

THE "GUELPH ADVERTISER" AND BRIGADE MAJOR BARRETTO.

Last February we noticed in our issue of the 11th of that month, that the *Guelph Advertiser* had made an attack upon Brigade Major Barretto which seriously affected his character and position, and we at that time expressed a hope that the charges were unfounded. Since then we have learned that Brigade Major Barretto had instituted a suit for libel against Mr. Wilkinson of the *Advertiser* in March last which has lain in abeyance ever since, and has lately been removed by a change of venue to the Stratford assizes which opens on the 14th inst.

It is very unfortunate that charges so gravely affecting the character of a gentleman, holding the position occupied by Brigade Major Barretto, should ever be preferred, if such could not be proved beyond a doubt. And it is still more unfortunate that any gentleman holding so responsible an office should lay himself open in the most remote degree to such charges as were made by the *Advertiser*. As we have received no direct information upon the matter we are not prepared to give a decided opinion upon the merits of this case; but, from the tone of the press who have noticed the matter, we are inclined to think that the charges were not preferred in any captious or vindictive spirit, or with the intention of wantonly injuring the character of Brigade Major Barretto. The length of time which has been allowed to elapse since the charges were made, coupled with the transfer of the suit from Guelph to Stratford does not tend to make us regard the matter in a more favorable light. The *Advertiser* says that the real object of this manœuvre was to have the trial to take place where Barretto's friends are most numerous, and to put it to as much expense as possible in having to take counsel and witnesses a distance from home, causing an inconceivable amount of trouble.

If such were really the case further comment on our part would be useless: the thing would speak for itself; but we hope Major Barretto will succeed in clearing his fair fame from the aspersions cast upon it. From the tone of a late article in the *Advertiser*, we are inclined to think that it was unnecessarily severe in its strictures upon the conduct of Brigade Major Barretto, and it seems to us inclined to soften down the severity of its former remarks. It says:

"We had occasion to remark in several previous issues, that our course and language were prompted by no unkind or malicious feelings towards Major Barretto, or with any wish in the slightest degree to do him a wrong. On the contrary, we have always endeavored on all proper occasions to promote sentiments of due respect towards public officers, and accord to them our fullest support and confidence in the proper discharge of onerous and delicate duties. Hence our reference to what seemed, as we heard it, a grave departure from the strict path of propriety, was prompted by a sense

of public duty, and not from any motives of disrespect or malevolence. We trust that by this time the gentleman himself feels fully satisfied of the purity of our motives and intentions, and from his point of view we were not justified, yet we trust that he will regard the matter fairly in all its bearings.

"The public press must occasionally, in the honest and impartial discharge of its duty, fearlessly discuss the acts and course of those who are by their own seeking or by the choice of others, so to speak, public property. Perhaps at times it may appear scarcely warranted in the employment of the impartial rigour of its utterances, but in no instance have we or makes desired, and certainly not in this case, to do an individual personal injury and private wrong.

"The course of modern Journalism is exceedingly difficult, as its power and influence are always expected to be exercised in behalf of what will promote the public interests and protect Society. No more perplexing duty can belong to it than when a personal allusion has to be made in its desire to preserve the obligations alluded to. Whilst doing this fearlessly on the one hand, yet on the other it must do so becomingly, without unnecessary severity or invidiousness; and this is a most difficult gauntlet to run with safety. Editors cannot be ubiquitous nor omniscient. They are mortal themselves, and if they err unwittingly or are apparently severe, it ought not to be set down to private malice. Their remarks being dictated by the higher regard for the public good, their possible misconceptions should be fairly corrected, but not sought to be vindictively punished.

"To any one conscious of the difficulties of the Journalist our remarks will not seem exaggerated. We shall always in the future as in the past we have aimed to do, accord to all men, and especially to public officials, our unswerving influence in the due discharge of their legitimate duties. And in this country this influence when honestly exerted is done so with marked effect on the great mass of the people who, possessing intelligence and honesty in no mean degree, are properly, peculiarly jealous and sensitive on all questions involving the proprieties and obligations of all 'such as are in authority over us.'"

Parts of this seem to us very like a desire to retract much of its former assertion, and when the Editor speaks of "possible misconceptions" we are inclined to believe that more was said than the circumstances warranted. The District which is the sphere of Brigade Major Barretto's duties is one of the finest in Canada, and a scandal of this kind should not be allowed to go undecided so long. If the *Advertiser* finds that it has been wrong in its remarks, it should at once retract and do justice to the person it has injured. If however its charges were justified by the facts, then it need not fear to what distance the suit may be removed or what expenses may be incurred, for then it need not doubt the award of justice.

In the present number will be found an interesting article from the *Illustrated London News*, upon the war material at the Paris Exposition. By it will be seen that Great Britain is not behind other nations in the progressive science of war. Oddly enough United States guns and armor, of which we hear so much, make but a poor show at the Exposition.

NEGRO JURIES IN THE SOUTH.

The New York *World* (Dem.) of the 18th, has an article which represents a sad state of affairs in some parts of the conquered South. The sudden elevation of the negro to the position of citizenship and the working of the law in trial by jury show to what a deplorable condition the whites are reduced by the Reconstruction system adopted by Congress. The *World* says:

"Not only every principle of free, but every maxim of fair and just government, is wantonly violated in the administration of the Reconstruction laws. They are administered, to be sure, in the same spirit in which they were enacted; so that every vice of administration may be taken as the natural fruit of this hideous system of oppression.

"If the Republican party had totally abolished trial by jury in the Southern States, it would have committed indeed a flagrant violation of the Constitution, but the practical mischief inflicted would have been a bagatelle in comparison with the organization of black juries who are so ignorant of the matters which come before them, who sit in such outer darkness in respect to the whole field of legal controversy, that they can hardly discern between their right hand and their left. If jury trials had been simply abolished, the wrong inflicted would have been more tolerable. Decisions rendered by a judge without a jury would at least be intelligent, though they might not in all cases be impartial. The judge would at least understand the causes he undertook to decide, and he would be under the restraints imposed upon him by the intelligence and sense of equity of an enlightened bar and the wholesome influence of public opinion. The negroes are too ignorant to decide a case on its merits, and too degraded in the social scale to feel any of those restraining influences. A man might as well stake his suit on the tossing of a copper as on the verdict of a negro jury."

This is the most extraordinary condition of affairs ever known to history; and it would be impossible to conceive a system more calculated to degrade and oppress a conquered people. Governor Orr, of South Carolina, in a letter to the President, quoted by the *World*, thus pertinently observes:

"Can these colored people discharge the duties of jurors either to the United States or to the State, to the litigants or to public justice? With such instruments will not the efforts to administer justice be a mockery? Now, if the order had provided that no person shall be allowed to sit upon a jury who is unable to read or write, or if a property qualification had been annexed, or if in a case, civil or criminal, in which colored persons may be interested, a certain proportion of the jury should consist of their own color, it might not have been objected to seriously; but in its present bearing, the order is calculated to excite the gravest apprehensions, and to lead to results which must be universally deplored by those who desire to see even and exact justice meted out to all men. Nearly all of the litigation, certainly all of the important litigation, on the civil side of the court, is between white citizens, and involves intricate issues of law and fact, as well as sums great and small. What protection can the white or even the colored man himself have, if his case is to be decided by a jury made up of persons possessing so little intelligence that they are unable to read,