

BOW AND WALSH vs. FOY AND AUSTIN.

The following abridged report of a case of considerable importance, is taken from the *New-York Evening Post*:

Bow and Walsh vs. Foy and Austin.—This was an action on the case for fraudulent interpretation. The Plaintiffs are Wholesale Merchants in the city of New York.—

Sometime in the year 1811, one John Henderson, formerly a Merchant in this city, called at the store of the plaintiffs to purchase goods. Being wholly unknown to them, he produced a letter from the defendants which stated that they knew the hearer, John Henderson, for several years to be a man of strictly honest habits and they would not hesitate to give him credit to the extent of \$1000.—

The plaintiffs having had dealing with Foy and Austin, and having confidence in their honesty and responsibility, on the strength of their recommendation credited Henderson for goods to the amount of over eight hundred dollars. Henderson having brought the goods to Toronto and disposed of them, shortly afterwards absconded from the Province, leaving the Plaintiffs and several other parties unpaid. Plaintiffs on hearing this and considering the Defendants liable, upon the false representation, endeavored to effect an arrangement. The defendant refused to pay any part of the debt, whereupon the present action was brought. It was proved at the trial, that Henderson a short time previous to the date of the recommendation, had become bankrupt; that immediately preceding the bankruptcy, Henderson alleged that he had been robbed of a large amount of money, which was said to have been taken from trunk in his wife's bedroom while he was absent; that after he had obtained his certificate, facts were disclosed which led his creditors to believe that the alleged robbery was a mere pretence, and that he still had a large amount of money in his possession; that in the course of investigation before the commissioners, at which Mr. Foy was present, these facts came to his knowledge; and that a bill had been filed in chancery respecting a lot of land which Mr. Foy had purchased from Henderson, and to this bill Mr. Foy had put in his answer upon oath, stating facts that involved a knowledge on his part of the possession by Henderson at the time of his bankruptcy of a large amount of money, and therefore of his dishonesty. For the defence it was contended that the Defendants, at the time of their recommendation had reason to believe that Henderson was such a person as they represented. For this purpose several witnesses were put in the box who stated that at the time they had believed him to be honest, and would not have hesitated to credit him. But it was unfortunate for the Defendants, that their principal witnesses were brought from a foreign country, and could, therefore know little about him. The court held that where a party makes a representation, in good faith, believing it to be true, and the person trusted afterwards becomes insolvent, the party making the representation is not liable; but that where moral as well as legal fraud exists, liability does attach. Verdicts for Plaintiffs. Damages \$223 14. 10d. being the full amount claimed. Solicitor-General and Hector, for Plaintiffs—Hagarty and Brooks, for Defendants.

THE ARCTIC EXPEDITION.—SIR JOHN FRANKLIN.

The Montreal Herald says: We have received from M. McPherson, Esq., a letter dated Portage La Roche, July 27, 1848.

The letter contains the following information relative to Sir John Richardson, who, it will be remembered, is seeking Sir John Franklin by land, while Sir James Ross is engaged in the same service by sea. The last dates from Capt. Ross are, by way of England, to the 29th of July. At that day he was

in Newfoundland, in the Bay of Bonavista, in informing us that Sir John Richardson, Dr. Bell and party, met on the 11th of July, as far advanced as Athabasca Lake. They appeared in good health and spirits, and I should suppose that Sir John would reach the coast about the 27th or 28th of the same month. I have little doubt, however, for fact, that with an account of the latitudes of the Spring in this quarter, meet with considerable difficulty on the route.

The latest news from Peel's River brings reports that the Indians who frequent the coast had met with Esquimaux, who showed them files and knives, which they said they had received from Whites in two very large canoes, to the eastward of McKenzie. Indian rumors are so problematical that it is utterly impossible to vouch for their accuracy.

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"We have further advices by other channels from the far West, and regret to learn

that the Hudson's Bay Company's barque "Vancouver" was wrecked on the bar of Columbia River, on the 7th May last; and that her valuable cargo, consisting of

of English manufacturers, was lost.

It is satisfactory, however, to know that the crew and passengers were all saved; and that the ship and cargo were all recovered.

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