

is pacific in its tone as regards the relation of foreign powers with France; but the paragraph relating to Swiss affairs opens a wide door for diplomatic finesse. It says—'Civil war has disturbed the happiness of Switzerland. My Government had come to an understanding with the Governments of England, Austria, Prussia, and Russia, in order to offer that neighbouring and friendly people an amicable mediation. Switzerland will, I hope, acknowledge that respect for the rights of all; and the maintenance of the basis of the Helvetic Confederation can alone insure to her those enduring conditions of happiness and security that Europe wished to guarantee to her by treaties.' M. Guizot plainly puts into his Majesty's mouth a clear declaration that the rights of the conquered Catholics—'the rights of all'—must be respected; which means, emphatically, can alone insure to Switzerland peace with the neighbouring states of Austria and France. The debates which will follow will develop more of M. Guizot's policy; it is said that he has already despatched a note to the Cabinets of London, Vienna, Berlin, and St. Petersburg, in reply to the refusal of the Helvetic Diet to accept the mediation of those powers. M. Guizot states in that note, that the Diet having destroyed the federal pact, the powers regarded themselves as released from the obligations they imposed upon themselves by the treaties of the year 1815. It is gratifying to observe that the attention of the French Government is directed to the development of the trading energies of the people. The duty on salt is to be reduced; and bills on public instruction, prison discipline, customs' tariffs, and on commercial property will be discussed during the session. The French King also speaks very confidently of the measures recently adopted in concert with England for restoring commercial relations on the banks of La Platte. Contrary to anticipation the speech contained no allusion to the reform banquets now so general throughout France.

The reform banquets are continuing their career in France. One was held on the 21st at Vienne (Isere), at which not fewer than 580 persons sat down to table. M. Jacquier de Terrebasse, formerly a member of the Chamber of Deputies, was in the chair; and the company is described as containing an unusual number of the better ranks of society. The King's health was not proposed, but the toast of "to the sincerity of our representative institutions—to government probity," was received with repeated acclamations. The same day another reform banquet took place at Grenoble, which was also most numerously attended.

A report has revived the renewal of negotiations with the Pacha of Egypt, for the construction of a canal across the isthmus of Suez. The advantage which the whole world would derive from the consummation of this mighty project forbids us to allude to any objections which might otherwise be urged to the enterprise. Only render the power of Egypt capable of maintaining itself against any foreign potentate, and the incalculable advantages which would accrue to mankind from the formation of such a 'high road' through Egypt can scarcely be conceived. The cost of the undertaking is estimated at between two and three millions sterling, which would no doubt be readily furnished, provided the preliminaries can be satisfactorily adjusted with the present enlightened and commercial Pacha.

THE EXAMINER.

SATURDAY, JANUARY 29, 1848.

THE LATE TRIAL.

Were it not that we are ourselves in some sense, sufferers by the farce which was lately played off in the Supreme Court, on the prosecution, "the Queen vs. the Hon. George Coles and others," we should have denounced that affair in much louder and stronger terms than we have hitherto used to express our contempt at the malice and impotence of the little minds that conceived the notion of such a prosecution. The respect which we bear to the judicial tribunals of our country induced our silence before the trial, though we were assailed by the party journals of the day—we mean the *Gazette* and the *Islander*—in terms not at all measured,—those of the latter decidedly libellous, and those of the former not less malicious, though the line of its official decency was barely kept, and in following which con-

sists the tact of that extremely strong party Journal. The insinuations and libels of these two papers were viewed, indeed, not only with indifference, but with un-mixed scorn. We had a firm reliance on our own innocence, and in the justice of our legal tribunals: having done no evil, we were divested of the smallest apprehension. Though this attempt at tyranny, conceived in as much malice as it was carried on with impotency, has signally failed, and enlisted for us the sympathies of respectable men of all ranks, and has been moreover treated with silent and contemptuous scorn by some of those who are included in the indictment; yet, on reflection, we believe as public Journalists—and in that capacity, in some senses, guardians of the public liberties and no less so of public morals—we are bound to hold up the whole matter to the derision and hatred of that part of the public who, living at a distance from Charlottetown, may not know so well as its inhabitants do, how to estimate this unheard-of proceeding. For this purpose we are bound to trouble our readers with a short review of the facts as now known in evidence, and pronounced on by the Jury. First, then, we were charged with a riot and assault, &c., and of breaking 500 or more panes of glass. We are not learned in the law—and are ignorant whether forms require the alleged offence to be ushered into notice in this formidable manner, or whether the officer who drew the indictment purposely used these terms to throw the whole affair into ridicule. Now the permitting or favouring these enormities constituted the gravamen of the charge against the parties, for the heat of the moment, and the hope of overwhelming us with obloquy for unworthy party purposes, sustained part of the press in promulgating the accusation against the parties, that they concocted the riot. This ground was found to be untenable, and so relinquished.

Let us then refute the charges as attempted to be supported at the trial. First, there was no riot, because the nine panes of glass were broken by persons, mostly, that slunk away from the indignation and detection of the crowd, who were as much against their proceedings as were the parties accused themselves. Secondly, there was no participation, because the very prosecutors themselves—(vide the evidence of Messrs. John Davis and C. Welsh)—could not charge them with knowing that the dreadful deeds were done. As to neglecting to arrest any riotous proceedings, it follows, if there were no such proceedings they could not be stopped. To what purpose could the accused have interposed if no continuous act of riot were in existence? It would have been like a physician endeavouring to resuscitate a dead patient. An act must be going on before it can be stopped, and a patient must be alive if he is to swallow medicine.

But even the evidence, such as it was, was not of a respectable cast, and entitled itself to much discredit; for one witness swore to Captain Swabey being in the carriage long before he was ever near it, and that he saw him in a place where the carriage never was,—another witness swore that he was sure he saw Captain Swabey with Mr. Coles in the body of the carriage, side by side—the fact being, that Mr. Coles was not at all off the box while the carriage was going round, nor was Captain Swabey on it. Now, we do not mean to accuse either of these persons of wilful perjury, but their evidence abundantly proved how the whole affair was got up.

Such was the trial. The accused might have applied to the Court to quash the indictment on the plea, that several of the prosecutors served on the Grand Jury which found the Bill, and the plea would have been, as a matter of course, admitted; but it was more agreeable to their wishes that the whole matter should undergo legal investigation.

We shall say nothing here of the Grand Jury, or how it was summoned. We have no desire to make ourselves obnoxious to a prosecution for a libel. We will admit that it was a mere matter of accident or misfortune, that at a moment of great political excitement the political foes of the party accused, together with some of the principal complainants and prosecutors, and a printer of a Newspaper which stigmatised the accused in the most unmeasured terms—should be accidentally those before whom the charge was preferred, or who themselves made the presentment, for a presentment they made, and then found the Bill. But we think the method of summoning Juries being liable to this ob-

jection that such an accident has occurred, it is high time that it should be amended.

But we are at liberty to discuss another topic, which is, the necessity of the Crown Officers—a bill being found on a charge arising out of politics, or any other matter, and unsustained by any evidence—prosecuting such a case as this. It is extremely true that these gentlemen conducted themselves in a manner altogether not only free from asperity towards the accused, but becoming the importance and dignity of their official character. It is likewise true, that so far as we are concerned, it was much better that we should be brought before the tribunals of the country for our own vindication, than suffered to endure the scandal which our enemies applied to us. Yet, there is another party concerned, which party is the public, who are to bear the expense of getting up this detestable drama—who are to pay for the actors, prompters, scene-shifters, scene-painters and dress-makers in this farce, which was only brought on the stage to be damned. Can it be supposed for a moment if the expense of this prosecution had to be paid by the complainants that it ever would have taken place? We do not think, though we believe the Crown Officers conscientiously differ from us, that any obligation existed, binding them to prosecute the charges contained in the Indictment, whether or not they thought they could be sustained in law—and though we are under obligations to them for so doing, the public purse is not by any means under such a debt of gratitude. In Great Britain a large portion of the expense of such a trial would have fallen on the real prosecutors, and the case would, in consequence, never have appeared.

We have been told that some of the parties who broke the windows are really known. We could have produced two ourselves, but to prosecute and convict these would afford no political triumph.

We are quite sure that in Charlottetown there is no person of the most common perception or limited information who believes that this prosecution was commenced merely because Messrs. Duncan, Davis, Welsh, McGill and Chappell had amongst them nine panes of glass broken, or that they prosecuted the matter entirely of their own accord. Such a belief would be a gross deception. The complainants were—perhaps unwittingly—convenient instruments in the hands of others we might name, to whom justice is as nothing in the balance when they think they have an opportunity of humiliating a political adversary. These self-sufficient people and their subordinates would, if they could, suffer no man to enter the Assembly or the Council who is not drilled in the school of exclusive interests—who is not agreeable to Charlottetown tactics—who dares to doubt the propriety of the existing state of things—or who desires to see the rational enjoyment of peaceful liberty conceded to the People. But, thank Heaven, political information has become more general, and a truly British spirit is every day animating the popular mind, declaring that no such private and selfish views shall predominate over public rights and interests.

TO THE EDITOR OF THE EXAMINER.

St. Avard's, January 27th, 1848.

DEAR SIR—

In your late Number you state your opinion that short leases, high rents, and absentee proprietors, are the cause of the poverty of the Island. It is pretty generally known to your readers that I am no advocate for short leases. I consider that a term of one hundred years amply meets the justice of the case towards the tenant; it is well known that I have expressed my willingness to lengthen the term of all my Father's leases to that extent—and to give it in all future leases. I have also consented to grant the tenant liberty to purchase the freehold at any time during the first thirty years of the term, at twenty shillings British Sterling per acre.

Next as to high rents. It might with truth be said that nominally high rents—even if such there be—cannot very much have injured those tenants who have been in the habit of paying no rent at all: but I name this, and proceed to state that our late Lieutenant Governor, Sir H. V. Huntley, has repeatedly expressed to me his conviction of the utter absurdity of calling one shilling (British Sterling) too high a rent for land in this Island: he has so expressed himself, not only to me, but to several of my tenants, who admitted the truth of his re-