

ENGLAND.

COURT OF COMMON PLEAS, Feb. 9. Sittings at Westminster before the Chief Justice and a Special Jury.

WILLIS VS. BARNARD.

This was an action brought by the plaintiff to recover compensation in damages from the defendant for criminal conversation with his wife. Mr. Sergeant Wilde (with whom was Mr. Wightman) stated the case. Mr. William Willis, the Plaintiff, was a gentleman at the Chancery bar, and was engaged in the conduct of a suit in Chancery before the Earl of Stratmore. The defendant, Mr. Barnard, a constant professional intercourse led to habits of intimacy with the family, which finally ended in a closer connection, and he was married on the 8th of Aug. 1824, with the consent of the friends on both sides, to Lady Mary Bowes, a young and accomplished girl, 22 years of age, a daughter of the Noble Earl. After living for three years after the marriage, at Hendon, with Mr. Willis, the Plaintiff's mother, they returned to England in 1828, leaving Lady Mary and her sister, Miss Willis, at York. It was however, considered better that Mr. Willis should not resume his judicial functions in America, and he wrote to Lady Mary, directing her to come to England. She immediately started for Montreal, and there she became acquainted with Capt. Barnard, the defendant, an officer in the 68th Light Infantry. Upon arriving at Montreal she stayed a day or two at the hotel, and then took lodgings at Dr. Lisle's boarding-house where the defendant also was, and occupied a bedroom adjoining his. They were on very intimate terms, though not a suspicion was excited that an improper connection had taken place between them; and on the arrival of Miss Willis from York, where she remained to dispose of some property, Capt. Barnard gave up his room to her and removed to the house. Very shortly after Lady Mary eloped with the defendant, and they were not heard of until traced to lodgings in Westminster, where they were living as man and wife. Mr. Willis had since gone out as Chief Justice of Dominara, and he brought the present action to recover some consolation if not compensation, as the verdict of the Jury would show the opinion they entertained of the conduct of the defendant, and of the loss he (the plaintiff) had sustained. The learned Sergeant then proceeded to call witnesses to prove the marriage and other facts in the case. The Rev. Mr. Willis examined by Mr. Wightman—I am a Clergyman, at Bath, and an brother to the plaintiff whom I married on the 8th of August, 1824, at Marylebone Church, to Lady Isabel Mary Bowes, daughter of the Earl of Stratmore. My brother at that time was 32 years of age, and Lady Mary was 23 on that day. After the marriage, my brother and Lady Mary lived with my mother at Hendon, until 1827, when they sailed for Canada. During the three years they resided at Hendon, the most complete affection seemed to subsist between them. There was some little animosity and the Willis's, in consequence of a law suit respecting Lady Mary's property. Doct. John Adam Crawford, a physician, practising in London, also proved that whenever he saw them they evinced the greatest affection for each other. Mr. James Espinasse, a barrister—Was in habits of great intimacy with Mr. Willis, previous to his marriage. He saw Lady Mary and him twice after their marriage, and they appeared excessively attached. John Galt, Esq. examined by Mr. Wightman—I resided at York, when Mr. Willis and Lady Mary came out. I was very intimate, and saw them every other day. When I was first introduced, there appeared to be a great discomfort in the family, from some circumstances connected with his judicial situation. Mr. Willis's attention to his wife was very great, and her affection reciprocal. There was some slight difference between Lady Mary and Miss Willis, but between her husband and her there was no reason to suspect that their affection was not mutually strong. Cross-examined by Sergeant Spankie—Sir Peregrine Maitland, the Governor, was married to a daughter of the Duke of Richmond, and there was some little difference about precedent. Mary Mays—I lived as servant with Lady Mary, at Little York; the day previous to her commencing travelling. On the 16th of May, 1829, we set out in a steamer vessel. Dr. Dunlop and Mr. Prior accompanied Lady Mary as far as Niagara. We afterwards went to Montreal. I know Captain Barnard. He was Lieutenant in the army. When we got to Montreal we went to a hotel, where we remained from the Friday till Sunday. Mr. Barnard called on the Saturday morning and saw Lady Mary in the drawing-room. After leaving the hotel we went to a boarding-house and remained there three months. Capt. B. came shortly after and was very much in Lady Mary's company. He used to come every day, about 11, and stay till dinner time. Lady Mary's bed-room and Capt. Barnard's were close adjoining. When Miss Willis arrived she took Capt. Barnard's room. I remember one Sunday evening Lady Mary coming into my bed-room. On the 11th of August, a little after eleven at night, I was in bed and asleep; when I awoke I saw her at the window. I fancied that she was speaking in a low voice to somebody. She only remained a minute or two after she found that I was awake. When she quitted the room I looked out of the window, and heard a voice, which, I think, was Captain Barnard's. He said "make haste," and repeated it in a minute or two after I saw Lady Mary. She asked me if I was asleep. I replied, "No," and she went away, telling me to call her in the morning. My window looked into the front street. When she left me she went, as I fancied, into her own room, but I looked out of the window, and saw her going up the street in company with Captain Barnard, who was the person I had heard speak out of the window. I got up and went to see how she had got on. She had left her child in her own room. I then immediately went and endeavored to awaken Miss Willis, but could not; but in the morning I told her of every thing that had occurred. I remained in the service of Miss Willis till I came back to England and saw no more of Lady Mary. Cross-examined—There were other officers in the boarding-house. It was the custom for respectable people to go to a board-

ding-house in preference to private lodgings.

The Jury retired; and, after an absence of some time, returned with a verdict for the plaintiff—Damages ONE THOUSAND POUNDS.

ELOPEMENT.—Some time before day-break, yesterday morning, a travelling chariot and four horses were observed to draw up in the Uxbridge road, opposite to Connaught-terrace, where they remained for a considerable time, waiting in evident readiness to start at a moment's notice. At last a horse and gig, in which were two persons, in travelling dress, was seen coming along Park-street, and appeared to have been driven a long distance. The persons, a lady and gentleman, alighted, took their seats in the chariot, the word "go on" was given, and the crack of the post boys' whips, and the rattle of the chariot wheels, was heard only for a second or two, ere they were whirled out of sight, in the direction of the north road. It is said that the fair fugitive is the daughter of a wealthy resident in the neighborhood of Clapham Commons, and her companion a Cavalry Officer of some distinction, who had eventually succeeded to titled honours, and an immense estate. The young lady was not missed, until four hours after she had taken her departure. An instant pursuit was commenced, which will, in all probability, be unsuccessful, as the party in advance is said to have relays of horses in readiness all along the road. The sister of the young lady made a circuitary visit to the Hyemal altar about fifteen months ago, and started from the same spot as the parties did yesterday morning.

LIBEL ON THE DUCHESS OF RICHMOND.

The Attorney General stated, in the Court of King's Bench, on Wednesday, that he came rather irregularly before the Court on the last day of Term to move for an information, but it was usual to allow parties to mention the application they intended to make in the ensuing Term. He should move to file a criminal information against several newspapers for the publication of a gross and unfounded libel on the Duchess of Richmond. This he should do on the affidavit of his Grace the Duke of Richmond, who stated that the publications to which he referred were false and scandalous, and that he lived with his Duchess in uninterrupted harmony. Mr. Justice Littleale—All you can do is to mention it. The Attorney General—That is all. My intention is to be prepared to make the motion next Term.

MASTER GENERAL OF THE ORDNANCE.

The merits of this distinguished officer, have been acknowledged by his rapid advancement in his profession; and he is now in a political situation of high rank and character in the State. But looking back for a few years we find the present Right Hon. Sir James Kempt, G. C. B. and G. C. H., and late Captain-General and Governor-in-Chief of North America, a clerk at a desk in the Agency Office of Messrs. Greenwood, Cox, and Co. His promotion is not more honourable to himself than to the service; and it is one among many proofs that merit in this State, even where all public matters are broadly declared to require reform.

DEATH OF DR. BELL.

This truly good man died at Lundsdy Cottage, Cheltenham, on Saturday last, after a long illness, in the 80th year of his age. Dr. Bell had the high gratification of seeing his system of education universally adopted. He had resided some time in India, was President of Westminster, and Master of the Yorkshire Institution, Durham; and in the course of his long and virtuous life, had accumulated great wealth, which he munificently disposed of to various National Institutions, to the amount of £120,000.

DOMESTIC.

"CHOLERA" (NOT) IN CANADA.—An alarming report has got into circulation of the Spasmodic Cholera having broken out on the Niagara frontier; and a report has been forwarded to the commandant of the military post at Niagara that 14 cases had occurred at Lundsdy Lane and Chipewawa. In consequence of which Capt. Forbes despatched assist. Surgeon Skelton (in company with Dr. Porter) to the spot to examine into the cases in question. We have just now been favored with Surgeon Skelton's report, which we regret that we cannot publish, entire in this number, but the report of this gentleman clearly and satisfactorily demonstrates, that the cases of disease at Lundsdy Lane &c. which occasioned the alarm, were not cases of Cholera, but of "bilious remittent fever" of a highly aggravated character: of which a number of persons had died.—[Courier.]

CORRECTION.—

We have this moment received a note from Mr. Robert Rutherford, stating that Mr. McKenzie did not take refuge in his yard, on Friday last, as stated in Saturday's Courier. We did not see Mr. McKenzie do so ourselves, but we were told so repeatedly, and we stated the circumstances from this information. As it appears to be an error, however, we most readily now correct the statement.—[Courier.]

BURLINGTON BEACH.—We shall never forget the delightful sensations experienced on first approaching the head of Lake Ontario. It was "When bright Aurora, sprung of day, Rose from her azure bed where Fishon lay, And the rich silver carpet spread out before the imposing heights beyond, which Seemed waking giants groping for the clouds, Was displayed at that hour to the greatest advantage. One object, in particular, excited a degree of admiration that has not been lost in familiarity: this was the Beach—a beautiful ridge of bright sand, lying like a floating bridge across the wide lake. It might have been taken for anything else but a line of foam, or monster of the deep—sooner than the reality, since it is perhaps one of the most rare formations in the world. "What silver-clad, serpentine form lies ahead?" enquired a stranger. "The Beach, sir," replied Captain W.—"What formed it there?" enquired another. "No answer was returned. We repeat the inquiry, and hope, some one, familiar with the Beach, will reply, philosophically and satisfactorily.—"What formed it there?" [Canadian Caske.]

PUBLIC MEETINGS.

GREAT MACKENZIE MEETING AT YORK!

The great Mackenzie meeting at York took place on Friday last, and never was there a more successful overthrow of that gentleman and his entire party than that of the editorial of the Courier prevents our detailing the proceedings as there recorded, and we are consequently compelled to compile the principal features that distinguished that day—a proud and glorious one for the friends of the King and Constitution. About 12 o'clock, the faction headed by Mackenzie, assembled with powerful help and numerical strength round the steps of the Court House. Dr. Dunlop, on one side, was proposed as Chairman; Mr. Kitchin on the other. Upon a division, Mr. Dunlop, by a majority of two thirds of the crowd, was chosen to this enviable preference, amidst the most deafening acclamations. Mr. Thomas Carfrae, Jr. then moved that the sentiments expressed by the signatures of 1,400 male adults of the population of York developed "the character of the Government of the Colony;" that the inhabitants of York thereby denied the truth of the representations lately made to the British Government by a disaffected faction; that they entertained the strongest confidence in the wisdom and ability of His Majesty's Government, and their approbation of the administration of Sir John Colborne. This resolution, which the above is but the substance, was carried by an immense majority.

Mr. Dixon, of the general committee, then came forward and proposed "that the meeting be now dissolved." This was carried by a similar majority. Mackenzie and a few of his followers, however, mustered a Yonge street mob, and were about establishing their own pre-eminence by "grievances," when he was interrupted by an unceremonious assault from a few potato-faced, broad-shouldered Hibernians, who seized the wagon and its contents, and triumphantly and ridiculously wheeled the cargo through the town, the orators tumbling out at every jolt, amidst "abundant salutes" of those detestable missiles made use of in pillories in Ireland and vulgarly denominated "rotten eggs." Mr. Mackenzie and Mr. Rutherford fled under the protection of Mr. Rutherford's yard "for safety and for succor." The Sheriff then proposed that the friends of the Constitution should follow him to the Court House, preceded by the British Standard. About 1,200, in perfect order, marched up into the Government yard, and gave three cheers for King William and three for the Lieutenant Governor, and as we hear, three for the Ladies, and returned in the same order. Mackenzie, by another body was carried in effigy, with a real gin-sword decorated medal, and decently buried before his own door. The knavish little agitator, for the purpose doubtless of adding fresh fuel to the existing excitement, had caused a tri-coloured flag to be displayed from the window of the Advocate Office; but the loyal people of York indignantly at the exhibition of the "rascally rag," which never yet was hoisted, and never shall be, over "The flag that braved a thousand years The battle and the breeze," rushed into the office, for the purpose of tearing it down; when a gun was discharged from one of the windows. This was the signal for a general attack upon the office, which was quelled by the interference of Mr. Fitzgibbon and the surrender of the ordnance. This gentleman endeavored to afford the agitator a safe and secure asylum in His Majesty's jail, but upon the interference of his friends, Mr. F. gave him up to their protection. In vain Mackenzie applied for the troops to protect himself and property—memorialized the Lieutenant Governor, who referred him to the police officer, whom he declared they could preserve the peace of the town without any military interference. Thus ended this attempt at political pre-eminence, and thus forever has terminated the popularity and seditious influence of this imaginary patriot.—[Chronicle.]

FROM THE COURIER MARCH 28th.

"THE GREAT MEETING."—A number of facts relative to the proceedings on Friday, have been related to us since our last number went to press—all of which are calculated to illustrate more strongly the character and conduct of the seditious faction under their defeat. We stated last week that after Mackenzie's seditious Yonge streeters, had been routed, and the wagon load of patriots captured and carried off by a "handful" of Irish lads, the greater part of the multitude who were on the constitutional side, marched up to the Government House. We have since learned that, as soon as this body was fairly out of sight, Mr. McKenzie rallied his broken and dispersed citizens from Lake Simcoe, Whitley, &c. round the steps of the Court House and began to re-do his standing grievance speech, resolute that he would "be espied the British ensign the harbinger of conquering Phalanx on their return from the government, and immediately betook himself to his heels, and finished the business at his own house. Mr. McKenzie vented his wrath first at his own people the "brave" natural aristocracy" whom in the fury of his rage, he stigmatized as cowardly, and ungrateful varlets for allowing themselves to be routed and their patriotic leaders to be run away with before their eyes, by a dozen or two of Irish boys, without raising a hand to save their immaculate patriots, from the ridiculous and degrading dilemma. And the or-

ator emitted his spleen against his leading opponents; scandalizing their private characters; calling one a "lick platter," another a "runaway"—a third a "Yankee" &c. &c. until, as we said before, the approach of the returning host "brought the route" for him to march of at double quick."

Nothing can exceed the feelings of mortification, resentment and malicious spite, which have been evinced by the leaders of the defeated revolutionists—every species of misrepresentation, and falsehood which human ingenuity can devise, has been resorted to, to cover their disgrace, and to stigmatize the conduct of their opponents upon the occasion in question. Among other absurd and insulting imputations, they asserted that the majority of the constitutional phalanx, were "panpers of the Soup Kitchen." This is almost too silly trash to refute, but it may not be amiss to state that we have ascertained from the gentlemen who are now superintending the Soup Kitchen, that there is not one adult male person in health now receiving the bounty of that establishment, and that there was not, consequently, one single individual of that description at the meeting. There were, undoubtedly a great number of Irish Catholics at the meeting—a body of people whom Mr. McKenzie first labored to seduce from their allegiance to their sovereign; whom he next tried to prejudice against their worthy and amiable Bishop; whom he twice insulted by breaking into their meetings, and by attempting to sow the seed of dissension among them—whose religious feelings he outraged by committing sacrilege on their church, and by throwing his inflammatory "Dan O'Connell" handbills over their altar; whom he still more outrageously insulted by threatening to burn their Bishop in effigy; and whom he now, at last attempts to degrade by representing these very Catholics as low vagabonds and "pauper Soup Kitcheners."

But without going at present into further details of the conduct of the faction (for we shall have particular occasion to do it in a succeeding number) we may venture to say, that never was a political victory more triumphant than that which was gained by the Constitutionalists over the Ryeonian Revolutionists upon this great day.—Can human ingenuity depict any thing more humiliating than the situation of the mob leaders upon this occasion. To see the very man who was but three short months since the demigod of the mob, now sunk to the very lowest pitch of popular detestation—to see him, who so recently, so wantonly, so cowardly insulted a Magistrate, (Capt. Fitzgibbon) now appealing to that very gentleman for protection from the multitude—to see him praying the Lieutenant Governor whom he has lately so flagrantly insulted, for troops from the garrison to protect his life and property, in a piteous sight enough, even to his opponents, and must be harrowing to the very soul of the demagogue himself.

GORE MEETING.

At a public Meeting of the inhabitants and Resident Freeholders of the District of Gore, held at the Court House, on Monday the 10th of March 1832, convened by the Sheriff of the said District, pursuant to a requisition signed by many of the Freeholders of the said District, to give them the resident Freeholders of Gore an opportunity of legally and constitutionally expressing their opinion of the administration of the Government of the province of Upper Canada by His Excellency the present Lieut. Governor Sir John Colborne, and of the public grievances existing in the Province. The Sheriff, William M. Jarvis Esquire was called to the Chair, and Mr. John Law appointed Secretary. It was moved by Mr. J. G. Hathway, seconded by Mr. John Law of Saltfleet, that Mr. William Lyon Mackenzie, having by his inflammatory and revolutionary principles and libellous publications rendered himself unworthy of a seat in the councils of the country, we deem his presence at this meeting, one among the thousand evidences of his superlative effrontery and impudence, the Chairman be requested to desire him to withdraw.—Which was carried.

TO THE KING'S MOST EXCELLENT MAJESTY.

We, Your Majesty's most dutiful and loyal subjects, the Inhabitants of the District of Gore in the Province of Upper Canada, beg leave to express our sincere affection for your Royal Person, and our unabated admiration of the Free and Glorious Constitution of the United Kingdom, in which sentiments we sincerely believe that a very large majority of our fellow subjects in this Province most heartily concur. Possessing this mild and liberal form of Government, Upper Canada has flourished in an unprecedented and pre-eminent degree, and exhibits a rare and cheering picture of progressive prosperity and happiness; yet notwithstanding our unparalleled prosperity, we lament to inform Your Majesty that certain unprincipled individuals have endeavored to excite and mislead the people, and by a foul and organized system of misrepresentation, to persuade them that they are oppressed by many weighty grievances; in order to weaken if not destroy their attachment to those institutions, which it will be true, be the constant care of Your Majesty's Canadian subjects, to cherish, to defend and maintain with their lives and fortunes. We respectfully beg leave to state to Your Majesty that the Petitions containing complaints of imaginary grievances, which have been clandestinely got up, and presented to Your Majesty are wholly disapproved of by us, as utterly void of truth and containing no just ground of complaint, tending only to create discord and disaffection, to impede the rapid prosperity of this Province, and subvert that admirable constitution under which we so happily live. We find justice duly and impartially administered, civil and religious liberty the most perfect, the taxes so light that the people are scarcely aware that they pay any, except the local assessments, while the parent state shelters and defends us with her garrisons, and constructs Canals and public works for our benefit.—We feel most thankful to Your Majesty and Your Imperial Parliament, for granting us the privilege by our Representatives in the Assembly to assist in "making laws for the peace, welfare, and good government of the Colony." Thus affording us ample means

of redressing any grievances that may exist, and we earnestly intreat that Your Majesty will continue to us the substantial blessings we at present enjoy, nor suffer the machinations of the factious & unprincipled, to blast our fair prospects, & mar the prosperity of this happy Province.—We beg to state to Your Majesty that those Petitions asserting that the people of this Province are discontented with the Administration of the gallant individual whom Your Majesty has placed at its head, are libels of the most gross and audacious description, and that it is our firm conviction, that all except the promoters of discord and disloyalty, have the highest regard for his private and public virtues, his earnest and indefatigable exertions to promote the true interests of this Province, and his mild and impartial Administration of justice to all, to the utmost extent of the powers assigned him by the Constitution. That Your Majesty may continue to us unimpair'd the glorious Constitution under which we live, and long reign over a contented and happy people, is the sincerest wish of our hearts.

Mr. John Willson then addressed the meeting, and having entered into a detail of the blessings enjoyed here, by the subject under our present admirable Constitution, the advantages we possess, the power conferred on the province to legislate for itself and settle its own whole internal polity. The address that had been moved by Mr. Macnab was then voted by acclamation.

To the King's Most Excellent Majesty.

Most Gracious Sovereign: Great exertions are made by individuals in this Province to persuade Your Majesty's faithful Subjects therein, that they labor under many grievances, arising from the misgovernment said to prevail in the Colony, and when in said parts of the Province an expression of public opinion has either been taken, or is about to be taken in relation to the alleged grievances, and the conduct of those who so industriously strive to create a belief of their truth, it would ill become the instantans of the Eastern District, whose attachment to Government has upon all occasions been manifest, to remain idle spectators of what nearly concerns them and the interests of the whole Province. Under this belief, we, Your Majesty's dutiful and loyal subjects, the inhabitants of that District, beg leave to approach Your Majesty with this our assurance of unabated attachment to Your Majesty's Person and Government, and the expression of our ardent and sincere hope that the blessings which have been derived from the Constitution established in this Province, may long be duly cherished and enjoyed by its inhabitants, and that the kind and fostering care of that State which it is our pride to claim as a Parent. We cannot be insensible that we have always been regarded and treated by this Parent with the most indulgent kindness, that, till within a few years, the expenses of our Government were borne from her coffers, that some of our most splendid improvements have been constructed and are now constructing from her resources, that in the hour of need and danger, her fleets and armies protected us, at the expense of millions of her bravest Sons, and that the best of her bravest Sons, and that at this moment, if her protection were withdrawn from our commerce, we should in vain seek for a market for the staple commodities of our rapidly improving Province.

It is with the most sincere gratitude we acknowledge the extent of our obligations, notwithstanding the insidious and unceasing efforts which have been made by a certain class of individuals, wearing the mask of patriotism, to impress upon the minds of the people a belief that they are oppressed and misgoverned. Secure in the protection of Your Majesty, we rest fully satisfied that in the present Government of the Province, we may safely repose a generous confidence, and though there may be (as indeed there must be in all human institutions) some defects or errors in our system of Laws and Government, we regard them of too unimportant a nature to justify the scandalous course which some of the public presses and their conductors have chosen to adopt—more especially as the remedy for such errors or defects is entirely within our own reach and control.

It is with extreme regret that we learn that a portion of our fellow-subjects have been so far misled, as to lend their names and sanction to an Address to Your Majesty, calling in question the justice and propriety of allowing the poorer classes of the Population of our Mother Country, to remove to this Province. The feeling that could dictate so heartless an expression of opinion, we trust, is confined to a very few in this Province, and though some may have been misled to sign such address, we are fully persuaded that if they fully understood its import, their generous British feelings would at once prompt them to spurn and despise its Authors. In the full enjoyment of ample protection for our persons and properties, blessed with a fruitful soil and healthy climate, and making giant strides in the march of improvement, we have nothing to desire but the continuance of Your Majesty's gracious protection, while we earnestly hope that the many millions of acres yet in a state of nature, in this province, will afford an asylum to such of our fellow subjects of the United Kingdom as may be induced by the pressure of distress or otherwise to leave the home of their Fathers. That your Majesty and our gracious Queen may long reign and enjoy the regard of a grateful and happy people, is the earnest prayer of Your Majesty's faithful subjects the inhabitants of the Eastern District of Upper Canada.

Eastern District, March 23, 1832.

A letter, published in the Canada Gazette says that "two Methodist Missionaries have been shot by sentence of a drum head Court Martial, in the Island of Jamaica. (The above we believe to be a fabrication. No such information has been received here; and although the Jamaica papers have been filled with angry and extremely libellous attacks on the Methodist and Baptist Missionaries, there has not, to our knowledge, been a single instance of an arrest, much less an execution.—[Ed. American Advocate.]

Upon the above we need scarcely remark after the opinions we have lately expressed, that no one will be happier than ourselves to find the statement of our correspondents incorrect. But on the other hand, in reply to the American paper, we must observe that it is incorrect to say, that no Missionaries have been arrested, as we gave, not very long ago, the names of four of these gentlemen who had been taken into custody in the course of the insurrection. (Mont. Gazette.)