

THE COW BAY BREAKWATER.

It is to be regretted, that in the construction of the Cow Bay Breakwater, which was recently much damaged by the severe storm of Dec. 26th and 27th, the Government had not taken measures to have this magnificent Breakwater completed in a substantial manner. The Breakwater at Cow Bay, which is one of the most important in the Province, was commenced by Archibald & Co., of North Sydney, within a year of the time at which they began operations at the Gowrie Colliery, now celebrated as one of the best equipped and most ably worked Coal Mines in Cape Breton.

Unaided, except by a small grant from the Local Government, they carried on the stupendous work of constructing this Breakwater until 1872, when 1500 feet of it had been completed. In 1873, the Dominion Government, being convinced that a Breakwater could be maintained in that exposed locality, took over the Breakwater, paying Archibald and Company the sum of \$25,000 upon account of construction, and agreeing to keep the work in repair. Subsequent to the Government's purchase, the Breakwater was greatly damaged by the well remembered gale of August, 1873.

In 1874 and 1875, the work was repaired by Archibald & Co., under contract from the Government, but since that time, the moneys voted by Parliament for the maintenance and improvement of the Breakwater have been expended most injudiciously. Too much political influence having been brought to bear to insure the employment of capable workmen, and the use of first-class material, the results of this policy soon became evident, but it was not until 1884 that the Cape Breton members, Messrs. Dodd and McDougall, succeeded in having the money voted expended under the direct supervision of a Government engineer. Mr. Shewen, who had the work in charge, was a most capable person; he employed good workmen, used sound material, and, in short, expended the grant in a manner satisfactory to all concerned. The appropriation was not sufficient to enable Mr. Shewen to strengthen the Breakwater throughout, but it was supposed that the work would be continued in 1885, and the two weak points which were known to exist so strengthened as to prevent all fear of damage from storms.

The grant of 1885, being but one thousand dollars, was not sufficient to repair even one of the two weak parts referred to, as the late gale proved, and the money was literally thrown into the sea.

Had the sum, however, been judiciously expended under the supervision of a competent engineer, the late disaster would, in all probability, have been averted, and thousands of dollars saved to the country. After the late gale had subsided, the work was a sad-looking wreck, in one spot in particular, the waves having made almost a complete breach in the wall. We believe that the Government will take immediate steps to repair this important public work; but, we trust, that in future, the policy of having the work of construction placed under the supervision of a competent engineer will be strictly adhered to.

The important town of Cow Bay and its surroundings, is entirely dependent upon the harbor which the Breakwater affords, and without it, thousands would be thrown out of employment.

No Government work ever constructed has done more, comparatively, towards encouraging settlers and capitalists than the Cow Bay Breakwater. Apart from its being necessary to the shipping and mining interests, it affords shelter nearly all the year round to hundreds of small vessels employed in fishing on the coast, and we trust that the Government will not only promptly repair the breaches made by the late gale, but will extend the work, and thus make a safe harbor for larger vessels than those which now frequent the port.

TRIAL BY JURY.

We frequently have our attention called to the inconsistencies and ineffectiveness of Trial by Jury, and yet this so-called "bulwark of liberty" is one of the most cherished institutions in countries where the Anglo-Saxon language prevails.

There can be no doubt that where twelve intelligent jurymen faithfully and conscientiously discharge the solemn trust which is imposed upon them, their verdicts are, with few exceptions, just, honest, and considerate; but to those having to appeal to the mixed juries which are frequently empanelled for the consideration of the most important cases, it must be apparent that too frequently lack of time for due consideration, failure to comprehend the points of law which are involved, and an inclination to shirk the responsibilities laid upon them, have induced juries to render verdicts utterly at variance with the first principles of law and justice. The *Ottawa Journal*, in referring to this matter, adduces some striking instances of the ineffectiveness of trial by jury, which are worthy of consideration:—

"It has just transpired that an intelligent jury out in Iowa, after listening to the impassioned harangues of the advocates and the charge of the judge, retired to their room, and settled the case by tossing up a cent. It was a criminal case in which the honor and liberty of a man were at stake, and yet they were willing, sooner than to take the trouble to carefully weigh the evidence, and arrive at a just verdict, to leave everything to the chance verdict of a tossed-up coin. Fortunately for the defendant, "heads" won, and he was acquitted.

"Another case comes from New York. A jury were entrusted with the duty of deciding whether or not the plaintiff was entitled to \$164,000. The jury wanted a pack of cards to while away the time with. This was refused. Then they brought in a verdict of \$50,000, because they were hungry, and wanted to get their breakfast; and upon the judge informing them that they had either to give a verdict for the whole amount, or nothing, they speedily yielded, and brought in a verdict for the full amount, in order to escape from the irksomeness of remaining in the jury-room.

"It is a well authenticated fact, that a few years ago, in Montreal, a jury

in a libel suit against a newspaper, brought in a verdict of 'not guilty,' thinking that by so doing, they were vindicating the honor of the plaintiff, who had been charged with some fearful crimes. It is said that in England it is the regular custom to settle claims for damages on the principle of averages. The estimates of the jurymen are added up, the total is divided by 12, and the result is the verdict."

There can be no doubt that a large percentage of cases now coming before our courts could, with the consent of the litigants, be more speedily and equitably settled by referring them to the judges, than by allowing them to go to the jury for decision. Trial by jury is now hoary-headed with age, but when the people once awoken to the realization of its imperfections, they will not be slow to avail themselves of more certain means of securing justice.

GLOOMY CLOSING OF A BRIGHT CAREER.

The daily news despatches often furnish examples of the transitory nature of celebrity, not to say of fame. A more striking instance, however, seldom occurs than the recent death of the late Hon. Adam Crooks, in an American Insane Asylum, of which he had been for two years an inmate. Three years ago, his name was prominently before the public of the Province of Ontario as an eminent Chancery pleader, an active and useful member of the Local Legislature, and the head of the educational system of that Province; since his reason failed him, his name has rarely appeared in the public prints; and whenever mentioned, it has been connected with expressions of pity. During his comparatively short life of fifty-six years, he filled the highest judicial and educational positions in the gift of the people of his Province—those of Attorney General and Minister of Education; and that he was far from being a figure-head statesman is amply attested by the number of important bills which he framed and carried through the House. To him is due the establishment of one of the most valuable features in the Ontario educational system, the County Model School. He is also the framer of the Railway Aid Act, the Insurance, the Mechanics' Lien, and the Ontario License Acts, the latter being generally known as the Crooks' Act.

Born at Hamilton, he graduated at Toronto University, after a brilliant college course. Having entered upon the study of Law, he soon gained such a reputation that he was chosen in 1871 to represent one of the electoral divisions of Toronto in the Local Legislature. From that time until about two years ago, when he was attacked by an incurable disease of the brain, he was a member of each Liberal Government. His malady laid hold of him by slow degrees, and he continued for some time after its inception to discharge the duties of his office; but at length it was plain that his insanity had taken a decided turn. He labored under the constant hallucination that he was called upon to form a Ministry, and was continually appointing his acquaintances to positions of trust. He was placed in an Insane Asylum, where he spent the last two years of his life. This dark, melancholy ending of an active, useful public career recalls the picture which Thackeray draws of poor George the Third's declining years, in that sublime passage, beginning:—"What preacher need moralize on this story? What words save the simplest are requisite to tell it?" etc. The position from which insanity brought George III. was more prominent, it is true, but it was hereditary: Adam Crooks fell from an eminence to which he had attained by his own merits, and which was therefore the more creditable, if less conspicuous.

IRELAND.

The Irish landlords think they have hit upon another expedient to embarrass the Parnellites. When the tenants on an estate ask for a reduction of rents, the various landlords have agreed together to take the position that, if rents be reduced, it will be necessary to dismiss the day-laborers and suspend all improvements. The object of this is to alienate the laborers from the farmers, and thus to weaken the support of the advocates of Home Rule. It is unlikely that this plan will be found of much avail; for many of the laborers believe that, under happier circumstances, they themselves could become farmers.

Some of our contemporaries have been maintaining that about half the people of Ireland are opposed to Home Rule. The reason for this is that, at the late elections, 241,000 votes were polled in Ireland for the candidates of Mr. Parnell, and 121,000 votes for the opponents of these. This is very superficial reasoning, for in counties and towns representing about 200,000 votes, there were no elections, owing to the unanimous support given to many Home Rule candidates who were elected by acclamation. It should be remembered, moreover, that in some instances the candidates approved by Mr. Parnell were opposed by other Home Rulers, and in such cases the vote polled against Mr. Parnell's candidates cannot be considered a vote against Home Rule.

Some intelligent men still urge the justice of disregarding the claims of the Parnellites made in the British Parliament on the ground that the British Parliament should take no note of "a foreign element;" and these very men oppose the concession of Home Rule to Ireland, because it is only asked for by "a foreign element." If the Irish members are a foreign element at Westminster, what more natural than to relegate them to Dublin, there to legislate for their native land under the direction and control of the Crown?

For any movement looking to the disruption or weakening of the Empire we have no sympathy; but for honest, loyal Irishmen peacefully and constitutionally agitating for much needed reforms, we do entertain feelings of friendship. Distracted Ireland is a source of weakness to the Empire to which contented, prosperous Ireland would be a source of strength.