LATER FROM EUROPE.

The steamship City of London, from Liverpool 20th of Dec., and Queenstown 21st, bound to New York, put into Halifax on the 6th instant, short of coals. She experienced very boisterous weather on the passage.

DOMESTIC NEWS.

The *Pall Mall Gazette* says three Englishmen, fellow commoners of Trinity, Lord A. Harvey, Hon. Mr. Strutt, and Mr. Coore, have just been captured in Greece. Lord A. Harvey and Mr. Strutt have been set at liberty, Mr. Coore being retained in captivity as security for the ransom, which is £1,000 each.

The *Times* announces that the good offices of England and France have been accepted by the Spanish Government, and unless Chili should prove more implacable than Spain herself, the least justifiable of modern wars may yet be terminated by friendly mediation. It would be a suicidal act if Chili were to reject an offer of conciliation which Spain has had the good sense to accept. Our present information justifies us in hoping that the patience of neutral powers will not be taxed beyond endurance.

At an annual meeting of the Farmers' Club, held at Wirral on the 19th December, some conversation took place with reference to the best means of preventing the ravages of the cattle plague in the Wirral district, and several farmers urged the propriety of prohibiting the movements of cattle along the public highways, so that the danger of infection might be reduced. It was stated by Mr. C. Bushell that the disease had already made its appearance in that district.

At a meeting of the Corporation of the city of Dublin, held on the 18th Dec., a discussion took place in reference to the letter recently received by the Board of Superintendence of Richmond Bridewell, from Sir Thomas Larcom, announcing the dismissal of Mr. Marquess, the Governor, and the intention of his Excellency for the future to deprive the Board of Superintendance of the right to appoint prison officials. A resolution was passed to the effect that the Board considered the rebuke unmerited and offensive, and that they challenge a searching inquiry by impartial and independent parties into all the circumstances connected with the escape of James Stephens.

EXPLOSION OF PHARAOH'S SERPENTS —3 MEN KILLED.

On the 19th ult. an explosion occurred in a house in Mitre square, Aldgate, London.—Some persons were engaged in manufacturing Pharaoh's serpents, when from some unexplained cause the composition exploded, killing two men on the spot, named Lavy and Crome. A third man, whose name is at present unknown, leaped from an upper storey, falling headlong on the pavement and was killed.

THE FENIAN TRIALS.

The Cork *Herald*, of the 21st ult. says that the Crown is reaping fresh triumphs over the Fenians. On the 20th in Dublin, the two Ballincolling prisoners, Duggan and Donovan, were convicted and sentenced to ten and five years' penal servitude respectively. C. Underwood O'Connell was then put on his trial. It is likely that as soon as he is disposed of, the Commission will adjourn for the Christmas holidays, resuming its sittings on the 27th inst.

London, 21st Dec.—£22,000 in gold was taken from the Bank yesterday. After official hours, Consols 87¼ to 87⅜. Alliance Banks good.

Merthyr Tydvil, Wednesday.—An explosion occurred at Upper Getlim coal pit this morning, by which 20 men were killed and three injured.

INDIA.

From Alexandria we have a telegram of Indian news, from which we learn that by the treaty of peace the Bhootanese are to receive a handsome subsidy, the increase of which is contingent on their own good behaviour. A conspiracy has been discovered in Cabul. The cause of the inefficiency of the Indian telegraph system has been traced to bad management, which we are promised shall be remedied. The English Government propose to publish trade and navigation returns in the same way as at home. A native coasting boat had been run into and sunk by an English steamer, and fifteen persons drowned.

NEW ZEALAND.

A ministerial crisis has occurred in New Zealand. For some time before the departure of the mail the Weld ministry, always strongly supported on a question of confidence, met with various minor defeats through sections of their supporters courting popularity in view of an approaching election. These defeats became at length so annoying and embarrassing that they resigned on the 12th October last. Mr. Stafford, who was Premier in Governor Brown's time, was sent for, and when the mail left (October 15) was engaged in forming a ministry. The only appointments he had then made, however, were Mr. John Williamson, late Superintendant of Auckland, to take charge of native affairs; and Mr. Russell, the Defence Minister in the Whitaker-Fox administration, to fill the same office under Mr. Stafford. It was supposed that Mr. Stafford would endeavor to retain as many imperial troops in the Colony as he could. The supporters of the late ministry, however, had taken the alarm at their own supineness, and would probably muster to replace them.

(From the Scottish American Journal.)

THE RECIPROCITY TREATY AND PROVINCIAL TRADE.

Within a limited period the Treaty of Reciprocity, under which the trade and agriculture of the British Provinces have attained their present position, will have come to an end. Whether another treaty will at once be substituted for it, is not yet known—most probably not. It is fully expected that American statesmen will venture experimentally, for a time at least, in the policy contemplated by Mr. Seward ten years ago, and cherished very generally still, of attempting to force the Provinces to enter the Union through the stern teaching of necessity, which it is assumed they must experience as a matter of course on the abrogation of the Treaty. It is not expected, therefore, that the Washington Government will consent to any arrangement that would be at all reciprocal in its benefits; not likely they are even willing to renew the treaty that is about to lapse, which has been by no means even-handed. In addition to free trade in certain commodities, it has involved most important concessions on the part of the Provinces for which they have had no equivalent in kind. They have given the use of their canals, though denied a corresponding privilege from the other side. In exchange for fishing privileges, which furnish employment to fleets of New England schooners, enjoying a bounty from their Government, the concession was made of fishing rights on the American coast not sufficient to tempt a single fisherman from the British Provinces. The injustice in the matter of the coasting trade and shipping registry need not be specified, seeing that American statesmen have always refused to concede to the people of the Provinces what is freely granted to themselves on all shores of the British Empire. Then, as regards the tariff generally, every manufactured article is taxed at a much higher rate than it was ten years ago. The people of the Provinces have no strict right to complain of this, and even the American example with reference to the Canadian tariff of 20 per cent, should not provoke them, merely for the sake of recrimination, to complain of the 35 per cent. which the States now impose on all the leading staples. But if there was any reason to expect that the people of the Provinces, in return for the free market extended to them for their raw products, should purchase whatever manufactured articles they require, chiefly from the States, the former had a right to complain if the prices in the latter are so enormously raised by means of a protective tariff as to tax the consumer abroad as well as at home, for the benefit of the American manufacturer. The great rise in the price of all kinds of goods manufactured in the States, affords, therefore, an additional reason why the British Provinces should draw their supplies from other markets, and, at all events, discontinue any special engagements by which nearly their whole trade is directed into a channel which, as a source of supply, has become so costly, and is in many other respects disadvantageous, more especially as tending to interfere with the development of direct trade with other parts of the world.

On neither side, therefore, are the considerations in favor of a renewal of the Treaty likely to be decisive. Certainly, on the British side, there is no desire to have any sort of Treaty at any price. Actual reciprocity of trade will be welcomed; but the pear is not so ripe as Mr. Seward anticipated it would be by this time; it is not ready to fall into the lap of the Union if there is no treaty, and there is no likelihood that the Provinces will consent to any treaty which does not involve equal concessions on both sides. The prevailing opinion, therefore, is that the Treaty is not likely to be renewed.

This being the case, it is surely not too soon for both Governments and people to bestir themselves in arranging for the alternative that is before them. Many people seem inclined to wait listlessly till the time comes, trusting to Providence and the British Ambassador to avert, in some mysterious way, the change they see impending and which they even regard as, in some respects, not undesirable. The small knot of disheartened fatalists, whose views have been so favorably represented by the correspondent of the London *Times*, whose idea is that Canada should forthwith surrender at discretion, take its share of the American debt, and limit its ambition to the enlargement of its canals, are too few in number to deserve notice. Nevertheless the spirit of inaction among the people of the Provinces is painfully apparent, and until the other day, when it was announced that the Canadian Government had appointed Commissioners to visit the West India Islands and other tropical countries with a view to the establishment of direct trade with those regions, it really appeared as if no alternative was to be thought of or proposed until after the fate of the Reciprocity Treaty was actually decided. A meeting of delegates from several of the Provinces was held at Quebec in the month of September, with reference to questions connected with the Treaty, and it is doubtless in accordance with resolutions then adopted in contemplation of its nonrenewal that the Canadian Government has now taken action. The President of the Council has recently visited the Lower Provinces to confer with the New Brunswick, Nova Scotian, and Prince Edward Island Governments on the subject. But all those proceedings *appear*, at any rate, to have too much of a volunteer character to carry with them the weight to belong to the policy of a government.

It is scarcely possible to conceive any case which could illustrate in a more striking manner the disadvantages of the present system of government in the Provinces. What is, above all things, wanted is united action both by the Government and the people. There are now five separate governments and six different communities, and the management of negotiations is confided to a sixth Government, for in matters of trade Britain is not specially identified with the American Colonies, and, as the negotiations with France with reference to the Newfoundland fisheries proved, the Imperial Government is apt to regard the wishes of foreign Powers more than the interests of its own dependencies. But it is not with regard to the pending negotiations that we are now so much concerned. There may be no particular reason to fear lest Colonial interests should be sacrificed, for we know they are represented at Washington by Colonial agents co-operating with the British Ambassador. But this is only an informal manner, and the American Government have had no reason to suppose that the Provinces have any definite commercial policy to fall back upon whereby to compensate themselves for the loss of their present market. The Government of a country with a population of four millions, containing within itself the varied resources of agriculture, minerals, shipping, and fisheries, directed by a united, independent, and self-interested policy, can go into the markets of the world and make arrangements with other communities to compensate its subjects for loss of trade through the discontinuance of present treaties. But what could each of the British Provinces do separately in this way? Could any one of them by itself propose a treaty of reciprocity with any other community, or would the British Government, with its known indifference to arrangements of this sort, give encouragement to such schemes proposed by individual Colonies like Newfoundland or New Brunswick, each in its own interest? But a British American Government would occupy a very different position, and would be cheerfully allowed to exercise a large amount of independent power in matters of trade, so long as it did not abuse it in a manner calculated to compromise the principles or endanger the peace of the empire. Leaving out of account the possibility of arrangements abroad for opening up new channels of trade, the first business of a united Government, in the event we have been supposing, would be to extend the home markets. The first step in this direction would, of course, be the abolition of the five hostile tariffs and different currencies which separate the Provinces from each other as much as if they were foreign countries. The effect of this at present is that the smaller Provinces have no home-market, unless the fact that Prince Edward Island helps to consume its own oats, Newfoundland its codfish, Nova Scotia its coal, and New Brunswick its lumber, may be said to prove the contrary. No community, with a population of less than three hundred thousand, and separated from all its neighbours by tariffs and other impediments, can help being a "one-horse" concern. It cannot manufacture a pound of sugar or a yard of cotton, or a reaping machine, at the same cost as the manufacturer who commands a larger market. For these and a hundred other things it must go elsewhere; and if its purchases are made in a market where there is a protective duty of 35 per cent., it has to pay that additional per cent age, not to the revenue of the country, but to the manufacturer, for it is the latter only who benefits by protection, the revenue suffering just in proportion as he gains, and all the non-manufacturing part of the community suffering also. Thus each of the Maritime Provinces, besides paying its own duties, has to pay to the manufacturer an additional price that is equal to the duty imposed by his own Government also. If the Blue Nose goes to Canada, he has in like manner to pay an equivalent to the Canadian duty and his own local duty when he imports the article, whereas the Colonies united under one Government, he would, of course, only be charged one duty.

But it is not a question of tariffs merely, nor would a Custom Union alone supply what is wanted. The natural development of trade is impeded by a hundred little obstacles, which can only be removed by the various communities being united under one Government for political and general purposes, and animated by a common spirit. It is objected that there is little trade between Canada and the Lower Provinces now, and that there is no reason to suppose it would be greatly increased by a politcal union. My argument in the meantime is that such a union is essential, if the Provinces, and especially the smaller Provinces, are not to continue dependent on the good will of the United States. There is little trade now, because, as already pointed out, the Lower Provinces have each been so restricted by an absurd system of fiscal and political separations that they have never had inducements to develope their abundant powers and resources. The Lower Provinces import the greater part of their breadstuffs, while Canada is a large consumer of fish. The former are the staple products of Canada, and the latter of the Maritime Provinces. Nevertheless the Lower Provinces get their flour chiefly from the States, and any fish imported by Canada comes from New England, and thus although the flour is in great part made from Canadian wheat, and the fish chiefly caught on the shores of the British Provinces. This remarkable diversion of trade is owing to no natural cause, and if it is want of enterprise that is to blame, it is want of political enterprise, which by making the several communities one in Government, in interest, and in sentiment, would strike at the root of the matter once for all. There is no scope for enterprise, it is not to be looked for. If small neighboring communities are separated from each other by innumerable restrictions, trade and capital will shun the place. Though the Gulf of St. Lawrence affords good water communication for eight months in the year, and the Provinces of Lower Canada and New Brunswick are connected by a tract of country well adapted for agriculture, there is no communication either by sea or by land that is deserving of the name, and there never will be so long as the Government at either end think they can manage their little business through the adjoining territory of the States. What has been done by Canada in running a small steamer fortnightly from Quebec to Pictou has not been sufficient to prove the necessity for more ample and frequent means of intercourse; the accommodation has been too limited and uncertain to establish a trade, and even the settlers on the opposite sides of the Bay of Chaleurs, the North side being in Canada, and the south in New Brunswick, remain as entire strangers to each other, and their affairs, as if the one belonged to France and the other to Britain. The strongest facts could be cited to prove that the developement of a natural trade between Canada and the Lower Ports of the Gulf, in commodities that are not affected by the rival tariffs, is owing to want of accommodation; and where there are so many impediments to trade in dutiable articles, it is not to be expected that private enterprise should be attracted. When the line of railway is completed from Halifax to Pictou, which it will be next summer, the freight of flour from Montreal will be less by this route than by way of Portland. But it is quite conceivable, if the existing restrictions in the way of all other sorts of trade continue, that the present course of transit may not be affected. There has not yet been any change worth speaking of in the case of St. John, although that town has now been connected with Shediac, a Gulf port, for several years by a railway of 108 miles. But with opposing tariffs there can be no return cargo for sailing vessels, and all the flour the Lady Head could carry to one port is not worth mentioning. If the city of St. John had the Canadian population at its back for the consumption of whatever it could import or manufacture, it would require a fleet to carry its goods to Canada, and bring back cargoes of flour, over and above the accommodation afforded for rapid communication by an intercolonial railroad, the indispensable accompaniment of a colonial union.

Testimonial to an Editor.—A short time since a number of gentlemen, under the presidency of Mr. Duncan McLaren, M.P., met at McGregor's Hotel, Edinburgh, for the purpose of presenting Mr. James Roble, editor of the *Caledonia Mercury*, with a cheque for £700, and a silver tea service to his wife—being the offering of about five hundred gentlemen, in testimony of the satisfactory manner in which the paper has been conducted while under his management.

The Examiner.

Charlottetown, January 22, 1866.

TENANT TROUBLES.

CASES IN THE SUPREME COURT.

The Grand Jury, which were only discharged on Saturday, have had, we believe, a longer Session than has fallen to the lot of any preceding panel. This protracted sitting was occasioned by the several cases which had arisen out of alleged resistance to the law, and conspiracy, on the part of those tenants on certain estates in Queen's County, who had unwisely entered into a pledge to pay no rent for their farms. The facts on which some Presentments were made, and Bills found, did not go to prove that actual violence had been committed, except in the case of Dickieson and Doucette, but an unlawful assembling of people, who informed the Deputy Sheriff, at the time he sought to levy for rent, that they would not permit him to proceed with his business, as they were anxious to purchase the freehold of their holdings. This was particularly the case in reference to tenants on Col. Cumbeland's and Mr. Sullivan's estates. The Counsel for the former took, and very ably sustained, objection to the Grand Jury panel, on the ground that Col. Cumberland's Agent, Charles Wright, Esqr., was on the panel, and that he was the party who instigated the proceedings against the tenants. It was argued that he had a direct interest in prosecuting the prisoners—that he was biassed against them; and that, therefore, he was disqualified from sitting on the Grand Jury. We did not hear the arguments on the Crown side, but they are very ably summed up in the judgment delivered by Mr. Justice Peters, who quashed the Indictment against the prisoners on the motion of their Counsel. The Address of the learned Judge will be found hereto annexed.

We are glad to find that those vexatious cases are thus disposed of, so far. They may, indeed, be brought up at the next Jury Term, when no interested party like Mr. Wright will be found on the Grand Inquest to obstruct the due course of law; but better feelings than now subsist between landlord and tenant generally may prevail before then, and we may be nearer to a solution of the whole vexed question which has set landlord and tenant by the ears so long, and which has so materially retarded the prosperity of the Colony. If the tenants had been put upon their trial, they might have been convicted of unlawfully assembling; and many unfortunate men—the dupes of designing vagabonds in the Tenant League—would have been subjected to painful punishments and penalties, afflicting to themselves and their families, and disgraceful to the Colony. And if they had been acquitted, through generous but mistaken sympathy on the part of the Petit Jury, it is just possible that public confidence would be shaken in the Jury system, so far as our Island is concerned, and encouragement given to further unlawful assemblages and riotous proceedings. But the whole ugly business has been disposed of, so far, very handsomely; and we hope that the Supreme Court and the public will hear no more of it.

Facts have lately transpired—and we apprehend that there are many more in abeyance—which prove conclusively that the unlawful assemblages which the tenantry are said to have committed, were aggravated, if not in some instances directly caused, by the rough, bad conduct of the Deputy Sheriff. He pursued the innocent as well as the guilty. He used threats on the highway against parties with whom he was not authorised to have any dealings,—the delicacy of sex, and the feebleness and gentleness of age, suggesting to his coarse mind—duly stimulated for his feats of chivalry—the class of persons against whom such a fellow should make a display of his Dutch courage. A wide berth he gave to those who showed muscular power sufficient to crush him with the greatest ease—who, laughing at his impotent fury, his abuse, and his Dutch courage, sent him snivelling to town to report that he was unable to discharge his duty. That many were frightened of him, barred up their premises, and fled to the woods—is an indisputable fact. Had he any well founded pretensions to the character of a gentleman—had he even the commonest decency, such as the meanest constable in the land is not wholly destitute of—we believe his office and himself would have been respected where both were treated with sovereign contempt. We think he has the unenviable credit of helping to disgrace the Colony; and most certainly the Shrievalty of this County will never be honoured while he has the least connection with it.

ARGUMENTS AND DECISION IN THE SUPREMECOURT ON THE INDICTMENTS FOR RIOT AND CONSPIRACY.

[Reported by Mr. A. McNeill.]

Thursday, January 18.

Hon. E. PALMER, Attorney General, assisted by the Hon. SOLICITOR GENERAL, and the Hon. JOHN LONGWORTH, Queen's Counsel, on behalf of the Crown, contended that sufficient authority had not been adduced by the learned Counsel for the Defendants, to show cause why the Indictment should be quashed. Hon. ATTY. GENERAL first addressed the Court in defence of the Indictment, the nature of which he fully explained. He also commented on the object of the defendants, which, he says, was the obstruction of the Sheriff in the execution of his duty, with the view to withhold the payment of rents. No cause, he said, was obvious why Mr. Wright, as Agent, could not be on the Grand Jury. The grounds for a challenge which applied to petit Jurors would not apply to Grand Jurors—in support of which he quoted authorities, and contended that any undue influence or prejudice which might be considered grounds of challenge to a Petit Juror would not form a sufficient objection to a Grand Juror. He then proceeded to contrast the duties of Grand and Petit Jurors, showing the exparte nature, and inconclusive effect of the decisions of the former body, and urging that as a reason for the distinction between them. His Honor contended also that the interest of the Agent was not equal to that of his principal, and read law authorities on that point. He then submitted that Courts never quashed Indictments, if for serious offences like those alleged against the Defendants in the case before the Court; except in where very strong grounds were produced against such Indictment. The Hon. SOLICITOR GENERAL followed, and explained the mode by which Grand Jurors were selected, showing that the Sheriff, being but a ministerial officer, could know nothing of the cases to be brought before said Jurors. He contended that the grounds taken by the Counsel for the traversers were not sufficient to quash the Indictment.

Hon. Mr. LONGWORTH, Q. C., next addressed the Court on behalf of the Crown, and said that public justice and the peace of the country were concerned in the case before the Court; and he contended that it would be necessary for the learned Counsel for the Defendants to prove that Mr. Wright had a personal and direct interest in the prosecution such as to warp and bias his mind as a Juror, in order to make good their objection. The object of the prosecution, he said, was, to prevent the Constitution under which it is our privilege to live from being trampled upon. The Juror in question had no more direct interest in that than any other individual in the community.

The learned Counsel then contended that even if Col. Cumberland might be objected to, the Counsel for the defence had not produced any single case to prove that the agent, Mr Wright, was disqualified; and in support of that position the learned Counsel quoted authorities to show the distinction between the position of a principal and that of his agent.

Hon. Mr. HENSLEY then addressed the Court in support of the motion to quash the Indictment, and proceeded to quote authorities in support of his position. He contended that the same right existed to challenge the Grand Jury as the Petit Jury; and he read from an American note to Chitty's Criminal Law, showing that what disqualified a Petit Juror also disqualified a Grand Juror. It, said he, the Grand Jury is not a fair and impartial tribunal, it had better be dissolved. Would any one attempt to argue that Mr. Wright could sit as a Petit Juror in the case before the Court? He thought not. How then can it for one moment be urged that the same objections would not apply against him as Grand Juror? Partiality, interest, or prejudice will be as fatal to the free administration of justice in the one case as in the other, and therefore no distinction could be drawn. The object of all British tribunals was to administer justice, especially in Crown cases, with as much freedom from bias as possible. Nothing could be said against Mr. Wright's character; but it was impossible to suppose that he could act with that perfect indifference, and thorough disinterestedness so essentially necessary for a Juror in this case. He insisted that the objections taken to the Bill of Indictment were on fair grounds: and, on behalf of his clients, the Defendants, would submit his motion to quash the proceedings to the superior wisdom of their Lordships.

M McLEOD, Esqr, followed Mr. Hensley, and contended—first, that the mind of a Juror must be unbiassed, and that to disqualify him, it is not necessary that he should have a pecuniary interest in the matter in dispute. Second, that what disqualified a Petit Juror disqualified a Grand Juror. Third, that from the relation of Charles Wright, Esq, to Col. Cumberland, who suffered by the alleged conduct of the Defendants, he was presumed in law to be unindifferent, and therefore disqualified. And fourth—that the incapacity of one Juror rendered the proceedings of the whole panel of Grand Jurors, against the Defendants, null and void. He then proceeded to show what disqualified Jurors, and contended that if the Juryman was under the power of either party, or in their employment, or biassed from any cause whatever, he was disqualified; and he quoted Chitty's Crim. Law, p. 542; or even if either of the parties and Juryman were fellow-servants, the same authority, page 544. The learned Counsel for the Crown, he said, admitted that Col. Cumberland himself would be incapacitated to act as a Juryman, and he contended that Mr. Wright would be presumed in law to be still more objectionable; for, said he, not only was he interested on behalf of his principal, but he was brought into immediate contact with the Defendants. He was defeated in his object to collect those rents; his feelings were ruffled, and his mind irritated by the conduct of the accused; and his irritation would be increased by the very fact of having to give an account of his failure to his superior. He then cited authorities to show that a Juryman must be indifferent, as he stands unsworn; and he read from Blackstone to show how zealously and jealously the English Constitution guards against even apparent bias in Jurors. He (Mr. McLeod) said that it was contended by the Counsel for the prosecution that there was a distinction in challenges between a private and public prosecution, such as that now before the Court. That distinction, he contended, was not maintainable, and quoted authority to show that challenges may be made in criminal cases, for the very same reasons that they may be made in civil cases. To show that the disqualification of one Juror nullified the proceedings of the whole panel against his clients, he quoted from several law authorities. He also read law to show that the office of Grand Jurors was twofold: 1st, To see whether there was a sufficient cause to put a person upon his trial; and, 2nd, to hear evidence for the prosecution. If Grand Jurors were allowed to be interested persons, there would be no guarantee against frivolous or unfounded prosecutions. In hearing evidence they were judges on the accused person's guilt or innocence, and to decide fairly they must be uninterested, unbiassed and indifferent. He said that by law the defendants could not be convicted except by the unanimous voice of 24 of their equals, viz: 12 Petit and 12 Grand Jurors. The Grand Jury was composed of 23 persons, a majority of whom could find a Bill of Indictment. It was, therefore, possible that the Bill against his clients was found on a division of the Grand Jurors of 12 against 11. That the Juror objected to, and who directed the issusing of the writs against the Defendants, who came into Court, smarting under the annoyance caused by the Traversers' resistance to the Sheriff, may have been the very man who turned the scale in the Grand Jury room against them, and that, therefore, the Indictment should be quashed.

He was followed by D. O'M. REDDIN, Esqr., one of the Counsel for Defendants, who said it was unnecessary for him to detain the Court on the case, as the learned Counsel who had preceded him entered fully into the question. He would, however, direct the attention of their Lordships to that freedom of mind so essential to a Juror—a freedom which could not be enjoyed by the paid agent of the man who suffered by the alleged conduct of the Defendants,—that Mr. Wright had a pecuniary interest in the matter before the Court, might be fairly inferred from the fact that he may have been paid by commission on the amount collected by him. In that case his salary would depend on the successful discharge of his duty in the collection of the rents, and, therefore, it is but reasonable to suppose that he felt deeply interested in obtaining a Bill against the Defendants.

C PALMER, Esqr., also Counsel for defendants, said the Indictment declared those men (the accused) were tenants to Col. Cumberland, and it would not be urged for one moment, that, had the owner been here, he would be a competent Juror; and as the agent's power ceased to exist at the will of the principal (who at any moment might employ another), he, the agent, was therefore dependant for the holding his situation on the will of his employer, interested in the success of the proceedings against the tenants; and, therefore, biased in regard to the resistance these men had made to the writs he may have issued for Col. Cumberland; and if so, how could it be said that he was not disqualified, as a Juror, to sit as a judge on the case of those men, whose alleged disobedience to his orders formed the very groundwork of the accusations against them. He (Mr Palmer) further argued, that as the Deputy Sheriff was the prosecutor, and the man who returned the Jury, that Jury being of his choosing, was disqualified. In support of this position he quoted Chit. Crim. Law, p 537, &c. He said it was true the Jury were nominated before the resistance complained of occurred, but it required no great foresight on the part of the Sheriff to anticipate in June last (when he gave in the names of these Jurors,) that a conflict with the tenantry was imminent,—in fact such a conflict had occurred; and, therefore, it was quite possible for the Sheriff to select men favourable to himself. But, he said, the law guarded jealously against all partiality, and would not allow the Sheriff, when prosecutor in a cause, to select a Jury that might be picked to suit his purpose. He further contended that still the Common Law disability of the Sheriff to summon a Jury was not touched by the statute, and consequently still exists. He then put some cases in which he contended it would be flagrantly unjust and contrary to English Law to permit the Sheriff to have the appointment of Jurors, and that the same jealous care of the law against partiality rendered that Grand Jury, as regarded his clients, unqualified.

His Lordship JUDGE PETERS then addressed the Court. He said the motion of the Counsel for the Defendants was to quash an Indictment found by the Grand Jury against said Defendants, for conspiracy, riot, and unlawful assembly. The object of the alleged conspiracy stated in the Indictment being to hinder and obstruct Col. Cumberland in the recovery of his rents, and for that purpose to obstruct the Sheriff and his officers in serving writs on his tenants. The Indictment also contained counts for assault on the Deputy Sheriff and his Bailiffs, while attempting to make such service. It appears, said his Lordship, by the affidavit submitted by the Counsel for the Defendants, that one of the Grand Jury, Charles Wright, Esq., who sat on the finding of the bill, was the agent of Colonel Cumberland for the collection of the rents, and for the general arrangement of his Estate, and as such directed the issuing of the writs, in attempting to serve which, the Deputy Sheriff and his bailiffs were obstructed and assaulted. The motion is made on two points: 1st, That Wright's position was such as would naturally lead him to have an undue influence or prejudice against the accused. And, 2nd, That as the assault was an obstruction against the Deputy Sheriff and his Bailiffs, the High Sheriff must therefore be presumed to be partial, and therefore that the whole panel is open to objection.

A finding of twenty-four impartial jurors, continued His Lordship, is required by our law to convict the accused of a criminal offence. If a petit juror is of kin, interested or not indifferent, there is no doubt he may be challenged, as he comes to be sworn. His Lordship then read the law as laid down with respect to Grand Jurors in *Chitty* on Criminal law. But it is argued by the Attorney General and the Counsel for the Crown, that though interest or relationship may be grounds to suspect undue influence or prejudice, which might form ground of challenge to a petit Juror, are not a sufficient objection to a Grand Juror; and also that the general nature of a Grand Juror's duties to enquire after all offences; and the exparte and inconclusive effect of their decisions is urged as a reason for the distinction. But, said his Lordship, there appears no sound reason for that distinction. If a man cannot be convicted without the voice of 24 Jurors, is it not against all reason to say that though twelve of them must be impartial, the other twelve need not—if impartiality is regarded in the one body, why not in the other also? The more general nature of their duties can afford no compensation to an accused who has suffered from the partiality of all or any of those by whom he has been condemned.

The great object of the institution of the Grand Jury, he said, was to prevent persons being even called on to answer for alleged crimes without reasonable grounds for accusation. It has been described by great Jurists as the grand bulwark of civil liberty. Their proceedings are conducted in secret, so that an accused or suspected person may not, without reasonable proof of guilt, suffer the mortification of a public trial. If individuals, who were actors on either side in transactions, which, from any material part of the subject matter of an accusation could sit as Jurors, in deciding whether an account should be subjected to a public trial or not, the principal object of the institution, might in many cases, be defeated. He then read law and authority on that point. True, said His Lordship, the authority cited is an American decision, but the general principles of law applicable to such cases are the same in the United States as here; and that decision only follows what has been already decided in the Queen's Bench in Ireland.—(*See State Trials*)—That, said he, brings us to consider whether the circumstances stated in the affidavit respecting Mr. Wright support the objection. On this point His Lordship read from Chitty on Criminal Law. Could Col. Cumberland, continued His Lordship, whose right it was the alleged object of the conspiracy to obstruct, have been considered free from such reasonable suspicion of undue prejudice, as alluded to by Chitty, and therefore not liable to challenge it called as a petit Juror?

The Counsel for the Crown at first contended, that he (Col. Cumberland) would be free from such suspicion, but on examining the Indictment, they very properly abandoned that idea. But then they contend that though Col. Cumberland might be challenged, his agent was not necessarily open to the same objection. But we think it impossible, said His Lordship, under the circumstances of this case, to hold that an objection good as to the principal is not equally good against the agent. Mr. Wright was the agent for the collection of these very rents, which it was the object of the alleged conspiracy to prevent being recovered. He, in fact, instituted the legal proceedings against the tenants from whom they were due; and though he might have no pecuniary interest in their recovery, yet he might very reasonably be presumed to labor under what was aptly described by Mr. McLeod (one of the Counsel for the Defendants), as that ruffling and irritation of the mind, very naturally felt by one who has been engaged in conflict with those suspected of a combination against him, or who have by determined violence or intimidation, prevented, or attempted to obstruct, the due course of proceedings which he (though on another's behalf) may have instituted against them.

OTHER TENANT CASES.

Charles Dickieson and others, who were put upon their trial for assault and rescue, during the present term of the Supreme Court, were convicted on Saturday evening of the lesser offence of common assault. Joseph Doucette, who was tried on a separate indictment, was convicted on the double offence of resistance to the Sheriff's officers, and assault. Of these trials we have not yet received notes from the Reporter, Mr. A. McNeill, who, we understand, reported the cases; but he will probably give them to our readers in our next No.

The Reciprocity Question continues to occupy a great deal of attention with Provincial and American journals. That the United States Government and Congress will not consent to a renewal of the existing treaty, or to the formation of any treaty at all—seems to be the decided opinion of all parties. Brother Jonathan clamours for protection—for commercial non-intercourse with the Provinces, as a means of punishing them for their sympathy with the Southern Confederrcy in the late war, and coercing them to think favourably of annexation. We believe the Provinces have already shown too much anxiety in regard to a renewal of the Reciprocity Treaty; and if it cannot be had but as a means to annexation, we hope it will be indignantly rejected. We copy into our present No. from the New York *Scottish American* an excellent argumentative article on this subject, which we commend to the careful perusal of our readers.

Provincial Politics.—The Hon. Ferguson Blair has taken the place of President of the Executive Council of Canada, recently filled by the Hon. George Brown. Mr. Blair professes the same Reform politics as Mr. Brown, and has taken office with the full concurrence of his party. He is a warm advocate of Confederation, like his predecessor.—It is stated in some of our latest New Brunswick papers, that the Hon. R. D. Wilmot, a member of the Executive Council of New Brunswick, has retired from the Government of that Province, on account of a difference of opinion with his colleagues onthe question of Confederation—the retiring member being in favour of the union of the Colonies.

"The Rapparee."—Our readers who may feel inclined to peruse an interesting Story, illustrative of some phases in Irish character—will find such a one on our first page from the charming works of the gifted Irish authoress, Mrs. S. C. Hall. Other stories from the same source, and equally interesting, will be given in succeeding Nos.

Wesleyan Missionary Society.—The anniversary meeting of the Wesleyan Auxiliary Missionary Society will be held in Charlottetown this evening—chair to be taken at seven o'clock.

GLEANINGS FROM PAPERS BY THE LAST ENGLISH MAIL.

THE JAMAICA INSURRECTION.

Cambridge has been the scene of a stormy meeting relative to the insurrection in Jamaica. The appearance of a placard calling on "Englishmen" to attend the meeting and support Gov. Eyre was warmly responded to, and cheers were given at all the allusions to the cruelties practised on the negroes. The execution, too, of Mr. Gordon, met the approval of this Cambridge meeting, as well as the shooting, hanging, and flogging of the black people, men and women. The political element entered largely into the composition of the assembly, for the Conservatives of Cambridge took the matter warmly up, and crowded the place with persons entertaining similar views. The proceedings were brought to a close by the carrying of a resolution declaring it to be unjust to the Governor to pass any opinion on his conduct pending the inquiry which is now to be instituted. But much more important than this meeting is the letter of Mr. Ruskin relative to the Jamaica question. The spirit of this letter has been severely criticised, and it must be admitted that it is thoroughly *Ruskinish*; but it is original and clever, like all that proceeds from the man, and is a contribution to Governor Eyre's strength or ferocity—as people may regard it—which will tell at the present moment. At Southampton there was a stormy meeting, the Mayor in the chair, relative to the troubles in Jamaica, when an amendment reprobating the conduct of the authorities in the Island was carried by a majority. Mr. Russell Gurney will be joined in the Jamaica enquiry with the new Governor-in-Chief.

The *Daily News* asserts that Col. Nelson, who ordered the trial of Mr. Gordon by court-martial, who approved its sentence, and ordered the execution, may, beyond a doubt, be put upon his trial for murder, either in Jamaica, or in any English country in which he may set his foot. And neither he nor any of his officers and soldiers, who have had a part in the slaughter of Her Majesty's subjects, will be able to absolve themselves by the pretended forms of a court-martial if the slaughter was contrary to the established law of the land.

THE TREATY BETWEEN ENGLAND AND AUSTRIA.

The foreign office seems to have succeeded better in the negociations for the preliminary treaty between England and Austria than did the Board of Trade, with whose representations they originated. The treaty was signed on the 16th, and the maximum duty is to be twenty-five per cent., *ad valorem*, to be reduced to twenty per cent. in 1870. Austria reserves power, we see it stated, to make further reductions when the definite treaty is signed in March next, if our Government will yield the concessions asked on corn and wine. The abolition of the shilling duty on corn, originally imposed for the mere purpose of registration, has long been an eyesore to our own economists, but as it has long yielded upwards of a million per annum, no Chancellor of the Exchequer since Sir Robert Peel's time has been induced to give it up. It would probably have been continued in perpetuity but for the demand which Austria has now made.

AUSTRIA AND HUNGARY.

The Emperor of Austria is in a fair way of becoming a favourite with the Hungarian nation. He has approached them in words of peace, and the visit which he has paid to their capital has evoked a burst of loyalty. Illuminations and shouts of joy are the fruits of the new and wise policy on which he has entered. His speech to the National Diet augurs well, not merely as regards Hungary, but also other branches of the Austrian Empire. The following passage from his speech shows how wise the follies of the past have made the Emperor Francis Joseph:—"The well-understood interests of our kingdom of Hungary, equally with the welfare and security of our entire realm, require the speediest possible settlement in order that the constitutional rights of the various kingdoms and countries of our empire may be permanently assuredby the intimate union of all our people and may develope themselves upon a firmer basis, and rejoice in fruitful prosperity." There can be little doubt that while the ancient kingdom of Hungary will take care of all its rights and liberties, it will remember at the same time that it forms part of a young constitutional empire, and that it is desirable for the permanent welfare of the whole that a spirit of amity and patriotism should animate each particular part. The Emperor of Austria could not take a more prudent step at the present time, now that the past is forgiven and forgotten, than to allow Louis Kossuth to return to the country he loves so well. The inaugural address of Count Julius Andrassy, the first Vice President of the Lower House of the Hungarian Diet, delivered on the 21st, stated substantially that the interests of Hungary were one with those of the empire, and he took what may be termed a large view of the situation.

ITALY.

The financial condition of Italy is felt to be very unsatisfactory, and the new taxes, more especially the one on the grinding of corn, are regarded as extremely oppressive, and are exciting general dissatisfaction; yet the people are grumbling at the reduction of the army, the expense of which is the chief cause of the financial pressure. Indeed, any considerable reduction of the army while Venetia is in possession of Austria would be regarded by the mass of the people as little less than national suicide. If any arrangement could be made for the transfer of the Italian provinces from Austria to Victor Emmanuel, the German as well as the Italian element would be greatly strengthened. Venetia is the weak point of Francis Joseph's policy. He may conciliate and even become popular with the other branches of his outlying possessions, which, in point of fact, he is rapidly doing; but he can never induce the Italians to love his rule, and the large standing army which he is compelled in consequence to keep is a serious drain upon his finances, as well as on those of his brother monarch. There is some talk in Italy that the Government will seize upon the mortmain property of the religious houses, not, it appears, with a view to their appropriation by the State, but to devote the proceeds to local purposes in the different districts in which the property exists. The position of the Finance Minister of Italy is not an enviable one at the present moment, and, as things stand, time is not likely to improve it. There is a Ministerial crisis in Italy. General de Marmora announced to the Senate on the 21st, that he and his colleagues had tendered their resignation, which the King had accepted; but it is not stated who their successors will be. An office in the present condition of Italy is not a sinecure.

Florence, Dec. 22.—General de Marmora has been entrusted with the formation of a new cabinet. It is expected that he will accomplish this task to-day.

DASHING ATTACK ON PIRATES.

The Opossum gunboat, tender to the Princess Charlotte, returned to Hong Kong on the 19th of October, after performing a brilliant service, without a single casuality. The pirates in the immediate vicinity of Hong Kong having lately become very daring, and the senior officer in charge of that division having information that a number were collected in Mirs Bay, from which they could readily pounce upon vessels proceeding to the northern ports of China, sent Lieut. St. John in the Opossum in search of them. When the Opossum reached Mirs Bay, three junks were sighted, the crews of which were throwing guns overboard and hurrying on shore; and on being boarded, they proved to be two pirate junks and a captured fishing junk; under hatches in the former were found eight men and four women. Lieut. St. John burnt the two pirate junks, and handed the other over to the original owners, from whom he received valuable intelligence, acting upon which, he steamed for Tooh-i-ang Island, just before the break of day. On the northeast side of that island there is a well-concealed bay, with a narrow and shallow entrance, where junks can only get in at high water. Here Lieut. St. John observed over the land three large junks anchored, and he immediately decided on attacking them in the rear, which he successfully accomplished by landing a force, and under shelter of a small wood crossing a strip of land, came upon them unawares, the gunboat in the meantime steaming in for the entrance. There were upwards of a hundred men on board the junks, who, as soon as the gunboat hove in sight, commenced casting loose their guns, and making other preparations for resistance; but the cheers of the little band of blue jackets created such a panic amongst them that there was a general rush overboard, and a hasty retreat to the hills. Lieut. St. John was soon in possession of the junks, but could only secure four prisoners, who are now lodged in the jail at Hong Kong. The piratesr ecovering from their surprise, rallied, and 20 being encouraged and led on by a chief or head man, advanced to between 40 and 50 yards, brandishing their swords and muskets; but it is presumed their powder had become wet and useless when they jumped overboard. A volley from the gallant little band, covered by the Opossum's guns, soon dispersed them. The junks were moored with their broadsides to the inlet, and carried from six to eight 24 and 18 pounders each, which being brought on one side of the vessels, made a formidable battery, sufficient to beat off or sink any gunboat that attempted the passage. Lieut. St. John burnt the junks, and re-embarked his men without a casuality, which reflects much credit on him, for he executed a dashing act, for which he is highly eulogised by the Hong Kong press. On board one of the junks he found a little Chinese boy, eight or nine years of age. He had been taken prisoner by these pirates about six days previously, when he received a spear wound, three inches deep, in the shoulder. The poor child could only give a confused account of the attack on the junk he was in. His shipmates were either killed or dispersed, and he found himself alone, a slave amongst a pirate crew. He is now under the kind treatment of the surgeon of the Princess Charlotte, and most valuable evidence has he given at the police court, which will doubtless convict the prisoners brought in by the Opossum. Within the last twelve months Lieut. St. John has captured 35 pirate junks, mounting in the aggregate 140 guns, taken 56 pirates, and liberated 150 captives.

CANADIAN AFFAIRS.

The mystery attending the Hon. George Brown's resignation has not yet been solved, though another occupies his place in the Cabinet. The Hon. A. J. Fergusson Blair, much esteemed personally and politically, takes office again, and is the new President of the Council. There is reason to believe that the Government, thus modified, will work harmoniously. Those who care to have the riddle of the past expounded, must wait for Time or Parliament, or the *Globe*.

Mr. Galt and Mr. Howland were expected to start for Washington yesterday; and they will assuredly carry with them our best wishes for their success in counteracting the anti-Canadian *animus*, which seem to have the American authorities and Congressmen just now in possession. The latest and most absurd demonstration in this line—if it were not a cunningly devised scheme for individual gain—was the Bill rushed through the Legislature by the Hon. John Wentworth, prohibiting the importation into the U. S. from Canada of all four-footed animals, Mr. McCulloch, the Secretary of the U. S. Treasury, falling back on Webster's Dictionary, to prove that "cattle" include "sheep, goats, horses mules, asses, and swine!" The pretext is the possibility that the murain may be brought over the border, when its existence is utterly unknown in the Province! That the enactment directly contravenes the Reciprocity Treaty, which has yet some six weeks to run, does not appear to make the slightest difference to the Solons who think to frighten Canada into annexation proclivities. Naturally, it would not stand one moment in Mr. Wentworth's way, if—as one of the New York journals declares—he is himself a large breeder of stock, and immediately interested in shutting out the competition from the North, even for the limited period during which there could be any rivalry in the markets of the United States. As to the disease itself, every one knows that there is as much chance of its appearance here as there. Why not summarily forbid the importation of grain, lest it be spoiled and unwholesome, and so originate the Cholera? Meantime the law, that violates the Treaty, has been put into force on the frontier, and has generated no less disgust and surprise.—*New York Albion, Jan. 6.*

LATEST NEWS BY TELEGRAPH TO THE EXAMINER.

Charlottetown, Jany. 19th.

New York, 17th. P. M.—Private letters report that the blockade of the Chilian ports is to be raised, so as to allow Spain to attend to Peru.....The *Herald* Paris letter says the Emperor and Cabinet are carefully studying the means of withdrawing from Mexico, honorably, and with as little loss of prestige as possible. The Emperor desires it to be done of his own free will, and not under menace..... Intelligence from Rio Grande states that about 100 fillibusters under General Recid crossed the river into Mexico on the night of the 15th instant—surprised and captured the town of Bagdad, with its garrison of 175 Imperial troops. At last accounts they still held the place; but 1300 Imperial troops had marched from Matamoras to retake it.....The pirate Semmes will be tried at an early day.....A rumor is in circulation in Toronto that arrangements have been made in Washington for the continuance of the Reciprocity Treaty beyond March, for the purpose of securing more mature consideration.....Gold 140.

Charlottetown, Jan. 20.

New York, Jan. 18.—A Washington despatch says the Delegation from the British North American Provinces, who are here for the purpose of securing, if possible, an extension of the Reciprocity Treaty, accompanied by Secretary McCulloch, called on the President to-day, and paid their respects. They propose in a day or two making a trip to Richmond, and upon their return will have an interview with the Secretary of the Treasury and the Committee on Ways and Means, with regard to the object of their mission.... An earthquake in Mexico on the 3rd inst., doing considerable damage to Orajava, Matrilla and other places in the interior, with loss of life.....A railroad has been projected to cross the isthmus of Tehauntepec.....The Captain General of Cuba is still at variance with Supreme Court of Cuba; he having countermanded a recent order of a letter for the production of six hundred slaves from the estate of Jeulenta, on the plea that they were free. The affair has been referred to Spain.....The *Times* Havana correspondent says the latest advices are unfavorable to the Imperial cause. The inhabitants of Monterey feel no security in Maximillian's Mexican troops, and were leaving city *en masse*. Over thirty thousand are said to have left in three days. The merchants are sending their goods and valuables to San Luis.....Spanish papers confirm the reported suicide of Admiral Pareia, after the capture of the gunboat *Coradonga* by the Chilians.....Flour dull and drooping. Wheat dull. Oats one or two cents lower. Provisions dull and heavy. Gold 139¾.

Charlottetown, Jan. 20th.

By Telegraph from Halifax to Mr. A. McNeill.

ARRIVALS AT EUROPE FROM P. E. ISLAND.

Scattery Roads, 29th Dec., arrived Dashing Spray, leaky.

Gravesend, 24th, Urania: 29th, Carrie M.; 2d January, Margaretta; Margaret Leah—lost anchors and chains.

Liverpool, 25th Dec., Edith; on the 30th, Amanda; 5th January, Flora.

Cardiff. 38th Dec., Ottowa.

Swansea, 1st January, Native Pearl, lost deck load and anchor.

Lamlash, 25th December, Summerside; 28th, Undine.

Kirkcudbright, 31st December, arrived Naiad (ashore)—cargo landing damaged; vessel probably saved.

Lenauras Bay. 28th, Linda, driven ashore—vessel breaking up—materials and part of cargo saved. Thos. Bolton.

We see an account in the New York *Herald* of the mate of the schooner *John Boynton* being shot dead by a river thief, while the vessel was lying wind-bound in Flushing Bay, East River. It appears that the watch had been relieved, the night was so cold, and no harm anticipated. The captain was awakened by a noise, and saw a strange man in the state-room, who presented a pistol at his head. He immediately cried "thief," when the mate sprang to the Captain's assistance, and attacked the robber with a hatchet, driving the armed buccaneer on deck, who, firing down the companion, killed his brave assailant. What a noble contrast to the *Zero's* mate, who, by his own admission, which is, at the very best, deserving of every true man's execration, stood by trembling and distraught with terror, while his captain was being inhumanly murdered. If Douglass even could clear himself of all participation in the death of Capt. Benson, his snivelling cowardice would render him loathsome. Pious forsooth! The Christian is brave in the discharge of his duty, and it was the duty of the sneaking villain to have protected his superior to the last.

There is a man in one of the suburban towns of the United States whose nose is so big that when he has a cold he is obliged to blow it with gunpowder. In the farming season he uses it, instead of a flesh-horn, to call the workmen to dinner.