

Mr. M. D. Hill, the learned recorder of Birmingham has just been delivering another charge in support of his theory that all persons who have been convicted, are living without visible means of support, and who in the belief of witnesses acquainted with their way of life, are maintaining themselves by crime, as their stated calling, ought to be called upon to prove themselves in the enjoyment of some honest means of subsistence; that in the absence of such proof they should be called upon to give securities for their conduct; and failing to do so, they should be committed to prison for a limited period. Mr. Hill urged that in consequence of recent relaxations of our criminal code, and the tendency to abolish transportation, some such law became every day more imperative, and he now propounded his remedy in the following shape:—

"I propose that every person who has been convicted of a felony or of a misdemeanor, implying fraud, (as obtaining goods under false pretences, knowingly passing base coin, and the like,) shall be liable to be dealt with as follows:—If, after the expiration of his imprisonment under his conviction he shall be brought before a magistrate, charged with still persevering in crime, it shall be the duty of the magistrate, if the witnesses by evidence of general conduct satisfy his mind that the charge is established, to call on the prisoner to show that he enjoys the means of honest subsistence, either from his property, his labour, the kindness of his friends, the bounty of the charitable, or from his parish. Should he succeed in adducing this proof, he is to be discharged. Should no such proof be forthcoming, he is next to be called upon to give bail for his good behaviour. Supposing him to answer this demand, he is to be still entitled to his discharge. But in the event of his failure, he is then to be held to bail on his own recognisances, and his case to be sent to a jury at the assizes or sessions, when, if a verdict pass against him, he is to be imprisoned for a term to be fixed by the law, but capable of diminution by the judge before whom he was tried. This, gentlemen, is my proposal, in detail, and, perhaps, it will appear to you as it did to your predecessors (who honoured it with their approval when I submitted it to them in outline), that it sufficiently guards the accused against the danger of being deprived of his liberty on fallacious grounds. In the first place, no proceedings under the proposed law would put the convict into custody even for a day, except by the verdict of a jury unless, indeed, he should forfeit his recognisances by not appearing to take his trial, when he would subject himself to the well known consequences of such a contempt. Suppose him then on his trial, and observe how he is fenced round with protections, 'covered,' as Erskine expresses it, 'from head to foot with the canopy of the law.' In the first place his accusers must satisfy the jury that he was at the time of his apprehension in the course of life which they charge upon him, not merely that he was so before his conviction. This evidence he will rebut if he can, either by impeaching the character of the witnesses, showing that their statements are false and inconclusive, or by explaining away the facts established against him.—And in this part of his case, as in all other parts, he may adduce witnesses of his own. But suppose him to fail in meeting the charge. He then falls back on his second defence, and shows the manner in which he subsists. Now, if he have in truth an honest income, it is not very easy even to imagine a set of circumstances which disable him from proving a fact so emphatically within his own knowledge. But we will go on to suppose him defeated in this second defence. Even then, unless he is altogether bereft of honest friends, having confidence that he will not commit crime, he finds bail and remains at liberty. Now, gentlemen, the species of objection to which I thought my proposal most obnoxious is, that it offers too many chances of escape to be practically efficient for the restraint of criminals. On this head, however, none who are conversant with the life and habits of the class in question have the least misgiving, or has that objection ever been advanced. On the contrary, the numerous attacks which the plan has undergone have always been directed against the danger of committing injustice on the convict. That such a miscarriage is within the limits of possibility I must admit, but that such trials as I propose are more open to this reproach than trials for specific offences, or so open, I do take upon myself speaking from a very long experience in Criminal Courts, confidently to deny."

A Donegal paper publishes a short paragraph descriptive of the Earl of Ennis' visit to his estates in that quarter. His lordship, it seems, addressed his tenants at great length; but, says the *Ballyshannon Herald*, "As his lordship never had sufficient patriotism to subscribe to his county paper, we shall not occupy our columns in publishing his speech."

The Earl of Dunraven has allocated £1,000, for the repairs and fitting up of an old abbey, the remains of which are on his lordship's demesne at Adare, for the reception of a society of the Redemption Fathers. The abbey formerly belonged to a fraternity of the Dominican order of friars.

A juvenile gymnasium has just been erected in Buckingham Palace for the use of the youthful members of the royal family. It consists of a neat frame work, nearly square, upon which an apparatus has been constructed for a great number of bodily exercises.

OMNIBUS SERVANTS.—A meeting of the Clergy and Inhabitants of Islington, Holloway, and the immediate neighbourhood, was held on Monday evening, at the school-room of the Rev. Mr. McKenzie, Holloway, for the purpose of considering and making known the peculiar position and hardships of the servants of omnibus proprietors. The meeting was presided over by Mr. McKenzie, who described at considerable length the rigid regulations and privations to which omnibus servants were subjected, which amounted to absolute slavery, and were destructive to their domestic comfort, and their moral and religious welfare. It was no less injurious to their health; and the whole system adopted by their masters towards these men was revolting from its heartlessness and inhumanity. The more immediate object of the meeting was to collect information, and awaken public interest on behalf of a body of men who suffered all the evils of excessive toil to an extent almost beyond description, and who, unlike the horses they trusted the hand of sympathy would be held out, and the voice of benevolence raised, until their condition was ameliorated.

Mr. Scully, the founder of the "Omnibus Servants Provident Institution," next addressed the meeting, and gave an interesting account of the progress of that institution, and the early difficulties attending its formation. They were now relieving on an average 18 sick members weekly, for whom they also provided medical attendance. The subscriptions of the men was only 6d. a week, yet within two years they had

raised a fund of £2,000, with the help of a few benevolent individuals, among whom was His Royal Highness Prince Albert, who had subscribed £25. In another twelvemonth he expected they would have an Asylum for the aged and infirm of their body, with which would be connected a school for orphans, and other important benefits to the members. Such was the progress made within the brief period mentioned, although when he commenced his efforts to establish the Institution, it was seven weeks before he raised a single shilling. He was sure, when the public were made acquainted with the sufferings of those men, from excessive hours of work, means would soon be found to effect a beneficial change.

Mr. Mumford, time-keeper, bore testimony to the hardships of the system as they affected his own class of omnibus servants, stating that he had only dined five times at home in six years; and the Rev. Mr. Kingsmill strongly urged the necessity of using every means in their power to bring public opinion to bear on the subject on the ground of humanity and religion, and paid a warm tribute to the untiring energy displayed by Mr. Scully on behalf of the oppressed and over-toiled class of individuals to which he once belonged. Thanks were voted to the Chairman, and proceedings terminated.—*English Churchman*.

The *Liverpool Mail* gives rather a discreditable account of the Corporation ball, which took place in honour of the Queen's visit, and one which, for the reputation of the town, we should hope has been at least very highly coloured. After a laughable account of the doings outside, where "the drivers were nearly all drunk," and the necessary consequence of such a state of things, the *Mail* refuses to criticise the dancing, but considers drinking to have been the chief amusement—2,076 bottles of champagne, besides other beverages, being disposed of in due time, producing its usual exhilarating effects, and the following disgraceful scene:—

"Some of the ladies and gentlemen were taken unmistakeably ill, with all the symptoms of a sea voyage, which produces precisely the similar effects; others became boisterous and noisy, and intimated a desire to fight; some mistook their partners, or addressed familiarly the legitimate companions of others. How such people came there is a mystery which only the members of the council can solve. We have heard that amongst those honoured with tickets were grooms, waiters, cooks, servants of all work, diligent dressmakers, and the daughter of a monthly nurse. No wonder that the corporation declines to publish the names. A contemporary gives a 'significant' fact, illustrative of the class of persons invited. A female entered the office of the *Courier* with her ticket in her hand, requesting to know to what portion of the ceremonies it would admit her, as she was herself unable to read."

The magistrate at Hammersmith is occupied in investigating the tale of a young girl named Angelina Adams, who states that she had been forcibly detained in the Roman Catholic Convent, called the Good Shepherdess, in the Hammersmith-road, during the last three months, and because she refused to take the veil, kept her on bread and water and cut all her hair off, after which she escaped. Upon hearing this statement, Mr. Jones, the relieving officer, called at the convent on Friday evening with the girl—

"They were shown into a room where they saw two young ladies dressed in white with black veils. He informed them of his visit, and they told him the girl had repeated untruths, that she had only been in the convent one day, and that she had only desired to quit the place, in consequence of her refusing to conform to the regulations of the establishment. They also said that the girl entered the convent with her hair cut off, and that they had no clothes belonging to her. The clothes she was then wearing were her own, and had been given up to her on quitting the establishment. The girl persisted in her statement before the ladies, and pointed to one of them as being the person who cut her hair. The lady denied the allegation, and Mr. Jones was also informed that the girl had formerly been in the convent for four years, and that she was generally known by the name of 'crack Rose,' the term 'crack' having been applied to her in consequence of its being believed that she was insane."

A priest gave a similar account before the magistrate and the matter is still under investigation.

During the whole period of Her Majesty's stay at Balmoral there was no military guard of any sort in attendance. A party of eight men from the A division of the metropolitan police formed the sole but sufficient guard of the Queen of England in her Highland home.

Among the changes on the common law side of Westminster Hall, it is supposed that the Judgeship, vacant by the resignation of Mr. Justice Patterson, will be offered either to Mr. Watson, Q.C., formerly member for Kinsale; or Mr. D. Hill, Q.C., the Recorder of Birmingham.

At a recent meeting of the omnibus proprietors, it was stated that the expense of working one omnibus per day was £2 0s 9d., supposing each omnibus with its ten horses, travelled 60 miles daily (15 journeys to and fro per diem, at two miles per journey). If they were licensed to carry twenty-four passengers, and obtained one-half, or twelve passengers, at 2d. each per journey, the profit would be 19s. 3d. per diem; at two-thirds full, the profit was estimated at £1 19s. 3d. per diem; and "three-fourths full," £2 9s. 3d.; and at "full," £3 19s. 3d. Thus giving, on the first calculation, a profit on the working of 100 omnibuses, £30,035 per annum; on the second, £66,435 per annum; on the third, £84,635 per annum; and on the fourth £139,235.

The Queen has been pleased to grant unto James Adey Ogle, M.D., the office and place of Professor of Physic, in the University of Oxford, in the room of Dr. John Kidd, deceased.

The *Tablet* is made the vehicle of a warning, by Dr. Ullathorne, the new Romish Bishop of Birmingham to his flock against the *Catholic Standard*, the last few numbers of which have evinced such a spirit of hostility to its own immediate chief pastor, "not a little discrediting."

"The Emperor Constantine thought he had no right to judge Bishops, but a catholic newspaper writer, imitating the unorthodox examples around him, has no difficulty in usurping the rights of the Supreme Pontiff, and exercising judgment over a Primate, a Cardinal, of the Holy Roman Church, and his own Bishop, at one and the same time; and that not in secular matters, but in the high concerns of his own ecclesiastical sphere. After this I see not how such writers can consistently continue their comments on the Gorham case, and the Privy Council decision. A dogmatic tone runs through the whole of these offensive productions, and good Catholics are scandalised by them."

The privilege of selling newspapers and books at the railway stations belonging to the South-Western Railway Company has, it is stated, been leased to Messrs. Smith and Sons, the news agents of the Strand, for £1,000 a-year.

FOUNDATION OF A MISSIONARIES' CHILDREN'S HOME.—The first stone of an institution in connection with the Missionary Society, to be designated the "Missionaries' Children's Home," was laid on Monday by the Earl of Chichester. The Institution has been undertaken by the Church Missionary Society, as a memorial of their late Jubilee in 1849, the Society having then existed for fifty years. It was established in 1793, has been conducted in conformity with the doctrines and practice of the Church of England [?], and its Missionaries are under the superintendence of the Bishop of the Diocese where they are placed. The Society has Missionary stations in Western and Eastern Africa, in the Mediterranean, in India, Ceylon, New Zealand, the West Indies, and North-West America.—*Chronicle*.

Mr. Richard Kindersley, and Mr. James Parker, nominated Vice-Chancellors, were presented to the Queen on Tuesday, and received the honour of knighthood. Mr. Joseph Paxton, Mr. William Cubitt, and Mr. Charles Fox, the designer, architect, and constructor of the Crystal Palace, also received the honour of knighthood. Mr. Paxton is to have £5000 from the Exhibition funds.

The Bishop of Lucca has prohibited the reading of "Robinson Crusoe," and Benjamin Franklin's and Walter Scott's works, in his Diocese.

A woman at Chelsea has narrowly escaped being placed in her coffin alive. Mrs. Benham had been under treatment for an internal disease for some time; she fell into a state of torpor on Saturday last; and through the three succeeding days she remained without signs of life—altogether her dead. On Tuesday afternoon a coffin arrived; but at that critical point signs of animation returned, and now the patient is gradually recovering.

A frank and "further" son of St. Mungo—one who in his time had shared some of the civic responsibilities—was lately sojourning at one of the London hotels. Meditating an early walk one morning, he called to a tidy Abigail, who was tripping down stairs, "Fesh ma shoon lassie." The girl hesitating how to make herself understood, at length replied, I don't talk French, I'll send Louis.—*Gateshead Observer*.

It is stated by the Dublin correspondent of the *Chronicle* that Archbishop M'Hale has withdrawn from the Roman Catholic Defence Association. The Roman Catholic Primate, Dr. Cullen, had been in Dublin during the recent meeting of the Defence Association, and it is said that he declined to attend. The refusal of the Primate to take part in the establishment of the association has been remarked upon as a curious and significant fact.

The Presbyterians of Ulster are said to be contemplating the establishment of an exclusively Presbyterian College in Belfast.

The *Connaught Watchman* says that at a concert given at Ballinasloe, last week, during the fair, a Roman Catholic clergyman having refused to take off his hat during the performance of the national anthem, he was hooted out of the room.

The *Waterford News* states that an industrious Wexford farmer, Mr. Samuel Murphy, who some three or four years ago sold his farm and went to America, has just returned home, and again purchased his old homestead for the purpose of residing in it. He advises no man to go to America who can make out a living in Ireland.

Though the winter may be said to have crept upon us, the tide of emigration still rolls outward. The *Ross* steamer, which sailed from this port on Friday evening last, conveyed away a number of emigrants. They were all of a superior class of the peasantry,—comfortable farmers, with their wives, sons, and daughters.—*Sligo Champion*.

The *Tuam Herald* says the emigration of the people of that neighbourhood still continues to prevail to an alarming extent.

Communications.

[We deem it necessary to follow the example of the London Church periodicals, and to apprise our readers that we are not responsible for the opinions of our Correspondents.—E. C.]

To the Editor of the Church.

REV. AND DEAR SIR,
Upon the subject of your note, I am perhaps less fitted to give an opinion than some others, as neither myself nor any of my clerical neighbours are upon what you term the "Pound and Pound System;" still it is a subject to which I have given some degree of attention, and must avow myself one of its advocates, as being the best which, as it appears to me, our present imperfect condition as a Church will admit.

Of the difficulties connected with the plan in question, especially in a diocese so little accustomed to help itself as ours, I am deeply aware; but what better can you substitute? Were it even desirable to make the Clergy altogether independent of the people, this, since the spoliation of the "Reserves," is utterly impossible. Suppose, however, a Clergyman to be sent to a parish with such a sum secured to him as the Reserves would still furnish, would his parish, permit me to ask, be more likely to exert itself to increase his income, than when they, his people, know that his all depends upon their faithfully raising their portion? Surely not? In which case he would be in a worse condition than under the present system of "pound for pound," as when the equal claims upon the Reserves of the different settlements of the province are considered, the stipend of each clergyman from that source must necessarily be very small. But it is especially when looking to the ultimate good of the Diocese, both as respects its clergy and laity, that I consider the recently established system as particularly necessary, inasmuch as it appears to be the only means—at least amongst human devices,—that promises any reasonable prospect of causing the people themselves to raise anything approaching to suitable stipends for their ministers.

Perhaps the true reason why the system in question has not hitherto been more successful is two-fold; first, as I have stated, the unaccustomed habits of the people as to paying their clergy; and secondly, the want of a more regular system in the requiring of guarantees to a fixed amount from a parish before a clergyman is sent.

What I would suggest is something as follows:—First, an increase in the number of the travelling missionaries, each being secured from the Clergy Reserve Fund, £125 currency per annum, with the understanding that they are expected as a part of their duty to cause their mission to raise for themselves at least £25 more, but without requiring any previous guarantee from the mission to that effect; I would further suggest, that these missionaries be expected to make all the Church Society collections, and endeavour to raise some subscriptions for the same at each of

their stations. Again, that their *Sunday* services at any one place should not, ordinarily, be oftener than once a month, and in no case more frequent than once a fortnight; while their *week-day* services, or cottage lectures, should be as numerous and frequent as possible: thus would the people be at once taught both to value the services of the Church, and yet to understand, that unless they exerted themselves they could not have the blessing and enjoyment of full Church privileges.

Secondly, before a clergyman is sent to any place as a settled parochial minister, it appears desirable that a vestry be formed; this would in general, of course, be under the auspices of the Travelling Missionary, often indeed with reference to himself becoming their settled pastor, and that such vestry be required to give the Bishop a three-years guarantee for a parsonage, or an equivalent rent, and a parochial stipend of at least from £60 to £100 per annum, such guarantee to be renewed six months before it expires, or the clergyman removed. This is, I believe, nearly the theory at present, but perhaps if it were more invariably and rigidly carried out, the uncertainty existing in too many cases from the "pound and pound system" would be greatly removed.

You will see that my idea is to make the Travelling Missionaries supply the place of settled Clergymen, until a parish will certainly and legally do its part. This may, on some accounts, be a powerful alternative, but I question whether it be not the only one at present left us; for I am convinced that so long as the old system of paying the parochial clergy a certain sum from the Reserves, independently of the effort of the parish, is continued, the people will never do their duty, and the consequence will be, that the clergy themselves will not be half paid, and yet a large portion of the province will be robbed of its just rights, by all those funds, upon which it has an equal claim, being absorbed by a comparatively few favoured spots. This objection, you will see, does not extend to paying the Travelling Missionaries a certain fixed salary from the "Reserve" fund, because their numbers and labours should be so arranged as to cover the whole Diocese.

I beg, however, in conclusion to observe, that I have long had a deep conviction that the payment of tithes is God's method of having His ministry supported; and I have often thought, that our troubles respecting the "Clergy Reserves" have been permitted, to drive us back to that holy law which is His demand from His people in token of their reverence and love, before ever they are at liberty to give anything in what may properly be denominated free-will offerings and alms-deeds. And, my dear Sir, when the Church does its duty in fearlessly declaring the Divine obligation of tithes, I do think that the faithful will many of them very shortly pay them, at least in sufficient numbers to make us more independent than we now are, or are ever likely to be, from the "Clergy Reserves," or any foreign funds whatsoever.

Begging pardon for so long a letter, and happy if its hints should be of any service.

I remain, Reverend and dear Sir,
Very faithfully yours,
A. T.

The Diocese of Toronto,
18th Nov., 1851.

To the Editor of the Church.

NASHOTAH CHURCH MISSION.

REV. SIR,—You will perceive by the date of this letter, that I have taken a long journey from Scarborough—having been engaged for the winter to teach the Students of this Mission the rudiments of Ecclesiastical Music, and play the organ in their daily service.

I arrived here on Saturday week last, and am much pleased with all around me; there are two Professors and eighteen Students, the latter the most orderly and serious young men of any Seminary I have ever seen; each has a separate room to himself; keeps it in order; cuts his own stove wood, which is brought to his door. Besides their studies and recitations, they have from two to three hours out door labour daily on the Mission grounds. They are divided into committees—one committee of four attends to the washing in a house completely fitted up for the purpose. Another committee of four (of which I am one for the present) is employed in ironing the clothes in an adjoining laundry—another cuts cord-wood, while another is engaged in gardening. These employments only occupy part of one day per week except the gardening during summer; all work cheerfully and with a good will. The situation is the most romantic I have seen in America; the Mission Buildings, consisting of a Church with a bell; the boarding house—(where are hired servants for the cooking), a range of low cottages, each with a separate porch, for the Students—a library and reading-room, and a work shop, with all sorts of tools. These buildings occupy a platform of land above a beautiful clear lake, on the margin of which is situated the wash-house and boat-house; at a little distance is seen the Professors houses. They possess over 500 acres of land of rather inferior quality—the place having been chosen more on account of its salubrity and beauty, than its capability for farming purposes. An old gentleman superintends the farm, but it has not as yet been very productive.

In the *Calendar*, a Connecticut paper, of last week is an account of the laying the foundation stone of a new Church at Oconomowoc, a new village about five miles from here. I go every Sunday afternoon with one of the Professors to assist in the worship which for the present is held in the Methodist Meeting house there. Upon the whole this Mission is very prosperous, and would be more so if sufficient funds could be obtained.

I remain with much respect,
Yours in the Lord Jesus Christ,
WM. MARSH.

Wisconsin, U. S., Nov. 5th, 1851.

Colouial.

MIRACULOUS ESCAPE.—A most miraculous and providential escape occurred yesterday evening, at the new church, St. James's, now building in this city. While a party of the men were engaged working on a scaffold, more than 60 feet from the ground, one of them, a labourer, named John Stewart, fell off. After falling about 20 feet, he alighted on his head, on another scaffold, and, although this was composed of boards of two inches thickness, yet so great was the force of his fall, that the board upon which he struck broke under him, and he fell the additional forty feet to the ground. After lying on the ground for a few moments, he was taken up, and in a