THE RECENT PRIZE-FIGHT.

FROM AN ENGLISH POINT OF VIEW.

Measured by the degrees of suffering which it entails, by the bad passions which it excites, and by the vicious habits it indirectly promotes, the practice of pugilism will bear no comparison with some other social evils. But that it is an evil, and one that ought to be put down by public opinion, we fully admit, and cordially agree with Mr. Baron Pigott's recent protest against the philosophical advocates of the prize ring.

The logic of these gentlemen is precisely similar to that which justifies war not because it is sometimes just and necessary, but because it may develope fine qualities of character. The fallacy of this argument is so manifest that it cannot be stated in a single sentence. It is an error to say that war brings out more virtues than it stifles and perverts. It is an error to say that such as it does bring out have no sphere of action in time of peace, or that those which it dwarfs are lower than courage in the moral scale.—It is an error to say that a state of things in itself pernicious and deplorable ought to be inflicted on mankind for the sake of cultivating heroism; for on this principle pestilences should be propagated, and famines manufactured, lest the motives of charity should wax cold. When we turn from so magnificent a sophism as this to the ludicrous reasonings by which prize-fighting is defended, we find it difficult to refute them gravely. Heenan and King must have submitted to great privations in training, and displayed a fortitude in action worthy of a better cause; therefore we are required to believe that prize-fighting is the best way of keeping up English spirit, that without it we should come to the poniard and stiletto, that under proper regulation it would be an ennobling national sport, and so forth. There is really no more connection between the premises and the conclusion than this, and the mere statement of the two together is *reductio ad absurdum*. Let us, however, look at the matter a little more closely. Granted that the combatants are the better, morally and physically, for being brought into condition and then mauled unmercifully, that the professional bruisers are not given to excess, are not brutal in their habits and manners, and are not short-lived, what is the proportion of effective to non-effective members of the ring, and what is the effect of the system on the latter? It would be a strange thing to defend bull-fights on the ground that they improve the character of the bulls if they demoralize that of the spectators. Now, it is notorious that the class from which prize fighters are drawn is practically very small. So far from the Champion of England being the picked man among the millions of our youth, he is simply the "cock" of the few hundreds who have tried their hand at sparring, and are willing to make fighting their profession. No man with anything like a position in society, no farmer, or tradesman, or thrifty artisan, be his personal prowess what it might, would think of becoming a pugilist. The virtues, therefore, which that calling is supposed to foster are necessarily confined to a few. And it will hardly be contended that these belabor each other *pour encourager les autres*, or that the rest of us derive any reflex benefit from the process. On the contrary, the effect upon those who may be called the camp followers of pugilism is as bad as it can possibly be. Outrage and disorder, cruelty and cowardice, dishonesty and scoundrelism in every form are the constant attendants of prize-fights. The scene at the London-Bridge station yesterday was infamous, and that in spite of all that the patrons of the "noble art" could do through the moral agency of the sporting press and the material assistance of an overwhelming police force. All that can be said is that it had been worse the last time, and that the fight itself, although sickening to witness, was not further disgraced by any lawless violation of fair play on the part of the spectators. To suppose that any human being was the better for it, or that anything but a grand settlement of bets, and a great consumption of liquor can result from it, is sheer nonsense.

It must be allowed that this view is very prosaic and unsatisfactory—"neither the one thing nor the other." We cannot help it, and may as well confess at once to a doubt whether the being the one thing or the other is a merit in an opinion. We take human nature as it is, and see no use in railing against fighting in the abstract, because we recognize pugnacity as an instinct of our species. When two boys quarrel and determine "to have it out," persuasion may do a good deal, but prohibition will only postpone or aggravate the evil. There is "a devil within us, which, if it sleeps, sleeps lightly," and has not yet been exorcised by civilization; but the fact that people will fight in anger in spite of all that we can do is the worst possible reason for encouraging them to fight in cold blood. The existence of such a practice has hitherto been a chartered anomaly in our social system; but it is surely time that it should cease. The halcyon days of the Ring are long since past, princes of the blood no longer drive pugilists about in their carriages, and the majority of those whom curiosity tempts to see prize-fights would decline the task of defending them. Let society, then, consider whether the pleasure or profit derived from them is at all equal to the mischief they do. Let this be the last of our great fights We have frowned down bull baiting without any sensible loss of amusement, and prescribed dueling without much relaxing the laws of courtesy among gentlemen. A united effort on the part of all classes would soon put an end to a sport, which, however "manly," is more revolting than a bull-fight, and has less excuse than duelling.—*London Times*.

A COLONIAL VIEW OF THE FIGHT.

The Toronto *Globe* thus discuourseth on the event:

There is mourning in New York consequent on the fall of Heenan, and chuckling in London over the victory of King. Two great and Christian nations have paused in their pursuits of business, war, diplomacy, pleasure and philantrophy, to read with bated breath how an Americo-Irishman named Heenan met an Anglo-Irishman named King, and after both had been brutally beaten, the one succumbed to the superior strength and skill of the other. The picture is not by any means a pleasant one. It awakes us to a consciousness that, in spite of Sunday and Common Schools, Churches and Bibles, there is a great deal of the brute left in the most civilized of mankind. It is of no use saying that the newspapers are to blame, and that they publish reports of prize fights. Most of the newspapers furnish accounts of battles in the ring just as they publish the reports of murders and suicides, and are as far from approving one as the other. In general they give quite as harrowing a picture of the one as of the other. No one could read the *Times'* account of the late fight and feel more in love with prize fighting than he was before. The people, we are sorry to say, love to hear and read of prize fights, and the Heenan contests have unfortunately added to the interest of these events by enlisting on their behalf a considerable amount of national jealousy and *amour propre*.

The practical question is—how long are these disgraceful proceedings to be suffered to continue? We see that another American pugilist Joe Coburn by name, has challenged King to fight. Are we to have another international mill next year, with extras from all the newspapers, rejoicings from one side of the Atlantic, and wailings from the other? We trust not, for the sake of our civilization. There can be no doubt that this fighting can be stopped. If the Home Office will give instructions, no train will be suffered to leave London on such an errand as that which departed from London Bridge Station at the beginning of the month, with one thousand friends of the ring on board. The difficulty lies, however, in the fact that a large portion of the English public has too strong a liking for prize fighting to submit readily to its suppression. It is impossible to make fish of one and flesh of another. If Heenan is stopped, fighting all over the country must be stopped too, and that would be repugnant to the ideas of a considerable class of the home population. We can best learn the strength of their love of prize-fighting in England from the fact that the *Saturday Review*, a journal said to be mainly written by Church of England clergymen, certainly representing the educated and refined classes, published an article in favour of prize-fighting last year, and supplied an elaborate editorial on the late contest, expatiating with *gusto* on the "punishment" received, without a word of disapproval of the brutality of the affair. It is true that the *Review* is famous for its fondness for the singular and *outre*, and that it is the only leading journal which has taken this view of the matter, but still the fact shows that there is by no means the strong aversion to prize fighting in England which is needful to secure a determined attempt on the part of the Government to put it down. It is possible that some such occurrence as the death of a man, like that of McCoy in New York twenty years ago, may be needed thoroughly to arouse public sentiment, and secure the suppression of the ring. The system has declined rapidly of late years, and though international contests have brought it into vogue, we trust it is only for a brief moment, and will bring about more certainly and more quickly its final extinction.

THE AMERICAN VIEW OF IT.

The Chicago *Times* thus humourously banters its countrymen on the defeat of their champion:—

OUR GREAT HUMILIATION.—The "goggle" of a "pug" smitten by the ponderous "mawley" of an antagonist puts himself in a position similar to that of a majority of the "fancy" yesterday upon getting the news from England—"in mourning." Woe is *them!* Alhama, or rather, Heenan—Heenan, the gallant, chivalrous young American (of Italian descent)—representative of the American Eagle, democratic institutions and a sovereign people, "licked" in half an hour by a "blawsted" Britisher,—an outgrowth of the effete, tumbling, decaying, rotten despotisms of Europe! Hereafter let the proud bird of our nationality no more seek the empyrean heights of Katahdin to thrill the universe with its exultant scream, but rather let it come close earthward, and, upon some lowly rail-fence of humiliation, bemoan with drooping wings the disgrace of that once proud nation of whom it has hitherto been the haughty emblem.

What a fall was there, my countrymen! When Cæsar Heenan fell (over the ropes) there fell the best bruiser of America! *Eheu! Eheu!* Republicanism and the grand Principle of Human Liberty have thrown up the sponge, and Monarchy in the person of a King is triumphant.

When grand armies meet in the shock of battle, and one is beaten, it is some consolation to the vanquished party to know that its own losses are not materially greater than those of the victor—that the victory is a dear-bought one—that the enemy will have the exultation of victory dampened by the grief of his heavy casualties And so in the roped arena. But what consolation have we in the defeat of Heenan—in the thrashing of the noble representative of the noblest, purest, most enlightened government on earth? Listen to the mortifying truth:

"King presented no visible marks of punishment except a mouse under his left eye."

And this is all. For months the press and the people of two great continents have been convulsed at the thoughts of the approaching struggle. Daily we have received bulletins of the condition of our champion—we have learned that he had become a two-handed hitter; that he was a mass of iron from his waist up; that his fists had become as indurate as granite; and yet, after all these encouraging assurances, he only punishes his opponent to the extent of putting a "mouse under his eye!" A little contemptible *mouse*—nobody expected, at the very least, less than a good sized rat on both eyes, while others, more unlimited in their anticipations, wildly dreamed that the Benecia Boy would form an extensive and complete menagerie around the head and body of his competitor. It would not have surprised us so much had even a number of the pachydermata or the deinotherium hung upon every feature of Heenan's opponent at an early period in the progress of the contest.

Truth as well as history repeats itself, for in this international mill, as of old, "*Parturiunt montes nascitur ridiculus mus*"—in this case, not only literally a ridiculous mouse, but a most ridiculous muss. We feel aggrieved in our national sympathies—degraded in our high esteem. We have trained ourselves for long weeks to secure a victory, and after all our preparation and our agreeable anticipations, the whole thing has ended by our being tremendously thrashed by a fellow whose only punishment the while is too insignificant for dispassionate mention.

Trail banners, abase yourselves, ye Stars and Stripes, in sympathy with our national humiliation.

SERJEANT SHEE ON THE BENCH.

The recent appointment to the vacant judgeship has received the warm approval of the Bar. By his genius and character Mr. Justice Shee has long deserved the prize. To have refused him it any longer would have been to say that no Roman Catholic lawyer, however eloquent, however distinguished, however fitted for the office, was to be made a judge. This is an announcement which no English Government would make, and which the English nation is not prepared to receive. In these days questions of theological import are rarely, if ever, mooted before a common-law judge; and when the interests of the Church of England are not directly involved, no Englishman wishes to see unnecessary barriers interposed between merit and success. The only *tangible difference* between a Catholic and Protestant judge, as far as the public are concerned, is that it might possibly be deemed inconvenient for a Catholic to attend the English cathedral service while on circuit. The difficulty will probably be found one rather of theory than practice A year ago Mr. Shee was appointed to travel one of the circuits in the south of England as a deputy. It was found that he did not object on religious grounds to open the commission and to attend Divine service in the usual way. Judges who are Dissenters, or even Unitarians, do so without reproach; and what they may do, a Roman Catholic may do also. Were it even otherwise, two judges invariably travel the spring and summer assizes in company, and an arrangement would easily have secured the presence of one upon occasions where the presence of a judge was made important by sound and ancient custom. It is a tribute to the discretion of the Government to be able to say that, while the conscientious feelings of the new judge on religious subjects need no vindication, no *contretemps* is ever likely to occur under the *regime* of Mr. Justice Shee.

In his elevation to the Bench the Bar loses its greatest orator; and perhaps its only orator properly so called. Those who have heard Mr. Justice Shee in his finest speeches have heard something that is not easily reproduced. There are other and younger speakers at the Bar, whose genius and eloquence are of the highest order. The age, the presence, the dignity, and the fire of Mr. Justice Shee placed him at the head of all It is said usually that he was not a successful Parliamentary debater. His style, perhaps, is too purely oratorical for the House of Commons in the present day. But at the Bar, in the conduct of a case of great public interest, when he had enjoyed full time to prepare his line of argument and to rise to the level of the subject, Serjeant Shee could hold Westminster Hall breathless with suspense and interest for hours Mr. Gladstone is a fluent and accomplished rhetorician, qualified by his cultivation and his nature to ravish the ears of a business-like assembly of educated gentlemen. It will be long before he ever shakes and thrills an audience as Mr. Shee has often before now shaken crowded courts. Since the appointment of the present Lord Chief Justice of the Queen's Bench the bar had not another speaker of the sort; and Mr. Shee's years and presence have of late given him an advantage which even Lord Chief Justice Cockburn did not possess while at the bar. The new judge's chief difficulty will be to subside into a president in the court where he has been so long an orator. Great advocates, it is said, make bad judges. It is to be hoped that Mr. Justice Shee will be an exception to the rule, which he will no doubt have many temptations to transgress.

For some years, Mr. Serjeant Shee has led the Bar, in virtue of his rank of Queen's serjeant and his patent of precedence. Of late, his appointment to the Bench has been almost demanded on the part of the profession. It has been a growing habit with chancellors to make their appointments to judgeships serve Parliamentary purposes. Men have begun to talk as if a seat in Parliament and success as a debater in the Commons were necessary stepping-stones to the bench. The idea is distasteful to the bulk of the profession, which sees some of its ablest and most learned leaders excluded by circumstances at this moment from the House They naturally feel that genius and profound learning are more important qualifications for a judge than political activity and interest. Why are X and Y and Z, and A and B not Judges? They are masters of the English law, and their character is equal to their experience and talent. Barristers will naturally continue to think it a poor answer to say that these great lawyers have not had the luck to be elected somewhere to serve on the other side of Westminster Hall. The honours of the Bar, in their opinion, should be for the Bar alone. At the bottom, accordingly, of the enthusiasm with which Mr. Shee's elevation has been welcomed, there is a strong sentiment of the kind. It is said, indeed, that the Bar intend to signalize the event by a dinner given to the new judge himself We cannot wonder at it. We can well understand that no vacant judgeship could be more popularly bestowed than on a lawyer who is both esteemed for his personal qualities, and who, in a certain sense, is the father of the profession—the *Grand Batonnier* of the order of English advocates.—*English paper*.

DEATH OF MR. THACKERAY.—Suddenly one of our greatest literary men has departed. Never more shall the fine head of Mr. Thackeray, with its mass of silvery hair, be seen towering among us. It was but two days ago that he might be seen at his club, radiant and buoyant with glee. Yesterday morning he was found dead in his bed. With all his high spirits he did not seem well; he complained of illness; but he was often ill, and he laughed off his present attack. He said that he was about to undergo some treatment which would work a perfect cure in his system, and so he made light of his malady He was suffering from two distinct complaints, one of which has now wrought his death. More than a dozen years ago, while he was writing *Pendennis*, it will be remembered that the publication of that work was stopped by his serious illness. He was brought to death's door, and he was saved from death by Dr. Elliotson, to whom, in gratitude, he dedicated the novel when he lived to finish it, but ever since that ailment he has been subject every month or six weeks to attacks of sickness attended with violent retching. He was congratulating himself the other day on the failure of his old enemy to return, and then he checked himself as if he ought not to be too sure of a release from his plague. On Wednesday morning the complaint returned, and he was in great suffering all day. He was no better in the evening, and his servant, about the time of leaving him for the night, proposed to sit up with him. This he declined. He was heard moving about midnight, and he must have died between 2 and 3 in the morning of yesterday. His medical attendants attribute his death to effusion on the brain. They add that he had a very large brain, weighing no less than 58½ oz. He thus died of the complaint which seemed to trouble him least. He died full of strength and rejoicing, full of plans and hopes. On Monday last he was congratulating himself on having finished four numbers of a new novel; he had the manuscript in his pocket, and with a boyish frankness showed the last pages to a friend, asking him to read them and see what he could make of them. When had completed four numbers more he said he would subject himself to the skill of a very clever surgeon, and be no more an invalid. In the fullness of his powers he has fallen before a complaint which gave him no alarm *London Times*.

UNITED STATES.

ARCHBISHOP HUGHES.—The death of this eminent American Catholic prelate took place on Sunday evening at his home in New York, at the age of sixty-five years. He was born in the North of Ireland in 1794; and emigrated to Maryland in this country in 1817 where he was first employed in the humble calling of a florist; but soon abandoned that calling, and entered Mount St. Mary's Seminary at Emmetsburg. He was ordained a Priest in 1825, and settled in Philadelphia, where he remained until 1838, having while he remained there founded St. John's Church. Early in 1838 he was consecrated coadjutor to Bishop Dubois, of New York. The Bishop soon after became disabled from paralysis, and his assistant had therefore the principal charge; and in 1839 the Pope appointed him administrator of the diocese. The Bishop died in 1842, and the administrator succeeded to his office. In 1850, New York was raised to an Archiepiscopal See, and he was placed over it. The duties of this post he continued to discharge until his disease. This is too early a day to discuss elaborately his character as a scholar, a thinker, a controversialist and a prelate, with accuracy and satisfaction; or fairly to estimate his services to the Catholic cause in America, or impartially to gauge his influence on American society and institutions. Whether he was a liberal, humble, pious follower of the Prince of Peace, by his example pointing the world to better works, or a tribulant sectarian, a demagogical priest or a clerical politician, coveting place and loving power, are questions not to be discussed upon illiberal party creeds or sectarian animosities, but in the broad spirit of American toleration. Whether as a thinker he has advanced anything new, or as a man of letters he has left anything of enduring value, or whether as a pulpit orator he has achieved any triumphs or left any monuments which will rank him with the great men of the Roman Church, are questions upon which we have decided opinions, but they cannot be wisely discussed in presence of that sharp grief now felt by the numerous and respectable body of American Catholics who lament over his unburied remains. Many will claim to class him with the great men of his church, his age and his adopted country. All will acknowledge these indisputable facts; that in his rise from humble life and mental toil, he has given commanding testimony both to his own energy of character and to the fostering spirit of our national institutions. His devotion to our nationality in all its integrity, in the hour of its recent peril, entitles him, in the judgment of us all, to the high character of an American patriot. His great services to his church, and his successful management of his great trust leave no doubt of his vast business capacity. The more marked events of his intellectual life may be briefly stated His debate, in 1830, with Mr. Breckinridge, on the question: "Is the Protestant Religion the Religion of Christ?" and another one with the same man in 1832, on the question: "Is the Roman Catholic Religion, in any or in all its principles or doctrines, inimical to civil and religious liberty?" have been published in a book form. His labours in behalf of Catholic Education and Catholic rights in the school fund will long make him memorable, while his services in placing church property on its true basis and in defence of the character of Catholic America, will make him long honored as their broadest champion and ablest defender. Upon the more difficult questions we have hinted, we may say a word at a later day.—*Boston Post*.

The New York *Herald* says it is the intention of the Federal Government to organize an immense cavalry force of at least 100,000 men, to be ready for active operations by next spring. This force, it is thought, operating against the South, willsweep everything before it.

The value of the exports from the port of Portland in 1863 was $5,018,356 against $4,117,292 in the year previous. The war has not done Portland much injury.

IMPORTS AT NEW YORK.—The table of imports at New York afford an instructive glance at the movements of commerce during our great rebellion. In round numbers, the imports of dry goods during the past four years have been as follows: in 1860, $104,000,000; in 1861, $43,000,000; in 1862, $56,000,000; in 1863, $67,000,000. We thus have the full movement prior to the outbreak, the prostration of the first blow, and the gradual recovery since. It may be added that the proportion of goods entered for warehousing and withdrawn during the last three years, is nearly double that of the same class in 1860. The amount of the present imports, as compared with those of previous years, showing the commerce of the North to be quite equal to that of the whole country in 1852, we have already alluded to The imports of seperate articles other than dry goods, exhibit about the same tenor as the above figures—that is, very large in 1860, very small in 1861, and gradually increasing since. We are glad to see an exception in some articles of luxury, as for instance cigars, footing up nearly $2,000,000 in 1860, a little over a million in the two years following, and falling down to $600,000 last year. When we consider the increased price, the quantity of imported cigars must be very much less. Other articles of the same nature that have fallen off are coffee and tea (slightly) and brandy and watches (very much). Books have remained quite uniform during the last three years at about half the figure they stood in 1860. The article which has shown the greatest rise in the last four years is wool, going up from less than $3,000,000 in value to over $9,000,000.—*Boston Journal*.

THE COLD AT THE WEST.—The Chicago papers record some painful incidents of suffering and death from cold in that city, during the late storm. A woman whose husband was recently killed in the war left her two little boys, aged five and two years, in the house, to go and make some purchases, but got drunk. On returning, during the night, both children were found dead. On the floor lay the youngest child in a heap of snow; he was frozen stiff, and was of course dead. The eldest boy lay on the bed; he, too, was dead, but not quite cold. He had built a fire against a trunk which stood near, and a hole was burned in its side, another on the floor, and the bed clothes had been on fire. He had probably been asleep. The door had been left open, the room was filled with snow; and on awakening, perishing with the cold, he found his brother dead.—He then closed the door, lit a fire on the floor, and sank down benumbed with cold. A soldier was found on the street unable to walk, and being taken to a police station both of his boots had to be cut off his feet being badly frozen, and it is expected they will have to be amputated. Another man was picked up insensible. His legs were found to be frozen from his hips to his feet, and it is probable that both his legs must be amputated. A man who had both hands frozen put them into warm water, by which means they were rendered a mass of putrified flesh, and will probably have to be amputated. A Clinton (Iowa) despatch says the snow drifts along the railroad are from eight to ten feet deep, and half a mile long, packed hard enough to hold up teems. The thermometer was thirty degrees below zero. The Pittsburg *Chronicle* says that two brakemen on the Oil Creek Railroad were frozen to death the other night, one of whom rolled off the car and the other was found at his post, his hand frozen to the brake wheel!—*Boston Journal*.

CHARGE UPON A SNOW-BANK BY A LOCOMOTIVE—THE ENGINEER LOSES HIS LIFE.—Owing to the heavy fall of snow on the Racine and Mississippi Railroad last Wednesday, it was necessary to send in advance of the proper train a locomotive with a snow-plow to clear the track. Mr. Samuel D. Pulford was the engineer, and meeting with a huge bank he was obliged to go back to attain all the velocity possible, in order to force a passage. The locomotive was dashed against the bank at the rate of forty or fifty miles per hour. It went through, but the engineer was forced out of a window and buried about eight feet in the snow. As soon as his absence was noticed by the fireman the locomotive was stopped and moved back. The engineer was found buried as stated, with but a feeble pulse, and all efforts to resuscitate him proved unavailing. He was evidently smothered.—*Am. paper*.

CORRESPONDENCE.

TO THE EDITOR OF THE EXAMINER.

SIR:—As your paper is the only one that appears to advocate the cause of the oppressed tenantry, I want to acquaint the public through its columns with some of the doings of the land agents on this township for the past three months.

Our agent has always told us that if we paid up one year's rent without allowing arrears to increase, that he would be satisfied; but when we paid him one year's rent this season, if anything more was due, we were told that we would not get a receipt for what we paid, if we did not pay off the arrears also, which we told him we were unable to do then, he then told us to "go to McDonald, for whom we had voted at the last election, and get the money from him, for if it was not paid off immediately he would distrain on us and sell every hoof we owned." Many were unable to make up more than a year's rent and were distrained on, and are now at the mercy of the Sheriff, while others of us had to sell off our cattle or the meal we had for the winter's support of our families, and to sell them for half their value to raise the money for our rapacious agent, who evidently takes a pleasure in prosecuting us to the utmost stretch of his power, because we support those "d—d rascals, the Snatchers."

I believe, Mr. Editor, that there were more writs issued against the Tenantry on this Lot this year, than ever was issued during the reign of the Liberal Government. Our Tory landlords and their agents want to reduce us to the condition of serfs, who will obey their slightest wish and vote for their friends, our oppressors; but we may be turned out of house and home to starve by the wayside, and we will not be coerced to sell our privilege to do with our vote as we please.

The Sheriff in serving some of the writs on Peter's Road this week met with a warm reception from the women and children of that Orange locality. On Peter's Road the settlers are all Protestants, and nearly all Orangemen, and they have formed a league with the Tenantry of the High Bank, and are determined to resist the payment of rent to a party who have deceived them, as the present Government has, on the Land Question; and this is the reason that the Sheriff has been three times unsuccessful in his attempts to serve his writs there, for while the people will not break the law, they will yet use all possible means to prevent distraint for rent, which must, if persisted in, be the cause of their dying of starvation, and their children dying before Spring.

Now, Mr. Editor, you will bear in mind that those persons who have been distrained on at Peter's Road, and who have formed leagues to resist the payment of rent, and who have prevented the Sheriff from serving his writs, are not Irishmen, nor Papists, but good, sound, loyal Orangemen, and we may yet see that good will come out of this bad society, for they now understand the means and value of organization, and will now have something more nearly affecting themselves to stimulatetheir zeal than the old bugbear of Popery.

Apologising for the length of this communication, and promising to acquaint you with the progress of the rebellion,

I am, yours,

A TENANT.

Lot 61, Jany. 15, 1864.

MR. EDITOR:—

Sir,—It is to be hoped that the benefits accruing from the amendment to the Free Education Act are being fully realized and heartily enjoyed by the inhabitants of P. E. Island. Judging from the continued reticence of our leading writers upon this important subject, we might infer that the change has received the hearty acquiescence and approval of the people. If, however, we take, as a criterion, the furious disturbances which are daily arising in our school districts, we may reasonably conclude that a *crisis of serious import* is impending over our schools. Appearances certainly indicate that unless an important change is effected our colonial education will relapse into that lamentable state from which it has, during the last twelve years, been emerging. Already the retrograde movement is clearly perceptible; and it gives unmistakable evidence of the speedy extinction of the *Free Education System in P. E. Island*.

We can clearly perceive what are the more prominent injuries which the amendment has inflicted upon our educational system. We have not yet forgotten that, when teachers received the enormous sum of *Five Pounds*, as a Government allowance for their services, our schools, *if such they can be called, were in a* wretched condition. We still distinctly remember that, when the teachers received the decent allowance of forty-five or fifty pounds, our schools began to increase and flourish, and the advantages which they confer on our Colony, to be fully realized. And, of late, whilst the teacher received an additional sum of five pounds, the rapidity with which our colonial education progressed was truly astonishing. It is but reasonable to suppose, and the opinion is universally conceded to, that a man labours in proportion to the wages he receives; and that additional *payment will secure additional labour*. Such being the case, may we not rationally conclude that, since the teacher's salaries have been reduced so very considerably, their zeal in disseminating and promoting the principles of education will be in a corresponding degree lessened. To expect that the people, who have so long been exempted from the payment of teachers, and *who already pay a tax for that* purpose, will consent to make up such a great deficiency, is simply absurd. It then follows that the teacher must either eke out a miserable subsistence upon the paltry pittance allowed him for his services, or relinquish the profession, in order to obtain a more remunerative business. This latter alternative will assuredly be adopted by the *most efficient and useful teachers*, who are capable of engaging in business more pleasant and profitable. Our schools will then be under the supervision of a very inferior class of teachers, who, in consequence of their poverty and incompetency to fill other situations, are continually roaming about the country in search of schools. Trusting that the people will attend to those things, and the evil has not become so deeply rooted as to be irremediable, I beg leave to remain,

Yours, &c.,

PLAIN TALK.

January 23, 1864.

The Examiner.

Charlottetown, January 25th, 1864.

THE LAND QUESTION.

No. 4.

WRONGS or evils are generally traced to their source, *not so much for the purpose of shewing* their origin, as with a view to the devising of *means for their redress*; and, in law, whenever the plaintiff or appellant succeeds in proving that *he has sustained a wrong or injury, at the hands* of the defendant or appellee, the award of the Court is, *that the defendant or appellee shall, if* it be in his power, repair or make amends for the *wrong or injury done by him to the plaintiff or* appellant. That is, the wrong-doer shall, according to a great leading precept of moral law, both divine and human, be bound to redress, as far as lies in his power, the wrong which he has committed. In the case now under our consideration, the wrong is, by all, admitted to have proceeded from the Crown; and it is clear that the Crown, by action of Parliament, possesses the power to redress the wrong. Therefore, we say, let the wrong be placed in this light before Parliament, and the award or decree of that high court will be—for it cannot be otherwise—such as—whilst acknowledging the claims of the proprietors as far as reason and justice will permit, and also providing for their satisfaction—will completely annihilate "the vicious system" of land-tenure in the Island, and open up for the people the cheering prospect of unfettered industry, improving interests, and political well-being.

It is, we all know, a maxim that the king or the Crown can do no wrong; but yet, at the same time, we also know that very grievous and very scandalous wrongs have frequently proceeded from the Crown. On this subject, in Blackstone's Commentaries, we read as follows:—

"Besides the attribute of sovereignty, the law also ascribes to the king, in his political capacity, *absolute perfection*. The king can do no wrong. Which ancient and fundamental maxim is not to be understood as if every thing transacted by the government was of course just and lawful, but means only two things. First, that whatever is exceptionable in the conduct of public affairs, is not to be imputed to the king, nor is he answerable for it personally to his people; for this doctrine would totally destroy that constitutional independence of the Crown, which is necessary for the balance of power, in our free and active, and therefore compounded constitution. And, secondly, it means that *the prerogative of the Crown extends not to do any injury*; it is created for the benefit of the people, and therefore cannot be exerted to their prejudice.

"The king, moreover, is not only incapable of *doing* wrong, but even of *thinking* wrong; he can never mean to do an improper thing: in him is no folly or weakness. And, therefore, if the Crown should be induced to grant any franchise or privilege to a subject contrary to reason, or in any wise prejudicial to the commonwealth, or a private person, the law will not suppose the king to have meant either an unwise or an injudicious action, but declares that the king was deceived in his grant; *and thereupon such grant is rendered void*, merely upon the foundation of fraud and deception, either by or upon those agents whom the Crown has thought proper to employ. For the law will not cast an imputation upon that magistrate whom it entrusts with the executive power, as if he was capable of intentionally disregarding his *trust*: but attributes to mere imposition (to which the most perfect of sublunary beings must still continue liable) *those little inadvertences*, which, if charged on the will of the prince, might lessen him in the eyes of his subjects."

Now, we believe all, except perhaps "the heirs and assigns" of the grantees, are agreed that when, in the reign of King George the Third, now nearly one hunured years ago, the whole of the Island was disposed of or granted away in a single day,—"the king was," to use the language of Blackstone, "deceived in his grants," and "fraud and deception" were practised, "either by or upon those agents whom the Crown thought proper to employ;" and that, in consequence of the practice of such fraud and deception, the king was "induced to grant privileges to certain of his subjects, contrary to reason, and prejudicial to the commonwealth." And, agreed as to this fact, we must also admit, as Blackstone declares, "*that thereupon such grants are rendered void*, merely upon the foundation of fraud and deception, either by or upon those agents whom the Crown thought proper to employ." If this is admitted, then all the grants of Lands in this Island, made in 1769, are void and of non-effect; and, therefore, ought at once to be declared *escheated*—not as falling to the Crown, but as forfeited to and for the benefit of the people.

We have never hitherto been an advocate of a general escheat; and neither are we now. But—with all the genuine respect which we entertain for the Royal Land Commissioners and their opinions, and with all the deference which we are disposed to pay to their superior knowledge—since our own views respecting the question of escheat differ materially from those which they have avowed concerning it, and set forth in their Report,—we will now venture *to question* the correctness of their *dictum* upon that question. Concerning it, in their Report, under the head ESCHEAT, they thus record their opinion:

"If it were believed that such a principle existed in Prince Edward Island, or could be enforced, it would be utterly ruinous to its prosperity. Titles would be insecure, because, with few exceptions, the forfeiture would apply to every township and every sub-division of a township in the Island. No particular lot, no particular proprietor could be selected; the law would be general in its application, and must fall on all alike; not solely on the representative of the original grantee of 1767, if any such there be, but on the purchaser of yesterday, or the orphan whose inheritance fell to him the day before. *The destruction of the primary title would* carry with it the titles of the small freeholders who hold under it, as well as the improvements of the tenants. If courts and juries could be found to work out such a principle, no free people would endure it long."

Now, in protesting against this most dogmatic denunciation of the principle of escheat, we shall, as becomes us in opposing so high an authority, proceed to do so with all the wariness which prudence and diffidence in ourself can dictate. It, therefore, appears to us that, in the first place, it will be well to ground our dissent from their *dictum* upon admissions of their own, if we can do so. Let us try. A little further on, under the same heading, they say:

"Constitutionally, a Court of Escheat has always existed. Escheat is incident to the power of the Crown in the administration of the public domain. It required no particular legislation to put the machinery of escheat in operation; none is required now"

According to this declarative admission, Escheat, as incident to the power of the Crown in the administration of the public domain, became incident to the power of our local Government, in 1851, when the transfer of the casual and territorial rights and revenues of the Crown was made to our local Government. The argument, by which the Commissioners have arrived at the conclusion that, were the people of this Island now to declare that they have a right to the remedy which they may believe a Court of Escheat could afford for their grievances, "the country would cease to be regarded among the civilized communities of the world," is, in our opinion, a very unsound one. When they based their conclusion on the fact that "the grantees, their heirs and assigns" have, for nearly a century, been allowed to retain possession of their lands, notwithstanding their non-performance of the conditions of the grants, and notwitstanding the existence of the power to enforce their forfeiture for such non-performance, it seems to us that they must have overlooked the additional fact, that, though this power ought to have been inherent in the local Legislature, or local Government of the Island, their power to exercise it was always denied, or rendered nugatory, by the Home Government, unjustly swayed and influenced as it was by "the proprietors."

And, again, when the Commissioners assert that, under the operation of escheat, "the forfeiture would apply to every township and every sub-division of a township on the Island; that the law would be general in its application, and fall on all alike; and that the destruction of the primary title would carry with it the titles of the small freeholders who hold under it, as well as the improvements of the tenants," they seem to have quite forgotten that, in case the machinery of escheat were to be set in operation, the evils which might arise from its general and uncontrolled workings could easily and effectually be guarded against by specific legislation. Their assertion, that, if the power and decisions of a Court of Escheat were to be had recourse to, it would be impossible to prevent its operating against the whole Island without distinction of properties, either as to how they may have been acquired, or as to how they may be held, appears to us to be nearly as absurd as it would be to maintain that, because an individual tradesman, pressed for money, and having many outstanding debts, should determine, for the removal of his difficulties, to enforce payment by means of actions at law, that, therefore, he would be obliged to institute legal proceedings against all his debtors alike, without distinction of persons or characters.

In support of their "Report and Award," as respects Escheat, the Commissioners quote from Lord Grey's despatch to Sir Alexander Bannerman, of the 12th of July, 1851, wherein Lord Greys says:

"It is only my purpose now to state that Her Majesty's Government feel themselves bound to adhere to the decision so repeatedly adopted by my predecessors in this matter, and to state that, both on the grounds of justice to the landed proprietors and of the permanent interests of the community of Prince Edward Island, they regard such a measure (that of escheating the original grants) as impracticable."

Before making their quotation from the said despatch, the Commissioners remark, that "previous to the cession by Her Majesty, in 1851, of the Crown and Territorial Revenues in the Island to the local Government, the Crown had, by repeated declarations, denuded itself of the power of escheating the original grants, and declared any measure of that character impracticable."

From the above extracts, both that from Lord Grey's Despatch and that from the Report of the Land Commissioners, it would seem that both Lord Grey and the Commissioners hold that the despatch of a Secretary of State is as little to be withstood or gainsaid as the most salutary and best established law of the land. We, however, recognise in them no such authority. Nay more: point out, the force and validity of a statute of the we affirm that to accord to some, which we could Imperial Parliament, as some persons do, is very little less than treason against the State.

To *denude* this Despatch of Lord Grey's and all similar despatches of Secretaries of State of the power claimed for them to bind and unbind at will, we will again advert to the authority of Blackstone, and maintain thereon that if a Secretary of State, even with the sanction of the Crown, should, by any despatch, grant any franchise or privilege, to a subject or subjects, contrary to reason, or in any wise prejudicial to the commonwealth, the law declares that the sovereign was deceived when yielding sanction thereto; and thereupon that such despatch is rendered null and void, and of non-effect, merely upon the foundation of fraud and deception: for the law "attributes to mere imposition (to which the most perfect of sublunary beings must still continue to be liable) *those little inadvertences*, which, if charged on the will of the prince, might lessen him in the eyes of his subjects."

Therefore, as concerns the Crown, we are bound to regard any or every despatch from a Secretary of State, which would in any wise prove injurious to the commonwealth, as having proceeded from imposition, practised upon, the Sovereign, and mere inadvertence on his part; and consequently to be considered as having no legal or constitutional power, weight, or authority whatever.

REV. J. BREWSTER'S LECTURE ON THE AMERICAN WAR.

ON Thursday evening last, Rev. Mr. Brewster delivered a lecture on the "American War" before the "Young Men's Christian Association." The audience which crowded the Temperance Hall was one of the largest that ever was packed together in that badly ventilated building. Hon. Dr. Young introduced the lecturer, who commenced his subject by boldly declaring that the object of his lecture was to give his reasons why, as a Christian and as a British subject, he could not sympathise with the South. He asked the audience to lay aside the feelings which, doubtless, their prejudices and their patriotism made them entertain against the North. We have much, said he, to feel thankful for, from the people of the United States. American skill and industry, and above all American ideas, force themselves upon our notice in every place and at every moment. The Washing and the Sewing Machines and that marvel of ingenuity, or, as our friend Stephens, of Orwell, advertises it, "The Wonder of all Nations"—the Reaping Machine, were American inventions; and numerous other articles in constant use were of American manufacture, from the "Needle to the Anchor." America, too, furnished the world with some of the ideas of civil and religious liberty, which have vastly aided the cause of true civilization. She has taught England, said the lecturer, how to rule her Colonies, and he might have added, that America has taught the Colonies to educate themselves, for it is from her that we have borrowed our system of Free Schools—the noblest of our institutions.

After the introduction, he entered upon the causes of the present civil war. Many columns had been written in the London *Times*, he stated, attempting to prove that the Tariff was the cause of the Southern States seceding from the Union. But the attempts to prove that the high Tariffs were the cause of the war are futile, inasmuch as some of the seceded States always voted for them. The South, for the greater period, since the formation of the Government of the United States, had control of the Executive of the country. The larger number of those who filled the Presidential Chair were Southern men or men representing the Southern views of political questions. The South had a far more extensive territory than the North. To what then, asked the Rev. lecturer, are we to attribute the existence of the Southern rebellion? Nothing could satisfactorily account for it but slavery. Slavery existed before the Colonies declared themselves independent. It was the desire and intention of Washington, Adams, Jefferson and others of the leading spirits of the Young Republic to have slavery gradually abolished—that all men might be free, regardless of their race or color. But their views were not to be enforced in their days. "The devil flew over South Carolina with a handful of seeds"—the poor negro was required to cultivate them,—Cotton became in great demand, and hence the progress of slavery in the Southern States. The notions of the slaveholders underwent a striking change when they found that the negro was proving more remunerative than the horse or the ass. From being ashamed of slavery, they learned to laud it as a glorious institution.

The lecturer next eloquently described the encroachments of the slave power, and the efforts of the North to resist them Though many angry debates had taken place in Congress on the Slavery question, there never had been very great alarm that a dissolution of the Union would thereby occur, until the question of admitting Missouri into the Union took place. In 1820, the people of the territory of Missouri proceeded to ordain and establish a constitution of government for the contemplated State. Among other provisions, it was ordained to pass such laws as were necessary to prevent free negroes and mulattoes from coming to and settling in the State, under any pretext whatever. Under this constitution a State government was organised, and went into operation. The admission of Missouri into the Union by the Northern party on the ground that free citizens of color and mulattoes were citizens of the States of their residence; and that, as such, they held a right, under the constitution, to remove to Missouri, or any other State of the Union, and there enjoy all the privileges and immunities of other citizens of the United States emigrating to the same place; and, therefore, that the clause referred to in the constitution of Missouri was repugnant to that of the United States, and consequently she ought not to be admitted into the Union. The friends of Slavery, on the other hand, contended that the Africans, whether bond or free, were not a party to the political institutions of the country; and therefore were not citizens, within the meaning of the constitution of the United States. The question for the time was settled by the Compromise proposed by Henry Clay, which was, that Missouri should be received into the Union, providing that she shall never pass any law preventing any description of persons from coming to and settling in the State; and by giving her the exercise of any right or power which was constitutionally exercised by any of the original States. The lecturer here gave a graphic and glowing description of the talents and characters of the men who took the leading part in the great discussions of the times—particularly John C. Calhoun and Henry Clay. The Missouri Compromise established the principle that new States were to deal with Slavery as they thought proper. Then commenced the struggle of one party to get Slave and the other Free States into the Union. The lecturer next referred to the success of the South in adding Texas to the slave power, the Wilmot Proviso, the Nebraska Bill, and the Fugitive Slave Law. In all these measures the South had the most success, until Brooks struck Sumner in the Senate, when, said the lecturer, the South appeared like a monstrous bully, with a chain to the ankle of the negro in one hand, and a revolver and a bowie knife in the other. But the admission of Kansas into the Union as a free State proved the turning point in favour of the cause of Freedom. The force of public opinion, guided in a great measure by the example of Great Britain emancipating the negroes in the West Indies, by the publication of "Uncle Tom's Cabin," and by the religious revivals, set in strongly against the inhumanity of Slavery. Hence the rise of the Republican party, the breaking up of the Democratic party into huge fragments, and the election to the Presidency of Mr. Lincoln.

Thus far Mr. Brewster delivered his lecture extempore, and though occasionally it contained some affectations of a certain style of pulpit preaching, yet it was a truly eloquent and able effort in favor of the North. During this portion of the lecture he did not carry the audience with him. Passages which warmed the hearts of the lovers of the Free North met but a feeble applause, whilst the tritest allusions to the vanity or self-love of the crowd were forcibly cheered. The Rev. gentleman, in the second and concluding part of his lecture, tried to shew that there were no 'affinities' betwixt the aristocracy of the Southern Confederacy and the aristocracy of England. He drew a parallel betwixt the characters of Jefferson Davis, Toombs, Yancy and a few other Southerners, and Lord Derby, Palmerston, Russell, Newcastle and other English Statesmen. He, also, to prove his argument, referred to the social customs, and domestic circumstances of both countries. This we think was the weakest part of the lecture. There can be no doubt of the fact that the English aristocracy do sympathise with the South, and that they consider that they have closer affinities with the ruling classes of the South than with the people of the North. The contrast of a few persons of two countries proves nothing against one or the other, for the person who makes the contrast will name the individuals to suit his own theories.

The Rev. lecturer alluded to the sympathies of the Colonists for the South. Our feeling arose in some measure against the North through the *Trent* affair, and the hostile tone of the American press. As to the *Trent* affair, the lecturer said we could forgive the North, as in it John Bull gave America the benefit of his experience, and as to war with England, he believed that America would be sick enough of war when they were done with the South, and that the North would cultivate only the arts of peace. After the lecture, the President in a few sentences, gave his voice heartily in favor of freedom and the North. He thought the sympathies of the Colonists for the South were due to that mercantile selfishness which believed that were the South separated from the North we would have the chief part of the coasting trade. Whilst we agree that this view accounts for a good deal of the Secession sympathy which did and does exist, we think that the causes of the feeling of the Colonists in favor of the South should be attributed to ignorance of American politics, and principally to the belief in the doctrine, that every people and nation should have the right to establish whatever form or system of Government which they consider best suited to promote their own interests.

We are prevented, from want of space, from giving a report of the discussion which followed the Lecture. The Hon. Mr. Coles was the principal speaker, and enunciated views directly opposed to those of the Lecturer, especially in regard to the raid made by John Brown, whose mad enterprise at Harper's Ferry received the applause of the Lecturer, but which cost Brown his life. Mr. Coles contended that Brown was guilty of robbery and rebellion, and was justly executed. Mr. Brewster seemed to consider him a martyr and saint. Mr. Coles's views, which were more in accordance with those of the Southern sympathisers, were loudly applauded.

AFFAIRS IN ST. JOHN, N. B.

(From our own Correspondent.)

The "Chesapeake affair" and the legal proceedings instituted against Mrs. Eveleth and Dr. Spinney, have been the chief sources of excitement in this community for the last five weeks. Three of the men—McKinney, Collins and Seely—concerned in the seizure of the Steamer, having been arrested here under the Lieut. Governor's warrant on a charge of piracy and murder, the examination of witnesses in support of the prosecution commenced forthwith in the Police Court of this City, and has already occupied nearly a fortnight. These three prisoners—as do most of the original captors—belong to St. John, and