. Williams and O'Doherty, of the 'Irish Tribune,' were to be put upon their trial for Felony.

FOREIGN EUROPEAN NEWS.

AUSTRIA.—The stupendous events which are passing in the neighbourhood of Vienna and in the Austrian empire, have kept all Europe in alarm and amazement during the week. Our readers have been apprized of the progress of the war between the Hungarians and the Croats; a war not of principles, but of race against race; and last week we were enabled to announce the breaking out of the insurrection in Vienna,

the flight of the Emperor, and the ascendancy of the insurgent party on the 7th and 8th ult.—full particulars of which are given in another page of this day's *Examiner*. At this juncture, Jellachich, at the head of a numerous army of Croats, was advancing towards Buda-Pesth, with the view to suppress the insurrectionary proceedings in Hungary, when the intelligence of the revolution of Vienna reached him. He instantly turned his columns in the direction of Vienna, and advanced with rapid strides towards the capital. Aversberg, the Emperor's general, who had previously taken up his military position at Belvidere, in the suburbs of Vienna, had kept the population in hourly alarm of bombardment; and during the 9th, 10th, 11th, and 12th ult. the inhabitants of Vienna have undergone all the terrors of a momentarily expected siege by the two armies.

The Emperor has retired, not to Innsbruck, but to Olmutz, in Moravia. He carries with him an effective force, and from that point he will be able to rouse the countless thousands of Slavonians who are ready to carry on an internecine war against their German fellow-subjects. It is plain, from the elements we have described, that a civil war, more frightful than any ever recorded in history, seems upon the point of bursting forth. The French hold aloof and do not move, well knowing that Russia stands ready with an army of 200,000 men, upon the confines of Poland, to throw the whole weight of her power in the scale of the Emperor and in support of the Slavonic quarrel.

ITALY.—In Italy these events are producing serious results. The Hungarian soldiers at Milan have demanded leave to withdraw to their own country, and the position of Radetsky appears perilous. If Charles Albert should seize the present favourable moment to cross the Ticino, he may drive the Austrians out of Lombardy faster than he was lately expelled himself. The present events may speedily change the whole face of Europe.

SPAIN.—In Spain there has been some trifling warfare in the Catalonian provinces, but nothing of a decisive character. There is no particular news from Portugal.

TO CORRESPONDENTS.

We have received a communication from a correspondent at Indian River, relating to a charge of perjury preferred against him by a certain Reverend Gentleman of the Established Church, and accompanied by a withdrawal of the same charge by the same Reverend Gentlemen. This communication is likewise accompanied by a request to have it published three times as an advertisement in *The Examiner*. Now, we beg to say we are not so badly off for an advertisement that we should lend ourselves to a matter of this description—and we accordingly decline publishing the communication for these reasons: That the accusation being private, the retraction also private, no injury could have been inflicted on the party accused: that an action has been commenced, as we understand, by the accused against the accuser; and as the former has thus looked to the Supreme Court for a vindication of his character, we cannot perceive that he has any claim on the premature interference of the Press. We have no acquaintance with either of the parties concerned in this business, but we may take this opportunity to remind them, and through them the public generally, that a public journal should not be expected to become the chronicler of the disputes, bickerings and accusations which may and do arise every day in the year between private individuals, unless such disputes and accusations are known or believed to affect the public welfare.

We have heard it rumoured that His Excellency the Lieutenant Governor has transmitted to the Secretary of State for the Colonies *The Examiner* of the 16th ult., with the view of eliciting his Lordship's opinion on the editorial remarks in reference to the Irish State Trials. We cannot help thinking that Madam Rumour has invented for once a very silly falsehood, for, by such an act His Excellency would seem to doubt the ability of his Law advisers to determine whether the remarks in question demanded the serious attention of Government. If we thought any reliance could be placed on the rumour above referred to, we would recommend His Excellency to forward *The Examiner* of the 30th ult., containing an explanation of the obnoxious editorial.

SCARCITY AT THE NORTH CAPE.—A paper called the *Western Canadian* notices a letter from Mr. Thomas LeMarquand, dated Cascumpec, P. E. Island, 9th Sept., and addressed to a Mr. Jacques Blanchard, which states that the Grain crops along all the North side of the Island have been destroyed by rust, and the Potatoe crop by the prevailing disease. The inhabitants being in consequence exposed to great suffering, request that vessels coming down to the Island for Oysters would bring flour in payment.