

the increased expence in this department could not have been contemplated at the time of the passing of this statute. We are of opinion, however, that the entire department is within the terms of the schedule. But, secondly, having regard to the express terms of the Act as cited, we think that, nevertheless, in cases of need, the officers of the several Courts may be REMITTED to the provision by fees thereby made for them. Such arrangements may be made, we should hope for the distribution of these on a plan to be settled by the Executive, as shall ensure the workings of these Courts whilst they continue to exist in undiminished efficiency.

The letter from which this extract is taken was written on the 13th of November last, but notwithstanding the SEEMING confidence of the terms in which it is couched, it SEEMS that was, not considered quite satisfactory in the opinion of Sir George or the Law Officers of the Crown, for on the 27th of the same month we find a message presented to the Council, transmitting, among other things, "A Bill to remove doubts in respect of the application of fees taken in the several Courts of Requests, in the Colony of New South Wales, towards the support of the Courts wherein they are respectively taken."

On the 4th of December last, the Colonial Secretary moved the first reading of this Bill, when it was rejected by a majority of five, the only representative members voting for it being Messrs. Panton and Therry. This unusual and marked rejection arose too, not, as the Colonial Secretary endeavoured to insinuate, from a conviction on the minds of Honorable Members, that it was unnecessary, but, because it was an attempt on the part of the Government to re-discuss, by a side wind, a subject that had already been disposed of by a vote of the House. This determination of the Council, then, in no way bore upon the legality or illegality of the Appropriation which His Excellency with the assistance of that able lawyer and most constitutional statesman, the member for Camden, has taken upon himself to direct. After the failure of this attempt in the Council, it appears, however, that the doubts alluded to in the title of the proposed Bill, were, by some means, which we are unacquainted with, removed from the vice-regal mind, and thereupon, the "rule of practice" before alluded to was "settled," with the "assistance" aforesaid.

Having now laid before our readers the facts of this affair, we shall proceed to shew why we think that, in directing the officers of the Courts of Requests to pay themselves, Sir George Gipps is acting contrary to law. And in the first place, we wish most distinctly to be understood as in no way subscribing to the doubt raised by the Attorney-general in his place in Council, touching the validity of the Courts of Requests Act, in consequence of its having been passed subsequently to the passing of our so-called Constitutional Act. The fact of that Act having confirmed, as the Attorney-General supposes, only such Acts of Council as were passed before it, does not in any way interfere with those subsequent Acts which were by law valid, with any such confirmation—for it will be recollected that it is specially provided by the Constitutional Act that it was to take effect within the Colony only from the day of its proclamation. This doubt, therefore, we are willing to make a present of to Sir George, while we draw his attention to what we conceive to be the real and substantial objections to his proposed unconstitutional Appropriation of the Public Revenue. Our objections, then, resolve themselves into these three:—1. That the Legislative Council had no authority to empower the Governor with the assistance of his friend Roger, or any body else, to direct fees to be received by the officers of the Courts of Requests. 2. That if they had this authority, they have not clearly and undoubtedly exercised it in the 6 Vic., No. 15. And 3. that if they had this authority and had clearly exercised it, the Imperial Act 5 and 6 Vic., cap. 76, placed these fees under the control of the Governor and Legislative Council. The first of these objections is one that involves the very important question as to whether our legislature can in effect delegate its powers of taxation; for although the power in question is in name only an authority to fix certain fees to be paid by suitors in particular Courts, it is in reality a species of taxation, which the will of those who exercise it may augment or diminish at their pleasure. The same authority which imposes fees just sufficient to pay the officers of these Courts of Requests, may, at any given moment, increase those fees ten or twenty-fold, and thus create a revenue without the sanction and beyond the control of the people or their representatives. This principle appears to us to be so self-evidently monstrous and unconstitutional, that we think it requires no authority to show its illegality. If authority indeed were wanted upon a point which to our mind seems so clear and unquestionable, it can easily be produced, for in the 3rd volume of Bacon's Abridgment, page 563, we find these words.—"Also it is holden by My Lord Coke, that within the words of the statute 34 E. 1, which are *nullum tallagium vel auxilium, per nos vel per hæredes nostros, in regno nostro, ponatur seu levetur, sine volumtate et assensu archiepiscoporum, episcoporum comitum baronum, militum, burgensium et aliorum liberorum Com. de regno nostro*, no new offices can be erected with new fees, or old offices with new fees, FOR THAT IS A TALLAGE UPON THE SUBJECT WHICH CANNOT BE DONE WITHOUT COMMON ASSENT, BY ACT OF PARLIAMENT." And this *tallage* is classed by Blackstone among the various descriptions of taxation described by him, and is stated by Sir Edward Coke [2 Inst. 532] to be a general word for all taxes. Here, then, we find upon the most undoubted authority, that the fees established in a new Court are a tallage or tax, which by the words of the statute of Edward the First, confirmed on countless occasions in British history, can only be levied by the will and consent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other free Commons of the Kingdom, or in other language, by the Imperial Parliament, whose functions, in this particular, our Governor and Council are alone empowered to exercise in this Colony. These fees once shown to be a tax, the power of the Governor to fix or impose them is at an end; for if the Council could authorise him to levy this one tax, there would be nothing to prevent them from empowering him to fix and levy every other description of taxation—a proposition so glaringly absurd that we are satisfied even Sir George himself, or the late Member for Camden, would not attempt to maintain it.

Admitting, however, that this view of the case is as erroneous as it appears to us to be conclusive and satisfactory, we then come to the second objection, That the Council have not clearly and expressly given the Governor the power to fix

these fees. The 39th clause of the Act of Council 6 Vic. No. 15 enacts—"That the several fees and sums of money limited and expressed in the rule of practice and proceeding, framed for the dispatch of business in the Courts of Requests and no other, shall be taken by the several officers of the said Courts therein mentioned, for their several and respective services in execution of this Act." The next section then enacts—"That it shall and may be lawful for the Governor of the said Colony, with the assistance of the Commissioner of the Courts of Requests for the County of Cumberland, to make such rules and regulations for the practice of the said Courts of Requests, as may from time to time be deemed expedient and necessary." Now it will be observed that, although the first of the sections here quoted declares that no other than the fees mentioned in the rules of practice and proceeding are to be taken, yet there is no power given in express terms to the Governor to impose those fees, but merely to make rules and regulations for the practice of the Courts of Requests established by the Act. It is true, that by coupling the two clauses together, it may be gathered by implication, that it was intended to invest the Governor with the power of fixing these fees, yet it appears to us that if the Council could at all give the Governor this independent power of taxation, they ought to have given it to him in direct and unmistakable terms, and that an enactment professing to convey such an authority should be read in the most stringent manner possible. And reading the fortieth section strictly and literally, there can be no doubt that it in no way authorizes the Governor to impose any fees at all upon suitors in the Courts of Requests. Both the objections already taken, it will be observed, go to the right of the Governor to fix any fees at all; and we now come to the third point, Whether, admitting these fees to be properly imposed, the Constitutional Act has not placed their Appropriation exclusively in the hands of the Governor and the Legislative Council. That it has done so, we think may be demonstrated in a very few words. The 34th section enacts, "That with the deductions and subject to the provisions hereinafter contained, [i. e. deducting the Schedules] the whole of Her Majesty's Revenue within the said Colony, arising from TAXES, duties, rates, and imposts levied on Her Majesty's subjects within the said Colony, shall be appropriated to the public service within the said Colony, by ordinances to be for that purpose enacted by the Governor, with the advice and consent of the Legislative Council of the said Colony, AND IN NO OTHER MANNER." Now as we have already shewn on the venerable authority of Sir Edward Coke that these fees established in the Courts of Requests are a *tallage*, which, according to both Coke and Blackstone is but another term for a *tax*, we certainly cannot conceive under what power Sir George Gipps assumes to himself the right of appropriating them in open defiance of the express terms of this Act of Parliament. It may be that he feels himself secure in doing so under the sanction of the letter of the Judges already quoted, but we have reason to believe that that letter is nothing but the mere private opinion of the Chief Justice alone, and was signed by his colleagues almost as a matter of form. The crotchety character of the style plainly bespeaks the authorship of the production, and we are loth to believe that either of the other Judges would deliberately commit himself to the opinion that, "there is nothing in the Imperial Act appropriating fees in any department," in the face of the authority we have quoted, shewing that those fees are nothing else but a *tallage* or a *tax*. Nor do we think that either of the Colleagues of the Chief Justice would have been so absurd as to use, as is done in this letter, the legal term REMITTED in a matter with which it cannot by any possibility have the slightest connexion, either by implication or analogy. For the opinions contained in this letter, we therefore think we are right, in holding no one but the Chief Justice himself responsible. At all events, whether this be true or not, we doubt very much if, upon reconsideration, Messrs. Dickenson and a Beckett will not feel bound to dissent from the opinions contained in it; and we most cordially subscribe to the observation made by the Attorney-General in Council; "that it would be unfair to bind the Judges as conclusively to the opinion contained in that letter as if it were one pronounced judicially after argument." Whether the two Puisne Judges (for of the Chief Justice in a constitutional point we have no hope) should deem it their duty to reconsider this matter or not, we think that we have said enough to satisfy Sir George that, if these fees are not entirely illegal, it is at all events illegal for him to attempt to appropriate them without the sanction of the Legislative Council. That they are illegal, inasmuch as they are imposed by a person who has not, and cannot have any independent powers of taxation, we are as satisfied as it is possible for the most careful and impartial exercise of our reasoning powers to make us, and we only hope that some public spirited man amongst the legal profession will cause the question to be tried by refusing to pay this most unjustifiable imposition. But, whether this course be adopted or not, we trust our Representatives will not allow this infringement upon their rights, and the right of their constituents to pass by without the most searching investigation. And, if they too should be satisfied that these fees are unauthorised by law, or are appropriated unjustifiably without their sanction and concurrence, we confidently hope and expect that they will lose no time in taking such constitutional measures with our headstrong and self-willed ruler as will cause his immediate removal from a community the advancing prosperity of which he has contributed so largely to retard. Justice to themselves, justice to their constituents, justice to their posterity, cannot permit them to abstain from pursuing this matter until they bring the arbitrary conduct of this despotic satrap for judgment before the grand inquest of the Empire.

TO SIR GEORGE GIPPS,

On the Melo-dramatic talent displayed by Him when proroguing the Legislative Council, Dec. 30, 1844.

AUSTRALIA stands in peevish feud arrayed  
Against her parent power; deep discontent,  
Long muttered, like the growling thunder pent  
In yon red cloud, has now its flash betrayed,  
But not yet launched its bolt in forest glade.  
Where Peace her varied blessings should have blent  
Fierce plaints are heard. What arbiter is bent  
To calm a contest, only to be stayed  
By one of wise resolve and temper bland?  
GIPPS!—but are these in thee so clearly shown,  
That thou the maladies of this sick land  
Canst hope to medicine? He is fit alone  
Australia's rankling passions to command,  
Who first has learned the task to curb his own!

## INEFFICACY OF DEATH-PUNISHMENT.

The indefatigable exertions made in England by Mr. M. B. Sampson of Clapham, to expose the inefficacy of "Death-Punishments," although highly appreciated in the Mother-country, are probably not known to the majority of colonial readers. At a moment when public attention is once more painfully attracted to the subject by the awful event of this week, it may not be without its use if we re-publish one of the most conclusive letters of the masterly series which Mr. Sampson addressed a few years ago to the editor of the *Spectator*.

DEAR SIR—A late *Spectator* contains an article on "Death-Punishments," in which the inconclusive nature of all arguments upon the subject drawn from Scripture is very accurately exposed. If the Christian world were universally agreed as to the interpretation to be applied to the various passages in the sacred writings which bear upon the point, these passages would of course come at once with the stamp of authority, and would be submitted to by all persons professing the Christian faith; but until this state of things can be attained, it will always be undesirable to bring the words of revelation into a discussion which can be settled by other means.

In stating that the question is one which admits of settlement by the ordinary operations of reason, I wish to remark upon the unnecessary perplexities which have been thrown around it, and to recall your attention to a point which seems to me to be sufficient to convince the most sceptical of the inexpediency of inflicting death as the penalty for the crime of murder.

Those who will take the trouble to refer to any considerable number of cases of murder, will be struck by the remarkable fact, that the homicidal is almost invariably accompanied by the suicidal tendency. They will discover, that those who are in the state of mind which leads to the perpetration of that crime, are at the same time desirous of self-destruction; and that in proportion of at least two out of three cases, this peculiarity is evidenced either by the circumstance that the individual has attempted suicide previously to the perpetration of the murder—that he has destroyed himself immediately afterwards—that he has given himself up to justice, expressing at the same time a desire to be hanged—or that by his conduct previously to the offence he has evinced the absence of any solicitude to escape from its consequences. Now it is doubtless a startling conclusion, that the punishment of death, by ministering to the suicidal propensity, operates as a stimulant to the very crime which it is intended to repress: but startling though it be, it is one to which, by a consideration of the circumstances to which I have alluded, we are inevitably led.

In No. 65 of the *Spectator*, I illustrated this point by extracting from the *Annual Register* an account of all the murders recorded therein as committed in Great Britain during a period of five years. They amounted in all to thirty-one. Of these, in ten cases the perpetrators surrendered themselves to justice, expressing in most instances a perfect readiness, and sometimes an eager desire, to meet the fate that awaited them; in three cases the murder was followed by the immediate suicide of the culprit; in two cases suicide had been attempted previously to the perpetration of the homicide; and in five, the parties showed by their general conduct the absence of any wish to escape from the consequences of the act; thus making a total of twenty out of thirty-one in which the desire for self-destruction was more or less clearly manifested. The records from which these details were collected are extremely limited; and is probable that if I had been in possession of the full particulars of each transaction, I should have been able to show that in a majority of the remaining eleven cases the union of the suicidal with the homicidal tendency had been no less strongly manifested.

About the middle of last month, I was induced to look over a file of the daily papers to see how far my views would be carried out by the experience of the few preceding weeks. I went through a period of little more than two months, and met with the following cases

September. "Suicide and Murder.—A policeman at Alberghenny, named Powell, murdered a woman with whom he had cohabited, and immediately afterwards drowned himself. Both bodies were found at the same time."

"Murder in Bristol.—On Thursday, a man was stabbed in the public thorough-fare of Bristol. It was dark at the time, and the perpetrator was unknown to the deceased. He escaped into a house; but immediately upon seeing a police-constable, exclaimed, 'I am the man who did it.'"

"Horrible Murder.—The *Louisville Tablet* contains the particulars of an awful murder by Mrs. Roper, who cut off the heads of three of her own children with an axe. It was her intention to have killed two more in the same manner, and afterwards hang herself with a hank of yarn; but she was prevented by the interference of her husband."

"Murder and suicide at Haywood.—A poor woman and her child were taken into custody on charge of stealing half-a-crown. She was locked up; and on the following morning was found to have murdered her child, and to have terminated her own existence by hanging."

October.—"An inquest was held on the body of a linendraper at Camden Town. Lately the deceased had some difficulty in business, and had frequently been heard to declare that he 'would murder some one.' Speaking of a person who had offended him, he said, 'The villain has only three days to live; by God I will murder him.' He repeated this several times, and added that he had no value for his own life. He went to get some pistols, for the purpose, as he said, of murdering this person; but he was eventually captured. He was attacked by a fit, on the way to the Station-house, and subsequently died in the Marylebone Infirmary."

"Shocking occurrence at Gainsborough.—A young man, named Wilson, in a fit of jealousy attempted to murder the object of his affection. He made a plunge with a knife at her side; but having hit against a rib, the fatal purpose was not effected. After striking the blow, the assassin ran off; and was never seen afterwards till discovered next morning hanging upon a pear-tree quite dead."

St. Alban's.—Jabez Kirk, private in the Thirty-fourth Regiment, was brought up charged with an attempt to murder Jane Pearce. The prisoner had passed the night with her at a public-house, and in the morning arose and cut her throat with a razor which he had previously borrowed. He then raised a cry of 'Murder!' and upon the landlord answering his call, he exclaimed 'Send for the police to take me into custody.'

November.—"Thomas Johnson, confined in Beverley Goal on a charge of poaching, has made a full confession of the murder of a gamekeeper, three years back. Many innocent persons have been from time to time suspected of committing the deed."

"Shocking Tragedy at Barnley.—Robert Morris, private, Sixtieth Rifles, stabbed the Lieutenant of his Regiment, and a girl named Isabella Hadden. He immediately afterwards stabbed himself. All these deeds were perpetrated in about two minutes."

It will be observed that the cases to which I have alluded extend

over specific periods; and they will therefore possess more weight than merely insulated illustrations. If I were to select cases of the latter description, I could furnish proofs of a still more irresistible kind. Thus, I may allude to a case which is upon record, of a woman at Onolbach, who murdered a girl with whom she was on the best terms, merely because she *wished to die*; and she thought that by committing murder, she would have time allowed for repentance, which she would not have were she to destroy herself. In 1822, a woman murdered her child in Bethnal Green; exclaiming immediately afterwards, that *she wanted to be hanged*. Last year, a man shot his wife at Mitcham; and when secured, said 'I have done it—I have done it: I have murdered my wife, and I hope I shall be hung.' And at the commencement of the present year, a woman at Norwich murdered a child to whom she had been much attached, for no other reason than that she herself was "*tired of life*," and wished to be put to death by the operation of the law.

It is from the observation of occurrences of this description that Dr. JAMES JOHNSON has remarked, "*There are many instances on record where the monomaniac lacks courage to commit suicide, or cannot make up the mind as to the means of accomplishing it: under which circumstances, they have committed capital crimes with the view of being capitally punished.*"

From the above facts it will be seen, that the coincidence of the suicidal with the homicidal propensity is not an accidental circumstance, but one that arises from some natural law of the human constitution. It will be seen that the class of persons by whom the crime of murder is committed are not affected by the dread of death, but that the so-called "punishment" is actually regarded by them in most cases as a desirable infliction; and we shall therefore be led to the conclusion, that however unsuitable death-punishment may be for other crimes, it is most especially so for that of murder. If it be true that this class of offenders are animated by a desire for self-destruction, to hold out self-destruction as a consequence of the offence, must be as sure a way of affording a stimulus to its perpetration as would result if in cases of theft we were to "punish" every offender by presenting him with a purse of money. Hence, I do not hesitate to express my belief that so far from capital punishment having ever operated as a preventive of homicide, it has actually in many cases furnished an additional motive to the perpetration of the crime, and that a remarkable diminution in the number of murders by which our country is annually disgraced would be the immediate consequence of its abolition.

I am, dear Sir, very faithfully yours,  
M. B. SAMPSON.

## EUROPE.

### THE PEEL CABINET AND THE PRESENT CONDITION OF PARTIES IN ENGLAND.

A late number of that highly respectable provincial journal, the *Norwich Mercury*, contains a very able paper, with signature "M.P.," from the pen of a popular Member of Parliament. In it the general policy of the Peel Cabinet, and the present condition of parties, are broadly reviewed. The retrospect includes Ministerial performances and non-performances, as well in the Foreign and Colonial, as in the Home branch of Government. We find a clever review of this paper in a late number of the *Examiner*, and although not agreeing with an able contemporary on many of the points he contends for, we cordially assign space for the article in question:—

One thing, which the writer does not distinctly say, is suggested to the mind as we follow his representations and reasonings; and it is due to the statesman whom Sir Robert Peel and his colleagues displaced, that it should not be unweighed and unremembered. The fact generally seems to be, that where the Peel Administration has been most successful, it has adopted the measures, worked with the agents, and followed the policy of its trauced and thwarted predecessor; where it has signally failed, it has departed from that policy, and acted upon plans of its own. It is not necessary to enter into a close comparison, or to trace the course of events, measure by measure; enough that the inference is borne out in many particulars.

Thus in China, Sir Robert Peel continued the contest vigorously, and closed it with brilliant success; but in doing so, he followed the policy of the displaced Government, and employed the same naval, military, and diplomatic agents when he was found in action there. The Tory victory was won with Whig weapons. The treaty, so important to our commerce, which was the result, was as much his predecessor's work as his. In India, on the other hand, Sir Robert Peel's course has been one of distraction and discomfiture, ending in glaring failure and humiliation, by the extraordinary recal of his Governor-General. Here it is to be noticed, that the agent he employed was of his own selection, and the policy pursued was a departure from that of his predecessor, who was at once mercilessly denounced as a mischief-maker before he had well descended from the seat of authority.

The rule appears to hold good with respect to some leading points of colonial policy. In Canada, where the views adopted by Sir Robert Peel have been those which harmonized with the spirit of the previous rule, and where the measures and the men have been for the most part the same, no sudden evils have arisen, and no signal failures are recorded. There are no great calamities, because, as it appears, there have been no great changes. But the case is wonderfully different in New Zealand; where the present governing power at once reversed the policy of the late Colonial Secretary. Here all is discord and confusion, with the Minister condemned by a Parliamentary Committee; for a new system crept in under the administration of Sir Robert Peel, and matters are made worse, because they are altered.

As for the domestic policy of this Government, notwithstanding several examples of liberality in act, and numberless manifestations in words, people have felt thankful sometimes for the let-us-alone policy when they have found it prevailing; for when a beneficial change has been attempted, a dread of some mischief has generally been awakened in the process, though the end perhaps was successful. But it is in Ireland that the most signal change in the spirit of government has taken place, and it follows as a legitimate consequence that there the failure and defeat are most signal too. The coincidence, if it be no more, is an awkward one for the "Conservative Cabinet." The departure from the system found by Ministers in force was most wide; the difficulties and the defeat that await the system substituted for it, are most overwhelming.

As for the commercial schemes of the Peel Cabinet, they have confessedly been most successful when they have approached nearest to the principle which must have been in operation had he remained out of office; in proportion as the Peel plans have deviated from it, they are unproductive and unprosperous.

Although the treatment of Ireland supplies the strongest point of distinction between the present and the late Administrations, there are yet two other examples of difference which may be thought far from insignificant.

The first of these is the income tax. Here the Melbourne and Peel Cabinets are widely at variance. If Sir Robert, departing from the taxless policy, claims to be successful, it is the success of collecting seven-pence in the pound; no miracle of statesmanship in a country like this; no device of providence it may be assumed; but a trick somewhat easy of accomplishment when people have persuaded themselves that to pay is their lot, and that resistance will be unavailing.

The next instance of difference is seen in the harvests of late years. The Whig harvests as we must call them—for Sir Robert Peel always takes credit to himself for his golden Autumns—the Whig harvests were for four years undeniably disastrous; but the harvests reaped by the present Cabinet have been glorious, and clearly prove in this important respect its steady and consistent superiority. Lord John Russell has his excellent qualities; but he seldom procured, for the benefit of the country, those plentiful seasons which weigh so heavily in the account of Sir Robert Peel's success.

This remark leads us to a passage of the M. P.'s letter, which follows a review of the Ministerial domestic policy.

"Old prejudices have been once again rudely shaken. Party combinations have been again ungratefully discarded and dissolved. Sir Robert Peel is labouring in his constant vocation—undermining alike friends and foes; trying to please both and satisfying neither; drifting on amidst principles the most opposed, and amidst opinions old and new; and exhibiting a strong and incongruous conjunction of both, with a now habitual disregard of all consistency. Perhaps in the present day he may be the only Minister who could act thus, and hence the most serviceable one to the country. But taking this course he should not boast of following the open paths, and walking in the broad light of the constitution. His policy consists in trimming, trucking, and manœuvring; doubtless very skillfully and very successfully; but it is hardly a ground on which to praise himself, or to claim praise from others. He claims credit for restoring the trade and the finances of the country, but he forgets that both the failure of the finance and the trade of the country were owing to four bad harvests, which indeed he pathetically pleaded in his own behalf during his first year of office, when he was reproached with having effected little or no amendment in either. He forgets too that the finance failed when contemporaneously our naval and military estimates increased by our operations in Syria, China, and India—operations which had ample vindication in subsequent events. No man, however, so coolly sacrifices an opponent at the shrine of his own self-love as Sir R. Peel. He can forget to-day what he said yesterday, or can unsay what he has said with the greatest facility. He keeps in mind his own painful experience of the cost and inconvenience of precision of expression and steadiness of principle."

We are not to understand, literally, that the Minister forgets any of the things which here figure as evidences of the convenience of a bad memory; but although they are doubtless present to his mind, as to his critic's, he can accommodate his difficulties to his condition, by calmly and complacently leaving them all out of the reckoning.

What is here curious to notice is, not the admitted fact that the "Conservative" Minister borrowed measures from the Liberals to begin with, but that he has only failed when he trusted to his own. Where he did not borrow, he has blundered largely. When he has walked with any degree of steadiness, he trod in Liberal shoes; those he had worn in opposition have, whenever put on, proved crippling and slippery-footed in office. The criticism applicable to such performances is that applied in the old story to the preacher, who, plagiarizing upon a free scale, was interrupted at a fine passage with "That's Tillotson," or "Blair;" but when something of an opposite tone escaped him, the cry was changed to "That's his own." It is certainly a hard condition of triumph for a Minister, to see that he makes progress only when he follows adversaries, and that his defeats are entirely his own work.

From the Minister, we pass to a brief but comprehensive glance at the results of his Administration.

"It cannot be said that it has conferred any additional security upon our institutions, any stability upon our foreign relations, or that it has given any permanent character to our commercial policy. There is nothing done, nothing I mean arising out of the policy or principles of Sir Robert Peel, which Lord John Russell could not better, because more consistently have done, had Sir R. Peel, in 1841, supported the measures of Lord John Russell, as in 1844 Lord John Russell supported the measures of Sir R. Peel. The measures are essentially the same, but clipped and mutilated in details to save appearances. *It does not appear that his boasted ingenuity with foreign countries was more than mere talk or party parade.* No fruit has been gathered from it. None of the important Treaties which he found in a state of suspended animation has he had the skill he so much boasted of, to revive. They have, on the contrary, expired under his treatment. America, with all his professions and concessions, appears in no better temper than the Whigs left her. France has committed, under his friend M. Guizot, a 'gross outrage' upon a British agent. Spain is less than ever under British influence. *Ireland enjoys the tranquillity due to a well armed despotism.* England is quiet and busy, but it is the fruit of ample harvests, not the work of Sir R. Peel. He has failed to reconcile her to Tory principles; and satisfied the moderate men of all parties that Whig principles must still prevail. He has created no confidence in his Administration, as the state of the press indicates infallibly."

This, of course must have been written previous to the reversal of the great Irish judgment; for that event supplies a terrible affirmative of evil as a climax to these negatives of good; the tranquillity resulting from a well-armed despotism being suddenly changed for the measureless triumph consequent upon its unexampled defeat.

Nothing that we have said will be understood to imply a vindication of all that the late Government did: as little are we inclined to vindicate all that it failed to do: but it is fair to admit that its vindication, when viewed upon a comparison with its successor, is not far from complete. Much of Sir Robert Peel's best, is but a following, more or less bold and acknowledged, in the good path of the Whigs. Other great successes he owes to singularly lucky turns of that wheel, which operates to some extent, adversely or beneficially as the chances arise, upon all Governments. He owes much to the increased ability of the country to sustain the heavy and wantonly-inflicted shock of the income tax, that ability being the consequence of a revival of trade and the fortune of bountiful seasons which would have been ours without him. With these exceptions, whether we look abroad or at home—especially when we look at the Great Difficulty across the Irish Channel,—the present seems to be as little of a "heaven-born Administration" as could well have been devised.

The letter concludes with some remarks upon the character of the Minister, and what is of greater importance, the conduct of the Opposition, for which we willingly extend our space.

"We do not impute to Sir Robert Peel's Government the pursuit of selfish objects. But it is too clearly the government of an individual who having shifted his opinions upon every great subject since he entered public life, now gives his own character to his

government—infirmity of purpose, inconsistency of action, insincerity of opinion. Is that the character of the nation he governs? If not, he governs only till another can be found, who can honestly act up to his opinions, and the opinions of the country—

Who, when brought  
Among the tasks of real life, hath wrought  
Upon the plan that pleased his childish thought,

and thereby restore that respect to those in authority over us, which is a true and lasting strength to any Government, and of which we now so greatly stand in need. But Sir Robert Peel has undermined all opinions, institutions, and authority, so that no one can predict the measures or the principles of his policy. If he speaks of free trade, he adopts and utters its extreme principles, and then shapes his measures to please his party of monopolists. If he speak of the Irish Church, he vindicates it on the low ground of personal 'preference,' but he upholds it in all its integrity as a national institution in a Catholic country. His defence excites hopes of its abatement. His policy is a pledge of its continuance. If he speak of Irish National Education, he affects the largest and most liberal spirit. But he promotes to dignities and emoluments its bitterest opponents. He commences reforms in our Ecclesiastical Institutions, and calls God to witness the purity and earnestness of his patriotism! He yields however to the Proctors and the Bishops as the best testimony he can give them of his well-disciplined zeal in behalf of his country and its ancient institutions.

"He proclaims the importance of making our colonies 'integral portions' of the empire. He forthwith limits his declarations, and refuses to New South Wales what he gives to Canada, in proof of the sincerity of his opinions. Fame in future times is his object; but it must, it appears, consist with the maintenance of his place and his party, which is the likeliest method of intercepting it.

"But why proceed? We live in times when political virtue is 'as common as the stairs which mount the capitol.' Whilst the people are indifferent, we must submit. The future is a blank. The Opposition is too indolent to carve out its own avenue to greatness. Too timid as yet to rally round it the energies and sympathies of the people. A change of Government or of policy must be the work of that party decomposition which is slowly but surely going on, by which the people will once more have an opportunity of calling their representatives to account, and making conditions for the future. As the time approaches zeal will return; and with zeal, union; and with union, success. At present one portion of the Liberal party disregard everything but the Repeal of the Union. Another think of nothing but the Repeal of the Corn Laws. Crotchets are as numerous as vacant places on their benches. All combination so essential for the attainment of practical objects is suspended. This is as discreditable to the Opposition as it is a source of strength and confidence to their opponents."

### THE MIRACLE.—THREE HONEST LAWYERS!!!

It took three attorneys half-an-hour to convince Mr. O'Connell that the judgment on him was reversed. One of the attorneys kissed him, and notwithstanding the kiss of an attorney—a thing, we believe, rarely given, as it could not very well be put down in the bill (to kissing our client so and so)—Mr. O'Connell remained incredulous. He knew, indeed, that the news must be true or the attorneys could not be there to tell it, but he could not believe it because the attorneys told it. It was enough to make anything untrue to have three attorneys agreeing in asserting it, and one embracing and kissing in a manner to call Judas to mind.

"When the account came to me of the decision in our favour, though the attorneys rushed into my presence, and one of them *did me the honour of embracing me*, still, notwithstanding that kiss, and the words that accompanied it, and with the full knowledge that it was so or the attorneys would not be there, yet for a full half-hour afterwards I did not believe it."

The three attorneys had to convince Mr. O'Connell that there were three honest lawyers in the House of Lords; a most surprising fact, vouched for by the most suspicious of all human testimony.

Mr. O'Connell does not hesitate to declare the thing a miracle, referable to the prayers of the Catholic Church.

"Yes, I repeat it is not the work of man. It is a blessing bestowed by Providence on the faithful people of Ireland. (Hear, and cheers.) There is no superstition in representing it as the gift of Providence; no submission in bowing before the throne of God and accepting it as His act. I would not introduce such a topic here if it were contrary to the principles or doctrine of any religious sect represented here. But it is not. It is the doctrine of the Protestant Church, as well as of the Catholic Church, that God interferes with the concerns of man. As Christians they all believe that; and the Book of Common Prayer contains, in every part, proofs that it is one of the tenets of Protestantism, for it contains prayers for heat in time of rain, and for other variations in the seasons, as well as for every temporal advantage. I cannot, therefore, hurt an individual prejudice by referring to this subject; and I would not do so, if it were possible that any such prejudice could exist. What I have been describing is clearly the doctrine of the Catholic Church also. And let us recollect that millions of the faithful people of Ireland had lifted up their hands to God—that the priests of God offered up the holy sacrifice of the mass—that the holy secluded Sisters of Charity united their prayers with those of the priests at the altars. The Catholics of England joined with us on the occasion. The entire Catholic population of Belgium offered up similar prayers, and along the shores of the Rhine the same voice of supplication has been heard."

It is to be lamented, then, that the miracle did not take place a little earlier in the proceedings, and manifest itself in the fairness of the jury list, the temper of the Attorney-General, or the impartiality of the Judges. In such case there would have been no "vinegar cruet on two legs" penning challenges in court; no Mr. Justice Crampton "squeezing up his face as if to strike the traversers with terror at his lion aspect;" and no penny-weight Chief Justice charging the jury against "*the other side*." And certainly the most wonderful miracle would have been a fairly-conducted prosecution of Irish Liberals under a Tory Administration.

The present miracle must bear the name of the miracle of the three honest lawyers.

Voltaire being in a company amusing themselves with stories of robbers, and called on in turn for his tale, said, "Once upon a time there was a farmer-general," and there stopped. When called upon to proceed with his story, he said it was all told, all robbery being summed up in the fact that there was a farmer-general.

And so, when Mr. O'Connell has to tell his tale of the miracle of justice, it will all be narrated in the words, "Once upon a time there were three honest lawyers."

Had Lord Abinger lived the miracle would have been marred by a full counterpoise for the three honest lawyers.—*Examiner*.