filled with wardrobe and many valuable souvenirs of foreign travel, he sat down to rest and to think,

'I am home at last in the city of my nativity, and yet I fear to announce my return. It is a strange presentiment of evil that has kept me from going direct to my father's house. What it is, I know not, but will soon unravel. I long to meet my kind parents and dear Pauline; and yet I dread to go there. It is an odd notion—but I will refresh myself, and then go up to the house, to present myself to their astonished gaze—for they do not look for me by this steamer;' and the returned traveller rang the bell to order a bath, a lunch, and then a carriage to await his word.

Some two hours later, the gentleman, improved in looks and spirits by his short sojourn at the hotel, entered the carriage, after having given directions for the retention of his luggage, and was driven still further up town, till he alighted at the door of the palatial residence of the late Richard Fairfield.

Old John answered the bell, and gazed a moment upon the travel-browned stranger. Then his ebony visage lighted with joy, and he uttered a glad welcome, adding eagerly, in a whisper;

'Golly, Massa George, it's a blessed thing dat ye happened home in jes' dis nick o' time for dar's strange doin's been goin' on in dis her house! An' I'll tell ye all about 'em for sure!' drawing him into a little reception-room near by.

CHAPTER IV.

CONSTERNATION.

The faithful negro at once proceeded to relate to his young master George Fairfield, the conversation he had overheard between the young man's step-mother and Geoffrey Baxter, and also the succeeding conversation to which he had unwittingly been a listener between Pauline and her adopted mother; and he ended by saying, 'he 'spected they had been tryin' to make Missus Pauline say she would marry the man she didn't want, for he had seen her that very evening flying to her room as if in great distress, and he knew that Massa Phillip Morton had followed her into the library some little time before.'

George Fairfield listened to the negro's recital with grief and indignation combatting in his heart. He had come home, to find his father dead, for the news of his parent's decease had not reached him before, and now when he would have wished for quiet in which to indulge his sorrow, he found that he must exert himself to frustrate the base plans of his step-mother and her brother, and their tool the notary, Geoffrey Baxter.

At length he spoke, and his voice was firm and decisive, as he grasped old John's arm and looked into that negro's faithful face.

'I have decided what to do John. I will go back to the hotel to-night, where I left my baggage, and in the morning, I will proceed to business. Do not let any one know that I am here. In the morning, I will see about this Geoffrey Baxter's and my step mother's will; and then after that matter is attended to, everything will be right between Pauline and myself. But, don't, for your life, lisp a word of my being here, John; or you might spoil all!' and the young man rose to go out into the night again.

'No, no, Massa George, nebber fear dat I'll lisp a word.' Dis nigger knows how to keep a secret better'n any woman in de land!' and with a finger to his lip, old John went out into the hall to see that the coast was clear for his young master's exit, and then beckoned the latter out, and soon closed the street door upon his retreating form.

The night wore away, and the morning light found George Fairfield impatient to proceed upon his mission. He was himself a graduate of the Law school, and knew at once how to act; and when the offices of business men were open, he at once sought that of Geoffrey Baxter, and made himself known to that unworthy notary, and demanded the legal will of his father.

At first Geoffrey Baxter feigned ignorance and leaned back in his chair, and in stern manner tried to ignore all knowledge of another will than the one which had been read. But George Fairfield, seated at the opposite side of the lawyer's writing-desk, looked with unflinching eye into the pale face of the notary, and, raising his right hand, pointed to some papers which the latter had just been examining, and exclaimed:

'If I mistake not, Geoffrey Baxter, that is the true will now lying before you!

'Your conscience must have upbraided you, that you are looking at it so early in the morning, and my coming is opportune, for I will assist you in the reading!' and, before the other could prevent it, George Fairfield had grasped the roll of loose paper which had just been taken from the open box, and his keen eyes were running over the written characters of the uppermost one.

'Ah yes! I was not mistaken! This is my father's true will,' and, taking the next parcel, he added 'and this is the one with the codicil attached which was dictated to you by my worthy step-mother, and in which both Pauline and myself are cut off with a mere pittance! Ah, most excellent Geoffrey Baxter, this is a fine piece of penmanship, and quite a stroke of policy on the part of my esteemed step-parent, whom I always before thought unworthy a base act. But it shows to what a point a scheming, grasping mind will descend. I will just take possession of these papers, Mr. Baxter, and warn you to look out for yourself, for I mean to take the settlement of all my father's affairs into my own hands from this time forth!' concluded the young man, as he placed the papers in his pocket and rose to depart.

But Geoffrey Baxter caught his hand; and, in trembling, despairing tones, entreated him not to deal harshly with him as his crime deserved.

'Believe me, George Fairfield, I should never have consented to take the part I have in this plot, had I not been led into it by a lovely woman — and that woman the wife of your father. Oh, listen to me, and let me tell you how it all came about!' gasped Geoffry Baxter; and then as his companion paused and did not throw him off, the poor old man went on:

'I loved your step-mother before she married your father. She was younger in years than either he or I. She came to the city, a dashing young lady. We both met her in society, and both became enslaved by her smiles. She encouraged us equally but finally gave the preference to your father, who was a recent widower, and more wealthy than myself. She married him; but I always worshipped her in my heart. After your father's decease, she sent for me about this will. I had always been his attorney; and so it was easy for me to make a new will, and add a cordicil, which I did. You have the whole story. I did it because of my new love for your step mother, and not from any ill motive towards you or your adopted sister Pauline. If you can pardon me, do so; I am now truly sorry for my part in the matter; and will try and make all right as far as possible. Toward your mother I beg you to be lenient; for she is a woman; and enough for her that she has failed to secure your father's property.'

'I will do as I think best, Geoffery Baxter; and rest assured that I shall do nothing out of malice or revenge; for I am more sorry at present than anything else. I believed all women good and pure; but my step-mother has taught me a lesson of fallen humanity,' replied George Fairfield as he left the notary's office.

An hour later, the young man stood in the presence of his step-mother; and that lady grew pale with alarm as he proceeded—after a very hasty greeting—to unroll a file of legal looking papers.

'Madam, you will be so kind as to listen to the true will of my dear father, which has been furnished me by your friend, Mr. Geoffrey Baxter!' said George Fairfield. And then he proceeded to read a document which equally divided the estates of Richard Fairfield between his wife, (now widow) his son George, and his adopted daughter Pauline.

Words are powerless to depict the baffled woman's consternation and rage. Suffice it, that she realized that she was foiled; and, therefore made a virtue of necessity, and agreed that her own portion should be paid to her on the settlement of the estate. while, meantime, she would seek a separate residence from the children whose esteem and affection she had forfeited.

Shortly afterwards, she sought a home at the same hotel with her brother, who was a dissipated bad-hearted man; and eventually, on receiving her portion, they left New York and went abroad. Later, Geoffrey Baxter followed them; for the old lawyer still held a youthful heart towards the fascinating woman who had lured him into the commission of a crime. And he succeeded in winning her for his wife, his considerable fortune being a powerful ally in his behalf.

Pauline Fairfield was not permitted to carry into execution her resolve of seeking her own livelihood; for the timely return of George — who brought back to her his undiminished affection—kept her still in the home of her adoption. Never had he wavered in his love, despite the reports of his enemies, and in due time the lovely Pauline became his wife, and thus remained as mistress of the mansion from which he had been so nearly ejected by the forged will.

THE MUNROE TRIAL.

THE JUDGES' CHARGE TO THE JURY.

THE PRISONER FOUND GUILTY.

[SPECIAL TO HALIFAX COLONIST.]

The Court was densely crowded on opening this morning, and the interest most intense.

The Judge at once commenced his charge by explaining to the jury the nature of the crime of which the prisoner stood charged, and what, in the eye of the law constituted murder—the wilfully taking of life with malice expressed or implied—and then went on to point out the difference between direct and circumstantial evidence, citing instances to show how one and the other had influenced former trials, on which in some cases the latter was regarded as even stronger than the former, but cautioned the jury that where nothing but circumstantial evidence, as in this case has been presented, they should exercise the most thoughtful deliberation in sifting and considering it. If only the most positive and direct testimony could be received in trials of this nature, nine-tenths of the criminals would escape, but in every case of murder the *Corpus Delicti*—the substantial and fundamental fact of the death of a person—must be proved. He instanced a case in illustration of this in his own experience in Carleton lately, where four men were arraigned on a charge of murdering a man, but it was not proved that the man was dead, and the parties were discharged. The burthen of proving the commission of the deed with which the prisoner is charged rests upon the crown, as it does in every similar case, and the jury must be satisfied that the woman Sarah Margaret Vail was dead, and if they believed from the testimony that she came to her death foully, they were next to decide from the evidence before them whether or not it was by the hand of the prisoner at the bar.

The Judge then took up the evidence, commenting on it at great length as he proceeded. He began with the testimony of Mrs. Lordly; that on a certain day a woman calling herself Mrs. Clarke, with a child, came to her house. She had a trunk which she showed to Mr. John A. Munroe, who cut a piece off the slat of the trunk and examined it; and the Judge then referred to the discrepencies between this testimony and that of the prisoner's father, who had denied all knowledge of such proceeding—and said that it was for the jury to decide which was correct. Following up the history of the trunk, he found that it was taken from Lordly's to Lake's, and from there, on a Monday morning, it was taken to the American boat and checked by somebody for Boston. It was never claimed by any one and after lying in the warehouse in Boston, was brought back to St John on the 29th of October, in charge of Mr. Hall, mate of the steamer *New York*, delivered to Capt. Chisholm, and by him to Coroner Earle. The Judge then referred to the contents of the trunk, and identification by Mrs Lordly and Mrs. Crear,—to corroboration of their identification by Mrs Lake, in whose house the deceased stayed previous to the murder:—to the identification of the child's hat by the little nurse girl—the embroidered petticoat by Mrs. Olive, deceased's sister—and photograph in the trunk, by Mrs. Crear and others, as having been in possession of the deceased; and said it was for the jury to decide whether the testimony was sufficient to satisfy their minds that the woman who passed herself as Mrs. Clarke was Sarah Margaret Vail. His Honor intimated his opinion that the evidence was conclusive on this point, apart altogether from the prisoner's own statement. A great deal had been said in reference to this statement and the conduct of Mr. Marshall.

If any peace officer or magistrate had elicited this statement by question, etc., his honor said he would certainly exclude it; but there were the statements of Mr. Gilbert and Mr. Jones—that the prisoner was duly cautioned. There was direct contradiction between the testimony of Marshall and Mr. Munroe, sen. and Mr. Potts in reference to the conversation; it was for the Jury to reconcile these statements, if they could, and give credence to the one they considered entitled to belief. Munroe furnished corroboration of the proofs furnished by the clothing found in the trunks, that the woman called Mrs. Clarke was Sarah Margaret Vail, but if the jury believed that Mrs. Clarke was not Sarah Margaret Vail, then the prisoner must be acquitted. If they believed that they were the same parties, then it would be for them to decide whether the remains found at Black River were those of Miss Vail. If they believed that they were not, then the prisoner must be acquitted, because the *corpus delicti* had not been proven, and Miss Vail may be alive.

The Judge referred to the testimony of Miss Campbell Mrs. Ellis Mrs Crear, Mrs. Lordly, Mrs. Olive and Mary Black, as to the identification of the hat and trimming, and whitney cloth sacque; and pointed out in how far in this feature of the case the evidence was entitled to credence. He read at length the testimony of Mrs Lake, detailing the articles found; referred to discrepency between the testimony of Mary Black and that of the clerk of the Barker House as the appearance of the prisoner in town at a particular time, and asked the jury to consider it.

His honor here pointed out what he considered a most important piece of evidence towards identification, but at the same time cautioned the jury that they were not necessarily to take the same view or draw the same inferences that he did. He was liable to take a wrong view or one which the facts would not justify. He alluded to the fact of the child's bandage with a piece of lead in it, on the remains, corresponding with that worn by the child when alive, which he considered was clear and plain. These were the facts he said, upon which the jury were to decide whether the remains found were those of Miss Vail, mother of the child.

This concluded two points in the chain of evidence; and if the jury found that the remains were those of Miss Vail, the next question for them to decide was, how did she come to her death. He must state to the jury, that there was no evidence from the skeleton produced to show that it was that of a woman; but all the clothing found there being female clothing, and there being no man's clothing, were facts such as to lead to the inference that the remains were those of a woman. His honor then referred to the identification of the hair by the sisters, and admitting the possibility of their being mistaken on this point, to the accuracy of Mrs. Crear's identification of the woman's teeth, and the testimony of the dentests respecting the child's teeth as such as a child of deceased would have at its age; the discovery of the bullet hole in the skull; the covering of the remains with brush, which might be considered as denoting violence; the testimony of Worden, who drove the prisoner, the woman and child, to Loch Lomond; the non-appearance of the woman at Collin's or any other house in the neighborhood of the murder; the appearance of Munroe at Bunk's after the second visit, and other points.

He next alluded to the improbable testimony of Hicks and Howard as to the girl's departure for Boston, and their inability to fix the time, and it was for the Jury to say whether Howard's observation did not apply to Thursday's departure, when the deceased had gone to Boston in company with the prisoner. The testimony of Price, who said he had brought a woman and child into town, was also read—its contradictions and improbabilities pointed out as clashing with Munroe's own admission; and His Honor closed by saying that the jury must be satisfied beyond any reasonable doubt that the prisoner had committed the crime charged against him before they could find him guilty.

The statement of Chief Justice Shaw in the trial of Dr. Webster, for the murder of Dr Parkman, as to the meaning of the term "reasonable doubt," was read by the judge and endorsed as his own language, as also the definitions given by an eminent English Judge on the same subject. It was such a doubt as would influence a man in a transaction of daily business. The jury must not be influenced by any imaginary doubt, but make up their minds and draw their inferences from the facts stated by the witnesses before the Court.

If the statements of these facts leave no reasonable degree of doubt on the minds of the jury that the prisoner is guilty, they must so find; but they must not convict him on probabilities or suppositions. His Honor concluded—"I have done my duty in this matter; I give it into your hands to do your duty according to your convictions."

The jury then retired, and after several hours absence returned into Court with a verdict of GUILTY, with a recommendation to mercy.

The Judge said he would consider their recommendation.

The prisoner, pale and dejected, was then led out of Court by the Sheriff and his deputy, to the felon's cell.

The N. Y. 'Herald' states that for months the Fenian headquarters in West Fourth street, near Broadway, has presented a busy appearence. Workmen have been actively employed in the manipulation of Enfield and Springfield rifles into needle guns, and large quantities of mysterious boxes and bales of army supplies have been arriving and stored. General O'Neil superintends. The "Herald" states that the packages are being shipped, but where it does not know. "This," it adds "may be the inception of another expedition to assist the Canadians in throwing off the British yoke, or it may be a little diversion to put them to the expense of another 'Fenian scare.'"

The Examiner.

Charlottetown, December 27, 1869.

THE agitation in Britain respecting the Colonies has entered, within the last few weeks, upon a new and interesting phase. On the 24th of last month, a meeting, to which Colonists and gentlemen interested in the Colonies were invited, was called by advertisement, at the Cannon Street Hotel, London. The purport of the meeting, as set forth in the advertisement was, that "the present most unsatisfactory relations between Great Britain and the Colonies appearing to deserve the gravest consideration, it has been suggested that weekly meetings should be held for Counsel and discussion." Mr. Youle occupied the chair, and Mr. Wilson, Mr. Thornton, Mr. Westmorland, Mr. Bowden, the Hon. John Tobin and Sir George Grey addressed the meeting. The present difficulties of New Zealand were excluded from the discussion, as we think wisely. New Zealand presents an exceptional case, and there is little profit in attracting attention to a solitary abuse, when the system which produced it, and is capable of producing many more like it, is left unchanged. The meeting, therefore, did well to go to the source, and by a resolution carried unanimously "to deprecate the Colonial policy of Her Majesty's Government, as illustrated in the recent despatches of Lord Granville." The history of the New Zealand troubles can thus furnish abundant proof of the urgent necessity for the resolution.

In the course of his remarks, Sir Geo. Grey said that "it was not in the power of any British Statesman, on his own view, to break up a great empire, and the Colonists would find an opportunity of telling the country that if it was the intention to cast off the Colonies, notice should be given to them, so that they on their part might determine what their fate should be, and to consider whether they should take any steps or make any effort to save themselves from disintegration. Let them ask for a clear declaration of what England means; don't let them put up with an answer that New Zealand may do this; that Canada may do another thing. The answer which was given Canada at a recent date showed the inclination of the Minister. If there was an intention on the part of the Ministry to get rid of the Colonies let the Parliament be informed, and let the sense of it be laid before the people of this country." These sentiments of Sir George Grey were hailed by his audience with loud cheers. They indicate a path of rectitude and fairness, and hint not obscurely at the fate which Downing Street officials had in store for us. We, of the North American Provinces, seem to have been destined to be gathered, after some sort of a fashion, into the same boat, and thus held in tow, until it should please our Imperial masters to cut the rope and send us adrift. If the advice of Sir George Grey is followed up, the task of achieving this policy will be somewhat difficult, for the unemployed thousands of Great Britain are at the present moment little in the humour to allow Ministers to part with Colonies, where they and their families can find a refuge from misery and starvation.

The Hon. James Tobin, Speaker of the Upper House of Newfoundland, in a letter to the London *Tablet*, has given a most energetic statement of the grievances under which the British North American possessions lie from Downing Street management. The *Times* in opposing the objects of the Colonial Society laid much stress upon a declaration made by Earl Grey in his correspondence with the Secretary of that Society, "that the Imperial Government had not sufficient control over Colonial affairs." Mr. Tobin dissipates the obstacle thus:—"The standing Colonial Catechism, compiled under the sanction of the Colonial Secretary of State with 491 rules and regulations, sustains the exercise of the fullest powers intrusted to Governors appointed by the Imperial Government, specially nominated by the Colonial Minister. No act of the Legislature is law without the Governor's sanction, then transmitted to the Colonial Office, and if the Minister thinks fit to recommend Her Majesty to give her assent, the Minister may exercise his own whim when and how he thinks fit. Special subjects are positively forbidden to be touched by local legislation. Treaties although vitally affecting the present and the future of the hardy Colonists are reserved points when Imperial Statesmen make it convenient to barter away their rightful heritage. What additional control could be suggested I know not. . . . My Colonial experience of over 40 years has been principally in our British North American possessions, where my position enabled me to have a thorough acquaintance with all matters relating to their interests, and I have witnessed the most flagrant injury and injustice to the best interests of the Lower Provinces, caused by the Imperial Government in the questions of American and French Treaties; the former on the coasts of Nova Scotia, New Brunswick and Prince Edward Island, and the latter at Newfoundland. These questions which are so momentous to Colonists have been treated by Downing Street rulers as mere convenient make-weights in secret diplomacy." In support of this last proposition, the writer adduces the cession of the "exclusive rights of half the whole Island of Newfoundland to the French since the Crimean War." The noble gifts of thousands of acres awarded to courtly favorites despite the remonstrances of the Colonists; the monopoly granted over the mines and minerals of Nova Scotia and Cape Breton to the London usurers who accommodated the late Duke of York with pecuniary advances. What wonder, he asks, if emigrants refuse to select British Territory in North America, and if the Townships and Wildernesses of the United States are filled and converted into happy homes for millions of British subjects? The writer is of opinion that the presence of British troops in the Lower Provinces is not needed by the peaceful inhabitants, except perhaps for agreeable society, which, he thinks, is scarcely sufficient to warrant such useless expenditure of treasure.

On the subject of Confederation, Mr. Tobin remarks, that the pressure used by the Imperial Government to force the Colonists into the Dominion of Canada "is not the way to insure friendly relations with Imperial Rulers." The reason he gives for this is "that no tariff or advantages from the Canadian Dominion can possibly compensate for the loss of sound friendly commercial intercourse with the United States, who are the eager consumers of all the marketable produce of the Colonists."

There is thus, it will be seen, an increased activity developing itself in the movements of the London Colonial Society. In the almost complete ignorance of Colonial affairs which prevails among the people of Britain, such action under proper direction, was needed, and the weekly meetings, now in course of being held, will serve to educate the public mind and prepare it for the consideration of the important questions on Colonial policy, to be brought before the Congress.

As noticed in our last, the Right Rev. Dr. McIntyre, Bishop of Charlottetown, selected for his return to Italy a different route from that by which he left it. The following are jottings of his journey from Jaffa to Constantinople:

"We arrived from Jerusalem at Jaffa on the 28th of October, and secured a passage in one of the coasting Steamers belonging to the *Messagerie Imperiale*. We sailed all night and arrived on the following morning at *Beyrout*. Its population is about 80,000, composed of Arabs, Turks, Maltese, Armenians and English. It is the Seaport of Damascus, which lies at the distance of a five hours drive. Goods are conveyed from one city to the other on the backs of camels and asses. Strange to say that with all its commerce and population, Beyrout has no wharf at which even a coasting schooner can moor. Turkish rule is not favorable to the development of the resources of such places. Unscrupulous Pachas levy immense taxes for local improvements, but the improvements are nowhere to be seen. On Sunday and on the Feast of all Saints, we went ashore to hear Mass, and made the acquaintance of the Jesuit and Lazarist Fathers, who have communities here. The churches are small, and in no way remarkable. The streets are narrow and very unclean, while the people we saw were, besides being ragged and slovenly, imbued with an unconquerable mania for begging. The Sisters of Charity have a house here, and are doing much good.

On the evening of All Saints we set sail, and came on the next morning to *Tripoli*, a small place about half the size of Charlottetown. Like Beyrout, Tripoli is only a shipping port for a large Arab town which lies inland. The products of the country, or rather such of them as were shipped with us, consisted of Cotton, wool, grain, and dye-stuffs. In all the villages along the Syrian coast, and in many parts of the interior, American Methodists have stations, and are indefatigable in establishing schools. We stayed eight hours only in this little place, and arrived next at the ancient *Laodicea*. The same routine of taking in merchandize had to be gone through here as at the other towns. It is the seaport of Aleppo on the west side, as Alexandretti is on the east. The ruins of a triumphal arch are to be seen on shore. It was erected by Septimius Severus, and is adorned with armorial representations in *Basso relievo*. On a lofty hill not far from the shore, we saw the remains of what had once been a very large castle—its towers and battlements were still clearly traceable. It is said to have been built by the Crusaders. Some hundreds of Arabs here joined us as deck passengers. Their habits rendered them by no means agreeable companions.

"Twelve hours steaming brought us to *Alexandretti*. The shore is studded with ruins. Now and then you perceive the massive proportions of marble pillars rising up boldly from the debris around them. Two large pillars standing on a lonely portion of the coast were pointed out as marking the spot where the *whale* put *Jonas* safely ashore. The last place we visited on the Syrian shore was *Mercina*, a small but rich town whose traders are chiefly Europeans and Greeks. In its immediate vicinity are the ruins of *Tarsus*, so celebrated from its connection with St. Paul. From the ship's deck we could distinctly see the ruins of many places, which, in their day, were cities of importance in history; but now they are almost embedded in sand. No one on board seemed to know even their names. It is a melancholy moral to write over the proudest of man's works, and even over himself—Oblivion. *Rhodes* was our next place of call. In the days of the Crusades it was famous, and the city still bears many traces which serve to revive the memory of those Christian knights. The most remarkable is *La rue des Chevaliers*, along which on lofty pillars are carved the shields and escutcheons of the principal families of the old Crusaders. The town is surrounded by a strong wall washed by the deep sea, and still without a wharf. Greeks in their *caiques* came along side offering for sale fruits, wine, milk, &c. They are an athletic, intelligent looking race of men; but they have, even at the present day, the character of being altogether untrustworthy, verifying you would almost say, the virgilian axiom "*timeo Danaos et dona ferentes.*"

"From Rhodes our route lay through the Grecian Archipelago to *Smyrna*. On either hand lay famous Islands celebrated in history from their connection with statesmen, warriors, poets and learned men. Almost direct in our course lay *Patmos*, where St. John wrote the Apocolypse. It is now deserted and uninhabited.

"On arriving at *Symrna*, we visited the Ecclesiastical authorities. The Bishop had taken his departure for Rome. Smyrna differs in this respect from other oriental cities, that it is clean and its inhabitants both in dress and address bear marks of high culture. The bazaars are all under one roof, and there are offered for sale all kinds of merchandize that can be desired. The harbor is a natural basin or cove. We here left the steamer which had brought us from *Joppa*, and embarked on another belonging to the same company, bound for Constantinople. During the night we past many Islands, and at day-light sighted *Lemnos*, and in an hour after *Tenedos* rose on our right, to our left lay the coast of Troy. I leave you to fancy how the sight of these places called up reminiscences of bye-gone days, when our greatest "care and woe" was the preparation of our tasks in Homer and Virgil. At four o'clock, of the afternoon, we were sailing through the Dardanelles, and arrived at Gillipoli with day-light sufficient to observe its magnitude. It owes its importance almost wholly to the Crimean War. The country round about it is insufficient to afford it either nerve or sinew. We left it during night, and sailing through the sea of Marmora arrived at Constantinople in the morning.

"This Stamboul of the Turks is certainly a great city. Its commerce must be vast. Upwards of one hundred steamers belonging to all nations lay in the harbor, besides other ships of heavy tonnage. With all this there are no wharfs. Loading and unloading has all to be done by means of boats. We visited the Armenian Patriarch, and the Latin Bishop, and were cordially welcomed. We also steamed up the Bosphorus to the entrance of the Black Sea. As far as the depth of the water and the lay of the land are concerned, the Bosphorus resembles much the Gut of Canso; but with this difference on the shores, that on either side rises a town about eighteen miles long. As you sail along you see palaces and private dwellings of the most magnificent description. The view brought to my recollection the lower town of Quebec and Sillery Cove. In Constantinople itself the Franciscan, Lazarist and Jesuit Fathers have Churches. On the most elevated parts stands the Mosques. Among these St Sophia, which if you except St. Peter's and St. Paul's Churches in Rome, is certainly the grandest temple that I have ever seen. The Turks were at their worship when we visited it. The commerce of the city seems flourishing, but the streets are very narrow and very dirty.

"Among the clergymen here, we met Monsignor Agarian and some others of your old college friends in Rome, who made the kindest enquiries regarding you. These, however, were not the first of your old friends we met. At *Tripoli* we met with M. Chourri, who accompanied Sir Robert Peel in his travels through the East. He is unquestionably a man of rare accomplishments. Every body seemed to know him, and he knew every body. He is master of the Hebrew, Syriac, Chaldaic, Arabic, Turkish and English languages. His enquires after you were most kind. Again, at Smyrna, a most accomplished clergyman gave me his card, with the request that I would present it to you. His name is Timoni; and I cannot help congratulating you on your choice of companions in your college days, for a more perfect gentleman I have seldom met.

On the 13th we purpose visiting *Scutari* and *Chalcedon*, both famous places in their way and on the following day we start for Rome, via Athens, Messina, and Naples.

LITERATURE.

GOOD HEALTH, published by Alexander Moore, Boston.—This is the seventh number of this excellent journal, and we repeat our former assertion regarding it, that it is calculated to be of great benefit to the community. If it did nothing more than act as a safeguard against quackery, much would be done. It, however, does more—it conveys excellent information for the preservation of health, and the treatment to be used in emergencies, when medical aid cannot be immediately had. In the present number there is an excellent article on "Cells and their Life;" another on "Influenza," and the second part of the Essay on the "Animal Parasites of the Human Skin." Practical hints and useful additions to knowledge are, besides, scattered profusely throughout the number.

THE AMERICAN AGRICULTURIST, Orange Judd & Co., New York.—We are not sufficiently versed in agricultural matters to pass an opinion whether or no the principles of farming laid down in the above periodical be applicable to the land of Prince Edward Island. The information it contains is, however, not limited to purely matters of husbandry; it takes a wider range, and supplies useful hints for the management of domestic affairs, building of houses, formation of farming utensils, &c. The literary department is above the average, and the illustrations are many and excellently executed.

MUSIC.

HOWE'S MUSICAL MONTHLY, Elias Howe, Boston.—When we remember the high price of Music some few years ago, the present No. of this Monthly appears a miracle of cheapness. It contains twenty-two pieces of Music, clearly printed on excellent paper. Ten of these are Songs with Piano accompaniment; the remaining twelve are Mazourkas, Polkas, Waltzes and Gallops. The first number is the "Danube Waltz," by Strauss—elegant masterly and effective as *Strauss* always is when it pleases him to be so. The young performer can find little difficulty in mastering it, and it is worth expending some time and labor on when compared with the inartistic and noisy productions commonly set forth as "Dance Music." Gungl, Bach, Parlow and Hermann, are also well represented in the Instrumental portion. In vocal music we have Reichardt's popular song, "Thou art so near and yet so far;" and Hatton's famous composition, "Simon the Cellarer." Bissell's arrangement of "O are ye sleeping, Maggie," deserves commendation in this, that he has studied to make his accompaniment subservient to the air, and has introduced no tawdry adornments. We can see no reason why so excellent a musical publication as this should not be made the vehicle for spreading among the people a taste for higher studies than Dance Music affords. An "Audante" from Beethoven, and selections from the great classical masters, would enhance the value of the Periodical, and advance in proper direction the culture of Music.

SCARCELY has the Suez Canal been opened, when a pamphlet appears showing the task of establishing a communication between the Pacific and the Atlantic by piercing the Isthmus of Panama to be perfectly practicable; and a company for carrying out the project is immediately established. Much of the traffic from China and Australia will be thus diverted from the Mediteranean route. But should the Railway from Halifax to the Pacific be constructed, the diversion would be still greater. The *Morning Post* gives this latter scheme its warmest support, and suggests, that the six hundred miles of the Railway, which run through Columbian territory, might be undertaken on an Imperial guarantee. The advantages to Britain would, indeed, be great. "It is one thousand miles shorter from Vancouver's Island to Sydney, than from Panama to Sydney. From Liverpool to Shanghie, would, by the route in question, be four thousand miles shorter than by the Cape, and nearly the same distance shorter than by Panama. Then Liverpool is five hundred miles nearer to Halifax than to New York.' The trade winds bring vessels bound from Japan and China to San Francisco, close to Vancouver's Island, and this would enable Britain to compete successfully, with the American Pacific Railway.

The Literary and Musical Entertainment given by the members of the Charlottetown Debating Club, in Market Hall, on Thursday evening last, is spoken of very highly by those who attended it. The musical part, by Messrs Earle and Vinnicombe, is pronounced to have been excellent. The entertainment, we hear, was well patronized—the hall being nearly filled on the occasion.—*Her*

The Wesleyans of Charlottetown held a Tea in the basement of their Church on Wednesday evening last, which was quite a success.—*Ib.*

By cable message to the Hon. D. Davies, the brig *Clanranold*, May arrived at Swansea, on Wednesday last—20 days.—*Ib.*

The cargo of the *Duncan* was sold at auction for $50. In a very short time afterwards, the ship glided off the rock, and sunk, so that the purchaser made nothing by his speculation.—*Ib.*

The Temperance Hall is now known by the name of the "Athenæum." The members of the Young Men's Christian Association intend giving a Musical and Literary Entertainment in it, to-morrow evening.—*Ib.*

LITERARY INSTITUTE.—At a meeting of the Summerside Literary Institute, on Saturday evening last, the following gentlemen were elected officers for the ensuing year:—Finlay McNeill, Esquire, President; Mr Theo. L. Chappell, Secretary and Treasurer. Committee—H. C. Green, John Gaffney, Charles Green, Thomas Kelly, and D. Enman, Esquires.—*S. P.*

Common Council Proceedings.

Meeting of the Common Council, 6th December, 1869.

PRESENT

His Worship the Mayor, His Honor the Recorder.

Councillors	Morris,	McNeill,
	Currie,	Allen,
	Pollard,	Hooper.

Are Attorneys at-Law or Counsel precluded, or not precluded from practising in the Police Court, in Summary Cases?

Agreeably to an order of the Board, made in compliance with a written request of Councillor Morris, addressed to his Worship the Mayor, His Honor the Recorder presented and read his opinion touching this question. It is, in substance, as follows:

"The City Council and the Police Court of the City have each their proper sphere of action, separate and apart from the other.

"The City Council is a deliberative and legislative body.

"The Police Court is a judicial and executive body.

"In the Police Court, if a suitor is dissatisfied with the decision of the Court, or the law as laid down by the Recorder, his proper and legal mode of obtaining redress, is by an appeal to the Supreme Court.

"There is no other tribunal that can legally take cognizance of the matter; and it is irregular in the extreme to attempt to make the City Council a Court for the revision of the decisions or opinions of a body over which it has no control and no power to enforce any resolution or sentence it may choose to adopt.

"It will, if not at once checked and put an end to, be productive of great mischief and irregularity.

"If Mr. Morris is allowed to have the proceedings or decisions of the Police Court revised by the City Council, every other disappointed suitor will have the same right; (for, I presume, it will not be attempted to assert that, because Mr Morris is a City Councillor, he stands in a better position than any other suitor before the Police Court); and I leave you to judge of the irregularity and confusion that must ensue.

"The only method of avoiding this is for the City Council to keep strictly to its own line of duty — the deliberative and legislative — and let the errors of the Police Court be remedied in the usual way — the way pointed out in the Act of Incorporation.

OPINION.

"The assertion made by Mr. Morris, in his letter to the Mayor viz; 'that the Mayor and Councillors are an incorporated body of magistrates,' is a fallacy, and has no existence, either in fact or theory.

"The real question raised is whether the Police Court is to be considered as bound by the provisions of the Act intituled "An Act to facilitate the performance of the duties of Justices of the Peace, with respect to summary convictions and orders." I am clearly of opinion that it is not.

"The Police Court is constituted by the 47th section of the act of Incorporation, by the name, style, and title of "the Police Court"; and its jurisdiction is there defined. It is a Court, and not a meeting of two Justices of the Peace. The Court is to meet every week-day in a certain place, and is so invested, not only with all the powers of Justices of the Peace, but with many others.

"It has, by statute, a criminal jurisdiction. It decides on infractions of its own bye laws; may enter into and put down houses of ill-fame; punish vagrants, beggars, &c. Many of the Island statutes are repealed by the Bye-Laws of the City; and the Police Court, in adjudicating upon cases arising under them, are governed, not by the Statute, but by the By-Laws, some of which are different in their provisions from the Statute, as the License By-Law Weights and Measures, &c.

"The Incorporation Act was passed in 1855, the Magistrate's Jurisdiction Act in 1856. Had it been the intention of the Legislature that the Police Court should be bound by the Act of 1856, it would have been included by name.

"The Act of 19th Vic. cap. 18, is intituled an Act relating to the Boundaries of the City of Charlottetown, and the jurisdiction of the Mayor and Police Court of the said City, &c; and, in various other Acts, the Police Court is alluded to by name.

"Now let us see whether the Act itself (1856) contemplates the jurisdiction to be extended to the Police Court. It is, in the first place, not mentioned, as before remarked, nor even alluded to, except in the 27th Section, and is only for the purpose of giving parties convicted before the Police Court the right of appeal instead of taking out a Writ of Certiorari or Habeas-Corpus, as provided for by the Incorporation Act; but until you come to the 27th Section, the last but one in the Act, no mention is made of the Police Court: on the contrary, the words are: 'Her Majesty's Justices of the Peace for the County.' And, if you look into the Schedule of forms annexed to the Act, with the exception of those marked S Nos. 1 2, 3, 4, and alluded to in the 27th Section, the whole are in the names of Justices of the Peace, and directed to the Constables of the Counties. The forms are totally inapplicable to the Police Court. Take, for instance the first, on which the rest depend.

"I might rest here; but I will go a little farther, and show that Mr Morris has completely mistaken the intention of the Act, on the words of which he relies. Now what are these words? I quote from 2nd Vol. Revised Statues, page 248. "If the defendant shall appear voluntarily, or shall be brought before the said Justices by virtue of a Warrant then, if the said complainant or informant having had due notice as aforesaid, *do not appear*, either by himself or his representative, other than attorney, the said Justice shall dismiss such complaint or information. And again, at page 250, "if either or both of the parties shall not appear personally or by his or their representative or agent, *other than an* attorney" This is sufficiently clear. If the parties do not appear personally, they shall not be allowed to appear by an attorney. But suppose they do not appear personally, is there a single clause or even sentence in the Act that says they shall not be assisted by counsel? I have carefully examined the Act, and I affirm there is neither one nor the other; and I will presently show that, where a Justice of the Peace is acting *judicially*, he cannot legally refuse to hear counsel. In fact it is an undoubted right and privilege of a British subject to have counsel to assist him, when either his life, his liberty, or his property is in jeopardy; and, if this right be taken away, it must be by express words, as in the Small Debts Act, which, by expressly excluding counsel and attorneys, virtually admits that without such exclusion, they would be entitled to be heard.

"In Chitty's Burns's Justice, Vol. 1st., page 829, the right of counsel to be present before Justices of the Peace, is fully gone into, as will appear by the following quotation: "The defendant has a right to have the presence and assistance of counsel or attorney, or such legal advice or assistance as he can procure in the conduct of his defence, or the final hearing of the information; for on such hearing the magistrate is sitting *judicially*, with power to decide upon law, fact and punishment, and not as a mere *ministerial* officer in taking examinations, where the defendant has no such right"; and gives, as authority, the case of Danbery *vs.* Cooper. The same doctrine is held in the 3rd. Vol. of the same work p. p 471 and 572, where the difference between acting in a *judicial* and in a *ministerial* capacity is fully explained.

"I beg to refer to the columns of the *Times*, as to the constant practice of the Police Courts in London, in which it will be seen that there is never any objection raised as to the presence of attorneys and counsel.

"I think I have shown to the satisfaction of the Council that I was right in stating that Mr. Daniel was entitled to have the assistance of counsel. He was a stranger, arrested, and in custody at the suits of two of the City Councillors; and a legal question arose as to whether he was compellable to find securities to keep the peace. One of the suits was dismissed on account of the unquestionable inadequacy of the affidavit; and I am of opinion that, if the other case had not been put an end to by Mr. Morris's withdrawing the Warrant and releasing Mr. Daniel, his case would have shared the same fate.

"I claim the right, as Recorder, to give my opinion on any matters of law which may arise in the course of any trial or investigation in the Police or Mayor's Court; and I contend that it is the duty of the Court to be guided by that opinion, particularly in those cases in which the liberty of the subject is under discussion, but more particularly when, under the Statute, the Court sits as a Court of criminal jurisdiction.

J. LAWSON, Recorder.

Lease of Queen's Wharf.

On motion of Councillor Morris, seconded by Councillor McNeill:

Ordered, That the Draft Lease of Queen's Wharf to Isaac C. Hall, be engrossed in duplicate, and duly executed.

Weighing Grain.

Councillor MCNEILL gave notice that at the next meeting of the Council, he would introduce a Bye-Law to regulate the weighing of all descriptions of Grain.

R. B. IRVING, Reporter.

THE SUN OF MEDICINE DR. MORSE'S INDIA ROOT PILLS.—If you are suffering with disease get this medicine. Gradually but surely it will eradicate the seeds of diseases, and by removing the cause render sickness impossible.

Get the "Rescue of Tulu Almanac."

FIRE.

IT is with very sincere regret that, amongst our news items, we have to record the occurrence of a very serious fire which broke out on Sunday morning last, about 4 o'clock, in Mr. John Newson's Chair Factory, Sydney Street, in this City. The alarm was given by J. W. Falconer, Esq., at an early period of the conflagration, or its effects might have been much more serious and destructive than they proved to be. That gentleman having, in consequence of indisposition, risen at the hour named to take some medicine, observed a slight flickering of reflected light in his room, and on drawing up the window-blind, he perceived a small column of flame about the height of a man issuing from Mr. Newson's factory. He then called up a man in the house, and despatched him to give the alarm at the Police Station, whilst he himself, indisposed as he was, rushed out to alarm the neighbors, and then hurrying to the factory, burst open the door, and immediately, although alone, set about removing some of the many valuable articles of furnature which it contained. He had been thus engaged but a short time when about twelve or fifteen individuals gathered in front of the burning Factory, and, much to his surprise, seemed to look upon the progress of the flames with the greatest indifference. He, however, by rather energetic remonstrance, quickly succeeded in inducing them to join with him in trying to save as much of the furniture as possible; and their joint exertions, we are glad to be able to say, were far from being unsuccessful, although upon the whole very little, comparatively speaking, was saved.

In about fifteen minutes, Mr. Falconer thinks, from his first noticing the fire, the engines arrived; but, although the exertions of the Fire Companies may have prevented the spread of the fire, we are sorry to say that their services, as respected the burning Factory, were of but little avail. We are very far from wishing to be censorious; but we cannot help saying that, in the Fire Department, there seems to be a lamentable want of efficient organization. The whole of the Factory together with a new building erected by Mr Newson in the rear of it, was burned to the ground, as well as the dwelling house of Mr. McKinnon, Tailor, which adjoined the Factory.

The house of Widow Connolly, which was separated from the Factory by a vacant space of about twelve feet in width, had a very narrow escape; it was indeed only saved from destruction by the vigorous efforts, not of the firemen, but of a few independent workers by means of their water buckets.

As neither Mr. Newson nor Mr. McKinnon was insured, the loss they have sustained will, we are very sorry to think, be severely felt by them. They, however, are both well known to be skilled and industrious mechanics and men of high moral character, and we therefore trust that, ere long—in the course of a few years at most—they will both have retrieved their loss.

There was no insurance whatever, we understand, upon any part of the property consumed; and, we are sorry to add, the owner of the Factory will, therefore, also sustain a very serious loss by the fire.

The Rev. Mr. Falconer's house, on the opposite side of the street, occupied by Mr. John Ross, sustained considerable damage. Two stables in the rear of property owned by the Hon. Judge Young, together with a stable belonging to R. Peake, Esq., were consumed, and the dwelling house of the latter was saved by the exertions of a few men connected with one of our hand engines. The steam engine done good service, and, no doubt, would accomplish more if placed on a proper footing with other branches of the fire department. The hardy fellows who risk life and limb to save the property of their fellow citizens, are not treated by the proper authorities, nor do they receive that aid and encouragement from them, which they deserve.

C.Y.M. Literary Institute.

At a meeting of the members of the above Institute, held in St. Andrew's Hall on Monday evening last—R Reddin, Esq., in the Chair—the officers for the ensuing year were appointed as follows—

Right Rev. Dr. McIntyre,
Very Rev. Dr McDonald, } Patrons
Hon. D. Brenan.
R. Reddin, President,
————, Vice do
P. Reilly, Asst. do do
Maurice Blake, Treasurer,
Thos. Reilly, Secretary.

MANAGING COMMITTEE.—Messrs. H. G. MacIntire, M. Blake, John Walsh, John Walker, James Byrne, Joseph B. MacDonald, and Thomas Reilly.

It was agreed that Monday night of each week be the regular night of meeting and that the Institute be formally opened on the first Monday evening in January next with a Musical and Literary Entertainment, of which due notice will be given.

H MCKENNA, Sec. *pro. tem.*

BANKRUPT COURT.—We understand that His Lordship Mr. Justice Young will deliver his decision in the matter of Mr. Robert Bell, on Tuesday the 4th proximo, at 11 o'clock, a. m. We would recommend merchants, and others interested in mercantile matters, to be present and hear the law on the points raised in this important matter, as it may be decided by the learned Judge.

☞ We wish the readers of the EXAMINER a MERRY CHRISTMAS and a HAPPY NEW YEAR.

We are pleased to learn that the boys attending the Model Department of the Normal School yesterday presented their teacher, Henay Lawson, Esq., with a very neat writing desk. The pupils in Miss McKinnon's school, equally thoughtful, presented their teacher with a handsome Bible.—*Pat.*

GOVERNMENT APPOINTMENT.

COUNCIL OFFICE, Dec. 15, 1869.—His Honor the Administrator in Council, has been pleased to appoint Mr. Neil McFadyen, Postmaster at Augustine Cove, in terms of the Act of 14th Victoria, cap 12—in the place of Mr. Peter Wadman, resigned.

By telegraph we learn that Munroe, the murderer of Miss Vail was sentenced to be hung on the 15th February, 1870.

PRUSSIA BEARING LIBERAL TESTIMONY.

The Medical College of Breslau, Prussia, by command of the Government, instituted enquiries in regard to the purity of DR. RADWAY'S PILLS. The following is a copy of the report, after a thorough analysis, signed by the Professors of the College:

REPORT OF AN ANALYSIS OF RADWAY'S REGULATING PILLS,

Instituted for the satisfaction of the Prussian Government and people. It appears that the great popularity of the Pills throughout Germany, as an aperient, anti-bilious and alterative medicine, had provoked the malice of the apothecaries, who caused a report to be circulated that the ingredients were poisonous. Therefore a scientific inquisition into their nature and properties was ordered, the issues of which was a most triumphant vindication of the sanitary value of the Pills.

The Faculty of the College state in their report that after a careful and minute examination, they have the honor to state that "the Pills are not only free from every substance injurious to health, but are composed wholly of substances and elements promotive of digestion and certain at the same time to act favorably upon the nervous system," &c., &c. They state, further, that the injurious rumors set afloat by the Prussian apothecaries originated "in a mean spirit of trade jealousy, excited by the great celebrity attained by the Pills within a very brief period."

Signed in behalf of the College.

DR. PHIL. THEOBALD WERNER,
Director of the Polytechnic Bureau.
DR. HEISE,
First Assistant.

Dr. Radway's Pills are sold by Druggists and Country Merchants everywhere.

See Dr. Radway's Almanac.

Married.

On the 8th inst., by the Rev. Thomas Duncan, Mr. Neil McNevin, to Miss Isabella McQuarrie, both of Lot 30.

On the 10th inst., by the same, Mr. James McAdam, to Miss Ellen McKinnon, both of North River.

At Mr. Worth's, on the 18th inst., by the Rev. Thomas Duncan, Mr. Mark Best, Crapaud, to Miss Sarah Thompson, DeSable.

On the 22d inst., by the Rev. Henry Pope, Mr. James Barrat, to Sarah, second daughter of Mr. John Passmore.

Yesterday, at the residence of the bride's father, by the Rev. Henry Pope, John Arbuckle, Esq., Master of the Grammar School, P. W. College, to Clara Catherine, eldest daughter of John Gillan, Esq., of the firm, Bourke, Gillan & Co.