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THE EUROPEAN.

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GERMAN PRESS IN THE UNITED STATES.

Laws against Infidels.

The *Prestoner Zeitung* (Canada West) quotes from some law treatise the ancient acts of Parliament in England and the decisions thereon respecting blasphemy. These laws became the laws of the Colonies in British North America, and when some of those Colonies were separated from the mother country, these laws still remained in force in the several States. In some of them the worst features of the old law have been confirmed by acts of the legislature, as we have already shown.

The *Prestoner Zeitung* remarks, that in all the States those who are admitted as witnesses may either take an oath on the Bible or make a solemn affirmation; whereas in Canada only a few sects are allowed to affirm. The fact is, that in Canada as well as in England, Mahometans, Hindoos, &c., may be witnesses, but infidels, i. e., those who do not believe in a future state of rewards and punishments, are excluded as witnesses by the laws of almost all the States, as well as by the laws of England and Canada. As to the form of the oath, we do not see how that can make much difference, when the infidel is excluded altogether.

Agriculturists in the United States.

The *Illinois Staats Zeitung*, of 4th February, has an article beupfing the United States in the style of a regular vanity-monger. According to this paper "three-fourths of the twenty-eight or thirty millions of people in this country are industrious, sober and enterprising agriculturists."

Our Illinois cotemporary must be ranking the slaves in the Southern part of the Confederacy amongst these "enterprising agriculturists," or else he must estimate all the whites, of whatever description, there, as agriculturists. Does our cotemporary know how many men of full age in the State of Illinois (a State most especially an agricultural one) are owners of land? Does he suppose that one-fourth of them are such owners? If not, has he ever made careful inquiries about the condition of the vast mass of landless laborers in his own State? If not, we would recommend him to commence his studies at once, unless he regards the social condition of the masses as a matter of no interest except to Englishmen, for whom he supposes the *EUROPEAN* to be exclusively written.

Emigration to the United States.

The *Hamburger Zeitung*, a journal published in Hamburg, Germany, principally treating of German emigration and colonization, says:

We have described the lawlessness and immorality rampant in the United States, and have declared ourselves decisively against those authors and journalists whose blind prejudices for institutions which have lost all truth long ago, induces them to praise up the North

American Republic as the country of the German future. To paint once more the distraction of the relations of the United States by reference to the late events in Kansas, California, Washington, Baltimore, &c., is altogether superfluous.

Whoever overlooks these events by foolishly imagining "I won't be as badly off as others—I will have better luck than the mass," or whoever enjoys such scenes which we have indicated above, and sees in them the realization of his ideal of freedom—well, he may emigrate to the United States—the world will sustain no great loss, if he perishes.

Is there Religious Liberty in Massachusetts?

Under this heading the *Buffalo Patriot*, a recently established German paper, in Buffalo, New York, says:

By the law of Massachusetts atheists are prevented from giving legal testimony. The *Buffalo Patriot* criticises these laws severely. But we would beg leave to draw the attention of our Buffalo cotemporary to the fact that the law of his own State (New York) is the same as that of Massachusetts in excluding atheists as witnesses. (See *EUROPEAN*, p. 219.) In fact the laws of Massachusetts respecting infidels are more liberal than those of most of the other States. It would be more proper to discuss the question, "Is there religious liberty in the States of this Union?" than to select as an object of reproof a single State, whose laws on this subject are in advance of most of the others.

Emigration to Canada.

We have received a neatly printed German pamphlet published under the authority and with the approval of the Canadian Bureau of Agriculture, treating of the condition and natural resources of Canada, its form of government, laws, educational establishments, wages, gift lands, &c. This is valuable for those contemplating emigration to that country, and as several of our German cotemporaries in the United States have shown some interest in these matters, we will repeat a statement contained in this pamphlet, to the effect that any information desired on that subject may be obtained by applying either personally or in writing to the Secretary, William Hutton, Esq., Toronto, Canada West.

SOUTHERN ITEMS.

Proposed Extermination of Pedlars in the South.

[From the Richmond Enquirer, February 14.]

Every good citizen of the Commonwealth should feel it to be his solemn duty to rid the community of all the vermin that periodically pours through the rural districts. The whole horde of Yankee pedlars are nuisances which should be abated, however much of sacrifice and inconvenience it may involve. The safety of each family demands this: the well-being and happiness of the slave demand it: the highest good of all classes in the Southern States requires it.

It may not be generally known that to be engaged as a hawker or pedlar, in selling or trading in goods, wares, merchandize or other articles, without having first obtained a license, subjects the individual to a fine of not less than twenty nor more than one hundred dollars. Yet, such is the provision of our law. (See Code, page 210, and Session Acts, 1852-3, page 17.)

This, then, is what we would have all good citizens do: when they are visited by any of these personages, let the first inquiry be, By what authority do you thus practice the calling of hawker or pedlar? Where is your license? And if the vagrant cannot show a license, regularly issued by the proper officers, hand him over to justice. It is what he deserves, and no citizen should hesitate for a moment to pursue this

course. There are very many who will be slow to adopt and act upon this suggestion, because they do not like to play the rôle of informers. All such scruples are childish and silly, where they interfere with the performance of a high public duty. They might be pardoned, and even commended, if the law held out a pecuniary compensation to informers. To engage in such enterprises solely with a view to put money in one's pocket, might excite contempt, but it is far otherwise, when this course is adopted for the purpose of preventing frauds upon the public, and to put an end to seditious communication with the slaves of the country. Under such circumstances the citizen becomes a public benefactor, and cannot fail to win the approval of all his neighbors.

State Sovereignty. British Sailors in Virginia subject to be Whipped for going on Shore. Protest of the British Consul.

[From the Norfolk (Virginia) Argus.]

On Thursday last two free negroes, William Carter and John Powell, seamen on board the British bark *Billow*, were arrested in our city for being absent from their vessel without leave, and were ordered by the Mayor to be punished with stripes, by virtue of an act of Assembly in such cases made and provided. The punishment was commuted with the assent of the captain of the bark to the payment of costs of arrest and other usual charges, to which, however, her Majesty's Consul, G. P. R. James, Esq., demurred, upon the ground of the negroes being British subjects, and therefore exempt from the punishment to which other free negroes were liable for a violation of the aforesaid Act of Assembly. Our worthy Mayor, however, maintained his authority in the matter, and gave her Majesty's representative the alternative to pay charges or submit to the punishment of the negroes, the former of which he adopted under protest. The decision of the Mayor in this case is in strict conformity with State sovereignty, the maintenance of which is absolutely necessary for the preservation of the rights of the slaveholding States.

REMARKS.

If the South could not make the North fight for despotism, we should soon see an abatement of the pretensions of the slaveowners, and a great improvement in their conduct towards foreign countries.

The Law against Amusements in North Carolina. Lectures Restrained.

The Legislature of North Carolina adjourned on the 7th February. The literary community of that State will doubtless be much gratified at its careful catering for their tastes. It has passed a law that every lecturer must "settle with the sheriff" to the amount of \$10 before he can "speak in public on the stage." Here is what democracy has done for literature. A tax is laid on "stage and theatrical companies, ropedancers, sleight of hand performers, tumblers, &c., \$40 for each county. On exhibitors of natural curiosities, not already mentioned, \$20 for each county. On singers, dancers, lecturers, &c., for reward, \$10 for each county."

A Wilmington paper says: "Here we have them, circuses and menageries, theatres, ropedancers, jugglers, tumblers, monkeys, baboons, orang-outangs, nigger minstrels, double-shuffle-cutters, tumblers, and—lecturers, like the "four-and-twenty fiddlers, all in a row," the lecturers at the foot, and with the minstrels and shuffle-cutters, let off with a tax of only \$10. Great are these democratic descendants of Mæcenas.

EXTRACTS FROM THE NORTHERN PRESS.

Abominable Treatment of American Sailors. Why it is difficult to obtain Sailors for American Ships.

[From the Philadelphia Evening Journal, February 8.]

Poor Jack.

Our shippers are complaining of the scarcity of seamen, even in view of the fact that wages are good. For all other occupations there are always to be found numbers of applicants, yet in our merchant service the difficulty of procuring men has been severely felt. In the naval service also, the character of the men who have been enlisted has been found to be below that of those aboard of our ordinary merchant vessels. The cause of this condition of things is apparent. In almost every branch of ordinary business pursuits, we find

that the demand for labor seldom or never exceeds the supply. The requisites for a sailor are those which any laboring man of any brains may acquire. This being indisputable, we can see no reason for there being a scarcity of seamen, unless it be that the treatment of the men in our merchant vessels is such as to deter those who have any spirit from entering so degrading a service. Poor Jack has been regarded as a mere machine, able to bear any amount of ill-usage. Suppose that he is reckless, improvident and brutal. What has rendered him so? The mildest and most careful man placed aboard ship, and accorded such treatment as our laws authorize captains to give the sailors, would soon become one of the worst specimens of humanity afloat.

As soon as a captain steps on the deck of his vessel, he is a kind of petty autocrat. His orders cannot be disputed. Upon this depends the safety of the ship, with its passengers and cargo, and no fault can be found with giving the commander such authority. But the captain has much the same responsibilities as the slaveholder, and is quite as often guilty of abusing the power with which he is entrusted. He may become the worst of taskmasters, maltreat his crew, or what is the same, allow his petty officers to do it, whilst they can have no remedy. There are various ways in which he can overwork his men, stint their food, and render discontented. Than an indignant look, or a word, may be interpreted as mutiny, and death by the handspike, or at the yard arm, may be Poor Jack's reward. Even after a vessel arrives in port, the injured sailor can seldom obtain redress for ill-treatment he may have suffered, being poor and almost friendless, while the captain or master has the backing of those who have money and influence.

The remedy for this scarcity of seamen is in the hands of those who send ships down to the great deep. Let them select captains and masters who are humane, and who can remember that Poor Jack has an immortal part about him. A driving master may serve the turn for a voyage or so, but he may also delay a vessel in port many weeks by repulsing those who may be inclined to ship. In the next place, let the sailor's living be a little better than it is now on most merchant vessels. The sleeping accommodations ought to be something superior to those found in the most miserable hovels of a city, and the provisions of a quality, equal at least, to those given to the paupers in the Almshouse. By attention to these particulars the mercantile service may be rendered more attractive than we find it to be just now, and many of our young men who once had romantic ideas of "a home on the rolling deep" may revive their original fancy.

American Sailors. How they are Shipped. Behavior of the Officers. Proceedings in American Courts. Hard and Cruel Treatment. Disastrous Consequences.

[From the New York Tribune, February 21.]

Some recent proceedings in the Liverpool criminal courts, in relation to occurrences on board American vessels, have led to very severe comments on the part of the Liverpool press. "Killing," says the Liverpool Courier, "is evidently considered no murder on board American ships; we have a fresh proof of this, on an average, about every other week."

We are sorry to say that the disclosures constantly taking place in our own courts are of a character to afford too much color to these lamentable representations. A very large part of the business of the United States Courts in this city consists in the investigation of charges of atrocious cruelty, going sometimes to the length of murder, brought by sailors against the officers of vessels, and for one charge thus investigated, there are doubtless many in which no complaint is made. Even where the complaint is on the other side, and the sailors are proceeded against for mutiny, it very often turns out that the mutiny was not without cause other than the mere wickedness of the sailors, having been provoked by gross misbehavior on the part of the officers. In the cases before our New York Courts the Liverpool packets come in for their full share.

We very much fear that these cruelties, which are beginning to give the American merchant service a very bad name, have been encouraged to a certain degree by the tendency of the owners and masters of vessels, and even to a considerable extent of the public and the Courts, to look with a too lenient and exculpatory eye upon cases of this kind. Under the idea that discipline must be preserved, there has been a strong disposition

to sustain the officers of ships against the complaints of their crews. It is said that our sailors are most of them a wretched set, only to be kept in order by the sternest severity. The sailors may be very bad—we fear many of them are—but it would appear from the evidence in many of the cases to which we refer, that the officers are sometimes not much if any better. Nor can the existing state of things contribute to the improvement of either officers or men. What person of any self-respect will consent to enter a service in which he is exposed to suffer or to inflict the outrages, injustice and brutalities habitual, we may say, on board so many American ships? What more reasonable than to expect that under the operation of this state of things our crews and our shipmasters should continue to deteriorate, and to be made up more and more of the dregs of creation? The worse the crews become the greater the occasion for severity, and the more severity the worse the crews become. Thus the evil goes on propagating itself.

Nor is this the whole of it. Another result is, that it becomes more and more difficult to get crews of any kind, and hence a resort to a system of fraud on the part of those whose business it is to supply crews, practiced alike on the sailors and the officers, and leading naturally to the worst state of feeling between them at the very commencement of the voyage, and often to shocking scenes of violence and cruelty. The men are shipped when drunk upon voyages which they did not intend and do not wish to go, and the officers, instead of able seamen who understand their duties and are capable of performing them, have palmed upon them mere drunken land-lubbers, whom they vainly attempt to drive to the performance of duties of which they are incapable, and whose failure often provokes them to cruelties as useless as they are atrocious.

This is a state of things which, upon even economical considerations alone, ought to attract the attention of the owners of American ships. We are chiefly dependant on foreign countries for the sailors employed in our foreign commerce; and to allow the idea to spread among them that hard and cruel treatment is the rule on board American vessels, and not the rare exception, cannot but lead to consequences very disastrous to our navigating interests.

What is to be done when the Citizens of the Northern States are seized as Slaves in the Southern States? Is the Federal Constitution simply so much Waste Paper?

Anthony Adams, of Orange county, in the State of New York, a man of color, went on board a schooner sailing from New York to North Carolina. He fell sick at Plymouth in that State, and was sent to a hospital. Some time after his recovery he was tried for coming to reside in the State, and was ordered to be sold. This order was set aside, and then he was sold for jail fees. With great difficulty he was recovered, through the active interference of Mr. W. U. Seward and Mr. Bennett, and restored to freedom.

The New York Times of February 19, comments on this case as follows:

The Constitution of the United States guarantees to all the citizens of each State the right "to all the privileges and immunities of the citizens in the several States;" but it leaves it in the power of every State to decide who shall be considered its citizens and who shall not. The man whom any State Constitution presents to the Union as a citizen the Union is bound to accept as such, and to secure him in the enjoyment of the rights and privileges which its laws concede to all who bear this character.

Now every one of the slave States practically claims and exercises the right of judging for us who are entitled to be considered citizens of this State of New York, and who are not. North Carolina has done so in the case of Adams. In other words, the Courts of North Carolina, to all intents and purposes, assume the right to interpret our laws in their bearing on our own people. We have refused this privilege, with no small display of indignation in divers controversies, to some of the mightiest powers in the world. We refused it through Mr. Marcy, with great display of diplomatic acumen, in the recent controversy with Great Britain on the enlistment question. There is no claim which we have asserted with so much vigor and success, as our sole and undivided right of judging who are en-

titled to the protection of our laws and who are not. We asserted it at the cannon's mouth in a more than doubtful case three years ago at Smyrna, in the case of Koszta the Hungarian. That man was to Austria much more obnoxious than Adams is to North Carolina. He was outlawed, by a judicial sentence, and at the time of his arrest was actually within Austrian jurisdiction. But no one here ever thought of allowing her to pass upon his right to our protection, though her finding was ever so strictly in accordance with the laws of the Empire.

Take the case of Mr. Charles L. Brace, who, being an American citizen, was imprisoned upon suspicion of being a filibustering agent in Hungary. Suppose the Austrian authorities had laid down a rule regarding persons possessing eyes and beard of a particular color, under the operation of which this gentleman fell, and by which he was liable to be sold into slavery, failing the payment of certain jail fees. Should we have thought of acknowledging their right for a moment to apply such a rule, though it were "the law of the State" ten times over, to an American citizen? Should we not, on the contrary, have laughed them to scorn, and demanded his liberation, sword in hand? Are we to suffer from North Carolina, an impoverished and half-barbarous community, who has, by her solemn adherence to the Federal Constitution, bound herself to accept our own definition of our citizenship, an insult and defiance which we repel with leveled bayonet when they come from old and powerful monarchies who are under no such obligation to respect our laws—above all, in cases in which they come in direct collision with their own? We know that these lines will no sooner reach the eyes of our readers than thousands will suggest an appeal to the Supreme Court as the radical means of deciding the controversy. To this we reply that we are sick of legal fictions; that every man in the Union knows as well as we do that *in all disputes arising out of the slave question, justice in this country is paralyzed, her tongue is mute, and her arm powerless.* He knows that in every one of the slave States infringements of slave law are punished, not by judicial sentence, but by mob violence; he knows that years have elapsed since any Federal Court made even a pretence of deciding a suit or trial arising out of the relations between white man and black, or in any way influenced by those relations, upon its naked merits. The Federal Government has long ago declared that the issue has become too portentous, and the passions it has roused too violent, for it to take any decided action in the matter. The moderate and timid men of the day cry "Peace, peace!" They tell us Southern institutions are not our affair, and that we must leave the South to work out the difficulty in its own way; that as long as slavery does not meddle with us, we need not meddle with slavery. We assert—and this case of Adams is one of a thousand proofs of the truth of our assertion—that living under and in the Union, it is impossible that the laws of other States should not affect us, and that the laws of the slave States do affect us.

We are told that the slave laws are necessary as long as slavery exists, and that the consequences of them, of which we complain, are inevitable consequences. This is no sort of reason why we should submit to them when they outrage and insult us. We meet every day with men who lay down rules of action for themselves, which are obnoxious to others only in their consequences; but when those consequences flow naturally and unavoidably from those rules, the legality of the cause does not by any means absolve from all responsibility for the injury and insults wrought by the effect.

We can offer no legal objection to one of our neighbors turning his house into a brothel, but as soon as the customs and rules of the establishment tend, even by logical sequence, to the annoyance or insult of our wife or daughter, we take summary measures in that behalf. A convict determines to escape from prison, and finds it necessary in order to carry out his intention, to kill the warden. He is secured and carried back to his cell. He informs us that the murder was an absolute and inevitable consequence of his determination to carry out his plan of escape at all hazards. "Sir," says society, "your logic is unimpeachable. Your deductions are rigidly accurate; but, nevertheless, in one week from this time we shall take you on a hurdle to the place of execution, and hang you by the neck until you are dead."

If cases such as this of Adams recur, people will very soon come to the conclusion that the Constitution is simply

so much waste paper. We know with what facility men are led to convert *factum into jus*; and we would, therefore, warn those who are friends of the Confederation as it exists to take heed, lest by hushing up matters of this sort, in their foolish solicitude for an outward show of tranquillity, they only sow the seeds of disorders still worse than any with which we are as yet threatened."

Insignificance of the North.

[Washington Correspondent New York Tribune.]

The slaveholders rule this Republic with an iron hand, and the Northern Democrats in Congress, now reduced in numbers, are more than ever submissive to their inexorable demands. The only question has been, whether the Southern men would not think it the safest policy to permit Kansas to be a free State, and act accordingly; but this idea appears to be gradually fading out. They seem to have determined that it is best to bring the nose of the North to the grindstone at once. As to what Northern Democratic members of Congress or Northern Democratic newspapers may say on this subject, it is not of the least consequence. In the first place, they don't know what the Southern leaders have determined upon, and without this knowledge their statements are valueless. They have no function in the matter, except to carry out and defend the policy that is dictated to them by those leaders. This they will do, as they have done hitherto.

The Right to Kill Fugitive Slaves.

[From the New York Tribune, February 21.]

We find in a North Carolina paper the following advertisement, which presents a curious illustration of slaveholding law and slaveholding manners:

STATE OF NORTH CAROLINA, JONES COUNTY.—Whereas, complaint upon oath hath this day been made, *Adonijah McDaniel and John N. Hyman, two of the Justices of the Peace of said county, by Franklin B. Harrison, of said county, planter, that a certain male slave belonging to him, named Sam, hath absented himself from his master's services, and is lurking about said county, committing acts of felony and other misdeeds. These are, therefore, in the name of the State, to command the said slave forthwith to surrender himself and return home to his master; and we do hereby require the Sheriff of said County of Jones to make diligent search and pursuit after the said slave, and him having found, to apprehend and secure, so that he may be conveyed to his said master, or otherwise discharged as the law directs; and the said Sheriff is hereby authorized and empowered to raise and take with him such power of his county as he shall think fit for apprehending the said slave; and we do hereby, by virtue of the Act of Assembly in such case provided, intimate and declare that if the said slave, named Sam, doth not surrender himself and return home immediately after the publication of these presents, that any person may kill and destroy the said slave, by such means as he or they may think fit, without accusation or impeachment of any crime or offence for so doing, and without incurring any penalty and forfeiture thereby.*

Given under our hands and seals the 29th day of September, A. D. 1856.

A. McDANIEL, J. P. [L.S.]

J. N. HYMAN, J. P. [L.S.]

\$100 REWARD.

I will give \$50 for the apprehension and delivery of the said boy to me, or lodge him in any jail in the State, so that I get him; or \$100 for his head.

F. B. HARRISON.

October 1, 1856.—If \$50 for the person of "the said boy" Sam, but \$100 for his head—the killing of him—"without incurring any penalty or forfeiture thereby," being fully authorized in a legal document under the hands and seals of two justices of the peace! Even if Sam reads the newspapers, and the above proclamation should come to his knowledge, no reasonable man would advise him to give himself up under it. It is not so much the danger, if he did so, of being whipped to death by the amiable Mr. F. B. Harrison, who is evidently in a considerable state of excitement, as the certainty that in a community that tolerates the publication of such advertisements there must be plenty of sportsmen who would jump at the chance of shooting a negro, to say nothing of the hundred dollars to be got by doing so; and as there is no time limited within which he is to deliver himself up, this right of killing without incurring any penalty or forfeiture, must be considered as accruing from the very issue of the proclamation. However, there is no restriction on the way of doing the deed, the volunteer executioner under this act being allowed the choice of "any means" that may be thought fit.

THE BURDELL MURDER CASE.

Abstract of the Evidence taken before the Coroner.

As we have commented at length upon the Coroner's Inquest in this case, and the outrageous misrepresentations of the press, it may be considered necessary for us to state the substance of the evidence, in order that it may be seen that our strictures are correct and proper. The Grand Jury having indicted Mrs. Burdell and Mr. Eckel, the testimony which is supposed to implicate them possesses extraordinary interest. We find that whenever our cotemporaries refer to it they always make

some blunder, but that they never by any accident make a mistake on any point in favor of the accused.

Dr. Harvey Burdell, a well known dentist, a man of fine personal appearance, and about 46 years of age, was found dead in his office, No. 31 Bond street, New York, on Saturday morning, January 31st, by his errand boy, John J. Burchell, who had come as usual to attend to his office duties.

The inmates of the house were:

The widow of the deceased, Emma Augusta Burdell, formerly Mrs. Cunningham;

Her daughters, Emma Augusta Cunningham, aged 18, and Helen Cunningham, aged 16;

Her two sons, one 9 years old, the other 10 years;

A servant, Hannah Conlan, the cook;

A young man visiting or boarding there, named George Vail Snodgrass;

The Hon. Daniel Ullmann, who had a sleeping-room in the house, on the third floor;

Mr. John J. Eckel, a boarder.

The deceased had an operating room, a bedroom adjoining it on the second floor, and a work-room in the same house. He was the owner of the house. He married Mrs. Emma Augusta Cunningham, a widow, on 28th October last, but it was then agreed between the parties that the wedding should be kept secret until June next, when they proposed to go to Europe.

A Coroner's Inquest was held by Coroner Connerly at the house of the deceased, commencing on 31st January and ending 14th February.

The principal New York papers had a statement at the outset of the inquiry to the following effect:

"Robbery appears not to have been the incentive to the murder, as none of the Doctor's papers were disturbed. It must have been done by some one well acquainted with the house. A shirt marked 'J. Ketchum,' and a sheet and towel stained with blood, were found secreted in an ante-room, which, with every other part of the building, was thoroughly searched by order of the Coroner, with a view to find some clue to the guilty party. A dirk stained with blood was also found. This was evidently the instrument used, and it may be the means of fastening the guilt upon the murderer."

The popular opinion was formed at once that the murder had been committed by some inmates of the house. It was afterwards discovered that the dirk was not stained with blood, and that the murder could not have been committed with it, and that the sheet, shirt and towel were not stained with the blood of the deceased.

FIRST DAY'S EVIDENCE.

John J. Burchell testified that he had been employed by Dr. Burdell three weeks. On the morning in question he found the key outside of the Doctor's door; that was unusual. He opened the door, and found the Doctor lying on his face close to the door, and surrounded by blood. Witness says:

"I was frightened, and, slamming the door after me, I fell on my back outside of the door; I then got up and ran down stairs, and informed Hannah, the cook, that the Doctor was dead, and lying on the floor; she ran up crying, and told the rest of the family; Mr. Snodgrass came to the Doctor's room, and ran immediately to Mrs. Cunningham's room, and told her what he had seen; Mrs. Cunningham began to cry; Mr. Snodgrass was holding her on the bed; I was then sent by Mr. Snodgrass to the corner of Broadway and Keade street, to bring up his brother-in-law, Mr. Bulen; he came with me.

Evidence of Allen T. Smith.

Allen T. Smith deposed as follows: I am a dentist, living at No. 306 Fourth street; I am no relative of deceased; I was in partnership with deceased as far as the artificial work was concerned; I did not board with Mrs. Cunningham; Dr. Burdell took his meals at the Metropolitan Hotel, and slept at Mrs. Cunningham's house; I have heard angry words between the Doctor and Mrs. Cunningham; it was concerning some papers which were taken from the Doctor; he charged her with having taken them; the papers were notes to a considerable amount; I did not hear either make use of foul words to the other; a policeman was called in by Mr. Burdell; angry words were used on both sides; I do not remember them; the policeman adjusted the matter between deceased and Mrs. Cunningham, and then went away; no row occurred to my knowledge subsequent to this; I saw the Doctor the last time yesterday, between twelve and two o'clock; I have never heard from him that any one owed him ill-will, except the difficulty between him and Mrs. Cunningham about the notes; the Doctor told me this day before yesterday that he was very anxious to preserve some papers; that the key of his safe was taken, and that he thought he would deposit them in the bank; the nature of the documents was an agreement between him and Mrs. Cunningham in relation to the giving up of the house on the 1st of May next to Mr. Burdell, exonerating him from all indebtedness.

Evidence of W. B. Roberts.

W. B. Roberts deposed: I reside at No. 55 Bond street; I knew deceased for three years; he was a quiet, sober man; I have often been in his office; I never knew or heard any one say that they intended to injure him; I never heard any angry words between him and Mrs. Cunningham, except about the notes he missed.

(This dispute occurred before the marriage. Mrs.

What was the reason your marriage was not made public?

Q. Well, Dr. Burdell did not want it made public until June next.

A. I have some reasons of his own.

Q. Were you married in church?—A. No, at the minister's own house.

Q. Where?—A. Well, I believe that will do; you will now sign this position.

Q. Witness.—I would like to have it read to me.

Q. Coroner.—Certainly.

Q. The Coroner then commenced to read the affidavit, and when he came to that part of it which described the articles of household furniture belonging to the witness and those belonging to Dr. Burdell.

Q. Mrs. Cunningham desired to make a correction so as to make correct in such a manner as would not convey the idea of her having committed perjury.

Q. Coroner.—I would like to have it read to me.

Q. Mrs. Cunningham stated that when she spoke of the property she owned to its ownership before the marriage with Dr. Burdell.

Q. Not as at present, for by law what was the husband's was the wife's.

Q. She could not now make any distinction between the property which previous to the marriage belonged to each of them.

Q. She had committed an error, and she desired to have the matter rectified.

Q. The Coroner, after a good deal of solicitation, consented to correct the mistake, when the witness made the necessary signature.

Q. She left the room.

EVIDENCE TAKEN FEBRUARY 1.

Q. The Rev. Uriah Marvin was examined. He saw Mrs. Burdell, looked at the corpse, and was shown a daguerrotype of the deceased. He said:

"I do not recognise the lady; the man had more hair on his face—that is, his whiskers extended further up his face."

Q. Mr. Hall.—Do you recognise anything about the body that would lead you to believe that it was the same man?—A. There is a resemblance about the mouth, but I would not like to swear to the identity of the man.

Q. Was there any one with them?—A. The lady calling herself Mrs. Cunningham had her daughter with her.

Q. How long did the ceremony last?—A. About five or eight minutes; they stood in my house about fifteen minutes altogether.

Q. Were there any other persons at the ceremony?—A. My two servant girls witnessed the marriage.

Q. Does that daguerrotype appear like the man you married? (A likeness of deceased shown.)—A. I think it does, particularly about the mouth; I would state here that when he called first for the purpose of appointing an hour for the marriage I said to my wife that I thought he had false whiskers; when he called again I tried to discover whether the whiskers were false or not, but I could not discover anything; when he called for the certificate I looked again, but could not discover anything; he said it was all right and then left.

Q. What was the manner of the man?—A. He appeared cold and totally ignorant of such matters.

Q. How did she act?—A. She appeared timid and bashful; when they went into the hall they kissed one another, at least so one of the servant girls said.

Q. Coroner.—Now look at this certificate and see whether it is the same one you gave Mr. Burdell, or not.—A. It is.

Q. Mr. Hall.—There is a discrepancy here between the names. The name in the certificate is spelled Burdell, while that of deceased is Burdell. Can the witness explain how the mistake occurred? Was it altered by any one since it left your hands?—A. I cannot account for the discrepancy; I understood his name was Burdell at the time of the marriage ceremony, and filled out the certificate accordingly; however, I subsequently discovered that the name was spelled wrong, for in passing by the house one day I saw the name spelled Harvey Burdell on the door-plate. I then said to my wife, I must alter the name in my registry of marriages which I keep; and when I went home I did so accordingly.

Q. Did you give deceased the certificate on the evening of the marriage?—A. No; it was not until the following day, when he called and received it at my house.

Q. Do you recognise either of those parties as the man who came to your house to be married?—A. The woman I cannot recognize at all; the man had larger whiskers; the deceased has no whiskers except a goatee; the color on the hair on the face of the deceased and the man I married was the same.

The witness after going to see the daughter of Mrs. Burdell, testified that he recognised her as the witness at the time of her marriage. Witness said there was one thing which had escaped his attention in giving evidence.

Q. What was it?—A. Mr. Burdell requested that the marriage should not be published.

Q. The Coroner said that was not a matter for the jury to hear.

Q. Mr. Hall thought that the testimony should be taken down.

Q. Coroner.—Oh, very well, I will do as you say.

(It was an important fact, showing why the marriage had been concealed.)

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Q. Can you identify the lady?—A. I cannot say whether I can or not.

Mrs. Cunningham and her daughter here entered the room, when the witness exclaimed "There are the two ladies that came to the house; the eldest lady is the one that was married; the youngest one was a witness."

Mrs. Cunningham and her daughter then retired.

Q. Did you hear Mrs. Cunningham say that she did not want the marriage to be known?—A. I did.

Q. Had you a good opportunity of hearing?—A. I had; for I was in the room. Mrs. Marvin always gave me the privilege of being present at marriage ceremonies.

EVIDENCE TAKEN FEBRUARY 2.

George Vail Snodgrass states that he went up to Mrs. Cunningham's room (bed-room) on the Friday night. Mrs. Cunningham, her two daughters, two sons, and Eckel, were there talking about the younger Miss Cunningham's going to school the next morning. Witness stopped in the room about fifteen minutes. Eckel left before witness, and retired to bed about eleven o'clock, leaving Mrs. Cunningham and her daughter Augusta there.

Witness spoke of a party given by Mrs. Cunningham on 14th January. Mrs. Cunningham said that if the Doctor caused trouble she would call in the police to take care of him. Witness has heard her say that the Doctor owed her money; also that she would give up the house in June, as she was tired of housekeeping, and wanted to go to Europe. Had heard the family speak about an action for breach of promise of marriage.

Witness had no quarrel with the Doctor, except one night when witness went down to let the Doctor in at the front door, and told him it was not bolted, the Doctor turned round upon witness and said he would break his skull, or something to that effect.

Miss Helen Cunningham had given witness to understand that the Doctor was married to her mother.

Witness was asked what was Mrs. Cunningham's manner at breakfast on the Saturday, and said:

"She appeared very complacent; she inquired after Mr. Eckel, and wanted to know why he was not at breakfast with us; I told her of the note I had given her respecting an appointment that he was requested to keep at eight o'clock that morning, when she expressed her regret that she did not know of the engagement, for she would then have had Mr. Eckel's breakfast ready for him before he went out."

Evidence of Smith Kip, Jr.

Smith Kip, Jr., states that he wrote a note to Eckel, making an appointment with him at witness's office on Saturday morning at eight o'clock. Eckel kept the appointment—witness got there at a quarter to nine.

He spoke to me in a rather impatient manner, saying, "Is this very near eight o'clock?" He said he had been there ever since eight o'clock waiting for me; this was in his usual free and easy, jovial manner of speaking; I examined some accounts there, and made a memorandum of them; he then said, "Let us go round to a place in Fourth street;" we went and examined some accounts there.

Q. How long were you occupied with him?—A. I must have been in consultation with the two places at least two hours.

Refrains of Dr. George F. Woodward.

Dr. George F. Woodward, at the request of the Coroner, made an examination of the bodies of Mrs. Cunningham, Moore, Eckel and Snodgrass, and found nothing on them—no marks of blood or violence.

Evidence of Mary Donahue.

Mary Donahue, a servant formerly employed by Mrs. Cunningham for about two months. Witness left on the Wednesday previous to the murder.

Q. Was Mr. Eckel in the habit of being in Mrs. Cunningham's bedroom every night?—A. Yes, and he used to carry up birds.

Q. Coroner.—Yes, and he was a bird himself. [Laughter.]

Q. Did you ever see him kiss her?—A. I did not, sir; but they seemed very intimate, and I'll speak plain—I did not like the way they acted; I thought she did not act properly for a woman that had grown-up daughters.

Q. Coroner.—That's right, Mary; I know from where you came from that you would speak right; you thought her conduct didn't show much discretion.—A. Yes, sir.

Q. Did you ever hear any threat, either yourself or by being told by any of the domestics of this house, from Mrs. Cunningham towards Dr. Burdell?—A. I never heard her directly say so to any one, but she said that it was time that he was out of the world—that he was a very bad man—just perhaps if he was married he wouldn't be so.

Q. Coroner.—Was this said in the presence of Mr. Eckel?—A. Yes, sir, the Monday after the row.

Q. Coroner.—Stop for a moment, Mary; now you are coming out of this.

(Of course this discarded servant did come out more brilliantly after this.)

Witness spoke of the doctor's being let in by Snodgrass, and a conversation on the subject over the breakfast-table; they all said, "What an old devil he was." Eckel said he should be let to stay out, and witness remarked that he was the master of the house,

and ought to be let in, that it was too bad a night to keep even a dog out.

Q. Did Mr. Eckel say that he ought to be knocked on the head?—A. He didn't use that word.

Q. Well, what did he use?—A. He said it would be little matter for him if he did get a knock if it could be done handy; he sat beside Mrs. Cunningham, and I hated to see him look at her so when he said that.

(This was a conversation about "the doctor's telling young Snodgrass he would break his skull.")

(Snodgrass or Eckel remarked that the doctor's own skull ought to be broken in. It appears from Dr. Blaisdell's evidence, that the servant related this to Dr. Burdell, for he repeated it to Dr. Blaisdell, and it appears that this off-hand remark of Snodgrass or Eckel was the ground of Dr. Burdell's alleged fears of the people in the house.)

Witness stated that Mrs. Cunningham had a key with which she could enter the doctor's room.

Q. Did you ever see her [Mrs. Cunningham] upon his [Eckel's] knee?—A. I never did.

Q. Did you ever see him with his arm around her waist, or kissing her?—A. No, sir; I said to Hannah that I did not like Mr. Eckel; Hannah said that Miss Helen had told her she saw Mr. Eckel come out of Mrs. Cunningham's room by a little side door and he was not dressed; he came into his own room; Miss Helen was knocking to get into her mother's room, and the mother would not let her lie there.

(Hannah has not corroborated this, nor has Miss Helen, but this double hearsay, related by the discarded servant who was encouraged to speak against her former mistress, has been represented by the press as proof positive of an illicit connexion between Mr. Eckel and Mrs. Burdell.)

Q. Did you notice her bed?—A. Well, sir, I thought to myself that everything was not as it ought to be—and may God forgive me if I am wrong—but, so far as I believe [here the witness began to cry, but soon recovered herself.]

Q. Coroner.—To the best of your knowledge did you think two slept in the bed?—A. To the best of my knowledge I believe two slept in it, and I have been chambermaid for a long time; I often said to Hannah, "I don't like this; if I had another place I wouldn't stay here."

Q. Did you ever tell this to Miss Helen?—A. No, sir, I never did.

(These leading questions of the Coroner of course brought out the answers desired. It is to be observed that one of Mrs. Burdell's daughters sometimes slept with her.)

EVIDENCE TAKEN FEBRUARY 3.

John Burchell re-examined: Hannah went up to see the body, and Mrs. Cunningham, when she was told of it tore her hair, and went into fits, and her daughters were all in confusion.

Evidence of Cyrenus Stevens.

Cyrenus Stevens stated that Mrs. Cunningham had tried to persuade him that his wife was too familiar with the doctor that the doctor called on him and told him that she was willing to make an arrangement for her slanderous reports.

He said I have worked to get money together and have got a good deal, but said he, I am actually afraid to stay in my own house.

Q. Coroner.—Ah, that's the talk.

(Such talk being so highly approved of, was, of course, continued.)

The doctor said he would get them out in May.

A Juror.—Did he mention to you that he had any revolver in his possession?—A. He didn't state what he had, but that he meant to go well prepared.

Q. Coroner.—I wish to state, for the information of the jurors and the press, that a revolver has been found in Mrs. Cunningham's room. Deputy, what time was the revolver found?

(It was afterwards proved that this revolver had been lying about in Mrs. Burdell's drawers for weeks. The revolver was bought four years before.)

Evidence of Charles C. Brooks.

Charles C. Brooks resides at 88 Bond street; heard on Friday night at half-past ten or a quarter to eleven a cry of murder, which appeared to come from the direction of Dr. Burdell's house.

"The first syllable (mur-) was distinct; the last (-der) was in a guttural tone, like forced speaking; I immediately thought of gardeners; that was my impression; my house is almost directly opposite."

Q. Did you get up, Mr. Brooks?—A. I was just in the act of going to bed; I was undressed; my window was closed; I stood about three yards from it; I instantly sprang upon the chest which stands in the recess of the window; my impression was that the sound proceeded from this side of the street in the neighborhood of this house; I looked over the top of the inside shutters and through the venetian blinds, which were shut, which were so arranged as to shed water in case it should happen to rain; I could distinctly see this house; at the instant I sprang I first looked in the direction of this house, and I thought I heard a noise on the floor, as if something was moving; the night was uncommonly still; I

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THE EUROPEAN.

NEW YORK, SATURDAY, FEBRUARY 28, 1857.

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THE MOORE CONSPIRACY CASE. Continued Revolution as to the State of Society in New York.

Court of General Sessions, New York City, February 26.
Dr. Moore, a practicing physician of this city, was tried on an indictment charging him with having hired assassins to murder Mr. Livingston, a gentleman residing at Trenton, New Jersey.

The brother of the prisoner swore that he had indicted him, the witness, to assassinate Mr. Livingston. A young woman, named Mary Worden, testified that the prisoner had employed her for the like purpose, and had furnished her with poison, a dagger and a hammer, with which to commit the deed. A colored man named Wesley swore that he was introduced to the Doctor as a desperado, and that the Doctor commissioned him to go to Trenton, and there to murder Mr. Livingston.

Neither of the parties got any money from the Doctor. For the defence, it was shown that the witnesses were persons of bad character and unworthy of belief, and it was contended that the prosecutor, Mr. Livingston, had concocted a conspiracy to break down the Doctor, so as to prevent him from prosecuting certain actions which have been instituted by him, and in which Mr. Livingston was the defendant.

The counsel for the defence observed to the jury, that there were in this city (New York) numbers of men who leagued themselves together, to extort money from individuals by bringing charges against them, and he insisted that if the jury did not believe that the prosecutor had got up a conspiracy, they should treat the witnesses for the prosecution as belonging to this gang.

The jury appear to have taken this view of the case, for they promptly acquitted the prisoner.

Right of Newspapers to Report Judicial Proceedings.

[From the London Times.]

At the end of the last century the press was an outlaw. A newspaper was a thing held in equal hatred and terror by the bench. It was an established principle of law that it had no privileges, and judges authoritatively ruled that "it was no part of the duty of the editor of a newspaper to report judicial proceedings; he was a volunteer, and did so at his own risk." We should not carry the attention of the reader with us if we were to deduce through the various cases the gradual changes in the spirit of judicial decisions upon this important point. Gradually, and step by step, the exigencies of the public won from the Courts a reluctant assent to the proposition that a fair and *bona fide* report of judicial proceedings was as much protected as the character of a servant, or an answer to an inquiry made by one man of business of another. At present the law, so far as it respects judicial proceedings, is indisputable. We will refer to some of the later cases. Lord Campbell, in "Andrews v. Chapman," reported in the third volume of *Carrington and Kirwan's Reports*, told the jury that "by the law of England a fair account of what takes place in a court of justice may be published," and that the privilege of publishing reports of proceedings in courts of justice is "a valuable privilege for the public." Mr. Justice Coleridge, in the case of "Smith v. Smith," reported in the second volume of *Carrington and Kirwan's Reports*, directed the jury thus:—"If this libel is a correct account of proceedings in a court of justice, you ought to find a verdict for the defendant." In the case of "Hoare v. Silverlock," reported in the ninth volume of the *Common Bench Reports*, Chief Justice Wilde and all the Puisne Judges of that court solemnly decided that a report of proceedings in a court of justice was a protected publication. "I think it impossible," said Mr. Justice Maule, "at this day to say that a fair account of proceedings in a court of justice, not being *ex parte*, but in the hearing of both sides, is not, generally speaking, a justifiable publication."

REMARKS.

The newspapers in this and some other States do not enjoy the same protection in this respect which is accorded to newspapers in England. This must be very surprising to our English readers, but it is nevertheless a fact.

In the EUROPEAN of 14th instant, will be found (page 215) a report of a decision in a libel suit in Cincinnati, to the effect that preliminary proceedings before magistrates cannot be lawfully published in a newspaper.

Frauds at Elections. Utility of a Registry Law.

The Albany correspondent of the New York Times, February 20, writes as follows:

Is a Registry Law the antidote for the election frauds that are yearly perpetrated in our great cities? I think not. The election in Philadelphia last October seems to have dispelled every hope that the purity of the ballot-box was to be maintained by means of a registration of voters previous to an election. I think that any man who will reflect for a moment upon the practical results of the Registry Laws when they have heretofore existed, will be satisfied that they do not remedy the evil known to exist. Intelligence, morality, integrity, are the only safeguards with which it seems practical to environ the elective franchise. I would sooner rely upon these than all the legislative enactments that human ingenuity can devise. If the moral disease which now pervades the cities becomes chronic, there seems to me but one remedy, and that is the declaration that self-government is a failure. The Registry Law, if enacted, must depend for its justification upon this presumption, claiming popular endorsement only upon the desperate character of the disease.

A Registry Law seems to me based upon the presumption that the people may not be trusted with the unrestricted exercise of the right of suffrage. It seems that by its enactment we are prematurely arriving at a conclusion which must speedily destroy the entire theory of the capacity of the people to govern themselves.

REMARKS.

A Registry Law would remove many of the evils now complained of in the city elections. It is simply absurd to leave the questions as to who are entitled to vote to be settled at the poll-booths on election day. Moreover, to prevent people from voting more than once, there should be a register with the full address of each voter, and as the men come up with their ballots their names should be marked off on the register.

Effects of Imperialism in France.

The French Census.

"Two extremely serious facts," says the *Assemblée Nationale*, "have been brought to light by the French official census of 1856, and which have not only excited the attention of the public, but formed the subject of consideration in the Academy of Moral and Political Sciences at one of its recent sittings. The first fact is an almost complete interruption in the progress of the national population since the census of 1851, and the second is the extraordinary tendency evinced during the same period by the people of the country districts to remove to large towns, and particularly to the capital. From 1851 to 1856 France, according to the last census, has only gained 256,000 inhabitants. In the same number of years, from 1841 to 1846, the increase was 1,200,000. If these two numbers are correct the difference is enormous. It may be in part explained by the simultaneous action of the cholera, the scarcity of food, and the war; but, even with these explanations, the falling off is very considerable. What gives still more gravity is that the quinquennial period from 1846 to 1851 had given an analogous result—namely, an increase of only 880,000 souls, according to which the population has scarcely increased for the last ten years. While the general progress of the population is checked, its removal from one part to another has taken place in proportions hitherto unheard of. The department of the Seine alone in the last five years has gained 300,000—that is to say, 30,000 more than the whole of France. It had not gained more in the first thirty years of the century, and in the eighteen years of the monarchy of 1830. This sudden augmentation, which is almost wholly owing to accidental circumstances, cannot fail to inspire a certain uneasiness for the future. In addition to its explaining, as the Prefect of the Seine justly remarked in his report, the present high rate of rent and food, there is reason to fear that this dearthness will continue. On other points, such as Lyons, Marseilles, St. Etienne, and large towns in general, the movement of increase, without being so great as in Paris, has been very considerable. At the same time, by a forced consequence, fifty-four departments, or two-thirds of the territory, have decreased in population in a manner never before seen; and most of these departments are essentially agricultural. Some of them—the Haute-

Seine among the number—have lost one-tenth of their number of inhabitants."

REMARKS.

Is this an evidence of what the friends of despotism call the prosperity of France under the Empire? The fact is, that the heinous despotism of the tyrant, Louis Napoleon, has deadened the energy of the French people, and reduced the nation to poverty and disgrace.

Judicial Encouragement of Lawless Revenge.

Court of General Sessions, City of New York, Feb. 21.

BEFORE RECORDER SMITH.

John Hartley, a young man who was indicted for the murder of Patrick Greely, was arraigned at the bar. It seems that the accused found the deceased in the act of having improper intercourse with his wife, and, exasperated at such an act, he inflicted stabs upon Greely which resulted in his death. Hartley pleaded guilty to manslaughter in the fourth degree, which was accepted by the District-Attorney. The Recorder addressed him in the following language:

REMARKS OF THE COURT TO THE PRISONER.

John Hartley, you were indicted for the murder of Patrick Greely, whom you found in the act of having improper intercourse with your wife, and you took his life. Taking the life of a human being under any circumstances is a very heinous offence; but under such circumstances as it was taken by you, the law makes due allowance for the heat of passion and everything connected with the circumstances of the case. Under the old common law an act committed under such circumstances was not held to be an offence. I can very well understand that a person in such a situation ought not to be held responsible for the act which he commits. The provocation was the greatest which possibly could be given, and the inducement to do the act was so great that the law considers the party is not responsible for the act which he does—that his mind is so much excited as to render him incapable of that deliberation which is necessary in order to characterize the act itself as a crime. Our statute, however, makes the killing of any one, with that provocation, an offence. You plead guilty to manslaughter in the fourth degree. The Court have the power in this case to either consign you to the State Prison for two years, or to suspend judgment entirely. I see no reason why it should not be exercised to its fullest extent in your behalf, so that I will suspend judgment. Although, great as was the provocation which led you to commit the act for which you have been indicted, it is something which must be constantly recurring to your memory in the future. You have taken the life of a human being. This act should be the means of making you restrain your passions through life. Be careful that in the indulgence of these passions you are not led into an error which may subject you to severe punishment, if not to the fate of the malicious murderer. You are discharged.

Hartley bowed to his Honor, and left the Court. An attempt at applause was made by some of the spectators, but such an improper manifestation of feeling in the Court was instantly suppressed by the officers.

REMARKS.

The offence committed by the murdered man, adultery, was but a misdemeanor, and if he had been duly convicted after a fair trial, showing the true state of the case, he would only have been subject to imprisonment for a short period. Here we find the aggrieved party taking the law into his own hands, making himself judge and executioner, and inflicting the penalty of death.

Out of regard to the infirmity of human nature, a homicide committed under the circumstances assumed to have existed in the above case is not treated by the law as a wilful murder, but as manslaughter only. The Recorder is altogether wrong in saying that "the law considers the party is not responsible for the act which he does." The law does not recognise the right of an individual to take the life of another, except in self-defence, or in the defence of a wife, child, &c. In many cases where adultery is committed the offence is of a venial nature, the relations of the parties not being known to each other. In other cases the husband of the adulteress takes advantage of his wife's infidelity to extort money from her paramour, or to gratify a brutal and bloody disposition.

The law denounces the act committed by John Hartley as manslaughter; and, in our judgment, he ought to have been punished for it.

4 *Blackstone's Commentaries*, 491:—"If a man takes another in the act of adultery with his wife, and kills him directly on the spot, though this was allowed by the law of Britain, as likewise by the Roman civil law, (if the adulterer was found in the husband's own house,) and also among the ancient Greeks, yet in England it is not absolutely ranked in the class of justifiable homicide, as in case of a forcible rape, but it is manslaughter."

The killing of an adulterer deliberately and upon revenge is murder. (1 *Russell on Crimes*, 443.) If the husband, knowing that his wife, living separate, commits adultery, goes to her house and kills her paramour, this is murder, or at all events aggravated manslaughter. The party assailed has a right to defend himself, and may, if necessary, take the life of the assailant.

There is too great a disposition in this country to disregard human life—it is a common thing for one man to take the life of another on account of an insult, and most people suppose that it is right to kill a man who is found in the act of committing larceny. The Recorder's judgment on this case of Hartley is calculated to encourage acts of lawless revenge.

Shall Infidels be Witnesses?

The Boston correspondent of the *New York Evening Post*, writes (February 19) as follows:

"The House of Representatives has done a good thing. On Monday it voted, by 27 majority, in favor of allowing infidels to testify. The yeas and nays were then ordered on the question of recommitting the subject to the Judiciary Committee, with instructions to report a bill expressive of the sense of the House, and it was thought that the majority would dwindle away like the late snow. But quite the contrary was the case. On Tuesday, the recommitment was ordered by a vote of 208 to 95, the most decisive vote ever had on the question.

"The instructions are, in substance, to report a bill providing substantially that no person shall be deemed an incompetent witness because of his opinions on religion, but that evidence may be given of atheistic opinions as a test of credibility, and atheists be admitted to testify, subject to the pains and penalties of perjury. This is not quite so liberal as it should be, but it is probably as much as could be carried through at this time. The opposition to liberal ideas does not come from the clergy, or from religious men of any standing, but from lawyers who have found their account in excluding free-thinkers from the witness-box."

REMARKS.

In this State, New York, and in Canada, and in most of the States of this Union, laws similar to those now in existence in Massachusetts prevail. They ought to be abolished forthwith.

NICARAGUA.

Walker's Position. He discards German and French Recruits.

The steamship *Tennessee*, which left San Juan on the 12th, arrived at this port on the 21st instant. Walker was defeated on 24th and 25th January in his attacks upon Obraje and San George with a loss of thirty-five killed and sixty-four wounded. Major Snyder of California, one of the passengers by the *Tennessee*, has furnished an account of his interview with Walker, and the statements made by Walker, of the present force under his command, and the strength and situation of the Costa Rican army.

Walker stated his own force at 800 men, the Costa Ricans 2,800. He expressed his confidence that a force of one-fifth of the Costa Ricans was all that was needed to overcome them.

Major Snyder visited the apartments occupied by the officers and men under Walker's command. Both officers and privates, as far as he conversed with them, expressed more anxiety to get away than to remain. Captain Grant, formerly of the United States Army, told that for seven months' service he had received only cents pay. One of the privates he chanced to come in contact with was a former servant of his in California.

He begged like a good fellow to have him intercede to get him away. The soldiers did not dare to attempt to desert, because they knew that if taken they would be shot without mercy. No one could get away without a passport, and the most rigid surveillance was kept upon all their movements. The majority of those who deserted were Germans and Frenchmen. The fact was that the desertion of Germans and Frenchmen was but little regarded. Colonel Terry informed him that such was the present aversion to those belonging to these two nationalities, that General Walker had already sent instructions to his various agencies in the States to send on no more Germans or Frenchmen.

(From the *New York Times*, February 26.)

Departure of the "Tennessee." Two hundred and fifty filibusters engaged Passage.

The business of booking emigrants to Nicaragua, or, as District-Attorney McKim chooses to call it, enlisting soldiers for General Walker, is prosecuted almost as vigorously as ever at the Filibuster Headquarters. The farcical trial in progress at the United States Commissioner's office frightened none of the parties having charge of the Nicaragua Agency, nor abated a degree of their ardor. Last evening two hundred and forty-seven persons had entered their names as passengers to Nicaragua under the inducement of free passage and free farms. Whether fire-arms or agricultural implements compose the bulk of their outfit does not distinctly appear in the book in which their names are signed.

The New York "Herald" on the Appointment of General Cass as Secretary of State.

(From the *New York Herald*, February 21.)

Nor will the new post to which General Cass has been invited, and which he has accepted, be a position merely of idle ceremonies and luxurious ease. The unfinished and accumulating business which will be turned over into his hands from Mr. Marcy, is suggestive of anything but inglorious idleness. First, the Central American imbroglio, including the treaty before the Senate, the doings in Nicaragua, and the debates in the British Parliament, will come before the new Premier, for some practical and comprehensive settlement consistent with our commercial interests, as well as with the political rights of the independent Central American States. Upon this general controversy, if we are to accept the appointment of General Cass as the proclamation of the Monroe doctrine in its broadest latitude, we should say that England may as well prepare to surrender the entire management of the foreign affairs of Central America into our hands, or begin the equipment of her gunboats for active service.

REMARKS.

The slaveocracy will be pacific enough as long as peace prevails in Europe. But Washington will henceforth be the centre of Russian intrigues. The fact being known that the United States will, at the command of the slaveocracy, join in a combination against England; there is abundant reason to apprehend that such a combination will be effected on the first opportunity.

Kansas—Will it be a Free State?

The *Anti-Slavery Standard* of February 21, speaking of the prospects of Kansas, says:

"The slaveholders are playing their game with consummate skill, while the Republicans, by their lack of moral penetration, their want of pluck, and their ostentatious and stupid proclamation of unconditional allegiance to the Union, are utterly incapacitated to resist the gigantic wickedness. So long as the preservation of the Union is regarded by the North as the paramount consideration, and that doctrine is blindly assented to even by the party which professes to grapple with the slavery question, no vital issue with the oligarchy can be made, and the latter, assured of ultimate submission on the part of the former, has only to press its schemes of villany and gain an easy victory, by methods in which long experience has made it an adept. What if Kansas does apply for admission to the Union as a slave State, and what if the Northern Democracy does give the slaveholders the votes they need to secure its admission? What have they to fear? Do they not know that your Wilsons, your Searsons, your Hales, and your Trumbulls will quietly submit, and continue to sing psalms to the Union as the source of every political

bleeding, the grand embodiment of all that is good in heaven and upon earth?

"The House of Representatives, on Tuesday, passed Grow's bill, repealing all the bogus laws of Kansas, declaring the present Territorial Legislature spurious, and providing for a new election. The Senate will of course refuse to concur. The vote on the bill in the House was 99 in the affirmative to 79 in the negative. A separate vote was taken on the preamble of the bill, declaring unjust and unwarranted the test-oaths prescribed for voting or holding office in Kansas; and that the House Committee of Investigation report that the Legislature was not elected by legal voters, but was forced upon them by non-residents in violation of the organic act of the Territory, and having thus usurped legislative power, it enacted cruel and oppressive laws. Adopted, by 95 against 68."

German Hospital, Holston, England.

(From the *London Morning News*, January 27.)

Yesterday the annual general meeting of this institution was held at the London Tavern; Mr. D. Meinertzhagen, the Sub-Treasurer, in the chair.

The Secretary read the report, which stated that the usefulness of the institution had steadily increased. The number of in-patients from January 1st to December 31st, 1856, had been 213, of whom 572 were cured, 87 improved, died 56, sent to the small-pox hospital 2, sent to the work-house 2, made out-patients 98, remaining on the books 49, brought over from 1855, 47. The number of out-patients for the same period had been 6,070 at the dispensary, 1,918 at the eastern dispensary; western dispensary, 1,305; total, 9,323; or a grand total relieved during the year of 10,236. Since the opening of the hospital the in-patients had amounted to 6,697, and the out-patients 59,567, of whom upwards of 25,000 were English. The receipts for the year amounted to £3,617 5s. 7d., and the expenditure less that amount by £61 19s.

On the motion for the adoption of the report, it was stated that while the expenditure was decreasing, there was a gradual increase of income.

The report having been unanimously adopted, a vote of thanks was passed to his Royal Highness the Duke of Cambridge for the interest he had taken in the institution since the decease of his royal father; and it was stated that his Royal Highness had consented to preside at the ensuing anniversary festival.

The various officers having been elected, the usual compliment to the chairman closed the proceedings.

MISCELLANEOUS.

CASS AND PEACE.—The Washington correspondent of the *New York Tribune* writes that Mr. Cass is now a peace man; that Mr. Cass says: gentlemen, we mustn't fight. The friends of the peculiar institution say No. And I know when they say No, that you know and we all know that it means No. No, gentlemen, we shall have no war. The slaveholders object, the Administration will object, I object.

PUNISHMENT OF SLAVES.—The Mississippi Legislature has just passed a bill prohibiting any owner of slaves from punishing them with more than "nine and thirty lashes" at any one time, or for any one offence, under penalty of fine and imprisonment. All other unnecessary cruelty to slaves is also made indictable and punishable by fine and imprisonment.

ENGLAND AND THE UNITED STATES.—If we may believe the statements of the daily press, there is little ground to hope that the amended Treaty between Great Britain, lately negotiated by Mr. Dallas, and designed to settle the Central American Controversy, will be ratified in the Senate. Great Britain, in relinquishing the sovereignty of the Bay Islands, having stipulated for the perpetual exclusion of slavery therefrom, the oligarchy find, of course, an all-sufficient reason for opposing the Treaty, while the whole filibuster wing of the democratic party think it important to the success of their schemes that the controversy should not be settled. Thus does slavery control every issue before the country, not only in legislative and judicial, but also in diplomatic affairs. Great is the Union!—*Anti-Slavery Standard.*

WHOLESALE DIVORCES.—There were 110 divorce suits instituted in San Francisco during the year 1856. In thirty-nine of these cases decrees of divorce have already been granted. In 1855 there were seventy-two divorce suits commenced in San Francisco, and it is presumed that decrees dissolving marriages have been rendered in all of them.—*Charleston Mercury.*

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Toronto, Canada West, July 28, 1856.

To Emigrants and others seeking Lands for Settlement.
THE PROVINCIAL GOVERNMENT HAVE RECENTLY OPENED OUT

Three Great Lines of Road.

Now in course of completion, and have surveyed and laid out for Settlement the Lands through and in the vicinity of which these Roads pass.

The Roads, as advertised by the Agents of the Government, appointed to the respective localities to afford information to the Settler, are known as

"The Ottawa and Opeongo Road," "The Addington Road," and "The Hastings Road."

THE OTTAWA AND OPEONGO ROAD

Commences at a point on the Ottawa River, known as "Ferrals's," a little above the mouth of the Bonchere River, and runs in a Westerly direction, passing through the northerly part of the County of Renfrew.

It is intended to connect this road with a projected line of road known as "Bell's Line," leading to the Lake Muskoka and Lake Huron, by a branch which will diverge from the Opeongo Road in the Township of Bradenac, at a distance of about fifty-three miles from the River Ottawa, forming with "Bell's Line," a great leading road, or base line from the Ottawa to Lake Muskoka, 121 miles in length, passing through the heart of the Ottawa and Huron Territories, and opening up for settlement a vast extent of rich and valuable land.

This Road, and the country through which it passes, now open for settlement, is easily accessible, and the Agent for the granting of Lands in this District is Mr. T. S. FERNET, who resides at Mount St. Patrick, near Renfrew, on the Opeongo Road, a few miles from the Lands which are to be granted. To reach the section of country under Mr. Fernet's charge, the settler must go from MONTREAL up to the Ottawa River to a place called Bonchere Point, and thence by land some twenty-five or thirty miles westward to the Township of Grattan, in which Mount St. Patrick is situated.

THE ADDINGTON ROAD.

Commencing in the Township of Angelsea, in the northern part of the County of Addington near the Village of Flints Mills, in Kaladar, runs almost due north to the River Madawaska, a distance of thirty-five miles, till it intersects the Ottawa and Opeongo Road.

The Agent for the granting of the Land in this district is M. E. PERRY, who for that purpose is now resident at the Village of Flints Mills. The outlines of five townships of very superior land are already surveyed and ready for Settlement within the limits of the Agency lying north of Lake Massawaka, and between it and the River Madawaska. The Townships are called respectively Abinger, Denbigh, Ashley, Effingham, Angelsea and Barrie.

The direct route to this Section is by way of Kingston, Canada West, thence to Napanee, either by land or steamboat, and thence

North to the Township of Kaladar, and the Village of Flints Mills, where Mr. Perry resides.

THE HASTINGS ROAD.

Almost parallel to the Addington Road, and at a distance West from it of about thirty-two miles, is the *Hastings Road*. This Road, beginning at the northern part of the County of Hastings, and running a distance of seventy-four miles almost due north, also intersects the *Ottawa and Opeongo Road*, and its extensions.

The Government Agent is Mr. M. P. HAYES, who resides at the Village of Hastings, lately called Madoc, about twenty-eight miles north of the Town of Belleville. The Road between these places is in good order. The land to be granted by the Crown under this Agency extends from fifteen to seventy miles north of the Village of Hastings. The Road through this large extent of land is passable for forty miles, and money is now being expended to extend it thirty miles further, so that Settlers can get in and out without difficulty, and find a good market for surplus produce, as well as convenient facilities for bringing in whatever supplies they may require—abundance of which can be had at the Village of Hastings, where the Government Agent resides.

The direct way to reach this Section, which is easily accessible, is by *Kingston*, Canada West, thence by Steamboat up the bay of *Quinte* to *Belleville*, fifty-six miles, and thence by a good road to *Hastings*, twenty-eight miles.

In order to facilitate the Settlement of the Country, and provide for keeping in repair the Roads thus opened, the Government has authorized Free Grants of Land along these Roads, not to exceed in each case *One Hundred Acres*, upon application to the Local Agents, and upon the following

CONDITIONS:

That the Settler be eighteen years of age.

That he take possession of the Land allotted to him within one month, and put in a state of cultivation at least twelve acres of the land in the course of four years; build a house (at least 20 by 18 feet) and reside on the lot until the conditions of settlement are duly performed; after which accomplishment only he shall have the right of obtaining a title to the property. Families comprising several settlers entitled to lands, preferring to reside on a single lot, will be exempted from the obligation of building and of residence, (except upon the lot on which they live) provided that the required clearing of the land be made on each lot. The non-accomplishment of these conditions will entail the immediate loss of the assigned lot of land, which will be sold or given to another.

The Road having been opened by the Government, the Settlers are required to keep it in repair.

The Local Agents, whose names and places of abode have already been given, will furnish every information to the intending settler.

The Log House required by the Government to be built is of such a description as can be put up in four days by five men. The neighbors generally help to build the Log Cabin for newly arrived settlers, without charge, and when this is done the cost of erection is small. The roof can be covered with bark, and the spaces between the logs plastered with clay, and whitewashed. It then becomes a neat dwelling, and warm as a stone house.

The Lands thus opened up and offered for settlement are in sections of Canada West, capable, both as to Soil and Climate, of producing abundant crops of winter wheat, of excellent quality and full weight, and also crops of every description of farm produce grown in the best and longest cultivated districts of that portion of the Province, and fully as good.

There are, of course, in such a large extent of country as that referred to, great varieties in the character and quality of land—some lots being much superior to others; but there is an abundance of the very best land for farming purposes. The Lands in the neighborhood of these three roads will be found to be very similar in quality and character, and covered with every variety of Timber—some with hard wood and some with heavy pine.

Water for domestic use is everywhere abundant; and there are, throughout, numerous streams and rivers of water capable of being used for manufacturing purposes.

The heavy timbered land is almost always the best; and of it the ashes of three acres—well taken care of and covered from wet—produce a barrel of Potash, worth from 26 to 27 currency. The capital required to manufacture Potash is very small, and the process is very simple and easily understood.

The expense of clearing and enclosing Heavily Timbered Lands, valuing the labor of the settler at the highest rate, is about *Four Pounds Currency* per Acre, which the first wheat crop, if an average one, will nearly repay. The best timber for fencing is to be had in abundance.

A settler on these lands, possessing a capital of from £25 to £50 according to the number of his family, will soon make himself comfortable, and obtain a rapid return for his investment. The single man, able and willing to work, needs little capital besides his own arm and axe—he can devote a portion of the year to clearing his land, and in the numerous lumbering establishments he can at other seasons obtain a liberal remuneration for his labor.

The climate throughout these districts is essentially good. The snow does not fall so deep as to obstruct communication; and it effects material for good roads during the winter, enabling the farmer to haul in his firewood for the ensuing year from the woods, to take his produce to market, and lay in his supplies for the future; and this covering to the earth not only facilitates communication with the more settled parts of the district, but is highly beneficial and fertilizing to the soil.

In all the localities above named, where every settler has surplus produce, there is a good market for it near to him—farm produce of all kinds being in great demand by the lumber or timber merchants, who are carrying on extensive operations throughout those parts of the country.

According to the ratio of progress which Canada West has made during the last ten years, the value of property on an average doubles within that period—in respect of any improvements which may have been made by the settlers.

In many countries the value of land once opened for settlement has increased five fold in the period named, but the average value of such land, according to the statistics of Canada West, *doubles every ten years*, in the mere lapse of time, exclusive of any expenditure thereon—and it is not too much to expect that this ratio will not diminish for generations to come.

The sections of country opened by these roads lie in and to the southern part of the Great Ottawa Region, stretching from and beyond them to the shores of Lake Huron, to Lake Nipissing and to the Ottawa River—an immense extent of country, whose resources are now seeking and will rapidly obtain development.

The *Ontario County*, lying south of Lake Nipissing, and of the Great River Ottawa, and embracing a large portion of the land offered for settlement, is capable of sustaining a population of *Eight Millions of People*, and it is now attracting general attention, as the more western portions of Canada are rapidly filled up.

The Parliament of Canada, in its last session, incorporated a company for the construction of a railway to pass through this Ottawa country from the shores of Lake Huron to the City of the Ottawa, and thence eastward.

A survey of the River Ottawa and the neighboring country has been undertaken, and will be completed in the present year; its principal objects being to ascertain by what means the river Ottawa can be rendered navigable and connected with Lake Huron, so as to enable vessels to rise by the route from the most western waters into the River St. Lawrence and Ocean. These projected works are alluded to, and in order to show that the attention of the Government, Parliament and People of Canada has been fixed upon his important portion of the Province.

P. M. VANKORCHNER, Minister of Agriculture.

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