

erage Magna Charta, and Acts of Parliament were in early ages not treated with much reverence when men's consciences came into collision with them.

So, again, in the reign of George II., the same spirit influenced the Whigs of that day. They were jealous of the influence of the Church, though that influence was slight, and the church which exercised it no church at all. Still it represented to them the spiritual power and they determined to check it. The Mortmain Act was passed, and has proved fatal even to mere benevolence. A man of no religion, but who wishes to relieve a few beggars after his death, finds the law of Mortmain in his way; but, if he wishes to perpetuate any folly, or worse, the law befriends him, and he may endow a corporation, provided the notion of charity remain excluded. This is the very thing which the law aims at, charitable bequests.

People are afraid of "undue influence" at deathbeds, but that fear extends only to charity. There is no fear that individuals may influence a testator in their own favor, and disinherit his heirs. All this is thought perfectly fair, but the unfair thing is a legacy in charity. A man who disinherits his relatives to gratify malice or a whim, is at perfect liberty to do so; but if he gives a legacy which the law considers charitable that is forbidden. Mr. Chapman, a conveyancer, says, Q. 299:—"I think it is not desirable to put any restriction upon the power of a testator as to the disposal of his property, except for charitable purposes. I should be disposed to give a man the right, if he pleased, to disinherit his own family."

We have no manner of doubt that this learned gentleman expresses the feelings of the great majority of persons. It is thought hard to disinherit a family, but as the property goes to a private individual, the wrong is not thought to be very great. But if the property were bequeathed to support Priests and missions, or even a Protestant hospital, the public indignation is roused, and the Court of Chancery steps in and relieves the heir at law. Undue influence is supposed to operate only in one direction, as if all men were so charitably disposed as to busy themselves in every direction in the making of wills contrary to "public policy." When a man leaves a charitable legacy, the most irreligious wretches become at once practical Christians. They denounce the testator's folly, and insist that he was worse than an infidel, because he did not provide for his own family. They become eloquent on the duty of being charitable during life, and profess themselves quite sceptical on the subject of the testator's religion, who, according to them, neglected almsgiving, and then, when he was about to part with his money for ever, disposed of it in a prediginate manner.

This is the spirit in which the proceedings of the Committee were conducted, and the witnesses generally agreed to represent matters in that light which the Committee most desired. It is necessary to keep in mind the temper of those men who meddle with the question now; for, if we do not, we shall perpetually lose our way. The Committee, under the influence of Mr. Headlam and Mr. Anstey—even Mr. Drummond shows a more Christian spirit than these two—kept material and earthly considerations before their eyes: the former, no doubt, honestly as a Protestant, believing that this world and its honors are the final cause of the human understanding; the latter with another purpose, from which he never swerved, of inflicting as sharp a wound as he could upon the character of the Bishops and the Secular Clergy throughout England.

It is very probable that, owing to the dread consequent on the apparent increase of Catholics—we say apparent, for the apostasies in London alone exceed all the conversions—some measure will be passed to curtail considerably the limited power that men have of bequeathing charitable legacies. Possibly funded property will be placed under the restrictions that now lie upon land, and thus leave a man at liberty to will only what may be at his bankers, or is secreted in his desk. This is, no doubt, what "honest Protestants" are aiming at, and what a great many Catholics will, for once in their lives, be very thankful for. The question, then, is, will this restriction satisfy those who make it? At present the law is evaded. The statute of Mortmain cannot reach those who most frequently transgress it. And we do not see a shadow of probability that greater reverence will be shown to minister restrictions.

It seems to be now an admitted practice, that a will is no index to the testator's intentions. What appears on the surface is frequently the contradictory of the real will: for "his own absolute use and benefit," means for the benefit of others, and not of the legatee. Trusts are created by denying their existence, and intentions accomplished by providing for their failure. This seems at present, from the evidence before us, to be generally and extensively practised. One witness says, Q. 677, 6, 90:—"The law is so strict now as to all wills as to be perpetually broken;" and "the system of secret trusts goes to a much larger extent than is commonly supposed, and is favored by the very liberal policy of the present law." The Witness is a Wesleyan solicitor at Manchester, and does not speak of Catholic, but of Wesleyan trusts.

It is obvious that secret trusts are an evil, but we have no choice. We must either constitute such a trust, or expose ourselves to be robbed by the government. The evil does not press upon us alone; the sects are also inconvenienced. We expose ourselves to the risk of faithless trustees, and the chicanery of dishonest men; but that evil may be occasionally avoided, and meanwhile the testator has done some good. Trusts may be abused, and revenues misapplied; but that is a small evil compared with absolute obedience to the policy of the English law.

A new law, stringent and precise, may be carried; but it will not stop secret trusts. Those who have evaded the present law are the parents of those who will evade the new law. It will be impossible to prevent evasion so long as honest men are allowed to live. "A nod or a wink" is beyond the cognizance of an Act of Parliament, and Father Prout himself may breathe his breviary in that way, and Mr. Anstey may provide for a Christian burial without exposing the form destined, to be spent upon it to confiscate, as about to be wasted on "superstitious uses."

MAYNOOTH AND THE PROTESTANT ALLIANCE.

(From the Catholic Standard.)

The ferocity with which the banded bigots—drawn from every byway and fraction of Protestantism and designated as the "Protestant Alliance"—assail the College of Maynooth, shows clearly enough the utility of that institution as a nursery of Catholic Ecclesiastics.

tical education. If the Maynooth Priests were idle, ignorant, and immoral, their Alma Mater would not be a common target for the missiles of every enemy of the Church of Christ. The conspiracy of Anglicans, Covenanters, Methodists, Socinians, Baptists, Anabaptists,—in a word of multifarious heresies, against that college establishment, incontestably, the efficiency with which it answers its purpose. If we may believe the organs of infidelity and error, the conspiracy ramifies in seventy English towns. The dissection of the Liverpool branch we willingly leave to our able correspondent "Catholicus," whose letter will be found in another column. But we regret to find that the virulence of hatred is not confined to the admirers of Messrs. Stowell and McNeile. Fanaticism, according to the *Morning Herald*, is as rabid in Southampton as in St. Jude's Chapel, and the persons who idolised Kossuth—the traitor, the piller, and the anarchist, naturally enough rail against the Pope and Catholicity. Those who love the one must necessarily hate the other; and if an argument were wanted in support of the College of Maynooth as a good Christian Seminary, it would be found in the savage invectives of those who got drunk in toasting the Hungarian impostor.

Leaving these worthies to their machinations, of which we beg to assure them, the end will be their confusion, we pass to another part of the country where an "Alliance" gathering recently took place under the auspices of the noble lord who has won some notoriety by his pertinacious patronage of the "Long Range" bubble. We need not observe that very few persons indeed attach much importance to the sayings of Earl Talbot. He is one of those pliant politicians whom no leader relies upon as a partisan—and upon his judgment, even on points connected with his own profession no reliance is placed anywhere. Returned to parliament as a Protectionist, and an ultra-Tory, the noble lord supported Sir Robert Peel in abolishing the Corn Laws, and augmenting the endowment of the College of Maynooth. And now he is prepared to turn round again and to fetter free-trade and abolish that very college which, six years ago, he assisted in rendering more efficient. And this, we suppose, is honor and rectitude? But though we are not to have the aid of the noble lord's vote whenever some fanatical bigot shall torment both Whigs and Tories, by raising the Maynooth question in parliament, yet we cannot be deprived of the benefit of his speech at Stafford. It will be recollected that Mr. George Croly, of St. Benet's, Sherehog, undertook, on a recent occasion, to enlighten the London Parsons at St. George by his history of the origin of the College of Maynooth. According to this impartation of rabid Irish Protestantism, the foundation of the College of St. Patrick was a boon conceded by the British minister to the entreaties of the Irish Catholics. What says Earl Talbot on this point?

"They were aware that for a series of years grants had been made to Maynooth College. The grant was first given in the time of the late revolutionary war, and given by the then minister of the day, a man of great eminence, and whose Protestantism no one could doubt—the Rt. Hon. Wm. Pitt. At that time the Roman Catholic Clergy were educated upon the Continent, and it was supposed that in obtaining their education abroad they might imbibe principles of a revolutionary character, and thereby do damage to this country. It was thought that it would be better for the Roman Catholic Clergy to be educated at home instead of on the continent, and for that reason the grant was made to Maynooth."

Precisely so. The Government of the day (1795) feared the effect of French principles upon the Irish people through a French educated Priesthood—and, for purely English purposes and without the remotest wish or intention to promote Catholicity, founded the College of Maynooth. Nor is there a statesman in England at the present day prepared to undo what either Mr. Pitt or Sir Robert Peel did. In truth our public men who aim at office are too deeply impressed with the enormity of the Anglican establishment in Ireland, to think of renouncing its best prop by meddling with the Catholic College. If Maynooth is to be disendowed, Sir Robert Peel's Act must be repealed on the specific ground that it is unjust and contrary to freedom of conscience to compel Protestants to support an institution, the object of which is to propagate religious principles which they repudiate. We suppose no one will have the audacity to maintain that Catholics are not as fully entitled to the benefit of just principles as Protestants. Even the ringleaders of the Protestant Alliance will hardly venture to contend that justice is partial or the birthright of a party or a class. Conceding then the injustice of obliging Protestants to contribute to the support of the Catholic College, even though to an infinitesimally small amount, what a fate awaits the Irish Protestant Establishment which is chiefly supported by Catholics? We are quite prepared to terminate the dispute on the principles propounded by our enemies. Release Protestants from the obligation of contributing, however little, to the maintenance of what they conceive to be our idolatry, by all means—but the instant that is done we shall assuredly be released from the obligation of almost wholly maintaining what we believe to be a deplorable heresy. The sooner the question is settled the better for all parties. Protestants will then have the glory of supporting their own religion without robbing their neighbors; and Catholics—ceasing to be plundered by a rapacious horde of Parsons—will be enabled to maintain their Church in becoming splendor.

THE NEW CHANCELLOR OF THE EXCHEQUER AND HIS CONSTITUENTS.

The Right Hon. B. Disraeli has just published the following address to the electors of the county of Buckingham:—

"Gentlemen—Her Majesty having been graciously pleased to call me to her Majesty's Privy Council, and appoint me Chancellor of the Exchequer, I resign into your hands, according to the salutary principle of the constitution, that office which you entrusted to me as your representative in the House of Commons. But as I will not believe that the favor of our Sovereign can be any disqualification for the confidence of her Majesty's loyal subjects, I have the honor to state that on the 12th instant, in our county hall, I shall again venture to claim your suffrages for the high distinction of being your member in the House of Commons.

"The late administration fell to pieces from internal dissension, and not from the assault of their opponents; and notwithstanding the obvious difficulties of our position, we have felt that to shrink from encountering them would be to leave the country without a government, and her Majesty without servants. Our first

duty will be to provide for the ordinary and current exigencies of the public service; but, at no distant period, we hope, with the concurrence of the country, to establish a policy in conformity with the principles which in opposition we have felt it our duty to maintain.

"We shall endeavor to terminate that strife of classes which, of late years, has exercised so pernicious an influence over the welfare of this kingdom; to accomplish those remedial measures which great productive interests, suffering from unequal taxation, have a right to demand from a just government; to cultivate friendly relations with all foreign powers, and secure honorable peace; to uphold in their spirit, as well as in their form, our political institutions; and to increase the efficiency, as well as to maintain the rights, of our national and Protestant Church.

"An administration formed with these objects, and favorable to progressive improvement in every department of the state, is one which, we hope, may obtain the support and command the confidence of the community, whose sympathies are the best foundation for a strong administration, while they are the best security for a mild government.—I have the honor to be, gentlemen, your obliged and faithful servant,

"B. DISRAELI.

"London, March 1, 1852."

The *Morning Chronicle* says:—"Lord Derby's new reading of a British Premier's duties may be exceedingly convenient to noblemen and gentlemen who—not caring about their own personal convictions, or, as may be Mr. Disraeli's case, not having any—are content to receive their salaries for ascertaining, and then carrying out, the changeable wishes of the majority. But if they are to originate nothing, and risk nothing, the business of their respective departments would be better done by the permanent secretaries and clerks. We are sure that Mr. Herman Merivale and Mr. Henry Taylor could dispense with the attendance of Sir John Pakington in the Colonial Office—that Lord Malmesbury's absence would not be regretted at the Foreign Office—and that Mr. Disraeli will be a source of serious embarrassment to the Treasury. What is still worse, there will henceforth be no chance of getting rid of the most incompetent minister, if he exercises ordinary sagacity in feeling his way. In short, every familiar rule or principle by which we have been wont to judge cabinets is to be reversed. The nation, instead of being instructed and guided by the ministers of the crown, who are engaged and paid for this very purpose, is first to instruct and guide them. For a Prime Minister to have a policy—much more to try to legislate upon it—will be like building a wall to knock his head against. The presiding genius of each department will fancy that he best conciliates parliamentary confidence by stating that his mind resembles a piece of blank paper, upon which the enlightened public are requested to scribble whatever comes uppermost. Why was the late Chancellor of the Exchequer ridiculed for 'fishing for a budget' on the Opposition benches of the House of Commons, if Mr. Disraeli is bound to fish for one in the troubled waters of an election contest? When Louis XIV. inquired what o'clock it was, a complaisant courtier replied—*Chez vous qu'il plaira a votre Majesté*. When Mr. Disraeli is asked on the hustings, 'What is your policy?' he will of course reply, 'Just what policy you please, gentlemen.' A medical student being hard pressed by the examiners at Surgeons' Hall, suddenly turned round upon his tormentors, and exclaimed—'I should like to see you answer that question yourselves.'"

UNITED STATES.

The British steamship *America* was seized on Monday the 8th, her steward having been suspected of attempting to smuggle \$3000 worth of goods. Unless the other officers of the vessel shall be cleared of all connection with the affair, the question of confiscation of the steamer or remission thereof will remain with the authorities at Washington.—*Boston Pilot*.

The New York Senate has passed the bill to erect a "Crystal Palace" in New York.

A bill has been reported in the New York legislature to exempt clergymen from taxation.

The vote in the Louisiana State Convention stood for Cass 101, and 72 for Douglas.

Kossuth arrived in St. Louis on Tuesday evening. Very little excitement was shown.

In Baltimore, Jas. White, a shoemaker, living in East street, while under the influence of liquor, cut the throat of his daughter, aged 15, and his son, aged 3 years. He then set fire to the house, and afterwards cut his own throat. All three were burnt to a cinder. The throats of the children were cut with an axe, and the skull of the boy was also crushed.

The Protestant Episcopal Bishops of Maine, Virginia and Ohio have denounced a special Convention to sit on trial on Bp. Doane, of New Jersey, against whom some of his lay subjects have preferred serious charges. Bishop Doane not only refuses to call the convention required, but has issued a solemn Protest and Appeal, against what he calls "the uncanonical, unchristian and inhuman procedure of the three Bishops," in which he denounces this "aggression on his diocese, and injustice, indignity and cruelty towards himself," accuses them as guilty of "enormous wrong" in the face of "all Christendom," and "summons them, in all solemnity, before the judgment seat of God." The Appeal is addressed not only to the Bishops (Protestant) of the United States, but also to all those of the Reformed Catholic Church throughout the world! We should like to see a catalogue of all those Bishops.—There are none in Ireland, and but one or two in England, four or five perhaps in Scotland, and one or two in the Colonies, who would tolerate such a style of address, or acknowledge themselves as meant by such designation.

We entertain no doubt, that the *odium theologium* is the primary motive of this quarrel. The three Bishops are Calvinists, Low-Church, Evangelicalists, while the intended victim is a Puseyite. If we had any sympathies in the matter, they would be on the Protestant side. But the issue concerns us little. Let them settle their own disputes by victory or compromise. The only pleasure that we can derive from these troubles in the enemy's camp, is the reflection that God may use it for the salvation of some chosen souls. It is not without permission of His Providence, that the waters have been disturbed. Their motion may be the instrument of His grace, in compelling some wearied doves to abandon the stormy waves, where they have so long sought in vain a resting place, and fly for refuge to the Heavenly Ark of Salvation.—*Catholic Mirror*.

The latest dodge for getting liquor into Maine has been for some weeks successfully carried on by means of large orders for Day and Martin's blacking!

Philadelphia is fast attaining pre-eminence in crime. Accounts are published of the indictment of two Poles for the murder of a peckler boy; "a shocking case of stabbing the result of intoxication;" an attempted murder; a murderous riot; a conviction for fratricide; a boy, seven years old, shot through a window while holding a light for his sister; and finally, a case of a whole family poisoned by arsenic put into their flour barrel.

THE TELEGRAPH FRAUD.—Messrs. Craig and Blanchard, the telegraphic agents of the morning press, have proved to be the parties who were guilty of transmitting the lying reports of the President Bonaparte's assassination. Their excuse is, that their news was sometimes appropriated by parties who did not share in the expense of getting it; and to punish the alleged pirates, they forwarded a despatch of the most startling, though not improbable character, allowed it to find its way not only into the offices of the "outside" journals, but to be posted in the streets, in the Exchange, and other public places, and to remain there open to the gaze of thousands of people for many hours, until they felt sure the deception had taken effect in the desired quarter. In order to deceive three or four Boston editors, these men deliberately imposed upon more than as many thousand innocent persons, with one of the most villainous lies ever penned or uttered. So flagrant an outrage ought not to pass without receiving some memorable condemnation. It is not to be tolerated, that the property and the peace of society should be at the mercy of men who have such an imperfect sense of their obligations either as reporters or citizens.—*Evening Post*.

A GAMBLER LYNCHED.—We learn that a gambler of the name of Williamson suffered the penalties of Lynch law at Hickman on the steamer *St. Paul*. It appears that a party of returned Californians started for St. Louis on the boat from New Orleans, but as the boat was about leaving port, a police officer came on board and cautioned the passengers to beware of gamblers and pickpockets during the trip, at the same time informing them that several of the fraternity were on the boat. This made the Californians extremely cautious and wary of the approaches of their fellow-passengers. Some distance above Memphis, this man Williamson, who had tried every means to ingratiate himself with the Californians, and finding every project failed, persuaded one of them to visit his stateroom to try a bottle of fine brandy. He drank some of the liquor, which almost immediately made him sick, and he rushed into the cabin crying out that he was poisoned. It appears that the liquor was drugged with morphine. The boat stopped at Hickman, and the passengers seized Williamson, proceeded to the woods, tied him to a tree, and gave him sixty-seven lashes on his bare back, and turned him loose.—*Louisville Courier*.

ATROCIOUS MURDER—EXECUTION OF TWO OF THE MURDERERS BY A MOB.—Our community was startled on Monday night last, by hearing that Thomas M. Bingham, who resided about three and a half miles east of town, was missing, and had not been seen since sunset the previous evening. A party of ten or fifteen citizens, supposing that he had been thrown from his horse and either killed or disabled, repaired, as soon as the news had been made known, to his farm and searched the woods for a considerable distance around, but without making any discoveries tending in the least to solve the mystery of his absence. The search was renewed on Tuesday morning, and continued through the day with no better success. As no trace of him could be found, and the fact of his having left the residence of Samuel H. Gardner, (which is less than a mile distant from his own,) about sunset the previous evening, being known, suspicion fastened upon the slaves on his own farm as the agents of his death. The slaves were accordingly taken up, and various methods of obtaining a confession from them resorted to. Some of them protested to the last that they were innocent. One was finally induced to disclose the whole affair, and conducted the party having them in charge to the place where the body was concealed. The others then corroborated his statement as to all the material facts. It appears from this confession, that a conspiracy to murder the deceased had been entered into by all the slaves, (three of his own and one hired slave) several weeks prior to the commission of the act; but was not executed for the want of what they deemed a fit opportunity. On last Sunday night, however, they accomplished their design as Mr. B. was entering his smoke-house after supper, for the purpose of giving them their rations. As he was unlocking the door, one of the negro men struck him a stunning blow on the back of the head with a club, the other immediately jumped upon him and grasped his hands, and the negro woman secured his feet, while the first caught him by the throat, and made the fourth, a young negro, bring a rope, which was fastened around his neck. By this means he was strangled until life was extinct. After the deed was done, the body was placed before one of them upon Mr. B.'s own saddle horse and brought some three or four miles down the Abitupobogue creek, and their tied up in sacks, with stones brought on horses by the others, and then thrown into the creek. They then hitched the saddle horse of the deceased on the public road leading out east of the town, and returned to the house, where they spent the remainder of the night in singing and dancing.—After the jury of inquest had discharged their duty, the negroes were taken in custody by the Sheriff and brought to town, and placed in a blacksmith's shop to be ironed. The two men were placed in irons by dark on Wednesday evening last, and sent by the Sheriff to an upper room of the building adjoining the Republican office, and a guard stationed over them. While the Sheriff was attending to the securing with irons of the woman and boy, a mob entered the room where the two men were confined, rescued them from the guard in attendance, carried them to the bluff above what is known as the Lower Ferry, and hung them until they were dead. The Sheriff started off in pursuit of the mob, as soon as he was apprised of the rescue, and cut the ropes by which the bodies were suspended, immediately upon his arrival, but was too late to save the negroes from their fate. The coroner empanelled a jury of inquest on Thursday, whose verdict, as we learn, was "that the negroes were hung by a mob consisting of persons to the jury unknown." The other two murderers were taken to Coffeeville yesterday, and placed in the county jail to await the due course of law.—*Grenada (Mass.) Republican of the 28th ult.*