

mino the most holy Roman Catholic religion." After summing up the various backslidings of the Mexican government, his Holiness declares all the measures which it has taken against the authority of the Apostolic chair to be null and void. The Mexican statesmen are also reminded that the Church has the power severely to punish those persons who disobey her behests. That the behaviour of the majority of the South American States towards the Church does not give satisfaction, will be seen by the following address to the bishops:—"You will see, reverend brethren, that we must necessarily condemn and abhor the attempt of the civil power to overthrow all spiritual authority and discipline, and to insult the dignity and might of the Apostolic chair."

### News Department.

Extracts from Papers by the Steamer Europa.

ENGLAND.

#### THE CASE OF ALICIA RACE.

The case of Alicia Race was brought before Vice Chancellor Kindersley on Wednesday, by a petition praying for the appointment of some other guardian than her mother, and that the latter might be restrained from interfering with her education. The Court gave time to allow of the affidavits being answered, an undertaking being given that in the meantime the girl should not be removed out of the jurisdiction of the Court. The facts of the case are the same as those on which Lord Campbell gave judgment, as reported in last week's Postscript.—The girl, ten years and a half old, is the daughter of Lamond Race, late Sergeant of Marines, who was killed in action off Petropaulovski in 1854. In 1855 she had been placed in the asylum at Hampstead, and her brother John Race in the Sailors' Orphan Boys' Home at Chardstock, Dorset, by the Commissioners of the Patriotic Fund. John Race had been removed from Chardstock by his mother; and she desired to remove her daughter from Hampstead, but it is urged that the daughter objects that her mother is a Roman Catholic; Sergeant Race was a Protestant; the little girl at Hampstead desired not "to go to the Roman Catholic school," not "to bow down nor pray to the Virgin Mary, or other images," for that would be, she said, "disobeying Jesus." She said to her mother—"Mother, I can't go; I will not go." She desired "to remain under Protestant teaching." As, however, "the gentleman" who had promised "to get a school for the boy," said he could "not take one without the other," Mrs. Race, although it "went to her heart" to take the girl from Hampstead, persevered; hence this action. On behalf of the mother, it was contended that the child ought to be given up to the custody of the mother, as the testamentary guardian under the will of her late husband. The following letter, written by Sergeant Race just before going into action, was read:—

Her Majesty's Ship *Pique*, at sea, 25th Aug., 1854.

My dear Wife and Children—I now sit down to write a few lines to you previous to going into action. When you receive this I shall be no more, as it will not be sent to you if I survive. I hope you are all quite well, as I am at the present time. My dear, I write to bid you an eternal farewell, if such is God's will that I am to be cut off; but I trust in Providence and I hope I may be spared to meet you again; but as we cannot all expect to survive to tell the tale, and I may be one that is doomed to die in defence of my Queen and country, therefore, my dear wife, it will be a consolation that I died in defence of liberty, and done my best, as in duty bound by my oath, when I took to the profession of arms. My dear Alicia, I have made my will to you, and I trust you will carry it out according to my wish. I wish, my dear, that you will remain a widow until the children are capable of taking care of themselves. I hope, my dear, that you will not disregard this my last wish, as I should not die happy if I thought a stepfather would be over my babes; but I feel confident that you will not forget my last wish. My dear wife, I have not received a letter from you, or any one else, since I left England. I should feel very happy to hear from you before I am called into eternity; but the Lord's will be done: we must bow to His command. My dear Ally, I am still prepared to meet my Maker face to face, but I trust He will have mercy on my poor soul, and forgive me my transgressions, as I forgive all men that have done me any wrong, before I die. I have settled all my worldly affairs as far as I can. My dear wife, kiss my dear children for me, as a last embrace from a loving father, and tell them that his last thoughts was for them, and bring them up in the fear of the Lord. My dear wife, I think I see poor Alicia by turns weeping for the loss of her poor old man, and then I see her rejoicing at his return—but, alas! such dreams! My dear, I have written a farewell letter to my mother, brothers, and sisters, and all friends and relations, and I trust you will not be forgotten by them. My dearest wife, give my dying love to your mother and

sister, and all my friends that may befriend you or my dear child. May we all meet in heaven in the last prayer of one that you know how to prize, although he will be in eternity when you receive this last letter he ever wrote, as we are only waiting for the morning to dawn to go into Petropaulovka [Petropaulovski], and commence the work of destruction. It is a Russian colony, and we are bound to take it or die in the attempt. My dear wife and children, it is late, and I require some rest before I commence the work of carnage that to-morrow may bring forth. My dear, I have not set my foot on shore but twice since I left England, and then only for a few hours on duty.—The last from your affectionate and loving husband,  
LAMOND RACE.

The concluding sentence of the will said—

I do hereby nominate, constitute, and appoint my wife, Alicia Race, executor of this my will and testament; feeling confident that she will do justice to my dear children, as a wife and mother.

On behalf of the girl, and her teachers at Hampstead, it was argued that her "religious convictions" ought to be respected; that her "conscience ought not to be forced;" and that the rule is to follow the religion of the father in educating orphans in our military and naval schools. The father always brought his children up as Protestants, and sent them to Protestant schools. He always attended the worship of the Church of England. Considering that his wife was a Roman Catholic, those acts showed a strong will. It was found also, that for eight months after their father's death the children attended a Protestant school and Protestant worship, and the mother went with them. That was the way she interpreted her husband's wish that she would "do justice to his children." The mother might have got the commissioners to place her children at Roman Catholic schools, but, with her full approbation, they were placed at a Protestant school, and the girl continued there for sixteen months without any complaint from the mother. At that time, the mother came under the influence of others, who did not propose any means of educating the child, but merely desired that it should be got away from a Protestant school. She said "it went to her heart" to take the child away; but she said that the gentleman could not do anything for the boy unless she took away the girl also. The application was not made *bona fide* by the mother; but the object was to place the child under the care of priests, who would separate the father's dying wishes. The judgment of Lord Campbell, in favour of the mother, was recorded last week. In the course of the deposition the following letter from the girl was read. It was written on the 7th of November, 1856, and is declared to have been her own unaided composition:—

"My dearest Governness—I love my mother very much, but I must love Jesus, and must obey him before I obey my mother. If my mother comes for me I cannot go with her. I will not go to the Roman Catholic school, for if I do I feel that I shall be disobeying Jesus. I will not bow down nor pray to the Virgin Mary or other images instead of praying to Jesus. I would much rather not live with Roman Catholics. I would rather live with the Protestants. I hope Mr. Bickersteth and the ladies will keep me here. Mother took me to the priest in the Christmas holidays, and he asked me if I would like to go to his school, and I told him I would rather not, that I would rather stay here. I am very sorry that mother has taken the priest's advice. I hope my dear brother will not go to the Roman Catholic school. I hope you and Miss Clarke will not let me go. I went to the Protestant Church when my father was alive, and I should like to do so always, for I think my dear father would like me to go to the Protestant Church if he was alive. Will you be so kind as to ask Mr. Bickersteth to let me stay here? I must conclude with much love from—Your affectionate pupil,  
"ALICIA RACE."

The scene that followed on the delivering up of the child is thus related by a correspondent of the *Record*—

Mr. O'Malley on the part of the Sailors' Orphan School, where the girl wished to remain, asked for a short delay on the ground that the girl had been made a ward of Chancery (yesterday evening), and that an injunction was at that moment (half-past ten o'clock) being moved for in the Court of Chancery, at Lincoln's-inn. Lord Campbell, with great warmth, nay, I shall fearlessly add, "with unbecoming haste" was generally remarked, insisted that the girl should be instantly delivered to the mother. A scene of confusion followed. Sergeant Shee could be seen running in one direction, his junior counsel in another, while the Romish attorneys hurried to and fro amid the wondering crowd. In one of the passages of the court the mother was led by her solicitor, while the Rev. E. Bickersteth and some friends calmly led the child to meet them. The beautiful expression of this little girl's face at that moment I shall never forget. With her neat straw bonnet and blue ribbon, the uniform of her helpless orphanage, her trembling frame, her face deadly pale, and with bloodless lips and eyes swelling tears she was too frightened to let fall, she was led by the kind chaplain to the hard fate decreed by British law for the daughter of a British sailor who died for his country.

I may not trust myself to describe the personal appearance of the mother. The judgment of law regards not the countenance of those who seek justice.

When a few yards distant the mother rushed forward, caught up her child in a rude embrace, lifted her up from the ground, and poured forth an incoherent rhapsody, doubtless expressive of Irish physical affection, and perhaps to be mistaken for real maternal love. Again and again she kissed the girl, but the girl never once kissed her mother.

With delicate but firm resistance the poor weeping child turned away her blanched cheek from every endeavour to exact from her any sign of affection, while, obedient to her duty, and resigned to her fate, she would not, she could not, pretend to love a mother, whose shameful conduct has amply betrayed her subservience to the priests.

The brother of Alicia held her hand—a little boy, half-weeping to find his sister so distressed. The girl kissed her brother's hand again, and then the Romish party hurried away the family, with a blush of conscious shame and the hesitating step of those who do a shameless deed.

Temple, Jan. 21.

J. M.

The Incumbent of St. Olave's, Exeter, had been severely censured by the Bishop, through the Archdeacon, for persisting in placing a cross of overgreens nearly seven feet in length in his church, in spite of the remonstrances of both his churchwardens and the wishes of a large part of his congregation. But having represented to the Bishop that none of the memorialists belonged to his congregation—that half of them were Dissenters, and one was a "witch," the Bishop qualified his strictures. A counter-memorial, signed by communicants, has been forwarded to the Bishop, and the censure is virtually taken off.

Mr. J. R. Hind writes to the *Times* that the comet of 1556 may be expected to reappear some time in the present year or before the close of 1861, and specifying its orbit, urges a sharp look-out for the next four or five winters:—

"It is necessary to bear in mind that this comet can only be conspicuous when its perihelion passage falls between March and October. If the nearest approach to the sun were to take place in the winter months, considerable vigilance may be required to prevent its escaping us altogether."

"Old John Bell" died at Hexham last week at the age of 110. The old man had ten children, eight of whom are now living; forty one grandchildren; sixty great-grandchildren; and two great-great-grandchildren, both of them now living. He appears to have been exceedingly temperate, and his mental and bodily powers were extraordinary considering his great age.

It is reported that the approver *Agar* is about to be granted a pardon, not, however, on account of his disclosure of the bullion robbery, but on account of some doubt whether he really was guilty of the particular forgery for which he is now in prison. If pardoned it will be on condition only of his keeping out of England for the future.

We believe we may state that official information has reached our Government of the probability of the Court of Teheran agreeing to our demands. The Turkish Minister at that capital has sent a despatch to his Government, informing them that, having heard of the fall of Bushire, the Persian Government "decided" to make peace upon the English terms. On its reaching Constantinople, this intelligence was immediately forwarded, by telegraph, by Lord Stratford, and its authenticity may be relied on. We may therefore hope for a speedy settlement of the Persian difficulty. At the same time we need hardly point out, after our recent experience in the theory and practice of peace-making, that there is a sufficient difference between a determination to make peace and the actual accomplishment of it to warrant us in not being over sanguine. The Court of Persia heard of our expedition, and immediately afterwards of its success. On finding the force to be less than was anticipated, and that it is not yet advancing into the country, the Persian mind may change. We do not anticipate this—we only point it out. We ourselves think that the capture of Bushire will probably be the beginning and the end of the Persian war.

In a case before the Court of Session, Scotland, the question has arisen whether Lieut. Fairholme, one of the officers of Sir John Franklin's Arctic expedition, died before May, 1853, in which month his uncle deceased, leaving him all his property. If the Lieutenant could be considered to have been alive at that time, and to have died since, of course he would have become entitled to the property, and it would now descend to his relatives, otherwise a different person would be entitled. After hearing the evidence of Dr. Rae, Sir John Richardson, Captain Penny, and others, the Lord Ordinary has reported the whole circumstances of the case to the Inner House, expressing his own opinion—"That there is strong presumptive evidence that Lieut. Fairholme perished together with his companions some time