

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distorsion le long de la marge intérieure
- Blank leaves added during restoration may appear  
within the text. Whenever possible, these have  
been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Continuous pagination/  
Fagination continue
- Includes index(es)/  
Comprend un (des) index

Title on header taken from: /  
Le titre de l'en-tête provient:

- Title page of issue/  
Page de titre de la livraison
- Caption of issue/  
Titre de départ de la livraison
- Masthead/  
Générique (périodiques) de la livraison

Additional comments: /  
Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

THE  
CANADIAN MONTHLY  
AND NATIONAL REVIEW.

---

VOL. 5.]

JUNE, 1874.

[No. 6.

---

BRITISH, AMERICAN, AND BRITISH-AMERICAN SHIPS.

BY N. W. BECKWITH.

THE decadence of American commerce is a subject on which the discussion is not confined to the American people. It has become world-wide, for the dwellers on the shores of every sea are as closely concerned in its welfare as those who live under the starry flag which it once unfurled to the breezes of every clime. From the political economists and statesmen of Europe, who study with abiding interest this astonishing chapter of later history—drawing from it inferences pregnant with significance alike to their own people and to ours—down to the “shroffs” and “dubashes” of the Far East and the Malaysian Archipelago, who despairingly demand what has become of their “Melican” customers; from the Liverpool ship-chandler to the Shanghai “compradore;” from him to the savage sandal-wood purveyor of Erromanga, or the scarce less savage guano-digger of Mexillones and Iquique, this topic is the grand well-spring of an unfailling interest—the subject of self-gratulation with the selfish and short-sighted,

but of deprecation and regretfulness among those who discern the broader and deeper meaning, and remember the importance of that once gigantic navy of peace as a distributor of universal wealth. Everywhere—in every land—by every tongue; in all circles, among all classes, the question excites the liveliest interest and commands the readiest attention—everywhere, except in that of the American shipowner himself!

At first sight this apathy is more astounding than is the unparalleled rapidity of that enormous decadence of which it is the reflex. Yet, on closer consideration, what else should we expect? It is exhaustion. What would you have of men overborne by a foe whom they cannot assail—crushed under burdens for which there is no remedy—and, withal, too proud to complain? For, after the United States Government declared war against the rebels, it waged it, by land and sea, against the United States mercantile marine; nor has it desisted yet. Equally blind, for their part—we may remark in

passing—the rebels sent forth their cruisers to scare their enemy's merchantmen into the protection of neutral registry, and so saved to the nation what would otherwise have been crushed out of existence before the close of their egregious warfare by the hostile influences of the "Morrill Tariff" and mis-adjusted taxation. In all history there is but one greater blunder than the presentation of the "Alabama Claims," to wit, their recognition and payment. But the English mind was conscious of guilty intent. Twelve years ago, the largest ship-building and ship-owning firms in all the world were "located" in the United States. There were single houses in New York and Boston, whose magnificent fleets would have been alone adequate to the demands of such a commerce as that of Venice or Genoa in its days of maritime supremacy; and which contained ships unrivalled anywhere in speed, size, "character," and equipment. They were considered, indeed, by the seamen of all nations, as being absolutely beyond competition on many points. Even their sturdiest rivals, the keen Scotch builders of Aberdeen and the Clyde, admitted that for the most successful assimilation of the two opposing desiderata of speed and carrying capacity, the American ships were without rival. While, for the coasting trade—saving only that of China, which beyond doubt equals that of all other countries combined, in point of magnitude, wealth and volume—in that, naval excellence was even more manifest, whether in number of vessels, aggregate of tonnage, or superiority of class; besides the important feature of special adaptation to special purpose; in which, saving again the Chinese, they had the field entirely to themselves. The characteristic inventiveness of the "Yankee" had flowered forth here too, making him master of a department altogether unknown in the naval science of Europe, a fact perhaps more conclusively evidenced by the old-world sailor's continual misappreciative laughter at "Yankee non-

descripts," than by any other indication whatever, and which Jonathan himself cuts a joke at in the old song, beginning:

"Me 'n' daddy 'n' Uncle Sam,  
"Bilt a slupe th' shape 'f a clam."

A laughter which has ceased, however, and which has been replaced by a thoughtful gravity, since the time when the skill developed in the manufacture of "nondescripts" branched off under war pressure into the significant shapes of "cheese-boxes-on-a-raft," and "double-enders," which it may be added, were merely the fighting types of certain successful adaptations of principle, already for generations under practical test in localities where exceptional character of navigation combined with trade peculiarities and exigencies to produce them. Stevens' ram was a compend; a treatise in live oak-wood and iron, instead of muslin and paper, on the philosophy of *nautical warfare*; and remains still far in advance of the constituted naval authorities of Christendom, whose lack of eclecticism prevents them from utilizing any idea, no matter how useful, if it did not originate within the narrow bounds of admiralty cognizance. Even the "double-ender," slight advance as it is, had remained unrealized—had faded for ever perhaps, when Ellets' busy brain was stilled, but that the exigencies of the United States' service had compelled the "conversion" of sundry New York ferry steamers into "paper gun-boats," and thereby given something near the holy sanction of "precedent" to the innovation. This peculiarly American department of naval art constituted a tremendous armoury of ideas, in which the germs of many other still unthought-of weapons and engines lay undeveloped. But the consummate sailor of America has become already obsolete, and the great school wherein he was formed now totters on the verge of extinction. And yet the United States fancies itself a naval power, and that, too, in the teeth of the biting lesson ren-

dered but lately, when the Spanish war-cloud rose on its horizon ; its Government continuing the while, in blind persistence, to follow their suicidal policy, and hugging the delusion, even at this distance of time, that this astonishing maritime decadence is attributable to influences of the Alabama sort, instead of their own illogical legislation.

Was Raphael Semmes then so great a captain? Has he reduced the American marine from nearly six millions of tons to scarcely two and a half millions? Did he wipe out of existence such a gigantic fleet as is represented by a tonnage of over three millions, and by a value which goes beyond two hundred and fifty millions of dollars? Why, the exploits of a Nelson pale in comparison! And how did he perform so stupendous a feat? That brief career of burning or bonding helpless merchantmen, and of studiously avoiding men-of-war, does not explain it; being sent to Davy's locker in forty minutes after meeting a fair match scarcely seems in character—nor do the sixty prize chronometers that did not go down in the Alabama's cabin, afford any adequate index of such unparalleled devastation. The mischief wrought by that infamous cruiser and her congeners was comparatively trivial, and was, immediately, more than offset by the moral effect of her presence in driving American ships where they found a protection—much less important as a refuge from her than as a shelter from the far deadlier legislative war waged against them by their own countrymen—to wit, the flag of England, at least mainly. The claim of “consequential damages” was logically correct. It should have been admitted, and the equally logical claim for “consequential benefits” set up on the part of the English Government. Then the balance would have struck the other way, and that, too, without throwing Canadian fisheries into either scale. Fifteen millions, it is agreed, covers the losses inflicted directly by the English-built and

English-aided rebel cruisers. Reflect how trivial is that sum compared to the huge aggregate value of United States tonnage up to the second year of the war. It is about three and a half per cent. What would that have been to American commerce in its unhampered, flourishing times? Reflect, again, how trivial it still remains when compared to the sum total of the ten years' decay. It is but a fraction above five and a half per cent. A slight compounding, verily. Instead of being fully reimbursed, as he had hoped, the American shipowner was “fubbed off,” as Dame Quickly says, with five and a half per cent. of his losses! Is it any wonder that he lost patience; or that, being impressed by his government, the real culprit, with the idea that the cheating Falstaff was John Bull, he should have raised the cry of consequential damages? Five and a half per cent. ! A pretty composition, truly; Who wouldn't have quarrelled with it? Nor was he at all mistaken, except in the one point of attributing the source of those consequential damages—which are no myths, as equally wrong-headed Englishmen strove to argue, but sad and shameful realities—to the wrong quarter.

The blow struck by the Confederate cruisers upon the American marine was a blow inflicted upon a sick man. Had he been in his wonted vigour he had scarce felt it; but the wound it opened, though slight at first, remains unhealed, bleeding, ulcerous, because his deteriorated constitution renders the *vis medicatrix* inoperative, to say nothing of the political quacks that swarm around him, hurrying his enfeebled march to the grave with medicaments that find not the faintest indication in any of his symptoms. To quit the figure: before the “Sumter” started, before the “Alabama” was thought of, the false legislation of the American Congress had annihilated the recuperative powers of the American commercial marine. Yet rulers and people alike mistook effect for cause; and what is worse, continue to hug

the "fond delusion" still. Is it wisdom or foolishness, that policy to which the miserable condition of American shipping interests is all but wholly attributable? The national point of view is higher than the purely commercial one, unquestionably; and there are men who will urge that this unparalleled decadence is inevitably a part of the price America pays for a restored, or "reconstructed" Union, with all its concomitant blessings. One would think the national debt alone ought to be pretty near a fair financial equivalent, however; and certainly that allegation will find no favour at the hands of the classes most nearly concerned, to wit, the American sailor and shipowner. And, however we may dispose of that question, there can be but one opinion touching the treatment accorded to the huge fleet of "transferred" shipping when the war at last ended. There are no words to characterize the spirit which forbade these vessels—these hunted sheep that quitted the fold when the wolves were breaking in, and the dogs were absent—to return to their native registry; this, too, when the floating property of rebel owners, often comprising ships that had done effective service to the quondam confederacy, was being restored to full rights and privileges by the simple process of re-hoisting the "old flag" to the spanker peak! What new meaning, think you, will the American shipowner attach to the word "consistency?" With that question let us dismiss the consideration of American legislative madness, to cast one more glance at the existing condition of the ill-fated American mercantile marine.

Where are the great shipowning houses? Gone! or if existing at all, only in name—mere shadows of their former selves. Alas! another Elia might pen a sadder essay here than the melancholy "South-Sea House." The air that reminded Lamb of the "desolation of Balclutha" reigns through all their quiet counting-rooms and offices; dust settles upon unused stools, empty shelves and

untenanted desks; while the picturesque ranges of beautiful models that adorn the unfrequented parlours but mockingly accentuate its bitterness to those who know that they no longer represent the actual moving, living

"White-winged racers of the azure plain,"

whereof they were the prototypes. When you are in the churchyard-loitering mood, they are worth a visit—these gilded regalia of a dead sway; you may gaze upon them in a spirit akin to that in which you would regard those awful insignia of a buried royalty that lie in state, beneath the dim corpse lights and behind the funereal *grille*, in the dusky Crown-room of Edinburgh's ancient castle. Haply some grey old commander may stand beside you, and speak in bated breath of the triumphs achieved on the world's competing field, which are associated with those beauteous types—lovelier in the eyes of your genuine sea-dog than are the tender curves of the Venus de Milo: but, for the most part, the American sailor shrinks from the presence. "Let me not see them," he cries, "they, nor their coffin-plate display of once famous names. Let them, since there is no hope of restoration, be hidden until the generation of whose pride, and love, and life, they once formed so large a share, has passed away; and spare us memorials that only serve too keenly to remind us of our dead past, while from it springs no promise for the future."

There were other firms, whose great present wealth, and whose record of past achievement, rendered them too proud to acquire a just perception of the difficulties engendered by the war. They saw and felt the storm, it is true; but believed either that its duration would be short, or, strong in their self-reliance, that they should be able to weather it, if continued. Nor were they wrong. The summer marked by Lee's surrender found them still strong, still with materially unimpaired resources, still buoy-

ant of spirit, still disdainful of aid as of old ; witness W. F. Weld's haughty letter to Secretary Seward, enjoining him to abstain from pressing the Alabama Claims upon the British administration, but to leave the question open, "for" said he, "a nation like England cannot avoid having some war upon her hands before another ten years rolls away ; and whenever she does, I will follow the example of her own shipwrights, I will build another "Alabama," or convert my remaining ships into cruisers under the hostile flag, and make good my losses myself." The pluck of these men required only "clear decks and no favour" to have quickly restored the former maritime importance of their country ; and when the war ended, they set about the task with renewed hopefulness.

Alas, for those hopes—alas for those proud houses ! Of them, all has been already said—they were. Peace brought to them no peace, but added instead fresh vigour to the tempest. The old order of things had passed away ; in the Congressional halls there had been set up "another Pharaoh who knew not Joseph." Taxed and burthened from keel to gunwale, sealing-waxed, red-taped, act-of-congressed "from sky-sail pole to scupper-hole," the American clipper—that admiration of every true son of Neptune, whatever his flag—was enhampered, crippled, disabled ; pitiful, broken-winged bird, no more to skim the seas, to outdo steam, and astonish the world with her swift flights from empire to empire.

Still others have changed business. They have sold off their vessels, at less or greater sacrifice, and have re-invested their diminished capital in operations of a different character ; mostly, it is both curious and instructive to notice, in railroad stock. There is a smack of poetic justice here. The vast accession to the wealth of the railway kings, which this deflection of capital has produced, has, more than any other one thing, operated to place the railroad interest in its present arrogant and antagonistic position. There is to

be a fight with the railroads—it is even imminent—and Uncle Sam will discover his error, perhaps too late. The Western farmer, that rank protectionist, who backed the legislation which swamped the tonnage of the seaboard states under burdens far beyond their carrying capacity—forgive the pun—who saw the Eastern shipowner sink in the unequal struggle, and raised not voice, nor finger, to lighten the ill-adjusted load, now trembles at the snorting of the iron horse. Let him ! Let him form his granges, let him toil, let him suffer, let it cost him pain and weariness, ere he wrests from his gigantic oppressor the weapon which is to decide the conflict ; for thereby shall he con the lesson which hitherto he has not learnt, that, without a commercial navy adequate to the task of carrying its own productions to its foreign markets, a nation has no balance ; and its opposing interests, instead of gearing into each other harmoniously, like the teeth of oppositely revolving cog-wheels, must lock and jam in inextricable confusion. There is no "escapement," as a watchmaker would say.

After the *ci-devant* ship-owners—who are as dead, from the present point of view, as the bankrupts—what remains ? A moiety, who can only be termed shipowners because they have not yet passed the transition stage—who have not yet succeeded in working themselves clear of their unprofitable floating property. These also being the possessors of perhaps one ton where they once held twenty, will soon be in one of the other categories. Already they do not differ from the last considered class, save that they have been more tardy in arriving at a conclusion. They, too, have decided the struggle hopeless, as matters stand ; and avowedly follow the policy of disposing of what remains as rapidly as that can be done without unnecessary sacrifice of capital. Their game is chess ; their best hope to make it a drawn one. When the American centenary arrives, the American flag will have vanished from the

highway of nations, unless, indeed, some revolutionary measure, for example, such a reformation of their maritime code as will permit their citizens to buy foreign-built bottoms and register them at home, shall have been effected previously.

To sum up ; there is no longer even a pretence of the pursuit of their once lucrative shipping business for its own sake. Taken with the apathy before mentioned, this becomes dreadfully significant, for it is the out-growth of despair. Omitting half-a-dozen firms, exceptionally circumstanced, which are owners of vessels continuously operating on the coast of China, or the Far East, and which are never allowed to see a home port, and are commanded by men who were found willing to submit to indefinite expatriation, every foreign-going shipowner has made up his mind that the game isn't worth the candle. "When the iron ship-builders of the Clyde," said a gentleman, formerly the head of one of the heaviest firms in the United States, but now retired, "are pushing off their fifteen-year ships at thirteen pounds per ton, is it not madness for me to dream of competition so long as the swamping taxation so enhances the cost of our material that I cannot build a seven-year wooden ship at less than eighty-five dollars per ton? Besides, the maritime provinces of the Dominion despatch vessels classing equally well with ours, to the British markets, at less than half our figures. A splendid recruiting ground England has there ; I wish that we had access to it." And, on another occasion he informed me that he was worth four millions, "but," he added, "had I retired during the first year of the war, or indeed, at any time before the Alabama was let loose upon us, my four would have been six. However, I must be content to put up with the loss. Shipowning is done for ; and I am too old to think of entering upon any other business." On still another occasion, I inquired what losses he had directly sustained from the "Alabama." His answer was instructive. "Directly, nothing," he said. "I

had one ship bonded by her. Upon the whole, I believe she did me more good than harm. When she got out, I sold the — (naming one of the most famous of American clippers) for a sum beneath her reputation, certainly, but still above her otherwise actual value. Had the Alabama never appeared, I should have continued running her, of course at a loss as times were—as was the case with others—until half eaten up with expenses, in the hope of better prospects ; and have been necessitated to sell her after all, when worn and lapsed, for a mere song."

The inference is unavoidable. Legislation has destroyed the American marine ; the only sense in which the war can be said to have induced it is, that it was the cause of starting that legislation. Panic legislation is the true epithet—it is to Congress as Bull Run is to the army. It is worth remarking that that most extraordinary battle produced worse panic in the capital than it did in the field ; the volunteers recovered from it immediately ; but the legislative *morale* exhibits traces of it to this day. Bull Run has had much to do with this lamentable decadence of American commerce. But to resume—in connection with the just referred to disparity of cost between Canadian and American tonnage, there lies a measure of the immense losses of the owners of the latter. These provinces were among the largest purchasers of the vessels our neighbours were so unnaturally driven to dispose of. Bear in mind that they cost, before the war, \$55 to \$60, gold. There are no accessible figures to show what the forced sale actually realized ; but what would the Canadian purchaser, who can build at home, to-day, an equally good ship, new, for \$45, be willing to give for an old one? Old, and in most cases lapsed, for it was not until nearly two years after the war ended that the selling off began in earnest—another proof, by the way, that not the war, but the Bull Run legislation induced by its early military disasters, is the cause of the trouble. Bear in mind also, that these

vessels, when not "transferred," had been running at a steady loss throughout, from the day of the imposition of war-taxes by Congress, and of war-premiums by the "Alabama." It can be demonstrated that hundreds of thousands of tons, after sinking in working expenses three-fifths of the amount of original cost, were sold at last for one-fifth. A ton cost \$60 say. Add to this three-fifths, \$36, making \$96; deduct \$12 for proceeds of sale, and there remain \$84 of dead loss.

Ye who remember the jubilation over the launching of the "Great Republic"—is there no significance in her passing (1867) to the ownership of a Nova Scotian Company? Type of a revolution—the Dominion of Canada has become the inheritor of the lost commercial supremacy of her sponsor. The Southern threat is literally accomplished—for the grass waves rankly in the Northern shipyards.

The *New York World* says, with regard to protection, that "the protective revenue and navigation laws of this country, which forbid the naturalization of a foreign-built ship, are effectually expelling American vessels and American navigators from the ocean. Little of our former maritime glory, when a smaller country than now, remains to us but the coastwise trade, in which we have an easy monopoly, because all foreign vessels are excluded. If our countrymen were permitted to buy, and our laws would protect Clyde-built or other foreign steamers, as the people of all the rest of the world can, we would not see the transportation business of Mexico, and the Isthmus and South America, pass so completely into the hands of Englishmen, Germans, and Frenchmen."

It is not without a purpose that I have commenced with this attempt at portraying the condition of American maritime affairs, and the causes of their hopeless condition. There follows a significant moral. How could such a wretched policy have been so unanimously set up?—how continued in its

devastating course with scarce ever a dissentient voice or vote in the Congressional Chambers to check its Juggernaut career? Simply, that in neither house was there to be found a sailor. The question was one calling for all the professional skill, training and instinct of the most accomplished seamen of the nation; but that element was and is wanting in the councils. Practically disfranchised, the sailor remains wholly unrepresented. His peculiar knowledge finds no utilization in the deliberative assemblies of any people; his influence is unfelt; yet no such question can be adequately presented and handled without his aid. The shipowner is not the man; he may represent marine capital; he cannot represent marine science. There were shipowners enough and to spare in both chambers of the American capitol, and, probably, there always have been. In a word, the grand, underlying, ultimate cause of American maritime decadence is the non-representation of American maritime interests as a whole. This is the moral. Its application is obvious. Our Government, like that of the United States, has no machinery whereby it can consult the mariner when marine questions come to the front. Blundering is, therefore, inevitable. Yet there are men among us who insist that the Government should take into its unskilled hands so purely professional a matter as the establishment of a Lloyds' List! What would physicians say to the same proposition respecting the pharmacopeia—it being understood, at the same time, that no medical man should, or could, be consulted? That there are shipowners who favour the step only proves that they know nothing about it; and, indeed, it must be asked, in justice to them, how can they be expected to know? Is the man who calls in legal professional skill expected to know anything about law? The shipowner is avowedly ignorant of everything pertaining to the nautical profession, and he pays his captain "to know it for him"—to quote



his own favourite expression. For the Government to follow *his* lead in such matters is as absurd as if it should be guided by the opinion of the patient, disregarding that of the physician—or of the client ignoring that of the lawyer—in questions belonging strictly to the respective provinces of those fraternities. The status of the mariner is out of joint with the times, although, fifty years ago, Cooper pointed out that the sailor, too, is a professional man, in the stricter and higher sense. When some successful system of political participation shall have been devised for him, and when chairs of nautical science shall have been established in our schools, it will be time to talk of Government interference with the internal complexities and peculiarities of that—to landsmen—totally unknown region, the nautical world.

I have alluded to the necessity for opening their registry to foreign-built bottoms, if our neighbours really wish to keep alive the shipowning interest in anything beyond mere coasting. On behalf of this change, the Revenue reformers are putting forth arguments that appear to me unanswerable. Yet in some quarters the objection is urged, among others equally baseless, that the result of such a reconstruction of their maritime code would be to crowd their registry with the cheap tonnage of the Dominion. "Cheap, and therefore nasty." This brings us home at once.

Whence came this wide-spread prejudice against the productions of provincial shipyards? It is a purely British outgrowth. Britain conceived it, communicated it to her other colonies, to the United States, and to the world. Based, like all sweeping assumptions, in profound ignorance, it has shaped the course of commercial thought, and prescribed the decisions of the commercial mind with all the infallibility of a papal pronouncement. "North American built ships"—to quote the absurdly indiscriminating phrase so frequently heard in Lloyds' rooms; as if

our neighbours' ships were not equally North American!—it made the standard of degrading comparison; the very zero of the scale of naval art; and this latterly shaped into an *ex-cathedra* decision by the gentlemen of White Lion Court, went forth to all the world, in the mouth of that faithful believer, the British sailor, or "lime-juicer," in whose eyes it is still arch heresy to doubt it.

Let us be just, however. It was not alone that spirit which is most readily expressed in the saying, "on one pair of English legs doth march three Frenchmen," or three colonists either; that belief which holds that nowhere else in the world can anything natural or artificial be produced to equal the same thing that is developed in the "tight little island;" especially British beef, British pudding, and British oak; but the presence of certain actualities upon which that patriotic sentiment of self-glorification could seize and feed. Want of appliances, scarcity of labour—more especially of the skilled kind; in a word, that rough hastiness of construction which is necessitated by the exigent concomitants of any pioneer civilization, combined to prevent anything like that degree of finish and elegance which the old-world sailor is accustomed to regard as inseparable from the requisite degree of thoroughness: yet that these earlier craft were, for the most part, sufficiently sound and staunch, is abundantly proved by their record. I have already cited ample evidence on this head:\* and far more could be collected if necessary. Then they were so fabulously cheap! The British shipwright could not conceive it possible that anything like a "respectable craft" could be put together for an outlay so ridiculously disproportionate to what he was accustomed to think requisite. And then—they were not British; and there was an end of it.

Sooth to say, as far so workmanship alone went, there was much to be desired. Vessels

\* Canadian Monthly, vol. 3, page 462.

that went "home," looking as if "they'd grow'd in the 'oods"—to quote Britis' Jack's description—could not but provoke unfavourable opinion upon our navicular art as a whole. Then, another link in the chain of evidence—they were often found to be far less abundantly "fastened" than their British rivals. Here, Lloyds' might have done us good service. Had the disqualificatory discriminations of British underwriters against colonial tonnage found limit at this point, they would have acted as a premium upon increased thoroughness of construction—no matter how severe. Unfortunately they did not. The qualities of our material—particularly that of durability—were brought in question for no other discoverable reason than that it didn't grow on British soil, and decided to be *nil*, or next thing to it. And thus it came about that Yankee Jack, when later *his* turn came, added to the characterization given our craft by his British brother, the further imputation of having "got picked afore they was properly ripe."

It was hard, this, very hard, and cruelly unjust to those pioneers of trade, who wrought—creditably indeed, circumstances considered—such uphill tasks in their wilderness homes. But it did not end here. Everybody else adopted this abominably unfair English estimate; and the result, down to our own time, has been a virtual edict of exclusion from the registries of continental Europe—with little exception as effective in its operation as the United States laws, specially framed to protect their own (now all but extinct) shipbuilders, have proved. Other British possessions and colonies imbibed the maternal faith, with like effect. Even now, Cape Colony, for example—though feeling the need for a home-carrying trade as only a population dotted along twelve hundred miles of sea-coast without anything approaching an adequate, internal system of communication can feel it—though lacking timber, coal, iron, and about every other

ship-building requisite, diminishes steadily her scanty capital in the effort to supply her wants by purchasing expensive British and foreign-built tonnage; and nevertheless finding it still imperative to admit all flags free to her coasting trade, yet buys no cheap "North American" craft—if she knows it. Indeed, more than this. No people in the world are more in need of a material for cheap house-building than are the inhabitants of the South African coast; yet the Cape Town importer, ordering cargoes from Liverpool, acting under this impression, excludes "British North American" deals, specifying instead "Baltic" pine; and continually gets—it is perhaps needless to add—the former, at the price of the latter. Lest any Dominionite, casting an eye over this, should consider himself entitled to a laugh; I will digress so far as to remind him that every "little game" has its two sides, and it is "played upon" him, as well as his cousin on "'tother end o' the land,"—

"In a manner that I despise."

Cape wines are pure and fine; Cape raisins are sweet and good, and both are cheap; but who buys them here? Our dealers import "from London, sir, direct," the famous wines of Spain and France, and the famous raisins of Malaga, and pay accordingly. Ah! friend Bluenose, go to! there is a river in Macedon, as well as a river in Monmouth; and, indeed, "there be salmons in both, too." Little think you what quantities of Cape produce, "doctored," of course, up to the necessary closeness of similitude, find disposal in Canada. Let only those laugh who win is the safe maxim; and it indicates the British middleman, in whom there is no guile, as the privileged one "among us three;" and laugh he does, consumedly, at Colonial greenness, let me assure you. But in all seriousness, it does seem inexplicable that two communities, portions of the same empire, speaking the same language, with no other barrier, natural or

artificial, existing between them than merely a few thousand miles of rarely stormy sea—one of them the first maritime people on earth, too, population considered—should be so thoroughly humbugged, befooled and played against each other, as this. Yet it is no puzzle to one who has had opportunities of seeing each from the other's point of view. It is beginning to be noticed that the proverbial English ignorance of America is surpassed by English ignorance of English colonies. I, speaking that I do know, and testifying that I have seen, do not hesitate to assert that there is one other thing profounder than even that deeper deep—which is, the ignorance of English colonies concerning each other. In the postal system of the empire there is a reflex, and a proof of this so evident that he who runs may read. Truly Bluenose was in a hard position. Father, big brother, and all his little sisters, alike jeered at and depreciated the poor boy's attempts at "whittling out" boats. Even Dickens, partaking, in common with every Englishman, of this utterly baseless notion of the worthlessness of Canadian timber, has his fling at us. "Surely," says Mr. Monkhouse, "a stout ship like this needn't fear anything so trifling as that" (small flocs—"no bigger nor a long boat"—being the topic of discussion), and "Jack" comforts the uneasy passengers "thusly," as Artemus Ward would say: "'Stout shi-ip' this! Whew! Wy, she's a reg'lar New Brun-sicker! She wouldn't stand no more chance with one o' them bits o'ground *lice* nor a chaney bowl would with a soup-and-bully tin." Jack of course proves a true prophet—stage Jack, and novelists' Jack, is always infallible—the castastrophe comes—off Cape Horn, if I remember—and a nervous paragraph gives a vivid picture of a "sneaking lump o'ground *lice*" bruising the "soft wood" planks and timbers into nothingness, in a style scarcely admissible had the one been a shell from a twenty-inch Rodman, and the other a cask of rotten cheese; and

Jack indulges in comparisons with the "'ard zoak" of Britain, that impute to the latter rather greater power of resistance than is possessed by forged scrap-iron or compressed rubber. So persistently was it drummed into us that, besides our lack of ability to "model" and of skill to build, the material in which we gave our crude conceptions shape was, further, so unfit for the purpose as to be tolerated only because we had no other, that we came at last to believe it ourselves! Our forefathers would gladly have tried their hands at something else; but the sea was before them, and the forest behind. They must needs keep on, for nothing else was in the conditions; and so, luckily for us to-day, they kept on. They could copy "modelling" from the Yankees; skill, it might be hoped, would come with experience; and, although it was deplorable, certainly, this lack of durability, asserted by every British sailor and shipwright—whom it would be madness and disloyalty also to doubt—of the ventures sent home—though here again, strangely enough, the unaccountable stuff persisted in lasting sufficiently long to give a rather Noachian character in later time to his coasting fleet, and to preserve all his original crudities to become the mirth of succeeding generations;—the "stuff" was so plenty; so frequent of all required curves and angles; and withal, so "'mazin' handy," as to involve a no greater outlay than what even the exceedingly limited term of service attributed might amply return with fair fortune. Ah! there lay the grand secret of success, had we but known it; nor has it become wholly inoperative yet. It was not discovered, however, and the result was that the provincial shipwrights, until a few years past, built almost exclusively for customers in the United Kingdom—many, indeed, out of the hundreds of craft launched from their yards, never reserved even one to "run" for their own purposes—influenced by a notion that the ready money of the British purchaser, although bringing

with it no very large profit, was safer than taking the chances of redeeming their investment by so fluctuating an agency as freight, within a term so limited that it might be wholly covered by any not very extraordinary period of mercantile depression. There is an interesting indication in this, to those who see in national life only a reduplication of individual existence. The reason which failed of taking the obvious next step, viz., that of considering how their "home" customers could afford to buy their productions unless they afterwards managed to recover the price therefrom by the earnings, was certainly in its childhood; and our wonder therefore ceases that they also failed to profit by the lesson, never wholly wanting, read them by, here and there, a producer of a deeper reach of thought who, building for his own service, rarely failed of success. The relics of this system, once pervading all our maritime communities, still remain in New Brunswick. It must be remembered, however, that its inception was compulsory. This absurd, unfounded and cruel prejudice against the chief resource, or that which has been chiefly developed, of the maritime provinces, came at length to be curiously interwoven with the interests of the British shipowner; and so closely that, at this day, it is difficult to disentangle the value of either in the complicated relations of cause and ever re-acting effect in which they undeniably operate. Prejudices, if sufficiently old and tough, are continually mistaken for interests; interests, on the other hand, are the source of the most deeply-rooted prejudices. Whichever was the beginner in our case, we easily discover a very broad and very solid stratum of the latter in the exposures and out-croppings of this present period; and I much misdoubt that closer examination will prove it the underlying. I need not remind the student of history that England, Government or people, "has never hesitated, when the weal of the empire demanded, to sacrifice her children"—that

is her colonies. A colony may be pardoned for mitigating the fervency of its admiration for this Romanesque trait, when it is remembered that "weal of the empire," like other glittering generalities, is far more sounding than real, and is commonly construed to mean "the weal of Great Britain;" and with this rendering we have the key to many a piece of injustice. "Though the colonial history of England has never been stained by the cruelties and oppression that from the days of Pizarro to the present have stamped the name of Spain with infamy, yet the very same end and aim have inspired the policy of both countries. The results have been diametrically opposite, dismemberment and the rule of the sword; but the secret source from which they have flowed is the very same—the principle of self-interest.

"For nearly two centuries Great Britain looked upon her colonies as being merely profitable preserves for her commerce. The famous 'Colonial System' created by the Navigation Laws permitted none but British merchants to deal with us, and we were forced to ship our products to them only. Nor were we permitted to manufacture even a nail or a button for ourselves, or to buy from foreigners. It was simply an undisguised system of commercial slavery. How utterly our rights and interests were ignored is proved by a singular fact. The oppressive Act passed in the reign of Charles II., that declared that 'no commodity of the growth or manufacture of Europe' should be imported into the colonies except what was laden or shipped in British ports and in British bottoms—the first step towards cutting us off from commercial intercourse with all the rest of the civilized world, was actually entitled, 'An Act for the encouragement of Trade!'"\*

The spirit is still abroad, albeit fallen from its wonted pride of place. The same that

\* Haliburton Jr.—"Review of British Diplomacy," p. 11.

insisted upon the abolition of the first unhappy hatter of Halifax, the same that forbade us to build ships for the world's carrying trade, this very familiar spirit is as easily recognizable to-day as in the time of our earlier maritime effort. Let us see how.

The much-enlightening lesson of '76 changed all that with the Government. The success of the revolted colonies beside us showed British statesmen that, to quote a compendious expression much in favour in those same colonies, "the old thing wouldn't work" any longer. Legislation directly unfavourable to the increase of colonial commerce was abandoned; and many of the old oppressive enactments were either repealed, or suffered to become a dead letter. Colonial vessels were no longer captured and condemned if found venturing out of their own home-coasting trade, as had been the case during the ante-revolutionary days. Bluenose's crudities began to make way over sea, to visit foreign European ports, the colonies of the Spanish Main, and to establish a record. For a time, the British ship-owner regarded this feeble beginning of a competition with contemptuous tolerance. And well he might. The ponderous strength of the great British shipping interest was reinforced by the weightiest accessories. It was more than finished: it was accomplished. It lacked nothing in science, skill, capital or labour, not merely to maintain itself, but to ensure its rapid and steady advancement. The English merchantman stood alone. Strongly manned and armed, she fared self-reliantly into hostile seas, disdaining the aid of the king's ships. The service of the old East India Company was held in more regard among mariners than the navy—for the latter, during the period preceding Nelson, was sadly deficient in seamanship, and was dubbed a school of "lubbers" accordingly. The capital that backed the mercantile, foreign-going navy, was so abundant that no lavishness of equipment and appointment could exhaust it, and it overflowed into

luxuries accordingly: not only could an East Indiaman fight a French frigate with fair chance of success, but her cabins would make her prisoner fancy himself amid the salons of Paris after; and the West Indiaman was not far behind, either in fighting or faring. Bristol sea-traders maintained an incessant smuggling warfare along the west coast of America, from the Golden Gate to Valdivia; now opening gangways to drive a lucrative bargain with the ready colonists, and now manning batteries to drive off some interloping Spanish cruiser—or, if sundry whispermings are to be credited—sometimes to bag a richly-laden "galloon:" while Glasgow sent out her hard-fisted Scots, laden, to barter along the shores of Mozambique and Zanguebar, maugre possammee dhows and Mogul ships. Carthaginian history was repeated—here was a commerce self-poised, and in every sense self-sustaining; a commerce that beat down competitors and enemies with one strong hand, while it rolled up cent. per cent. with the other. When the navy, rehabilitated by Nelson's genius, entered upon its tremendous struggle with the conqueror of Europe—the future Titan of St. Helena—its attention was undistracted by any necessity of destroying any foreign commerce; already the mercantile navy had left none worthy of the name to any power in Europe; it had out-competed or out-fought its rivals everywhere. The day of Aboukir saw the British ship-owner essentially master of the world's carrying-trade, and exclusively so of the whale and most other deep-sea fisheries; and, it is safe to add, he would have remained so to this day, keeping abreast of the world's requirements in tonnage supply, and so have monopolized the whole ocean, to the exclusion of all competitors, but for the Yankee privateersmen of 1812.

On the other hand, "the ill-thriven, hard-visaged, and ill-favoured brat," as Burke calls Nova Scotia, in his famous speech on Economical Reform—our pioneer and representative in foreign commerce, had nothing

—neither skill, capital, nor labour; of the two first, nothing absolutely—of material resource nothing—neither iron nor copper, nor yet coal wherewith to work them; worse still, knew not of their existence beneath the sterile soil which refused the flax that might have made rigging, cables, oakum and canvass—nor pitch, tar, nor resin—in a word, nothing whatever except the growing trees: and now here was the whole British nation declaring that they were good for—well, matchwood! And by the infallible decretals of the two Societies of Underwriters that preceded the present united organization, it was carrying the declaration into practical application throughout the world. But a change was at hand.

The sailors' war of 1812, as the Americans happily term it, proved far more advantageous to the colonies than to those who waged it. The Yankee privateersmen broke down the "insular exclusiveness" of the British mercantile marine. We have seen what that interest was, its wealth, its spirit, its powers of offence and defence. It was upon no "kinchin lay" that these Yankee sailors went forth, unlike the Noah Claypoles of the Confederate navy. They hit an antagonist that could hit back again—usually did in fact, and right sturdily too, though mostly in vain, for his new tactics made their enemy irresistible. The idea, since become the leading one with all war-navies, of concentrating the metal into a few guns of enormous calibre, was the invention of the Yankee privateersman; and it proved too much for the old plan of distributing it among many pieces of small calibre. Proud Indiamen who would have scorned to run from a French second-rate, were forced to strike to the discharges from a tiny enemy whose solitary forty-eight pounder (the twenty-inch gun of that day) tore and wrecked them into helpless disablement, while *their* twelves and eighteens either fell short, or, owing to the smallness of the mark, missed nine times out of ten. Three years the war lasted. At its close the

English whaling fleet had disappeared totally; nor has it ever since recovered the lost ground. Atlantic commerce had been all but annihilated; and the indomitable privateers, rounding the Cape, had taken up the trail of the rich East Indiamen, when the voice from Ghent called them back to resume the peaceful pursuits of commerce; not, however, until they had opened a way that ultimately permitted the American East Indiamen to come in for their share of the Asiatic trade.

With the treaty of Ghent began a period of universal peace. The paralyzed carrying-trade of the world sprang from the extreme of depression to the opposite, at a bound. A pressure and an urgency of demand followed, which British tonnage was far too reduced to accommodate. With the same inconceivable fatuity that has characterized their legislation in this day, the American rulers denied their people, by the imposition of war taxes and a high tariff, the fruits of their naval successes; their only gain being the establishment of a whale fishery, to which purpose their prizes were peculiarly adaptable. From a cosmopolitan point of view, however, this is scarcely to be regretted, It gave other maritime nations an opportunity once more to venture to sea; and Latin and Scandinavian commerce reappeared in the great routes where it had been almost obliterated. The Englishman of to-day, convert as he now is to the doctrines of free trade, recognises in the war of 1812 a blessing in disguise.

From the colonial point of view there is no question as to its merits. Into our laps fell, ripe and luscious, those fruits which the Americans denied themselves. The "ill-thriven brat" had an opportunity at last. The British shipowner, thinking on his devastated fleet, while the world from all its quarters importuned him for ships, and offered whatsoever he would for their hire, turned his eyes upon the boundless forests of Canada. The sneer against "soft-wood

craft" died for a time on his lips ; and in exchange for them his money and his skill flowed freely hitherward. Still larger was the influx of American skill—though of course not of capital, their stupid registry laws prevented that—but the men, the shipwrights, already better artisans—our material considered—than their European fellows, came readily over the line to escape the "dull times" at home. This was better than gold, for the ideals these advanced workers brought with them saved our fleets from fossilizing for ever into "lime-juicers;" though the conflict with the old notions was a tough one, and, in the case of Nova Scotia, prolonged into the present period. The soul of Jack Bunsby would rejoice over a specimen I saw, fresh from her cradle, the other day.

Under these influences, colonial maritime enterprise began to assume a definite form. The gaps in the British registry were soon filled up, largely by these colonial contributions, yet not wholly, for the Government, though driven to seize every possible source of revenue under the spur of a necessity far more goading than that of the United States is or has been, yet spared tonnage, comparatively speaking, and left the merchant free to buy "bottoms" wherever he chose. Then the British underwriter again put on the screw, and partizanship again revived the ungenerous gibe of "soft-wood tubs;" forgetful, as only sectional animosity can be, how truly they had served the nation's day of commercial exigency. But the impulse that had been given was beyond check—almost beyond restraint, notwithstanding the restrictive efforts, prompted by his perception of the coming rivalry, in which the British owner indulged ; and the tide of colonial commerce rose steadily, if not so rapidly, and with little or no fluctuation, until the time when the troubles of our neighbours deflected into it tributary streams of every description—since when its expansion is unmatched by anything in commercial history. Well might the late Dominion

Secretary of State proudly call the attention of the American public to the fact that Nova Scotian tonnage outnumbers Nova Scotia's population. "The babe born yesterday is represented by a ton of shipping built before its birth," were his words while addressing the Howe re-union, in the summer of '71. And he might have added that it pushes its delegate around creation in a manner perfectly unparalleled. £52,893 11s. 4d. was paid in *dock dues* by the trade of the Provinces, to the Port of Liverpool alone, during the fiscal year ending June, 1870; so that, in round numbers, 500,000 of these representatives of impending Bluenoses have presented their credentials in one sea-port in one year.

This is an industrial triumph we need not shrink to compare with aught of similar nature recorded in history. Even the indomitable persistence of the Hollander, long quoted as the highest index of the gigantic results a *small* nation may achieve, need not daunt us. One long battle of five hundred years has been sustained by the Dutchmen against earth-shaking Poseidon ; and they have wrested from the trident-bearer a splendidly fertile country, opulent in cities, cities opulent again in trade, in art, in literature, and in historic association. But Dutchmen are three millions. The combined populations of our maritime provinces sum but little over half a million. In five hundred years, three millions of Dutchmen have conquered from the sea a home two-thirds the area of Nova Scotia. Put three millions in fleet-creating New Brunswick and Nova Scotia, and they will impose a floating empire on it in one-fifth the time.

When the British shipping interest foresaw the coming rivalry of the colonial commerce, it sought for means of prevention. It first, with multifold clamours, assailed the government, hoping to restore the old disqualificatory legislation. Especially was it urged that the British shipwright must be protected from the "ruinous competition" of the

"cheaply built ships of British North America" by restrictive regulations. But the government had seen the folly of the ante-revolutionary policy, and turned a deaf ear alike to cajoleries and complaints. Left to his own devices, the shipper, with the aid of the insurer, constructed and wheeled into line a weapon of formidable effectiveness indeed, to wit,—British Lloyds'; and thus was inaugurated that last phase of the struggle which has ended not yet, though we have lately seen the beginning of the end.

This great society codified and formulated the prejudices floating through the British mind. Did a first rate British-built ship get classed A 1. for fifteen years, the best product of the colonial shipyards got *four*. Was it asked why this difference—the answer was ready; viz., because North American timber is inferior to British, in strength and durability, to about that proportion! Nothing but that spirit of "universal flunkeyism," which the colonist mistakes for loyalty—loyalty—which is to him what their ark was to the ancient Hebrews, death to touch, and damnation to look into;—could have made us swallow such a monstrous and baseless assertion; and that too in the teeth of other regulations of their code which sanctioned the use of the vilified material in the highest classed ships built in Great Britain. There was little skill in reading between the lines among us, that we failed so long to perceive that these rules were framed to check our building ships at home, and to encourage our exportation of ship timber to the British market.

And, in verity, want of reading in any mode had much to do with the astounding, the inexplicable credulity we have all along exhibited in the matter. As a class, our shipowners are yet very illiterate; so are our masters. "Most of your fellows who come here to be examined," complained the Examiner in Navigation at my time of passing the awful ordeal of the Board—(unmitigated humbug that institution, by the

way, but that's a subject for another time) "really need to attend some elementary school for a year or two. How excessively stupid of men to come here, when they actually can *not* fill out their examination papers. And yet they complain that we're hard on 'em." Being untaught—conscious of deficiencies—conscious, moreover of being mere copyists in everything—and super-adding to that the common provincial tendency to defer to everything which emanated from "home;" looking upon England as the one centre and fountain of all knowledge and enlightenment, our predecessors, though terribly puzzled by the contra-indications everywhere before their eyes, decided that the British valuation must be correct, although it involved the absurdity of admitting that Englishmen knew more about our own timber than we do ourselves. "Bismillah! It is spoken by the wise one! what am I that I should gainsay it?" The Turko-Bluenose isn't extinct yet, either.

Nevertheless, those contra-indications have had their effect upon our popular opinion. Men of an observant turn noted the duration, not alone of houses, barns, fences, and so on, but of wharves, floating booms, mill-gates, dyke-slucices, etc., and pertinently (impertinently, they think at Lloyds') put this query, How it could happen that such material as ours, which often outlasted a generation, and that too with little or no preservative precautions, should literally rush into decay—as Lloyds' four years imply—when wrought into the very structure which, of all others, must be most sedulously and jealously protected against deterioration. What, they demand, can it be possible that a vessel which is pitched and tarred, and painted, and wood-oiled, and salted, and is, moreover, continually more than half submerged in seawater, does not last as long as a bottom-rail in a "Virginny fence" which is laid upon the naked ground, exposed to the sun and rain, the frost and snow, the heat and



drought, of this most variable and extreme climate? Seamen of the more original habit of thought, also, observing the frequency with which smaller craft of antique build and model occur among any of our fleets, began to inquire into the record of such archaic specimens, and discovered that half a century of tough battling with Boreas and Neptune was nothing exceptional, for these rudely-built and more rudely-treated vessels. Before such stubborn facts as these even the enormous prestige attaching to the opinion of the British "cove wot knows," had to give ground at last.

With the "cove" himself, however, it is slower work. It is a painful operation at any time to get a new idea into the mind of this multi-headed—but doubly so, indeed, when that idea is at issue with "vested" interests, and prejudices sanctified by hoar antiquity. In Britain these two things coupled together may be personified as a sort of Venerable Gammon, whose lightest words outweighs monarch, lords and commons; and who not infrequently proves an overmatch for the redoubtable Mrs. Grundy, when they happen to take opposite sides—but that is seldom. As an instance: after India had become the home of sundry English-speaking communities, it was discovered that the deservedly famous teak of that country was applicable to the naval art, and the Anglo-Indian fell to work accordingly—but with what result? The "country ships" were for ages at once the laughing-stock and the detestation of British, and through them of all other European seamen. The "coir-ropes" and "greasy-teak" were the mark for sneers and jeers for as long a period as our unlucky products have been. Yet there were the wonderful gates of the Chusero Bagh, built of teak, in the Mogul garden of Allahabad. Solid, enduring teak! They were erected nearly three hundred years ago; they have withstood the blaze of India's fierce sun, its parching winds, its soaking rains, through all that time; and

still the grain of that marvellous wood is as firm and compact as when hewn from the forest. Their fame went through England long ago. Travellers told of them, historians and antiquarians wrote of them, poets sung of them—but in vain. Venerable Gammon declared their material, natheless inferior to the British *hoak*; and who might dissent from his dictum? But to-day this is changed. When the supply of home-grown timber ran short, the Venerable Gammon reformed his teachings; and East Indian teak now stands deservedly at the head of Lloyds' Table of Construction. And since teak and a long list of other varieties continue to supply the British ship-yards, we may look in vain for justice to our timber in this way. There is more hope for the efforts of those British owners who buy N. A. built tonnage. This class increases, and it maintains a steady pressure upon Lloyds' exclusiveness; but with what effect is best measured by reflecting, that during twenty-five years the concessions have only added three years to the class-period first assigned. As about five years more are still required to make up the fair allowance for our best constructions, we can scarcely afford to wait, if we mean to put our tonnage at its deserved rates before the beginning of the twentieth century, now looming in the near prospective. The "one year additional given to spruce" last summer—a direct consequence of the present agitation—is but a mite out of the thousands that are our just due. French Lloyds', from the spirit of competition, will bid a trifle higher, but it has no more stake in seeing *full* justice accorded than its British rival has. "Ourselves must strike the blow."

And now, certain abstract considerations are to be dealt with. People are putting the question, "What is a Lloyds'?" and none *need* the answer so much as, with exceedingly few exceptions, do our shipmasters and shipowners.

To the Canadian who puts the query, a

direct reply, either by figure or literally, is impossible. To the Englishman who needs to be told, a good idea would be at once conveyed by pronouncing British Lloyds' a nautical Tattersall's; and the average American would obtain a perhaps still clearer "notion" on being told that it is a never-adjourning "caucus" of underwriters. But the Dominion hath no Tattersall's; "caucus" is a term yet unknown in our rapidly (backward) progressing partizan politics, and, even if it were not, "underwriter" stands in need of a broad and comprehensive definition. Literally, its significance is tolerably well understood; *i. e.*, one who writes his name at the bottom of an insurance policy; a bit of old coffee-house slang, derived from that act, and referable to those long-forgotten days when marine insurers and shippers used to frequent worthy old Lewis Lloyd's coffee-rooms, to partake of the beverage and discuss nautical ventures. We must go back of that query, then, and get an answer to the precedent one, *viz.*, What is an underwriter?

Broadly, then, an underwriter is a betting—*man*, I was about to say, but since Messdames Woodhull & Claflin established their broker firm in South Street, New York, the difficulties of definition are enhanced by want of an applicable word of common gender. Let us try another form. An "underwriter" is one who bets me a hundred pounds to seventy shillings that my ship *will* arrive safe. That is, provided my ship be in every respect, build, equipment, material, and so on, a first-rate vessel, fully manned, and perfectly sound; and the voyage be one of a nature involving no unusual or extraordinary risks or dangers; such as would be the case, for example, were she sailing under a belligerent flag, and therefore liable to capture from the hostile cruisers. The odds vary, of course, with the quality of the ship. As she is found to deteriorate from age or service they will be lessened, unless she be carefully kept up to

the highest standard by replacement of damaged portions of hull, rigging, or spars, with sound material. If she was not in the first instance built in the best manner, out of the best timber, or if, through wear and tear, she has come to be about on a level with another so constructed originally, she would be considered second-rate, and the wager varies accordingly—it becomes, say a hundred to five. Suppose her worth five thousand pounds. Then the bet (if laid to her full value) will be five thousand against two hundred and fifty. Now, the latter is yclept "premium," and the former "insurance." And here, we may observe, the distinction between the "turfile" and the "underwriter" (or insurer) begins. The betting of the former is illegal, while that of the latter is sustained by a code of enactments "as long as the main-to'-gallant-bow-line and flying-jib-down-haul spliced together," to quote Jack's expressive simile; and, it may be added, the question whether a purging of the statute-book from the larger proportion of that legislation of details—of the abolition of the Act for the Prevention of Cruelty to Animals bred in ships' biscuit, (by extracting sailors' teeth,) with all its multifarious pendants—has not become expedient, is at least an open one.

Now, these legalized betting-men form, in Great Britain, a distinct and most important class in the body maritime; and what is called "Lloyds'" is a simple institution, growing naturally out of their requirements. In the long past, when marine insurance first began to be practised, an owner or a master (the terms were then commonly convertible, or where the owner was not a professional seaman he, nevertheless, usually accompanied his ship on her voyages) would apply to some friends of known ability "on 'Change," to underwrite his "adventure," which generally included both ship and cargo. It was a simple matter for these friends to proceed to the freighted argosy, and satisfy themselves touching all and sun-

dry the elements of risk in the speculation, by actual, direct inspection. The strength and soundness of the hull, spars and rigging ; the sufficiency of outfit and manning ; the point of immersion, and "laborsomeness" of cargo ; and the evidences of the professional skill and ability of the staff, were all before their eyes ; and with these data the parties to the bet reckoned the "odds," and made up their wager. Under such circumstances no "go-between" was necessary—the high contracting parties were themselves face to face, and nothing more was required.

But the voluminousness—and more, the rush and hurry—of modern commerce, has rendered that mediæval simplicity ineffective. Did the underwriter now wait to make a personal examination before he signed the "policy"—as the legal form of "booking the bet" is now termed—the great bulk of ventures would proceed uninsured, or business would be at a stand-still. A "go-between" has become indispensable—and that "go-between" is what men, for want of a better and more descriptive word, call by the vague appellation "Lloyds'." The insurance broker now discharges the former functions of master or owner ; the surveyor that of the underwriter. The ancient inspection by the latter, on each and every voyage, has given place to a "survey," once for all, for certain specified terms, varying with the style of construction and nature of material, from four to seventeen years, by his modern representative and ally ; and the name of the ship so "surveyed" is entered on the books of the Society of Underwriters, with her term of class, grade, size, and certain other important particulars ; and it is to the list so formed that the underwriter now refers when he lays a bet as to the probabilities of the arrival of a given vessel, or the cargo she carries, or the freight she will earn, instead of going down to the docks and examining into these probabilities for himself. Obviously this list, with its system of specified periods of classification, enables the

underwriter to accept "a risk" on one of the vessels therein named, with equal facility whether she be at home or at the antipodes. "Lloyds'" is a great convenience, and its power to influence the employment of tonnage is proportionate to that convenience. A ship not entered on the books may be equally good with those that are ; but the underwriter has no means of knowing that she is ; and consequently refuses to have anything to do with her, and, what is far more to the point, with cargo that may be shipped in her. For, obviously, the insuring of goods afloat must depend almost exclusively upon the capability of the vessel (or, in Lloyds' slang, "the bottom") in which it floats, to convey it uninjured to its destination. Hence, Lloyds' List becomes equally as important and as useful to the shipper as to the underwriter, and he selects for his purpose a vessel of the size he may require whose name is to be found on that list—or which has, in *his* slang, "a character at Lloyds'"—and ignores her unclassed rival. Here becomes apparent the imperative necessity for every ship to be enrolled on the list of one at least of the several societies existing.

As for Lloyds' "Rules of Construction," they are merely a proffer. Through them the underwriters say to the builders, "If you will put your ship together thus and so, and use such and such timber for such and such functions, we will insure her, or her cargo, at such and such rates. Our lowest rate we call 'A. 1.' Of course it implies the highest kind of ship. Here are certain varieties of timber which we have known and proved for many years ; you may select from them whichever you please, out of which to build her. We consider all these different varieties as about on a par, *at the beginning*. But owing to differences in the rate of deterioration among these different sorts, we have found it necessary to establish different periods in the time for which they shall be so considered. Thus : here is one kind ; if you construct a ship out of that, we will con-

tinue to call her risks A. 1 for seven years ; but here is another, and of course a more valuable kind, a ship of which we will continue to call the risks A. 1 for fourteen years. If you build a ship in the highest style of naval art, and with the utmost possible skill, in East Indian teak, we will put her down on our list for the A. 1 rate of insurance for seventeen years ; but if you use 'British North American' timber, we will enter her for only seven."

This is where the trouble begins. That thoroughly well and skilfully built ship in Canadian timber, *we* claim is good for twelve years. And it will only end with a Canadian Lloyds' for Canadian timber.

Our real need is an underwriter guild. We want men of capital and a speculative turn of mind, in sufficient number to form a respectable society in the commercial metropolis of the Dominion. The moment that is done, the question of a "Canadian Lloyds'" (much vexed of late in the sea-board newspapers by a class of writers to characterize whom another unfamiliar British term must be employed, to wit, "duffers,") will be essentially settled. The rules, the customs, the list, and *all* the details which, taken together constitute a "Lloyds'," will naturally and spontaneously grow out of the workings of such a society ; and a system of classification appropriate to our trade, our ships, and to the wide variety of material wherewith Nature has so lavishly endowed this country for the building of ships, will at once begin to be evoked. Nothing more is necessary. Legislation would be mischievous. The constitution of such an association cannot be made—it must *grow*.

That growth, however, will be one unparallelled for rapidity, once started ; the development of the latest of the kindred European institutions will afford no measure for ours, in this, and many other respects. But to talk of establishing "a Canadian Lloyds'" by act of Parliament, is equally as irrational as would be the expectation that

our devastated forests would be restored by legislative action on the day such enactment should go into operation. What can be done in the one case, however, may also be done in the other—that is, the basis of the future growth may be prepared. In the inland provinces there exists sufficient disengaged capital, and it is possible for legislation to call into existence an underwriting class at a single stroke. Space does not permit any dilution upon the many advantages—aside from the tonnage question, to the commonwealth—which must follow such a management ; but one may be pointed out, maugre the risk of pressing upon the limits. The working of such a scheme would create an additional bond of union ; and in our existing condition, (held together only by the British North American Act, and utterly without any holding in a widespread sentiment or interest,) no Canadian statesman will deny its importance. The man of the maritime provinces now looks to London or to Belgium for the insurance of his ventures—let him learn to look to Quebec and Montreal. Let the man of the inland provinces, whose horizon is now bounded by Ontario and Quebec, by becoming thus interested in Canadian tonnage, be taught a much needed lesson, viz., that this new Canada of to-day is bounded by the two great oceans. Such a measure would prove a thought-broadener, equal in influence to a Pacific and an Intercolonial Railway combined. One more point. The Government would render an essential piece of service by appointing a commission to examine into and experiment upon all our native varieties of timber, with reference primarily, though not exclusively, to their use and function in our naval architecture. This is the nearest it may venture towards providing a Table of Construction. The extract below, from a table constructed from the results of experiments in Woolwich and Chatham, is a sample of part of the data such a commission should provide :

BREAKING WEIGHTS OF SAMPLES.\* (OF TIMBER.)

VARIETY.	DIMENSIONS.	CONDI- TION.	BROKE AT STRAIN OF LBS. AV.
British Oak.	7ft. long by 2in. square	Seasoned	450
Indian Sal.	Do do.	do.	681
Tasmanian Blue Gum.	Do. do.	do.	1,031

Canadian rock-maple will probably prove the equal of the second variety herein quoted.

It will also be well for the legislative mind to remember, in any contemplated modifications of tariff, that ships are already taxed to the utmost point by the existing necessity for foreign insurance. Until Canadian tonnage shall have been properly and justly appraised in the underwriting market; and until the immense sums now annually expended in buying insurance of foreign vendors—to use a strong figure—shall be kept in home circulation, it will not bear a featherweight of impost without responding immediately in deterioration. This consideration would of itself require thirty pages for complete elucidation; but gentlemen fit to make laws for the nation ought to be fit to *think* it out for themselves; at least when reminded that twelve years' allowance of time in which to redeem a given investment, floating or otherwise, is to seven years' allowance for the same purpose, as—twelve to seven, exactly. Thereon cogitate, Pogram.

Before the present decade closes, the zone of electric communication will be completed by the laying of a Pacific cable. It has become a necessity. In this age, the distance between needing and having has, for most things, been miraculously shortened. In 1859, I pointed out the cause of failure of the first Atlantic cable, and indicated the one principle of construction which *could*

*not* fail. That hit; † and close and careful consideration of the rapid expansion of trade relations between America and China, together with much personal observation in both countries, emboldens me to predict a greater than the Atlantic cable, albeit as yet unspoken of, before the end of 1880. It ought to be laid sooner, for it is indispensable already. And, notwithstanding its far greater total length, the Pacific cable will be much easier of accomplishment than the Atlantic, inasmuch as no long spans are necessary; the greatest stretch by the best route being under 700 miles, the shortest may be as low as ten; and it can be dotted with way-stations like beads on a string, among the endless Pacific islands. With China thus brought within hail of us, the great ruling central underwriting market will emigrate from Britain to America. Unless United States' commerce shall within the same period be restored, an event far more possible than probable, that emigration will land on Canadian shores, if only due preparations exist. An outlook, this, worth striving to realize, for the Underwriter is King of modern commerce! Let it be remembered, too, that the time is at hand when the "Continental Wheat Garden," as Knight, of the Northern Pacific Railroad, calls the Saskatchewan Valley, will be cultivated by an influx of Chinese labour. Here are the fields, there are the men—and the eternal laws of demand and supply will bring them together, be governmental policies what they may. Billions of bushels and barrels, and transatlantic nations of consumers, imply millions of Canadian tonnage. Are the operations of that enormous navy to remain under control of White Lion Court, or of the *Registre International de Paris*?

\* There should also be tables prepared to show the twisting strain, power of retaining, fastening, etc. etc., supplemented by others showing the best ascertainable average of durability.

† Compare N. Y. Life Illustrated: Fowler & Wells, for Nov. 28th, with last chapter of 1860 edition of Maury's Physical Geography: Harper & Bros.

## FOR KING AND COUNTRY.

A STORY OF 1812.

BY FIDELIS.

## CHAPTER XIII.

## VICTORY!

“ Hurrah ! hurrah ! a single field hath turned the chance of war,  
Hurrah ! hurrah ! for Ivry, and Henry of Navarre ! ”

IT was two or three weeks before Lilius was sufficiently recovered from her feverish attack to go about as usual, and even then her step and her movements had a languor that had never characterized them before. Marjorie was an invaluable companion at a time when, had she been alone, she would have been tempted, perhaps, to yield altogether to depression of mind and body. Marjorie read to her, or talked to her, almost incessantly, and as soon as possible got her out to lie on an extempore couch of skins and shawls spread under the trees. Ernest Heathcote had been once at Oakridge during her illness. He had heard of it, and had managed to get over to enquire how she really was. Of course he heard from his uncle and aunt all that Major Meredith had said of himself,—had heard, too, who was the Major's informant. He was not much surprised ; for, with the instinctive feeling that seldom deceives, he had been for some time convinced that Percival was inwardly hostile to him, and so would willingly believe anything to his discredit. Perhaps a suspicion of what might be the cause of this made it easier to bear the grievance quietly. He said little, resolving to await Captain Percival's return, and then to demand his authority for his statement.

Meantime, of course, he made no attempt to see Lilius.

When she heard of his visit, Lilius was not sorry that it should have been at a time when she was still confined to her room. It would have been hard indeed, she felt, to obey her father's charge, had she been going about as usual, and perhaps met Ernest face to face. Still she longed more than she could tell, in her present state of weakness and unrest, for one glimpse of the familiar face, a few words from the familiar voice that never seemed so pleasant and so much wanted before.

There was a good deal of rainy, tempestuous weather that August, and Marjorie, whose father had gone with General Brock's expedition, had watched the weather from day to day with an anxious heart, feeling that the troops must suffer from exposure to its inclemency. Neither was there any means of knowing how they fared. In these days of daily papers well stocked with telegraphic reports, it is not easy to realize the trial of suspense, the longing for some tidings, the weariness of waiting till the return of the expedition, or the arrival of a slowly travelling messenger, should bring at last the tardy news. And as Marjorie's eldest brother, as well as her father, was with the expedition, the suspense to her was trying indeed.

August had dragged itself on at last to its twenty-fourth day. It had been a heavy, cloudy one, threatening rain,—the wind blowing so unpleasantly that the girls had hardly cared to venture out. Towards even-

ing the wind fell, and they strolled out by Liliás' favourite walk, the path that led to the churchyard, and then down through the "Maple Bush" to the lake. They were surprised to find how chilly the evening was, seeming an *avant courier* of approaching autumn. The lake, instead of the delicious soft summer blueness of tint which it had so lately worn, seemed a dreary waste of cold greenish grey,—the landscape and the water almost like a dim sketch in neutral tints; and the dark, cold-looking waves surged heavily up on the beach with a sullen swell, presaging bleak and wintry days. Heavy purple clouds lay horizontally across the sky, and behind them a soft band of saffron light showed almost lurid against the darkness. The sullen haziness of the evening seemed in harmony with the troubled atmosphere that brooded over the land, and with the anxiety that lay heavy at the hearts of the girls. Even Marjorie's spirits seemed to fail, as they stood watching the long roll of the grey waves on the sand, and at last, with a chill shiver, as much mental as physical, turned homeward. They met Nannie, as they approached the house, thoughtfully collecting an armful of dead wood to make up a fire for the "lassies." It was soon blazing and crackling in the wide fire-place, and, with the tea-table drawn up in front of it, the girls began to feel brighter; even though the rain coming down at last, began to splash heavily against the window-panes.

While they listened to the dreary sounds of wind and rain without, talking a little now and then, though their hearts were wandering far away, Bruno's sudden barking,—followed by a little bustle and noise at the back-door, and by Nannie's voice raised in sudden ejaculation, announced the arrival of an unexpected visitor. Liliás, supposing it must be her father, was about to rush to the door to welcome him, when it opened, and Captain Percival appeared, his dark-blue military cloak drenched with rain, the drops of which were glistening, too, on his auburn hair and

whiskers. He was greeted with surprised pleasure; for the unexpected arrival from the world without, bearing intelligence of so much that they were eager to know, could not but be most welcome. Even Liliás forgot, for the time, her private cause for displeasure with Percival, and greeted him warmly, asking how he came there in such a storm.

"It is just the storm which must be my excuse for appearing here so late," he replied, smiling, and evidently gratified by his cordial reception. He then hastily explained that General Brock and the expedition had just returned, by the schooner Chippawa, across Lake Erie, and were by this time at Fort George. He himself had been sent round from Fort Erie by a circuitous route with despatches for the outposts, and finding himself not far from Oakridge, had made a little *détour*, in order to give his friend Major Meredith the news, claim his hospitality for the night, and push on to Newark in the morning. The state of the roads along which he had had to pick his way, and the darkness of the evening making it impossible to see a yard before him, had not only very much delayed his progress, but had made him only too glad to seek for himself and his exhausted horse a shelter at The Elms.

Liliás explained that her father was absent at Newark, but gave Captain Percival a courteous and hospitable greeting. Marjorie could hardly repress her eagerness till the necessary civilities had been gone through, and then came her eager questions. The first, of course, was for the welfare of her father and brother, and her next, on being assured of that—"What success?"

"Splendid success!" exclaimed he exultingly. "Detroit captured; Hull driven from his position and compelled to capitulate! Cannon, stores, colours, and nearly three thousand prisoners surrendered, and the ball at our feet to go on and crush the last vestige of the invasion!"

Marjorie's delight was uncontrollable. She

could hardly refrain from a "hurrah!" and Liliás, though quieter in her manifestation of it, felt hardly less emotion. Both were eager to know the particulars, and when Percival had seen the comfort of his tired horse secured, and had removed his wet cloak and taken some needed refreshment, both girls listened with fascinated ears to his recital of the adventures of the expedition. It was surprising, indeed, as Liliás could not help inwardly remarking, what a transformation had come over Percival—how changed he seemed from the indifferent, coldly polite, *biasé* young man he had appeared on his first arrival. Now, genuine enthusiasm animated his voice and sparkled in his eye; even his tones seemed to have a deeper vibration, and as Liliás noted the effect of his plunge into the real military work which was so congenial to him, she could not wonder that he had welcomed the advent of war. Yet it was not wholly his military experiences, congenial as they were, which had made the difference. Contact with a character so noble as that of Brock, which exercised a strong influence on all who came within its influence, had done much to rouse a spirit not naturally ignoble, but enervated by idleness and inaction. His observation of the General's high, unselfish aims, and whole-souled devotion to duty, had shown him the comparative pettiness of his own self-centred motives, even in his dreams of gallantly serving his country and winning military glory. He had not yet come to feel the true central force of action, the constraining power, which, acting alike through heart and mind, can alone round the life into a beautiful harmony. But he was, at least, beginning to appreciate its effects in the lives of others, and to feel, with a vague dissatisfaction and longing, the want of it in his own. And the secret influence of Liliás herself, unconscious as it was, had had no small share in producing this effect.

As they listened, now, to his graphic

account of the progress of the expedition, the girls could see in imagination the scenes he described;—could follow the troops in their march from Burlington Bay to Long Point, on Lake Erie;—in their toilsome four days of rowing in open boats over the storm-tossed waves of the lake, the rain pouring down upon them, and the unsheltered coast presenting formidable and often unseen dangers. "And," added Percival, with natural satisfaction, "the General declared that he had never seen troops who could endure the fatigue and the bad weather with greater cheerfulness, and that the conduct of the little band throughout had excited his admiration. As for your father, Miss McLeod, none of your Ossianic heroes could have braved storm and danger and exposure with more utter indifference! With his plaid wrapped round him, he seemed to care no more for wind and waves than—the General himself."

Marjorie's eyes glistened with a moist sparkle; for she was very proud of her brave, stately, soldierly father; proud, too, of the other brave man in whom her own pure disinterested devotion gave her a certain sense of property.

Then Percival went on to tell them of the landing at Amherstburg, where General Brock had, for the first time, met the Shawanee Chief, Tecumseh, and where the two Generals, the British and the Indian one,—not a little resembling each other in some of their essential and noble characteristics—had concerted their plan of operation against the American force.

"They seemed to take to each other instantly," said Percival. "Tecumseh seemed impressed with General Brock's ability and courage at once, as one could see in his glistening eyes and his eagerness to act with him, though of course he said very little at the parley. I never saw an Indian that came up so much to my idea of Campbell's 'noble savages.' He's a good-looking fellow, —has a light copper-coloured complexion, an



oval face with bright hazel eyes full of cheerfulness, energy, and decision, and a figure not very tall, but slender and finely proportioned. He had no tawdry ornaments of paint or beads, but a plain deer-skin costume, the seams decorated with neatly cut fringes, a red kerchief tied round his head, with an eagle feather fastened in it, and on his feet leather moccasins, richly embroidered with dyed porcupine quills. The only ornaments about him were three small silver crowns or coronets suspended from his aquiline nose,—having a very odd effect,—and around his neck, hanging by a coloured string of wampum, a large silver medallion of old George the Third, which he told us an ancestor of his had received from Lord Dorchester. But he was as dignified as an emperor in stars and orders, and his keen hawk-like eye looked as if it took in everything with one silent glance. The General asked him whether his people could be got to refrain from drinking spirits, and Tecumseh told him that they had, one and all, before leaving their wigwams on the Wabash, promised not to touch it till they had humbled the “Big Knives,” as they called the Americans. You should have seen how pleased the General looked, and with what approval and dignity he said: “Adhere to this resolution and you must conquer.”

Percival proceeded to describe the crossing at Detroit, when General Brock stood erect in his canoe, purposely exposing himself, with a noble rashness, in order to inspire his troops with courage and win the confidence of his Indian allies. The Indian Chief described him afterwards in one of his eloquent orations as “the pale-faced warrior, who, standing erect in the bow of his canoe, led the way to battle.” An expedition thus led could hardly fail to conquer. Brock had seized his opportunity; and by the judicious concerted action of his handful of troops—only about seven hundred in all,—“four hundred of whom were Canadian militia disguised as red-coats,” and of his Indian

allies, the enemy were driven into their fort, where they speedily capitulated. By the terms of the capitulation they surrendered their entire force, consisting of about 2,500 troops, including some artillery and cavalry, with a stand of colours, thirty-three pieces of cannon, a quantity of stores and the military chest. A vessel of war was included in the surrender, by which the important cession of the Michigan territory and Fort Detroit was also made to the British Government. And all this was secured, as General Brock observed in one of his despatches, “without the sacrifice of a single drop of British blood,” and indeed, it must be added, without any great amount of bloodshed even on the American side. The rout was a most complete one, striking dismay to the hearts of the invaders, “blasting,” as an American historian says, “the prospects of the first campaign,” animating and giving confidence to the militia, which had now seen its first engagement; and winning for the General, who was himself surprised at the ease of his conquest, the warmest admiration of the Canadian people. In its completeness and in its results it was no less decisive and important, as regarded the success of the campaign, than was the victory of Salamanca, gained by Wellington over Marmont less than a month previous, as regarded that of the Peninsular War.

As Percival enthusiastically declared:—“Brock had only to go on as he had begun” in order to free Canada finally in the course of a few weeks from the disturbers of her peace. And, although very much against his will, the General was not permitted to do this, yet it is not too much to say that this “single field” *did* “turn the chance of war;” that by cheering and encouraging the people, securing the support of wavering Indian tribes, and retarding the American operations for nearly a year, it was in no small degree instrumental in eventually securing the preservation of Upper Canada to the British Crown.

Nor had the victory been sullied by a single departure from clemency and humanity. Brock had permitted the American militia to retire unmolested to their homes ; while he treated with all possible kindness and consideration the regular soldiers, who were, of course, detained as prisoners of war, and whose confiscated weapons were a most timely boon for the further arming of the Canadian militia. Even the Indians, usually so barbarous in their warfare, had been restrained from committing a solitary act of cruelty. This was chiefly owing to the unbounded influence that General Brock had acquired over his savage allies by the chivalrous dash and promptness which had crowned his expedition with such speedy and brilliant success ; and to the earnestness with which he used his influence to restrain their naturally ferocious impulses. In his general orders issued at Detroit, he told them that in nothing could they testify more strongly their love to the King, their great father, than in following the dictates of honour and humanity. And in Tecumseh he found an efficient supporter. Unsparing as the Chief was in battle, he was humane to the wounded and contemptuously tolerant towards the prisoners, of whom he said to General Brock, that " he despised them too much to meddle with them ! "

Captain Percival added, to complete his animated account of a warrior of a type so new to him, a description of his answering some of the General's topographical enquiries by throwing himself on the ground, and tracing with his knife, upon a sheet of bark, a plan of the country, with all its natural features of hills, woods, rivers and roads, which the General declared was as clear and intelligible as a surveyor's map. Furthermore, Percival told them how, after the surrender of Detroit, General Brock had taken off his own sash and publicly adorned the Chief with it, as a special mark of honour ; and how, notwithstanding the evident gratification with which he received it, he appeared

next day without it, when it was found that, not wishing to wear the badge of distinction in the presence of one whom he esteemed an abler as well as an older warrior, he had transferred it to the Wyandot Chief Roundhead. Indeed Percival seemed thoroughly fascinated by the Indian Chief, who was truly one of the heroes of the war ; and seemed never to tire of speaking of one of whom he could hardly find words sufficient to express his admiration.

Marjorie and Liliás became so absorbed in the recital of events so vitally interesting to them, that they hardly knew how the hours passed, till roused with a start—as Captain Percival, on consulting his watch, declared that it was almost midnight, and that he was beginning to feel the effects of excitement and fatigue. Old Nannie, who had managed, by coming in now and then, to hear a good deal of the story, in which she was as much interested as the others, had in the intervals prepared his room, which, he laughingly remarked, would be an agreeable contrast to the sleeping accommodation of the camp, to which he had been accustomed of late. He bade the girls good-bye, as well as good-night, and before the broad morning sunshine had awakened them from their slumbers, he was well on his way to Newark.

#### CHAPTER XIV.

##### A SUNSET MEETING.

" Love, art thou sweet ? then bitter death must be !  
Love, thou art bitter ; sweet is death to me.  
O love, if death be sweeter let me die."

" I fain would follow love, if that could be ;  
I needs must follow death who calls for me ;  
Call and I follow, I follow ; let me die."

**M**UCH against the will of General Brock, the month of September, after his return to the Niagara frontier, passed in forced and reluctant inactivity. He was burning to follow up his success by

pressing on upon the invading forces in their half-prepared condition ; and—as he firmly believed he could,—make a clean sweep of the invasion at once and forever. But, unfortunately, Fabian counsels prevailed at head-quarters, and an armistice was granted, just sufficing to give the Americans time to rally from the discouraging effect of the capture of Detroit, to complete their half-arranged plans and preparations, to concentrate formidable masses of men at the chief points of attack, and to prepare for their subsequent successes on Lake Ontario ; while it sent eight hundred Indians, assembled and eager to fight on the side of the British, in disgust to their own homes. But the decree had gone forth, and the obedient soldier could only submit, though he chafed at the situation. It was no light trial to his prompt energetic nature to lie by with tied hands and watch the force under General Van Rensselaer, on the opposite side of the river, growing daily more and more formidable ; while he was absolutely prevented from taking a single measure even to impede the warlike preparations. He was positively restricted to purely defensive measures, and even when, about the middle of September, the American outposts began to fire across the river, he felt it his duty to discountenance the return firing which this naturally evoked. So irrepressible, indeed, was the warlike spirit of the American troops, that a flag of truce which General Brock sent across with a letter to General Van Rensselaer, on the sixteenth of September, was repeatedly fired upon while crossing,—an occurrence not common in civilized warfare.

For the news of the revocation by the English Government of the decrees in Council that had been the professed *casus belli*, which took place, by a curious coincidence, almost or exactly simultaneously with the declaration of war at Washington, had had no perceptible effect in modifying the hostile intentions of the Americans. It was in this hope that Sir George Prevost, on hear-

ing of the revocation, had proposed suspension of hostilities until the sentiments of the American Government should be known on the subject. But the American people were now too eager for invasion—too keenly desirous for the coveted prize, to go back. Henry Clay had declared in Congress that he wished “ never to see a peace ” till England had been driven from the continent of America ; and if this was the sentiment of a senator, it is easy to imagine the feelings of the excited people, who had imagined the enterprise to be one which had only to be undertaken in order to succeed.

On the eighteenth of September General Brock wrote to his brother :

“ A river about five hundred yards wide divides the troops. My instructions oblige me to adopt defensive measures, and I have evinced greater forbearance than was ever practised on any former occasion. It is thought that, without the aid of the sword, the American people may be brought to a due sense of their own interest. I firmly believe that I could, at this moment, sweep everything before me between Fort Niagara and Buffalo. The militia, being principally composed of enraged democrats, are more ardent and anxious to engage, but they have neither subordination nor discipline. They die very fast. It is certainly singular that we should be two months in a state of warfare, and that along the widely extended frontier not a single death, either natural or by the sword, should have occurred among the troops under my command ; we have not been altogether idle ; nor has a single desertion taken place.”

But as the force on the Niagara frontier had now reached the magnitude of six thousand men, it was evident that open hostilities must ere long break out, and that an attack might at any moment be expected. And for this General Brock watched with untiring vigilance ; keeping his troops, volunteer and regular, in a state of thoroughly drilled readiness, and having a portion of

the 49th, with a body of militia, on guard at Queenston Heights, where the first attack might be expected.

Marjorie had returned home early in September, bringing with her her friend, whom she insisted on carrying off from the loneliness of a home where her father—now fully engrossed with his military duties on the frontier—could hardly ever be. Lilius soon regained both strength and comparative cheerfulness in the more lively atmosphere of Dunlop Union, where the boys were always coming and going with scraps of the latest news; where her father came whenever he could; where Marjorie and Flora with their lively talk kept her from overmuch thought and anxiety; and where some of the officers, stationed so near, were always glad to spend a pleasant hour.

One guest, however, and that the one her heart most longed to see, never presented himself, although Marjorie had privately given him to understand that he would be a welcome visitor. But Ernest Heathcote had determined not to meet Lilius again until he had fully exculpated himself from the charge which he knew Captain Percival had brought against him, and which, he also knew, Major Meredith believed. He felt it would not be treating the Major honourably to take advantage of the opportunity he might have of seeing Lilius against his will; and to Lilius, despite her longings, it was a great relief that he did not attempt to see her while her father's prohibition remained in force.

It was a good while before Ernest could find an opportunity of speaking to Captain Percival on the subject, as he desired. When he did, Percival was surprised at the manly independence, and even dignity of bearing, shown by the young man against whom he had nourished a contemptuous dislike, born—though he would hardly have confessed it—of latent jealousy. Ernest had indeed gained a good deal under the discipline of the last few months, in both mental and

physical energy. His military training had strengthened and developed his physical constitution, and this cause, combined with his being drawn out from his former studious and contemplative habits to encounter the exigencies of outward life, gave him, along with added erectness of carriage, an amount of *aplomb* and freedom of bearing which advantageously replaced the shy constraint of manner so apt to grow about one who leads a recluse and studious life. He spoke to Percival firmly and quietly about the untruth of the slander that he had repeated, indicating rather than expressing the injustice of giving currency to such ill-authorized reports. Percival could not resist the conviction which Ernest's emphatic repudiation of the whole charge brought home to his reluctant mind. And the generosity and sense of justice which, after all, he possessed when his better nature prevailed, impelled him frankly to own that he had been in the wrong, and to promise spontaneously the reparation of expressing to Major Meredith and Lilius his conviction that the whole story was utterly baseless.

But it was some time before his military engagements would permit him to see either Lilius or her father, the latter being at Newark, while Percival was engaged in moving from place to place along the frontier, trying to trace, as far as possible, the movements of the enemy. And a natural reluctance for the self-imposed task made him less energetic in seeking an opportunity, and even in seeking the society of Lilius, than he might otherwise have been. Even Marjorie had remarked, somewhat discontentedly, how seldom they saw Captain Percival now, and, with much more discontent, that they never saw Ernest Heathcote at all! It was strange how times of war altered people, she said, with a rather hasty generalization. It seemed the more strange, because Ernest was, by the end of September, bivouacked with his company at Queenston Heights, which became the centre of

interest about the first or second week of October.

Early on the morning of the ninth of that month, the British brig of war "Detroit" and the private brig "Caledonia" were boarded and captured opposite Fort Erie by Lieutenant Elliott, of the American Navy, who was then at Black Rock engaged in fitting out schooners for the American service on Lake Erie; a work which could hardly have been carried on in General Brock's close vicinity had he not so unfortunately been restricted to defensive measures. The brig of war was carrying down forty prisoners of war, with some cannon, small arms and shot,—all results of the capture of Detroit; the "Caledonia" was laden with furs belonging to the North-West Company. The American attacking force, including the forty prisoners, who of course joined their countrymen, amounted to 140, while the crews of the brigs consisting of Canadian seamen and militia, numbered less than half their assailants. The "Caledonia" was carried off to Black Rock and her cargo secured, but the operations of the Canadian batteries compelled the captors to run the "Detroit" aground on Squaw Island. There she lay till evening, when, just as General Brock, who reached the spot soon after sunset, was making arrangements to recover her, she was boarded by the enemy and set on fire.

Captain Percival, who had accompanied General Brock and his staff to the spot, stood near the General, as the lurid flames that quickly wrapped the devoted brig rose vividly red in the soft dimness of the early twilight, against the dark outlines of the American shore;—almost neutralizing the still pale light of the young October moon. The little knot of officers looked on with grave faces. They knew that this disaster meant a good deal to them in the critical position of affairs. It was not only the material loss of vessels and arms, though *that* was much, in the country's present need; but also the encouragement which the affair

must give to the Americans, who had been exerting themselves to the utmost to gain a naval superiority on the lakes; and who would receive from this success fresh hopes and stimulus to immediate invasion. General Brock felt, as he wrote shortly after, that "the event is particularly unfortunate and may reduce us to incalculable distress. However, his mind soon turned to the brighter side. "It is one consolation, at least"—he said—"that the brig has escaped the enemy! Certainly his conduct after his first essay has not entitled him to so rich a prize."

Then, to cheer up somewhat the drooping spirits of his comrades, he changed the subject to the victory of Salamanca, news of which had just arrived, and which, with its bearing on the war in Spain, the little party proceeded to discuss as they turned to seek their quarters for the night at Fort Erie.

This naval success did, as the General had foreboded, greatly increase the eagerness of the American troops for invasion, and the impatience of the men to "clear out the British frontier right off." Foreseeing this, General Brock wrote copious instructions to the officers commanding at the different frontier posts, explaining probable points of attack and the best method of procedure in the event of its taking place. In these instructions he made the remark justified by the events of the war: "If we weigh well the character of our enemy, we shall find him more disposed to brave the impediments of nature, when they afford him a probability of accomplishing his end by surprise, in preference to the certainty of encountering British troops ready formed for his reception."

These instructions had been barely issued when the attempted attack of the eleventh, at Queenston, which failed by reason of lack of boats and wet tempestuous weather, showed the enemy's intention of speedily bringing matters to a crisis. The inmates of Dunlathmon were of course anxiously

watching the progress of affairs, prepared in case of need to take refuge at Fort George ; an extreme contingency, however, of which they would hardly admit the possibility. The rainy, gloomy weather, too, of the eleventh, and the morning of the twelfth, seemed to increase the weight of anxiety that rested on their spirits. On the afternoon of the latter, however, the rain ceased, and the sun broke out in soft October brilliancy from a back-ground of pale blue sky and softest purple cloud. The dim haze of the Indian summer rested with an idealizing grace on the gorgeous tints of the forest, making gold and crimson blend together in the most exquisite confusion of rich and delicate hues. As the evening drew on, a blood-red sun, looming softly crimson through the intervening haze, sank slowly among the horizontal bars of rosy and purple sunset clouds,—darting long level rays of ruddy light through the pine trees of Dunlathmon, which looked duskier than ever in contrast with the rest of the gorgeously tinted woods, and suffusing the gnarled trunks in its way with a rich ruby glow.

Lilias had wandered out alone in the sunset, to tranquillize the nervous agitation she was feeling by a solitary walk among the soothing influences of nature, which has always a word for the troubled heart, if it will listen. She carried with her her little pocket Testament, in which she liked, at such times, to read some of the cheering words of hope and comfort which, spoken beside the lilies of Jordan, or amid the storm-tossed waves of the Sea of Galilee, or under the olives of Bethany, come with so soothing a message to the anxious and suffering, and often seem to glow forth most brightly, like “the bow in the cloud,” from the deepest shades of outward darkness. For, now that a critical moment was believed to be imminent,—that a few hours might imperil the lives of those she loved best, visions of what *might* be would haunt her aching sight ; would weigh down her heart with sickening fear and sus-

pense, which needed a higher than human comfort to lighten it. She had come out on the avenue, near the gate, and was proceeding slowly towards the house, enjoying the sweet softness of the air, laden with the peculiar autumn scent of the dying leaves, when she heard a horse’s hoofs behind her, and turning, she saw Captain Percival, mounted on Hector, galloping up. He dismounted when he reached her, and walked slowly on by her side, his horse’s bridle thrown over his arm.

He explained at once that his errand was principally to see her ; and then, that he might swallow the bitter pill of reparation as speedily as possible, he plunged at once into a rapid explanation of his promise to clear Heathcote from an unjust charge which he had, unwitting of its injustice, brought against him.

Lilias’ cheek flushed deeply as he proceeded, and she listened silently with downcast eyes, feeling as if the frank reparation almost more than cancelled the offence. When he paused, she thanked him briefly, and ventured, though with some effort, to ask whether he had given the same explanation to her father.

“Yes,” he replied, “I did so some days ago. I might have left it to him to tell you. But,” he added, in a tone of such earnest gravity that she could hardly believe it to be the careless Percival who spoke, “this is a time for settling old scores, for no one knows where he may be by this time tomorrow. Possibly,” he added in a lighter tone, “food for the American eagles.”

“You think, then, that there is going to be an attack?” said Lilias, in a voice which she tried in vain to keep from being slightly tremulous.

“I am sure of it. In fact, it is inevitable. The Americans must do something to keep the troops in good humour. We should have had them over yesterday, if they had had boats, and I see they have a good many now. I am on my way to Newark now, to

apprise the General that he must be ready for an early start."

Lilias was silent. So many thoughts and emotions were crowding upon her mind, that she did not find it easy to speak.

Presently Captain Percival continued, in a tone that sought to conceal emotion by an appearance of carelessness;—"So I thought I should like to see you again, Miss Meredith. It may be a long good-bye, you know!"

"I hope not," said Lilias, with frank earnestness.

"Oh, as for that," he replied, in the same would-be careless tone, "I don't expect any one to care much for *me*, even if I *do* serve my country by presenting it with my life! The poorest volunteer that falls will cause mourning enough; but who will care for the British soldier? He is only 'doing his duty!'"

Lilias felt thoroughly pained at the bitter, almost reckless tone in which he concluded his speech, and hastened to say the only soothing thing she could think of.

"I know there will be some who will care," she said, gently. She was thinking of a letter she had recently received from her cousin, in which she could clearly see that the uppermost thought was Captain Percival and his welfare, although the writer had evidently tried to conceal it, and seemed to think she had succeeded.

Captain Percival's expression changed, instantly, to one of eager interest, and he bent forward and said, in a low tone of peculiar meaning—

"If I could hope that *you* cared, Miss Meredith, it would make life a different thing to me! I think I might be tempted to grudge it to my country yet!"

His tone and manner forced upon Lilias, with a quick pang of pained surprise, his unmistakeable meaning. In her agitation and embarrassment, and her eagerness to undeceive him, she rushed into an explana-

tion which she would otherwise scarcely have ventured upon, saying hurriedly—

"I meant—I was thinking of—my cousin Marian; I thought"—but here she stopped. She could not bring herself to explain farther.

Captain Percival's face fell. It was his turn, now, to be surprised.

"Thought—that I cared for your cousin?—Lilias! Miss Meredith! how did you take up such an impression?"

"I hardly know; I beg your pardon," Lilias replied, in a low tone.

Captain Percival was silent for a few moments, then he began resolutely—some-what bitterly:

"I will tell you frankly. I *did* care for your cousin once; nay, was fool enough to think she cared for *me*! But she treated me in such a way as compelled me to think I was mistaken, so I gave her up, once and for all. I did not care that she should have the triumph of a scornful rejection, and so—saved her the trouble!"

"But you may have mistaken her," said Lilias, in a low tone. "Indeed, I think you must have done so!"

"Not likely. You don't know your cousin, Miss Meredith, and I do! But I know I am not mistaken in thinking that the man that wins *you* will be a happy one! Is there no hope for me, Lilias?" he said, in a voice almost inaudible from agitation, for something in the girl's look and manner dashed all his hopes.

Lilias could find no words. Her heart sank at the pain she felt she must give. She could only shake her head faintly with averted glance.

"But,—if there is no one else!" he persisted, "there might be hope for me in time, that is, if the chance of war spares my life. With the hope of having you by my side, my life would be something different from what it has ever been before!"

Lilias' heart throbbed painfully, and her face burned with the hot colour that suffused

it. There *was* some one else, but how could she avow to him a preference unconfessed to the object of it,—nay, the avowal of which had never been asked for by the one most concerned!

But he understood her silence. "Then it is so," he said, gloomily. "I might have known! It would be idle to say I envy him. Well, perhaps it is so much the better! *Now* I can do my duty all the more freely, not tempted by any desire of preserving a life for which there will be no one to mourn, since I have no friend who cares enough for me to regret me particularly!"

"There will," exclaimed Liliás, earnestly; "my father is your warm friend, and I too! and, besides, Captain Percival," she said, timidly, but as though compelled by a strong impulse; "you have *another* Friend, who cares for you more than any one else could do."

He understood her meaning, and replied gravely, "Not for me, for I have never cared for Him! I know *you* do, for I have noticed more than you think; and so, I am sure, does General Brock;—and so did my mother, as I can remember, though it is long since she died. But I have never cared to think of these things. Why, Miss Meredith, I hardly ever open a Bible, and to begin now, when death may be at hand, would seem cowardly. No, it is too late for me now!"

"It is *never* too late,"—exclaimed Liliás, emphatically, forced out of all shyness and self-consciousness by the strong feeling of the moment. "If you had an earthly friend who loved you more than you could think, but whom you had misunderstood and neglected, would it not be the best reparation you could make, just to go and tell him so, and how sorry you were? And He always wants us to return to Him, however late it may be! He never casts out any one who will come to Him. Captain Percival," she added, half-hesitatingly taking from her pocket the little Testament she had

been reading, "won't you take this, and read some of His own words for yourself?"

Percival's face had softened while she spoke; she had touched chords that had responded—feelings long lying dormant. "I will—for *your* sake, at any rate;" he said, as he took the little book; "and perhaps it may do me more good than I think. Thank you a thousand times for all your kindness to me, which I did not deserve," he added, as he thought of the pain he must have caused her by prejudicing her father against Ernest. "And now, good-bye! you will never know all the good you have done me, even if——"

He did not finish his sentence; but he stooped and kissed her hand, which he had taken and was holding in his. In her sympathy and compassion for him, she allowed him to hold it unresistingly. In after years she was glad of this, as of every kindness she had ever shown him; but that night, within half an hour, she bitterly regretted it. For neither Percival nor she had seen a figure which was approaching them from the direction of the house, on which they had turned their backs—the figure of Earnest Heathcote, who, longing too for one last word with Liliás before the expected engagement, after the long interval of suspended intercourse, had walked across to Dunlathmon by a short cut through the woods, and had been told he should find Liliás somewhere about the grounds. When he came in sight of her whom he sought, standing with her hand in Percival's, he stopped, struck by a sudden pang; but when he saw Percival raise her hand to his lips, he waited no longer, but, striking off for the short cut by which he had come, was quickly out of sight, feeling as if all that made life worth having was over for him for ever.

Captain Percival said no more, but mounted his horse in silence and rode off, slowly and sadly, with a respectful salute. Liliás turned and walked slowly to the house, her mind still full of the agitating



interview just over, and the regrets it had awakened. Was she sorry, after all, that she could not love this man, in many respects so attractive—so fitted to realise the ideal of a maiden's fancy? Perhaps any true-hearted girl must always feel something of this regret when a deep and honest affection, whose worth she can always appreciate, has been laid at her feet in vain! But her heart was unshakenly true to the thought of Ernest, whose image lay enshrined in its depths too deep for any passing ripple of feeling to affect.

As she entered the house Marjorie met her. "Have you not seen Ernest Heathcote?" she said. "He went out to look for you."

"Ernest!" exclaimed Liliás. "Was he here?"

"Yes, just a few minutes ago; he went to find you. If you came by the avenue, you must have met him."

Liliás turned very white. A fear had taken possession of her which she could not shake off. She stood at the door for a short time, vainly hoping to discover Ernest in the distance. At last that hope failed. He must have seen her with Captain Percival, and she could divine the impression under which he had gone away without disturbing them. It was too much;—and, overstrained by the double agitation, she rushed to her room and gave way to a bitter burst of tears. It was hard! The morrow, with all its uncertainties,—and no opportunity of a single word of explanation or farewell; with the added pain of feeling that Ernest, under a false impression, might be suffering even more than she was.

As the twilight drew on, Major Meredith came in to talk gravely with Colonel McLeod over the prospects of the morrow, and as all were full of the deep anxieties of the time, no one noticed or wondered at Liliás' pale, tear-stained face. But she did not mention her interview with Captain Percival, even to Marjorie.

## CHAPTER XV.

### QUEENSTON HEIGHTS.

"They bore him bare-faced on the bier,  
And on his grave rains many a tear,  
For he is dead—  
He never will come again!"

THE morning of the thirteenth of October, 1812, rose fair and bright, with almost the softness and warmth of a June morning in the balmy air, misty with the soft, exquisite haze of Indian summer. Through it, seen from the American shore, the bold ridge of Queenston Heights gleamed with a glory of colour not usually its own, the rugged rocks besprent with rich dashes of crimson, gold and purple—the oak's rich shades of russet and crimson—the golden tresses of the birch, and the scarlet glow of the maple—the brilliant hues of the sumach burning in blood-red crimson and gold, and the deeper, even more gorgeous tints of the Virginia creeper, hanging in rich festoons over the rough dark precipices, soon to be dyed with stains of a more fatal and ominous crimson.

For, even before the first early sunbeams had pierced through the haze, and lighted up the glowing tints of forest and cliff, a number of small boats had silently stolen across in the grey dawn, from the American shore, and the "forlorn hope" of the invaders, under Colonel Van Rensselaer, had made good their landing on Canadian ground. More and more troops followed, till, with very little loss, considerably more than a thousand American soldiers and militia confronted the small British force at the outposts. The fire of two eighteen pounders and some smaller field pieces on the American side, covered the passage of the boats and prevented its being effectually opposed; but, once landed, all further progress was desperately resisted, and the hoarse rattle of musketry blended with the firm tones of the British words of command, the sturdy

British cheer, the groans of the fallen, and the rallying cry of the American officers—"On men! on! for the honour of America;" while over all boomed at intervals the sullen thunder of the British eighteen-pounder on a spur of the heights, and a carronade a mile or so below. Van Rensselaer was soon desperately wounded, as well as others on both sides, of names less known. All was confusion,—grim hand-to-hand fighting,—blind desperate struggle to gain or keep the strong position; when General Brock, who had been aroused at Fort George by the first sound of firing, galloped up on his gallant charger Alfred, at the head of his suite, and, passing up the hill in front of the light company, and under a heavy fire of artillery and musketry, never drew rein until he had reached the field-work, where he dismounted, to survey through his telescope the aspect of the engagement.

But a volley from a height above, gallantly gained by a small detachment of the enemy which had reached it unobserved, interrupted his survey, and drove him and his suite, without time to remount, from the vicinity of the battery. A British detachment charged the adventurous Americans, who, being driven back, charged again; and in the confused struggle which followed, assailants and assailed were driven pell-mell to the very edge of the precipice, with the rushing river sheer beneath. There, some of the American officers, appalled by the situation, were on the point of raising the white flag of surrender. But Captain Wool, who had led the party up the height, tore it down, and rallied his discouraged troops to renewed exertions.

A fierce hand-to-hand struggle followed. For generalship and military tactics there was neither room nor opportunity. All that General Brock could do at such a crisis was to fight like one of his own officers, and press on,—conspicuous as he was by his dress, height and bearing,—as might have been expected of one who had said: "How can I expect the men to follow where I am

afraid to lead?" It has been thought that his military ardour transported him beyond all considerations of prudence or caution; yet, ardent, unhesitating devotion to a cause, is often of far more avail than a more prudent course; and a failure on his part to set the example of fearless self-devotion might have been disastrous to the fortunes of the day. He was pointing to the hill, and the words—"Push on the York Volunteers!"—were on his lips, when a ball, too well directed, struck him in the right breast, and laid low the hope and stay of Canada, and as brave and heroic a leader as ever bled for Britain on any world-renowned battlefield. The comparative obscurity of the campaign in which he fell has prevented his name from being widely known to fame, but it has long been enshrined as a precious memory by the grateful people amidst whom was sacrificed a life so noble, and to them, as it seemed at the time, so indispensable.

During most of that October day the sanguinary contest went on, among the beetling precipices and the many-hued foliage, above which curled the significant blue wreaths of smoke, and resounded the rattle of musketry. During an interval after the fall of Brock, and that of his gallant aide-de-camp, Colonel McDonell, who was struck down in leading the York Volunteers up the hill, in obedience to the General's last words, there was a lull of some hours, during which the Americans retained their exposed and dangerous post on the hill, while the little body of British troops drew up on the outskirts of the village to await reinforcements. General Sheaffe was already far on his way from Fort George, at the head of some three hundred regulars of the 41st and 49th, two companies of militia, and some Indians, when he heard the sad tidings of the fall of his chief, which urged him forward with fresh eagerness to avenge so terrible a loss. He brought his troops out on the heights about two miles to the west of Queenston, in order

to outflank and hem in the Americans, whose comrades in arms on the other shore declined to reinforce them in their critical position on the hill—with precipitous crags and the river behind them, and a semi-circle of foes gradually closing in around. On arriving at the heights, Sheaffe's forces were joined by Brant and Norton with their Indian followers, and some two hundred volunteer militia from Chippewa. The British and Canadian forces were about eight hundred now,—opposed to nearly double the number of Americans, who fought gallantly even when, at last, they felt that they fought hopelessly. For British pluck and Canadian patriotism could hardly fail, in such circumstances, to triumph even over superior numbers; and at last, amid the clouds of smoke and dust that almost screened the battle from view,—amid Indian yells, fierce shouts and execrations, groans and outcries, the irresistible impulse of the conquering force bore down the last desperate charge of the invaders, and the survivors were compelled to rapid, or rather headlong, retreat. Had Brock lived, the terrors and the slaughter of that retreat would not, in all probability, have been nearly so great. But his unbounded influence over his Indian allies was missed already, and many a life, which might otherwise have been spared, was sacrificed by the exasperated warriors out of vengeance for the lamented loss of the British commander. To escape these dreaded enemies, many, cut off in attempting a retreat, threw themselves over the cliffs, and, losing their hold of the bushes to which they clung, were dashed to pieces on the rocks below. Others, who gained the bank of the river, took to it in despair, and were drowned in endeavouring to swim across.

On the bank of the river, near where the Suspension Bridge has hung so long, the unconditional surrender was at last offered, which made Generals Scott and Wadsworth, with the surviving remnant of the American force,—about eleven hundred men,—prison-

ers of war, and, for the present, put an end to the invasion.

The family at Dunlathmon had been aroused at day-break by the sullen sound of firing and the rattle of musketry. Colonel McLeod and Major Meredith, who had been there all night, mounted and rode off in haste, accompanied by the lads, eager to see and participate in the fray. The female portion of the household, who had dressed hastily to bid the hurried, agitated "good-byes," made a pretence of gathering around a comfortless breakfast-table, but to eat was impossible; the smallest morsel seemed to choke them. The long morning seemed interminable. The hours, told by an old-fashioned sand-glass—for clocks were then a rare luxury in Canada, and the Colonel's cumbrous watch was the only time-piece of the family,—seemed so long that they looked again and again to assure themselves that the sand had not stopped running. Lillias wandered, arm-in-arm with Marjorie, about the grounds, trying to soothe the latter's excitement, which was uncontrollable; for she believed that she possessed something of the old Highland gift of "second sight," and was seized with a dire presentiment that General Brock would fall. They knew that the action must be a serious one, judging by the constant sound of the cannon and musketry; and the cannonade which was raking the river just below them was, for a time, almost incessant. When they could bear the ominous sounds no longer, they would try to escape from it partially by retreating into the house, where Mrs. McLeod sat, dismally enlarging upon the miseries of the situation, and wondering what they should do in case the Americans should effect a footing in the country, and how soon they should have to fly. The circumstance that so many precious lives were at stake was ignored, however, in words at least, by common consent. Present as it could not but be to their minds and hearts, they could not have borne to admit the fact in so many

words. "I do wish your father would come and tell us how things are going on," Mrs. McLeod would reiterate; and no one would have suggested, for the world, that there was the slightest doubt as to his coming at last. Sometimes, when Liliás felt as if she could keep quiet no longer, she would betake herself to the solitude of her own room, to seek the relief of tears and silent prayer. But Flora, whose playfulness had given way to pale and tearful terror, was sure to seek her out there, to claim for the hundredth time the wished-for assurance that "God would take care of her father and brothers."

At last came the first news from the field. Angus, the youngest boy, rode home with a message from his father, and tidings which they were too fearful to ask. We know what fatal news he bore. For though it was General Brock's last wish that his fall should be kept secret from his men, his personal friends soon heard of it, and Colonel McLeod had been by his side at the time he breathed his last. Marjorie spoke not a word when she heard the sad tidings, but rushed away to shut herself up alone; and Liliás, with the true consideration which her own heart taught her, left her alone. To herself, indeed, the tidings were heavy enough. It seemed so stunning, so impossible, that he who had been at once the head and the animating spirit of the country's defence,—its trusted bulwark in a troublous time,—a leader so firm, so able, so successful, and but that morning so relied on, was no more—had passed away utterly, in a moment, from the country he guarded, from the soldiers he led! The young McLeods almost lost the sense of the public loss in that of the revered and beloved friend; but Liliás, who had not known him so intimately, felt even more for the blow which his death must be to the country at such a crisis. When at last she ventured to intrude on Marjorie's privacy, she found that the girl, worn out by the morning's excitement, had sobbed herself to sleep, her favourite Ossian

beside her, open at Malvina's lament for her lost hero. Liliás closed and removed it gently, determined that it should be out of sight for the present; and left in its place *another* book of poems, open at words which contain the only true consolation in such times of extremity, when "human helpers fail and comforts flee."

"God is our refuge and strength; a very present help in trouble."

Then she darkened the room as much as possible, and left it softly, that Marjorie might enjoy the longer the sleep which is often the best balm for a mourner.

At last, "time and the hour wore through" the long anxious day of suspense and dread, and as the early evening closed in, the young McLeods, with the exception of the eldest, returned unhurt. They brought the intelligence that Major Meredith and their eldest brother had been wounded—not dangerously, however,—and that their father had remained to watch over their comfort, as well as that of another friend, fatally wounded, and suffering terribly,—poor Colonel McDonell, General Brock's brave young aide-de-camp, who died next day. Colonel McLeod, who was to dine with General Sheaffe and the American Generals at the quarters of the latter, would stay all night with the invalids, and would have them carefully conveyed home on the following morning. Meanwhile, old Dinah was despatched with black Cæsar to carry to the invalids all the comforts that could be extemporised for them, and to give to them, and any one else who might come in her way, the benefits of her good nursing. Marjorie and Liliás would gladly have gone too, but they knew that it was quite out of the question, and so did not even suggest it.

Of Percival and Heathcote the lads knew nothing, except that they had seen the former's company charging in the last fierce onset, and were sure that he was not in command. Payne, however, they had seen lying on the field, quite dead, where the fallen lay closest. But they spared the

sickened hearts of their hearers any details of what they had seen on the blood-stained battle-ground. There,—amid rock and fern, under the quiet stars and the moon brightening through the hazy air, as the twilight descended over height and river, blending all objects into the same dusky hues,—lay many a strong manly form, the cherished pride and darling of a distant home, or the prop and stay of an unconscious household, stricken down in the death which had come in the iron shower, or at the bayonet's edge, in the mad rush of the hot conflict. The Americans, doubtless, believed that they were fighting for the national honour, and many had bravely won a soldier's honourable death. The fallen British soldiers deserved as much honour from their country as any who fell on the more famous Continental battle-fields of those eventful years; and none of the troops who, almost at that very time, were retiring discomfited from the hard-fought siege of Burgos, had more faithfully borne out their country's high traditions of military glory. The Canadians who freely imperilled their lives there for King and Country, patriotically anxious to do their duty to both, and protect the land which they claimed as their own—although history knows them not, and even the conflict in which they fell is almost unknown to fame,—were, many of them, as self-sacrificingly brave as the men who fought at Thermopylæ, or those who afterwards won the field of Waterloo. And, though they sleep now in silent or nameless graves, they have left to their country an imperishable memory, that may well thrill and reproach and arouse it, should it ever degenerately sink into a slothful or a craven policy, or into the yet deeper baseness of a national corruption.

Few at Dualathmon slept much that night; and Liliás, anxious and unable to rest, was on the watch next morning for her father's arrival long before it could possibly take place. She could not feel sure that he was

not seriously wounded till she had seen him for herself. Of Ernest she had as yet heard nothing, and she was heart-sick from suspense. She could not ask about him, and if she could, there was no one who could have given her any tidings. Weary with longing, and physically worn out with suspense and inward agitation, she was slowly walking along the avenue, ever watching for the expected arrival. Suddenly a slight rustle among the fallen leaves made her turn her head, and she saw, through a mist that seemed to gather over her eyes,—Ernest,—apparently safe and well! The reaction after the preceding strain was too much. She grew white and dizzy, wavered, and seemed as if she would have fallen had not Ernest rushed forward to support her. Neither of them could ever quite tell how it was; in the excitement of the meeting the tide of feeling overleapt all ordinary barriers of conventionality, and they met, clasped in a warm, glad embrace. The relief of the moment seemed to wipe out every other thought than that they were together again,—all distrust and estrangement over,—and in the full, irrepressible, mutual consciousness of a strong, overpowering affection.

Ernest had hurried on by a short cut leading him into the grounds through the woods. He had come, in no small degree impelled by the strength of his own desire to see Liliás, but also with the good excuse of acting as the herald of the invalids, that everything might be ready for their reception. It was a good while before the course of events could be disentangled from the rushing torrent of question and answer. One thing Liliás did *not* hear from Ernest, but afterwards from her father; who gratefully told her that, but for Ernest, "it would have been all over with him." He had been separated from his comrades and hemmed in, in a rocky angle, by two or three Americans; and in a moment or two his ineffectual resistance must have left him at their mercy, when Ernest, who had been trying during

the whole action to keep in view that familiar grey head, descried his danger and rushed to the spot. Happily, he met in his way the Indian Black Hawk, who had never forgotten the Major's kindness to his wife, and who, when aware of his danger, joined in the rescue with a fierce Indian yell, before which the Major's assailants gave way at once, without waiting for the stroke that followed; and the brave old soldier, faint with loss of blood from wounds in his arm and thigh, was at once assisted by Ernest to reach a place of safety.

But Ernest had much to tell Liliás about Captain Percival, though she did not hear all the particulars till long afterwards. Towards evening, in going over the deserted battlefield, Ernest had discovered him lying, wounded and unconscious, half hidden among rocks and foliage. Then there came to him a strong temptation, the strongest he had ever encountered. There lay his former enemy and his rival—as he believed, his successful rival,—the man who had injured him in the estimation of those for whose opinion he had cared the most; who had stolen from him, as he thought, the treasure that was dearer to him than life! Why should *he* be the man to care for him, perhaps to save his life? Why not leave him, at least, to be cared for by others? Why should he, of all men, seek to preserve a life which he had no reason to desire? Were Percival to die there, might not Liliás be his yet? All this flashed through his mind in a moment, with lightning rapidity. All the bitterness of a tortured heart, of crushed hope, rose up in him to give weight to the suggestions of the tempter. Then came a flash of purer light, and he shrank back, appalled, from the revelation of himself. He uttered one strong inward cry for help,—help to overcome *himself*; and the cry was answered, as every such sincere, earnest appeal will be. Ernest could never doubt, after that, the reality of the ever-present, unseen, all-powerful Helper. In

the silent victory which, in those few moments, he won over the evil of his own spirit, there was far more of true heroism than in the reckless courage of despair with which he had been fighting all day; for it was the victory which, we are told, is better than the taking of a city. But Ernest knew well that it had not been gained through his own strength.

Hastily calling one of the surgeons to the spot, he carefully raised the unconscious Percival, and carried him, with the surgeon's assistance, to the nearest cottage, where, with some difficulty, he procured for him a comfortable bed. The surgeon examined and dressed his wounds, which he said must be fatal before many hours elapsed; and gradually he was restored, by means of stimulants, to consciousness.

Then happened one of those strange coalitions which sometimes take place suddenly between natures which have seemed mutually antagonistic, provided there is a basis of nobility of character in both; when the underlying sympathy overcomes the surface antagonism, and the mutual repulsion changes into mutual attraction, as each recognizes and appreciates what is good in the other. There were mutual explanations, and Percival, touched to the quick by the kind care of his formerly despised rival, told him enough of his own position with regard to Liliás to relieve Ernest from the haunting thought that had oppressed him during the past night and day, prompting him to expose his life on the field with a recklessness that made his escape with a slight wound seem really wonderful, and strengthened his belief in the ever-watchful Providence that constantly "shapes our ends, rough-hew them as we will."

That solemn night spent beside the dying officer left its influence with Ernest all his life. They spoke, at intervals, of things about which men in health and vigour usually converse too little: of the transitoriness of things seen, and of the dark unknown into which the

life of the one was passing ; and Ernest, at Percival's request, read to him from the Testament which Liliás had given him, some of the passages which tell most plainly of the Christian faith and hope which alone can light up that dark abyss. Percival's mind had been led of late to penetrate deeper beyond the painted outside show which had made his world, than his careless spirit had ever done before. General Brock's example had shown him that a man may do a soldier's duty all the more bravely and faithfully for having a higher aim than that of earthly glory—a nearer, closer helper and friend than any earthly one. And being led to contemplate, partly by the influence of Liliás, a purer and higher ideal, he had been led to see something of the darkness of self surveyed in a ray of the light that is "inaccessible and full of glory." The overworked garrison-chaplain had too much on his hands, that night, to visit all the sufferers, and did not find out Percival. But a better Teacher was near unseen, to bring home to the eagerly attentive heart the sayings of Him who "spake as never man spake." Among these were the words : "I am the Way, the Truth and the Life,"—with the precious lesson they enshrine ; and as Percival's earthly life was ebbing away he entered upon the possession of the better, the only true life of man, even the eternal. To Ernest himself, the words he read in such solemn circumstances seemed to possess a power and force that they had never had before, and, coming as they did just after his recent inward struggle, they awoke thoughts and feelings that determined the current of his whole after-life.

Percival sent a kind grateful message to Liliás, telling her that he did not grudge his life to Canada, especially now that he had found a better one than he had ever expected to know. "And," he added, smiling, "it is doing England just as good service as if I had fallen under Wellington, fighting in Spain !" He begged Ernest to accept, as the only return he could make for his unde-

served kindness, his horse Hector. "Miss Meredith will sometimes ride him, I know," he said with a peculiarly pleasant smile, "and when she does, she will think kindly of Francis Percival."

Then, as death drew near, and his thoughts began to grow confused, they wandered away to his English home,—to the old mansion-house he should see no more,—to the daisy-sprinkled fields he had played in when a boy,—to the little ivy-covered village church where reposed the ashes of his ancestors. And, just before the last,—an old emotion seeming to re-establish its influence—he sent a short broken message to Marian Herbert ; a message which Liliás sacredly treasured, and sent to her cousin just as it was spoken, and which, some weeks later, was read with a rush of blinding tears in a retired chamber of a stately baronial home. When, long years after, Marian—still Marian Herbert—visited her Canadian cousin, Liliás led her to Captain Percival's quiet resting-place in the little churchyard at Oakridge, where, by Major Meredith's desire, his remains had been laid. And then, at last, one mourner wept over the stranger's grave tears of real, bitter, even penitential grief. For she had long since taught herself to believe that her own haughty petulance, alone, had been to blame for the cloud of pride and misunderstanding that had arisen between them. And Liliás had never told her that which would have grieved her unnecessarily, and marred the unbroken memory to which she clung as the one ray of brightness left amid the shadow that had fallen upon her earthly life.

All that remains to be told must be told briefly, for the story has already exceeded its allotted limits. What the death of Brock was to the Canadians may be well imagined ;—the stunning, almost paralyzing effect of the tidings that their brave and trusted General had been taken from them at a time when they felt that they could so ill spare him ; when, in the words of the late Chief Justice Robinson, "they looked forward to a dark

and perilous future, and felt that the earth was closing upon him in whom, more than in all other human means of defence, their confidence had been reposed." But a week before the battle in which he fell, the guns of the Tower of London were celebrating the brilliant capture of Detroit, and men now spoke of him who had passed beyond the reach of all earthly honours, as SIR ISAAC BROCK. His knightly spurs had been won, and won gallantly;—but only to be laid on a silent tomb.

With heavy-hearted mourning, most deep and genuine;—amid the tears of his own brave and attached 49th regiment,—the unaffected grief of the militia who had so revered and trusted him, and the deep sorrow plainly traceable on the dark faces of his Indian warriors, who silently grieved much for the loss of their loved and revered British chief—he was laid, with all the solemn pomp of military honours, yet with the endeavour to respect his "native simplicity," in his temporary grave in a newly finished bastion of Fort George; while the minute-guns of the fort blended with those of Fort Niagara,—a tribute to the departed General even from the American shore! Twelve years later, on the anniversary of the battle of Queenston Heights, his remains were removed to the scene of the engagement, where a stately column, seen afar, perpetuates the honour of his name—a name never to be forgotten in Canada.

\* Throughout the whole country the same

\* The sorrow for the loss of General Brock extended to all classes and ages. The following lines were written on his death by "an extraordinary child of thirteen years old," daughter of Lieut.-Col. Bruyères of the Royal Engineers :

"As Fame alighted on the mountain's crest  
She loudly blew her trumpet's mighty blast;  
Ere she repeated Victory's notes, she cast  
A look around, and stopped, of power bereft.  
Her bosom heaved, her breath she drew with pain,  
Her favourite, Brock, lay slaughtered on the plain,  
Glory threw on his grave a laurel wreath,  
And Fame proclaims—"a hero sleeps beneath."

universal grief prevailed, clouding the joy of present victory with sorrow for him who was gone, and with misgiving for the future :

"On every brow the cloud of sadness hung,  
The sounds of triumph died on every tongue."

"Oh Canada, the beauty of Israel is slain on thy high places; how are the mighty fallen!" exclaimed the enthusiastic young missionary,—still surviving,—who preached his funeral sermon; and men felt as if the prop and mainstay of the country were removed.\* But the waves of time gradually closed over the departed General, as they do over humbler men; and though he left no leader who could fill his place, and though mistakes were made, and the war was protracted far beyond the time which, in all probability would have closed it had his life been spared;—yet, amid all vicissitudes, the spirit which had enabled Brock, at the crisis of

\* The following is the general order on the subject of Sir Isaac Brock's death, which was transmitted by the Secretary of State for the Colonies to Sir George Prevost, and by him, strange to say, at the time almost entirely suppressed.

Dec. 8, 1812. "His Royal Highness the Prince Regent is fully aware of the severe loss which His Majesty's service has experienced in the death of Major-General Sir Isaac Brock. This would have been sufficient to have clouded a victory of much greater importance. His Majesty has lost in him not only an able and meritorious officer, but one who, in the exercise of his functions of provisional Lieutenant-Governor of the Province, displayed qualities admirably adapted to awe the disloyal, to reconcile the wavering, and to animate the great mass of the inhabitants against successive attempts of the enemy to invade the province, in the last of which he unhappily fell, too prodigal of that life of which his eminent services had taught us to understand the value."

To this public testimony, the following private one may be added, written soon after his fall, by a personal friend:—"General Brock was indeed a hero, a hero in the only true and in the most extensive sense; resembling what history or fable has represented rather as the offspring of the imagination than a personage that could have real existence, so entirely was every good and great quality comprehended in his character."



Canada's fate, to rally her to brave resistance, inspired her people still.

Ernest Heathcote speedily recovered from a flesh-wound which he had received during the engagement of Queenston Heights, which, when the excitement was over, he found had been severer than he at first knew. Notwithstanding the pain it caused him, however, he insisted on attending the body of Percival to its resting-place in Oakridge Churchyard. He rode over on Hector, Percival's bequest, who looked wonderingly at his new master, as he mounted him with a strange mingling of regret and compunction in his heart. When the quiet interment was over, and the little band of soldiers who had attended the body of their officer had retired, after firing the customary salute over his grave, Ernest remained for an hour alone on the spot where we first encountered him, thinking, under the yellow and fast thinning foliage, thoughts for which he was the better during all his future life.

It need hardly be added that his convalescence was a pleasant one, spent, as it was, at Dunlathmon, where Lilius and her father were prisoners for some weeks, till the latter was well enough to be removed to Oakridge. Major Meredith's wounds proved tedious enough, and it was long before he could use his right arm again, or go about without his crutches. While so disabled he found it impossible to dispense with Ernest's efficient aid, and as military operations on the Niagara frontier were for a time suspended, Ernest was able to gratify what were the wishes of all concerned, without infringing on his duties as a volunteer. The Major's warm heart had turned to him once more, with a strength of reaction all the greater for the previous estrangement. Everything became fully explained, and as the Major felt more and more dependent upon Ernest, and became more and more awake to his value, his abilities and his faithfulness, his inward opposition to the idea of his becom-

ing his son-in-law gradually melted away. No one knew exactly how it came about, but, by degrees, it became a settled matter that Ernest was, ere long, to hold the rights, as he was already performing the duties, of a son.

It does not fall within the compass of our story to follow the war through its various succeeding phases, to describe the worrying vicissitudes, the encounters on lake and shore, that kept the country in turmoil and anxiety for years; or the lurid flames of Newark, that, lighted by a dastardly enemy's hand, shed their glare on the snowy fields, and left numbers of families homeless in the rigour of a Canadian winter. In most of these events Ernest and Lilius had their full share of active and passive interest, and not a little suffering and anxiety; but they went through them hand-in-hand, finding, in the open and acknowledged bond that united them, a fruitful source of mutual help and strength. And both had learned lessons of trust and rest in a higher love and wisdom that they could never forget; so that Lilius never suffered during any of Ernest's future absences, as she had done during the engagement of Queenston Heights.

When the following June came round, bearing its wealth of leaves and blossoms, there was a quiet wedding at Oakridge; and Marjorie, a quieter, more subdued Marjorie than of old, officiated as bridesmaid. She remained faithful for some years in her romantic devotion to the memory of her departed hero; but eventually a new and more ordinary affection took its place, and she became the energetic and high-spirited wife of one who subsequently bore a prominent part in Canadian public life. But before that time came she had learned to find for her hero-worship a still higher Ideal, and to lay it at the only shrine where such passionate homage can safely be laid.

Rachel Thurstane's childish fancy for her unworthy lover was not strong enough to

cause any noticeable grief for his death. Not long after the final conclusion of the war, she was satisfactorily married to a neighbouring farmer, no one save those most concerned having known what a blight her opening life had so narrowly escaped. For Bill Davis, the only other repository of the secret, ere long disappeared from the neighbourhood, after having been discovered to be acting the part of a double-faced spy, deceiving in turn both Americans and Canadians.

It is not necessary to trace here in detail the ways in which Ernest Heathcote's future life eventually shaped itself, and the opportunities for the definite work he had longed for, that gradually opened themselves before him, when the anxious war was at length over, and the country had resumed the

peaceful and even tenor of its way. Suffice it to say that he remained true to the aspirations of his youth, strengthened and defined by the influence of the emotions and experiences which the war had developed; and that Lilia and he endeavoured, throughout the changing scenes of after life, to live, not for themselves, but for the true welfare of the country for which he had once been ready to lay down his life.

For, if "it is a sweet and a becoming thing to die for one's country" when that is necessary, it is no less becoming and honourable to *live* to serve it, when God has so ordained. As the great poet of Germany has said:—"We cannot all serve our country in the same way, but each may do his best, according as God has endowed him."

---

NOTE BY THE AUTHOR.—Instead of referring, by scattered foot-notes, to authorities consulted, the Author desires here, once for all, gratefully to acknowledge obligations to the following works:—Dr. Tupper's "Life of General Brock," Colonel Coffin's "War of 1812," Dr. Canniff's "Settlement of Upper Canada," Mrs. Jameson's "Winter Studies and Summer Rambles in Canada," and a "Funeral Sermon on General Brock," by Rev. W. Smart; as well as to other books bearing incidentally on the history of the time.

---



---

## WISHING.

(From *Jean Ingelow's Poems.*)

WHEN I reflect how little I have done,  
 And add to that how little I have seen,  
 Then furthermore how little I have won  
 Of joy, or good, how little known, or been :  
 I long for other life, more full, more keen,  
 And yearn to change with such as well have run—  
 Yet reason mocks me—nay, the soul, I ween,  
 Granted her choice would dare to change with none ;  
 No, not to feel as Blondel, when his lay  
 Pierced the strong tower, and Richard answered it—  
 No, not to do as Eustace, on the day  
 He left fair Calais to her weeping fit—  
 No, not to be—Columbus, waked from sleep  
 When his new world rose from the charmed deep.

## EARLY FRENCH SETTLEMENTS IN AMERICA.

BY JOHN LANGTON, M. A.

IN taking a brief retrospect of the early discoveries in America, we may pass over those of Biarne and other followers of Eric the Red, from Iceland ; for though they undoubtedly made several visits to it as early as the latter end of the 10th century, and even made some attempts at settlement, these had no influence upon the subsequent history of the continent. There are also some rather apocryphal accounts of voyages from Ireland and elsewhere, but the real history of American discovery commences with Columbus, in 1492. From that time, however, the leading maritime nations of Europe vied with each other in prosecuting discoveries in the new world. Even before the Spaniards had set foot on the continent itself, the English under Cabot had been on the coast of Labrador ; the Portuguese, under Cortereal, and the French, under Verazzani, soon followed ; and there is no doubt that from the very beginning of the 16th century, the Norman, Breton and Basque fishermen were in the habit of frequenting the Banks of Newfoundland and the coasts of Nova Scotia and New England.

The first important attempt of the French to make a settlement was that conducted by Jacques Cartier. In his first voyage, in 1534, he explored the Gulf of the St. Lawrence. In the second, in 1535, he ascended the river as far as Montreal, and of his adventures and his dealings with the natives we have a detailed and interesting account. The third, in 1541, under the auspices of the Sieur de Roberval, was a real attempt at a settlement. A considerable number both of men and women were brought out, and they remained two winters at Quebec and

the Isle of Orleans. But the colonists were badly chosen, being, in fact, to a great extent the refuse of the gaols, and the projected settlement proved a total failure. The fourth and last voyage, in 1543, was merely undertaken to bring back the remains of this miserable colony.

The next great attempts at colonization made by the French were in a different direction. Successive expeditions were fitted out for the coast of Florida, under Ribaut, in 1562, and under Laudonnière in 1564, and Gourgues in 1567. In one of them no less than 600 settlers were taken out, but they all miserably failed, either from dissensions amongst the colonists themselves, or from the hostility of the Spaniards.

Ever since Cartier's time a connection had been kept up by the French with the St. Lawrence, and trading voyages had been made to Tadoussac, which was, and long continued to be, the head-quarters of the trade. The Indians used to assemble there from the adjoining parts, and even from as far in the interior as Lake Huron, carrying across from the head waters of the Ottawa to those of the Saguenay. Even as late as 1670, Charlevoix says that there were rarely less than 1,200 Indians encamped about Tadoussac in the trading season. In later times Montreal and Three Rivers vied with it as the emporiums of trade ; but in those early days the French never went higher up the St. Lawrence than Tadoussac. There were even some attempts to establish a permanent post there, but none of them were successful.

In 1603, the real founder of Canada first appears on the scene. The Commandeur

de Chaste, having received a commission to that effect, sent out an expedition to make a permanent settlement on the St. Lawrence, and Champlain was one of his captains on a preliminary voyage. They reached Montreal for the first time since the days of Cartier, and even advanced across the Lachine rapids to take a general survey of the country beyond, but on their return, finding De Chaste dead, the idea of a settlement was for the time abandoned.

The next year Pierre du Guast, Sieur de Monts, took up De Chaste's commission, and organized an expedition to the Atlantic coast, in which Champlain, Potrin-court and Pontgravé (prominent names in discoveries of that time) had commands. We have a very interesting and detailed account of this expedition by Champlain himself, and another by Lescarbot, an adventurous lawyer who accompanied it. They spent three years on the coast, exploring it from Cape Cod to Gaspé, wintering first at Ste. Croix, in the estuary of the Passamaquoddy, and then at Port Royal, near where Annapolis now stands. But nothing came of these explorations at the time. Potrin-court, indeed, returned to Port Royal in 1610, and established a settlement there, under the patronage of Madame de Quercheville, Duchesse de la Rochefoucault de Liancourt, and in charge of a mission of Jesuits; but in 1613 the colony, which had never gained any strength, was broken up by the English.

Up to this time all the French attempts at settlement had been very unfortunate; but in the meantime De Monts had changed his plan, and in 1608 he sent out another expedition to the St. Lawrence, under Champlain as his lieutenant, who laid the foundation of Quebec, and spent the winter there. This is the real commencement of the History of La Nouvelle France.

From the very first, Champlain entered upon a course of policy the evil effects of which continued for more than a century to be felt by the colony which he had founded.

In order to gain influence with the Indians whom he encountered, he joined them in their wars against their native enemies. But the Indian tribes with whom he associated himself were scattered and unwarlike, whilst their opponents were not only united under some semblance of a regular government, but proved themselves afterwards to be the most enterprising and warlike of all the native tribes of North America. These unprovoked aggressions created an undying hostility to the French on the part of the Iroquois, which troubled all the earlier years of the colony, and was never effaced so long as they retained any hold upon the continent. The Dutch, on the contrary, and after them the English, entered into amicable relations with the Iroquois, or the Five Nations, as they designated them, and, in their wars with the French, these Indians always proved trustworthy and faithful allies. From their own traditions we learn that in the earlier times they had been unable to cope successfully with their antagonists, and had been obliged to confine themselves to their settlements in the northern parts of the present State of New York; but their better organization, and the fire-arms which they obtained from their Dutch and English allies, enabled them to take the ascendancy, and a dreadful retribution awaited the French and their allies.

In 1609, the first year after the foundation of Quebec, Champlain joined in one of these expeditions, in which he penetrated to the head of the lake which still bears his name, and there inflicted a defeat upon the Iroquois; and in 1610 he again met them about the mouth of the Richelieu river. In these early years Champlain himself used generally to return to France for the winter, leaving a party behind him at Quebec, and some of his men were usually left with his Indian friends to spend the winter with them, for the purpose of learning their language and habits, and of gaining some insight into the character of the country. Thus, from the very commencement, that

class of semi-savage hunters and traders was established, who acted as interpreters, and played such an important part in the early history of the colony; and who in after times, under the name of *coureurs de bois*, seem to have given the Governors almost as much trouble as the Indians themselves.

One of these, Nicholas de Vignau by name, had wintered with the Algonquins in the upper waters of the Ottawa, and, meeting with Champlain in France in 1612, told him that he had penetrated by that route as far as Hudson's Bay, which had just been discovered by the English, and had witnessed the wreck of an English vessel there, and the capture of its crew by the Indians. Champlain himself spent the whole of that year in France, engaged in procuring an influential protector for his infant colony, in consequence of the death of the Count de Soissons, who had hitherto patronized it. The Prince of Condé having obtained a commission as Lieut.-General of New France, Champlain, in 1613, fitted out a new expedition, and immediately on his arrival proceeded to ascend the Ottawa, with the expectation of reaching the Northern Sea. In his account of this expedition he gives a clear description of the Chaudière and Rideau Falls, and of the site of the present capital of the country he founded; but we must look upon De Vignau as the first white man who had ever set foot upon it. Champlain only went up the river as far as Allumette Island, where the Indians convinced him that De Vignau had deceived him, and that there was no means of reaching Hudson's Bay by that route; so he returned once more to France disappointed, and has handed De Vignau down to posterity as the greatest liar he ever met with.

Another year was now spent in France, getting up a company of merchants at St. Malo, Rouen and La Rochelle, to raise the means for a new expedition, for though Condé gave his patronage, he was very chary of his money. A matter of equal importance

for the colony also engaged Champlain's attention. He entered into negotiations with the Recollets, a branch of the Franciscan order, to undertake the spiritual charge of his young settlement. In 1615 he brought out with him four of the friars, and built the first chapel on the site of what is now Champlain market, whilst the Franciscans established their convent where the Marine Hospital now stands. Immediately upon his arrival he engaged in another expedition against the Iroquois, which led to the most important of his discoveries in the interior of the country. Accompanied by a dozen Frenchmen and one of his new missionaries, Father le Caron, he ascended the Ottawa to the Matawan. Hence carrying across to Nipissing, they descended the French river to Lake Huron, and coasted along to the country of the Hurons, near Lake Simcoe. Here they collected their forces at a village called Cahigué, and thence crossed Lake Simcoe, and carried across to that chain of lakes which empties itself by the river Trent into the Bay of Quinté. Crossing the foot of Lake Ontario they landed, and proceeding through the woods they crossed the Oswego river where it comes out of Lake Oneida, and attacked their enemy in a fort somewhere near Lake Onondaga. The expedition was a failure, and they returned by the way they came; and Champlain, who had been wounded in the encounter, being unable to induce the Indians to send a canoe with him down the St. Lawrence, returned with his allies to their own country. During the winter he visited some other tribes, and learned a great deal about the interior, from description, all of which is laid down in the map which he published.

This was the most important of all Champlain's expeditions, both from its extent and from the relations which it established between the French and the Indians of the interior; and to me it has always been doubly interesting, as the course which he took was through a part of the country

where, a little more than two hundred years later, I was one of the first European settlers. From the peculiar route by which they approached it, they took Upper Canada, as it were, in the rear, and thus the first part on which a white man ever trod did not receive any permanent settlers until forty or fifty years ago. Considering the importance of this expedition, it is amazing to see the way in which all mention of it is omitted, and the erroneous accounts given where it is alluded to by any of our historians. Some years ago at Quebec, in a paper communicated to the Literary and Historical Society there, I had occasion to argue against the German School of Historical Critics, who would throw a doubt upon the reality of the events related in ancient history, from the inconsistencies in the various narratives of them, and I brought forward as an instance to the contrary this incident in our own history, for which we have the best of all evidence—that of the published words of the chief actor himself. Champlain's account is clear and intelligible, as almost all his local descriptions are, and if that is not enough, we have his map with his course laid down upon it; yet, with the book before them, hardly two can relate the story in the same way. The earliest of our historians, Lescarbot, Sagard, Du Creux, La Potterie and Colden, omit mention of it altogether, and Charlevoix disposes of it in a few brief sentences, which give no clue to the route or destination of the expedition. We have in our records an official document signed by Louis XIV. himself, and by his great minister Colbert, in which Champlain's discoveries are set forth, as proving the title of France to its possessions in North America; and it would be difficult for the most ingenious person, in as few words, to string together so many misstatements. The words are these:—"En l'année 1611 et 1612 il monta par la grande rivière jusqu'au lac Huron, qu'on appelle la Mer Douce; de là il fut à la nation du Petun, puis à la

nation Neutre, et à celle des Mascoutins, qui demeuraient alors vers l'endroit qu'on appelle Sakiman. De cet endroit il alla vers les sauvages Algonquins et Hurons en guerre contre les Iroquois. I passa par des lieux qu'il a décrits lui-même dans son livre, qui ne sont autres que le Détroit et le lac Erie." Now as to the date assigned: in 1611 he was only about six weeks in Canada, and never advanced beyond Montreal; and in 1612 he never even left the shores of France. Setting aside this error in the date, he certainly was amongst the Petuns, though after and not before his expedition; but of the Neuters and Mascoutins, he expressly says that he was unable to visit them. As to his then going towards the Algonquins and Hurons to attack the Iroquois, we may give the author of the memoir the benefit of the supposition that "*vers*" was written by mistake for "*avec*," which would make better sense, but he certainly never was near Detroit, and of Lake Erie he knew so little that he never mentions the name, and it is only represented by an imaginary river on his map. The chief modern authority is Garneau, who, besides several minor errors throughout, mistakes Champlain's Mer Douce (which was Lake Huron) for Lake Ontario. He winds up by saying that Champlain spent the winter south of Lake Ontario, amongst the Neuters, whilst we know that he really spent it in the neighbourhood of Lake Simcoe, amongst the Hurons and Petuns. Moreover, the Neuters did not live south of Lake Ontario, but in the western peninsula of what is now Upper Canada, all except one outlying village at Niagara Falls; and we have Champlain's express word for it that he never visited it at all. I have seen one school history which makes Champlain collect his allies on Green Bay, in Lake Michigan, and attack the Iroquois Fort somewhere on the Georgian Bay—a singular locality in which to find an Iroquois Fort in 1615; and a more pretentious one makes Cahiagué at the foot of Lake Huron, and

the enemy's fort at Detroit. But the most remarkable jumble is to be found in Murray's *British North America*, and it is all the more singular because he evidently had Champlain open before him, and gives the mustering of the allies and the attack on the fort in great detail. He is all right as far as the country of the Hurons, whence, he says, they descended a small chain of lakes (which you will look for in vain on the map) to Lake Huron, and coasted along to its extremity, where they landed, and went—a four days' journey one must remember—to Lake George, where Champlain really did attack the Iroquois six years before.

Such are the various accounts given of this expedition by historians who notice it at all, and of all the histories I have seen, (and I have looked into most of them,) I have found only three which give anything like a true description of it—Broadhead's *History of New York*, the late Abbé Ferland's admirable course of lectures on *Canadian History* and Dr. Miles' *History*, published within the last year or two. If this is a fair sample of the way in which history is written, we may well doubt if we have a true statement of details where the original authorities have not come down to us, though it would be pushing scepticism too far to reject on that account the reality of the main events themselves.

This was the last expedition undertaken by Champlain himself, who for the rest of his life devoted himself to superintending the affairs of his colony at Quebec, with occasional visits to France. The Recollets, however, pursued their missionary labours amongst the distant tribes, assisted some years later in their pious work by the Jesuits, whom they had called in to their aid; and here again we find a systematic garbling of history which may be taken as an example of what has probably occurred in other periods where we have had no opportunity of examining the original authorities.

In 1615 Champlain brought out with him,

as I have before stated, four Recollet friars, one of whom accompanied him in his expedition into the interior, and founded a mission amongst the Hurons. A few years later the Recollets called in some Jesuits to their assistance, and the new comers lived harmoniously with them as guests in the Recollet convent. Sagard says their friends warned them that they were introducing dangerous inmates, who would supplant them; but he says he cannot believe such a thing of the reverend Fathers. But the whole Canadian colony was soon after broken up by the English, and on the return of the French the Jesuits alone had control of the ecclesiastical affairs of the country. From that time all mention of the Recollets, who were the real pioneers of Christianity in Canada, is systematically suppressed; and, in Du Creux's history and the *Relations des Jésuites*, it would take a very microscopic examination to detect that the Jesuits ever had any predecessors in Canada. To such an extent is this carried, that although in Champlain's original journal a detailed account is given of his negotiations for bringing them out, and of their first proceedings, in the collected edition of his voyages, published in 1632, (which is the one most generally known, and the only one which has been translated into other languages,) all allusion to them is suppressed. If Champlain said, in 1619, that Father le Caron addressed the Indians on the new faith which he was introducing to them, in 1632 he is made to say that he addressed them himself. If le Caron's name is casually mentioned in the first edition, in the second the sentence is altered or omitted, and that so carelessly that in one case the omission has hopelessly confused the dates.

This may not appear a point of great importance, but in the early records of Canada the missions occupy such a prominent position that no history of the country can be considered complete which does not give to them their due weight. At the period of which I am speaking, it was through them

mainly that any addition was made to the information already collected by Champlain. The *coureurs de bois* also, as was the custom, associated themselves with the Indians, and penetrated into the back country in every direction. From these united sources some further knowledge of the interior was obtained, which we find recorded in Champlain's map of 1632, but there is not much there which was not discovered, or described by him, in 1615. For fifty years indeed, from that time, no great accession seems to have been gained to their knowledge of the country, and even as late as 1663 we find the Governor of that day saying that Lake Superior is supposed to empty itself in the direction of New Spain.

No events of importance are recorded for several years, but we gather that the colony advanced very slowly, and some years afterwards only numbered about fifty individuals. Louis Hébert was the first man who, in 1617, brought out his family, and the first marriage took place the next year, a daughter of Hébert's being the bride.

The ecclesiastical registers are preserved almost from the first—not the originals indeed, which were burned in 1640, but a copy made out at the time from the records of different families, and in them we find the ancestors of the Le Moines, Bouchers, Gagnons, Cauchons, and other well-known Canadian names. Eighty years afterwards, Leclerq says that 900 people counted their descent from Louis Hébert. The first baptism recorded in the register is that of a son of Abraham Martin, a Scotchman, and a well-known pilot of his day, and who has left his name to posterity in connection with his farm on the plains of Abraham.

In 1629, Quebec was taken by the English, and when it was restored in 1632, Hébert's family at Quebec and two or three settlers who had remained at Three Rivers, with a few *coureurs de bois* amongst the Indians, were the only remnants of the original colony. A new company of the Cent

Associés, under the patronage of Cardinal Richelieu, was formed, and Champlain, collecting his scattered companions, returned to his Government, and died there, 1635.

The new colony had hardly acquired any consistency before the Iroquois wars commenced. The friendly tribes were attacked and massacred, the missions broken up, and all trade was interrupted. The posts at Montreal and Three Rivers were attacked, as were the settlements in the Isle of Orleans, and the Iroquois even made incursions as low down the river as Tadoussac. Succour came very sparingly from France, and somewhat later even Quebec itself was beleaguered by a force of 700 Indians. During this period of distress, overtures were made to the New England colonies, with which the French were for the time on friendly terms, to undertake a joint war to put down the Iroquois. This the authorities of the colony declined to do, as they had no immediate cause for hostilities, but private individuals it appears were not so scrupulous. It is curious to see how history often repeats itself, and how small a difference a couple of centuries make in the national character. Many no doubt remember how, during the Crimean war, when the siege of Sebastopol hung rather heavy on hand, the American newspapers were full of hits at the incompetence of the effete nations of Europe, and some even proposed that a company should be got up to take Sebastopol for us on contract. Now it appears that about this time a certain Major Québin, who is called the Major of Boston, made a proposal that for the sum of £20,000 he would undertake the total destruction of the Iroquois. We learn this from a despatch of D'Avagour, who was Governor of Canada a few years later, and who suggests that it might be well to enquire whether the Major was still in the same mind, even at a much greater price.

I had some curiosity to ascertain who this Major *Québin* might be, who seemed a worthy progenitor of those who in our own



time offered to take the capture of Sebastopol off our hands, and after some search in the Massachusetts records I have identified him. There was a certain Major Edward Gibbon, who is frequently mentioned in the records as a delegate to the General Court, and often entrusted with important negotiations. He evidently was a prominent man of war amongst them, and was more than once chosen as Major-General in various expeditions against the Indians. The title given to him in the despatch, of the *Major of Boston*, seems an odd one, but he appears to have acted as a sort of Chief of Police there, with the title of Sergeant-Major of the town, which would account for the designation. But what appears most clearly to identify him with the Major Québin of the French despatches is, that in 1653, when war was imminent with the French, and there was a prohibition against any one trading with them, a special exemption was made in favour of Major Gibbon, on account of the importance of the transactions which he had with them.

But better times were approaching. During all the previous history of Canada some great man about the Court had been selected as the patron of the new colony, and a company of merchants and others had been established, who had the trade, and to a great extent the Government, in their hands. The King indeed was the nominal Lord, but the company were the proprietors, and their interest in the colony was principally to make money, the well-being of the settlers being a secondary consideration. Latterly, indeed, the exclusive privileges of trade had been relaxed, and the Crown had interfered more in the management; but in 1663 there was an entire change in this respect. The Company of the Cent Associés surrendered all their rights and were abolished, and Canada was annexed as part of the Crown Domain.

After this cession of the colony by the Company to the Crown a period of comparative prosperity followed. The Indian

troubles indeed still continued at intervals, but there was more vigour in the Administration, and better concerted means of defence. Some standing force of regular troops was kept up in the country, and forts were erected at important points. Those at Sorel and Chambly restrained the incursions of the Iroquois, who usually followed the Richelieu river in their expeditions, and that at Kingston, which bore the name of the new Governor Frontenac, was the first step towards curbing their power, and affording security to the trade on Ontario. Others soon followed, at Niagara, Detroit, and on Lake Huron, and at a great gathering of the western tribes at Makinaw, Perrot succeeded in establishing the French influence on a permanent basis.

During the same period the tide of discovery rolled rapidly westward. Trading posts were established on Lake Superior, and pushed on towards the north-west. In 1673 Joliet and Marquette ascended the Outagami from Green Bay on Michigan, and carrying across to the Wisconsin river, followed it down to the Mississippi, which they descended as far as the confluence of the Arkansas; when, being satisfied that it flowed into the Gulf of Mexico, they returned by way of the Illinois river to the extremity of Lake Michigan. In 1679 La Salle pursued the latter course with larger means, and the Mississippi was followed to its mouth. The foundation was thus laid for that chain of forts, from Quebec to New Orleans, which surrounded the English possessions, and at one time seemed likely to make the French the predominating influence on this continent.

From the time of Champlain till the assumption of the Government by the Crown, we have mainly to rely for information upon the ecclesiastical records. They are, naturally, principally directed to their own special subject, but in the reports from the several missions, and in the journals kept by the Jesuits and Ursulines, we may

glean many interesting facts as to the general progress of the colony, as to the Indian troubles, as to the social condition of the scattered settlements, and as to the early history of many of the old families whose descendants we still find amongst us. But from the time when Canada came more immediately under the dominion of the Crown, we have a very perfect series of official documents, consisting of the despatches to and from the Governors and Intendants, edicts and ordinances, censuses and reports upon various subjects. Besides such as are preserved in Canada, we have copies of those in the French archives, some in the Parliamentary library, and the most interesting series in that of the Literary and Historical Society at Quebec. From the minute details in which the French Government used to interfere, these give a very lively and interesting picture of the state of society in the country. In the earlier documents protection against the Iroquois is the principal topic, and there are some amusing instances of that ignorance of the country with which we are occasionally still inclined to charge our own Colonial Office. A certain *Sieur de Gaudais* appears to have been sent out in 1663 to report upon the state of the country, and he is instructed, among other things, to enquire whether, as the thick forests enable the Indians to steal unperceived on the settlements, it would not be possible, by setting fire to the woods in winter when a strong wind is blowing, so to clear the country as to make it at once available for settlement, and safe from the stealthy foe. Some similar suggestion seems to have been made to the Governor, *D'Avaugour*, for he replies that the proposal to fence in the country by a line of palisades impenetrable to the Iroquois, appears to him impossible.

A much more practicable measure was strongly insisted upon in successive despatches, viz., the gathering of the people together into villages, it being kindly left to the Governor to decide whether they are to

be laid out of a round or a square shape; and the discouragement of scattered settlements. For this purpose the grants of all lands beyond a certain size which have not been cleared are to be resumed, and the forfeited land is to be distributed to new settlers. This system, however, seems to have been carried too far, for about fifty years later we find edicts forbidding any man to build a house on a piece of land of less than  $1\frac{1}{2}$  arpents frontage by 40 in depth, and special edicts for pulling down certain specified houses which had been erected in contravention of the law. There are also edicts forbidding the *habitans* from the country from coming to live in the towns without special licence, and fining those who harbour them.

Another point which engages the attention of the Government is the prevention of that tendency to wander off on hunting and trading expeditions, which from the first was so characteristic of the French in America. In 1673 there is an ordinance setting forth the injury to the colony arising from this cause, and forbidding any Frenchman, whether domiciled or not, from wandering in the woods for more than 24 hours without express permission of the Governor, on pain of death. In 1676 the prohibition to trade at a distance is repeated, with a reduced penalty for first offences, but the Governor himself is restricted from granting any such permission as was previously allowed. And two years later there is another ordinance setting forth how the former one against trading has been eluded, under the pretence of excursions for the purpose of hunting. The Governors are therefore forbidden to grant any permission to hunt at a greater distance from the settlements than one league. The next year there is a little relaxation of the former enactment, by the permission to the Governors to grant licences to hunt at a greater distance from the settlements between the 15th of January and the 15th of April, but this is the greatest

latitude which appears to have been allowed. As to trading expeditions, they continued to be strictly forbidden, and the punishment—by an ordinance of 1681—is to be whipped and branded for the first offence, and the galleys for life for a second. How utterly powerless the Government was, in spite of the severity of these enactments, to prevent the wandering habits of the settlers, is shown by the constant complaints upon the subject in subsequent despatches, and by a whole series of ordinances in after years, granting amnesties to those who will come in before a certain date, with renewed threats of punishment to those who do not return.

The growth of the colony being the first object of Government, emigration was to be encouraged, and at the same time the natural increase of the population was to be fostered. For this purpose there is an arrêt of the Council of State in 1670, making a grant, to be called the King's Present, of 20 livres to every couple that is married, if the man (or rather boy) is under 20 and the girl under 16, and parents are to be subject to a fine who do not marry off their children before those ages. There is also to be an annual pension of 300 livres to every person who has a family of 10 living children, and of 400 if he has 12 or more; and there are to be certain honours and trusts to the principal inhabitants of the parishes and villages, with precedence in the churches and elsewhere, and for these honourable situations the men with the largest families are to be preferred. As the natural supply of wives was deficient, (for the census of 1667 shews that there were only 55 unmarried girls above 14,) cargoes of the article were sent out; and it may be interesting to preserve the record that a certain Mademoiselle Etienne appears to have been the Miss Rye of that day. In 1670 the Intendant Talon reports that out of 165 sent out the year before, only 15 remained on hand, and they were engaged, but distributed amongst the other families until their destined husbands could support them. He

asks for 150 to 200 more, but strongly recommends that those sent out shall not be naturally deformed, or have anything exteriorly repulsive in their personal appearance; from which I conclude that the last batch was not exactly a fair sample of *la belle France*. Perhaps it was partly for this reason that it was found necessary to use stringent measures to get the *coureurs de bois* to marry; for Talon, in a mémoire of that date, proposes that all bachelors shall be excluded from trade, and from the honours of the church and the communauté, who do not marry within 15 days after the ships come in, and he asks for authority to take stronger measures still with them. He also suggests that a few girls of good birth, and distinguished for their accomplishments, shall be sent out for the benefit of the young officers, whom it is desirable to induce to settle in the country. We do not hear what the total number of the second importation was, but it would appear that the market had been somewhat overstocked, for in 1671 Talon asks that no more girls should be sent out the next year, lest the settlers should not be able to find husbands for their daughters; and he intimated that, whilst he had asked for 4 or 5 for the officers, they had sent him 15, whom he did not find it easy to dispose of. But it was after all only a temporary glut, for the following year Frontenac asks for more women. This, however, is the last account I have found of an importation of this kind, and at a later period the women were considerably in excess of the men. Even the officers seem to have had no difficulty in finding wives, for a subsequent Governor, the Marquis de Dénonville, after enumerating the Captains whom he has married off, appears to be not a little concerned about some of the younger officers, whom he finds it difficult to restrain from forming connections which may not be altogether palatable to their relations at home.

As far as the increase of the population is concerned, the experiment seems to have

been successful, for the year after the first batch arrived, Talon reports 700 births, and says that the bishop anticipated a crop of 1,100 the following year, which is pretty well, considering that four years before, in 1668, the whole population only numbered 5,870. I am afraid, however, that the bishop reckoned his chickens too sanguinely, for in 1674, the census only gave the population at 7,832, which naturally a good deal surprised the authorities at home; and in 1680 there were only 9,400 in all; 404 births, and 66 marriages.

The fact of the despatches of this period being so full of such domestic matters is in itself a proof of the comparative tranquillity and prosperity which prevailed. But soon after the Indian troubles recommenced, and war broke out with the English colonies. Canada, however, had now grown out of its infancy; the principal settlements were firmly established; and all the machinery of Government was thoroughly organized—and as I only undertake to give some account of the early French settlements, I may omit all mention of the later incidents in the history of the colony; of the fluctuating periods of prosperity and of suffering, and of the events which, from the neglect of the Home Government and the growing power of the English colonies, finally led to its conquest.

Two reflections must suggest themselves to any one who carefully studies these early annals of our country. There are few such opportunities of tracing from contemporary authorities the extraordinary mutability to which uncivilized tribes are subject. When Cartier entered the St. Lawrence he found permanent villages at Quebec and Montreal, but 60 years later, in Champlain's time, there were only a few scattered Montagnais about Quebec, and no Indian villages within many leagues of Montreal. Who the Indians were that Cartier met with it is not easy to determine, but there can be no doubt, from the fragments of their language preserved by him, as well as from their habits of life,

living in walled villages, that they belonged to some branch of the great Iroquois stock. The traditions of the Indians themselves, as handed down to us by subsequent writers, leave the point doubtful. The Algonquins said that they had been driven from Montreal by the Hurons. The Iroquois, according both to Cadwallader Colden, their special historian, and to Perrot, represent themselves to have been the original holders of that important post. One thing, however, is certain, that when we first become clearly acquainted with them, the two great sections of the Indian race were as distinctly separated in the territory they occupied as in their language and customs. That section, which we may call Algonquins or Chippeways, though divided into different tribes, occupied the coasts of New England, Nova Scotia, and the Gulf of St. Lawrence. We find them on the north shore of the Lower St. Lawrence, on the head waters of the streams running into the Ottawa, and on the Ottawa itself, but not lower than Allumette Island, on Lake Nippissing, and the Manitoulin Islands. They lived a wandering life, as hunters, rarely settling in permanent villages, and those not fortified. The other section cultivated the ground extensively, and lived in walled villages. The five nations, whose French name of Iroquois may be extended to the whole stock, occupied the northern parts of the State of New York, from the head of Lake Champlain to Niagara. Beyond them were the Eries, and north of the Lakes the Neuters, in the western peninsula; the Petuns on the north shore, from Collingwood to Owen Sound, and the Hurons on the small tract between Lake Simcoe and Lake Huron. These all belonged to one stock, though often deadly enemies. But the intervening country, embracing all the Upper St. Lawrence and the most fertile tracts of what is now Upper Canada, was a desert—a neutral ground, in which neither of the hostile races made any settlement. Champlain describes the chain

of Lakes by which he descended to Ontario, as fringed with the sites of old villages and clearings, which had been deserted—a description which is borne out by the present aspect of the country, in which I myself could point out 15 or 20 of such ancient vestiges. Tradition points to it as the former country of the Hurons, who had been driven from it by the wars, and who, when we first became acquainted with them, had taken refuge in the narrow limits of the peninsula comprised between Lake Simcoe, Matchedash Bay, and Lake Huron, where they occupied 23 villages, and must have numbered 30,000 souls, almost equal to the population which that territory now supports. In not much more than 50 years after this the whole aspect of the country had changed. The Hurons had been extirpated, except a small remnant, who took refuge in the far west, and a few families who came down with their missionaries to Quebec, and even these were not safe from their deadly enemies. The Petuns, the Neuters, the Eries, the Illinois, and the Delawares had shared the same fate, and the conquering Iroquois were dominant from Long Island Sound to Lake Michigan, and from the mouth of the Susquehannah to Nipissing. It is melancholy to look over a map of the period, like Lahontan's, and to compare it with those of earlier date. The Iroquois wars had told their tale in the meantime, and where Champlain indicates populous tribes, we have only the ominous symbol of a death's head and cross-bones, with the legend, "nation détruite." All this had occurred without the intervention of the white man, and there has been no disappearance of a savage race, since the diseases and vices which civilization brings in its train, which has surpassed, even if it has equalled in completeness and rapidity, the desolation which the conquering Iroquois spread around them. They, too, have now nearly vanished from the scene of their former power under other influences, and may soon, like the Eries and

Hurons, be remembered only by a name; and when we find such extraordinary vicissitudes occurring during the brief space of which we have any certain record, we cease to be so much surprised at the total disappearance of the Mound Builders and other pre-historic races.

The other point to which I would call your attention, is the extraordinary rapidity with which the French spread themselves over the continent, as compared with the progress of the English. The commencement of the colony may date from the foundation of Quebec by Champlain in 1608, one year after the permanent establishment of the English at Jamestown, and one year before that of the Dutch at New York, and 12 years before the landing of the Pilgrim Fathers at Plymouth. The colonies therefore commenced nearly on equal terms; yet within 7 years the French had reached Lake Huron, whilst it was nearly a century before the English had extended to any considerable distance from the sea coast. The Iroquois wars now broke out, which for many years confined the French almost entirely to the Lower St. Lawrence; but no sooner were they brought to a close, or rather succeeded by a hollow truce, than the tide of discovery, which had been pent-up, spread over the whole continent, and in a very few years extended to the North Sea, the Gulf of Mexico, and to the Rocky Mountains. Much of this difference must no doubt be ascribed to the facilities afforded by our immense chain of Lakes and Rivers; and much to the missionary spirit of the Recollets and Jesuits, who penetrated, spite of dangers and privations, to every tribe where there was a chance of propagating the faith. Something, too, may be due to the ambition of the Government at home, which was latterly constantly prompting its Governors to the acquisition of new territory, whilst the British were left very much to themselves. But the difference must mainly be attributed to the national character of the settlers themselves. The

Englishman, grave and earnest, settled himself at once on his farm, and devoted any leisure he could spare to framing laws for the government of the society which surrounded him, and in determining the religious disputes which arose amongst them. He was essentially a member of a community, and rarely pushed beyond reach of his neighbours, and the vicinity of his church and village council, until lack of space compelled the hive to give off a swarm. The Frenchman, on the contrary, with characteristic impetuosity, leaving the cares of State to the Governor and the Intendant, and the questions of religion to his priests, plunged at once into the excitement and adventure, which, in spite of its hardships, gives such an irresistible charm to a half-savage life. We have seen the constant endeavours to check this tendency of the population to wander, and the stringent edicts which prohibited any excursions beyond the limits of settlements. But nature is stronger than laws, and the *coureurs de bois* were to be found everywhere,

and often no doubt where no record of their adventures has been preserved. Only eight years after Champlain's great expedition, at a time when Quebec could count barely 50 inhabitants, we find Sagard, whilst missionary amongst the Hurons, on Lake Simcoe, speaking of a welcome supply of meat which had been given to him by a party of French hunters.

If the Celt has marked his progress on this continent by the dash and *élan* which characterizes him as a soldier, but cannot always resist long-continued obstacles, the Saxon has equally exhibited the invincible tenacity which enables him to advance step by step, in spite of difficulties, and to keep what he gains. We in Canada have a union of the two races, and we are not without indications that each has modified the tendencies of the other. Let us hope that a new nation may have been founded here, and that it may combine the best characteristics of the two great nations of the old world from which we are descended.

---



---

### GERTY'S GLOVE.

S LIPS of a kid-skin deftly sewn,  
 A scent as through her garden blown,  
 The tender hue that clothes her dove,  
 All these,—and this is Gerty's glove.

A glove but lately doff'd, for look—  
 It keeps the happy shape it took ;  
 Warm from her touch ! What gave the glow ?  
 And where's the mould that shaped it so ?

It clasp'd the hand, so pure, so sleek,  
 Where Gerty rests a pensive cheek,  
 The hand that when the light wind stirs,  
 Reproves those laughing locks of hers.

You fingers four, you little thumb !  
 Were I but you, in days to come  
 I'd clasp, and kiss, and keep her—go !  
 And tell her that I told you so.

## CURIOSITIES OF PARLIAMENTARY PRIVILEGE.

BY THOMAS HODGINS, M. A., Q. C.

"The High Court of Parliament is so high and mighty in its nature that it is judge of the law; and makes that to be law which is not law; and that to be no law which is; and the determination of its Privileges belongs to the Parliament, and not to the Judges."—*Mr. Speaker Thorp's case*, 31 Hen. VI.

"The violating of the Privileges of Parliament is the overthrow of Parliament."—*Conference between Lords and Commons*, 31st January, 1641.

IT may be fairly assumed that the position occupied by the English House of Commons in the early days of its history—combating at one time the asserted prerogatives of the Crown, and at other times finding the Judges timidly subservient\* to its assumption of extravagant jurisdiction, led the House into the claim and actual exercise of Privilege which later days have shown to be both ludicrous and illegal.

Sir Edward Coke, the great master of English and Parliamentary Law, in his Fourth Institute, speaking of the authority of Parliament says: "Of the power and jurisdiction of the Parliament, it is so transcendent and absolute as it cannot be confined, either for causes or persons, within any bounds."†

\* "We are not acquainted with the learning of Parliament, and there is a peculiar cunning in it not known to the Judges; nor do we go by the same rules, as they often determine contrary to our opinion. Our business is to determine of *meum* and *tuum*, where the heats do not run so high as on things belonging to the Legislature."—*Ashby v. White*, ("The Aylesbury men.") Lord Raymond's Reports, p. 944.

† 4 Inst., 36. The doctrines of Sir Edward Coke in this Institute, have not always been received as unimpeachable. In the argument in *Burdett v. Abbott*, (4 Taunt. 416), it was said that "Prynne and Selden had proved that the *Modus tenendi Parliamentum in Anglia*, on which most of the first chapter of the Fourth Institute is founded, is a forgery." Prynne in his treatise on the subject of this Institute, advises students "not to take any thing upon trust, but to search the fountains themselves—which

Another writer declares that "Parliament can alter the succession to the Crown, the religion of the country, and the Constitution itself."

A later doctrine, and one more in accordance with reason and law, has affirmed that "the law is supreme over the House of Commons, as over the Crown. If the limits of the law be passed by either for the most satisfactory reasons, they are indeed themselves responsible; but the law will require a strict account of the act, in the persons of their agents, and these—according to the nature of the illegality—will be answerable civilly or criminally."‡

Hatsell in his *Precedents of the House of Commons* § says: "The principal objects which the House of Commons seem always to have had in the several declarations of their Privileges, were, of securing to themselves: (1) Their right of attendance in Parliament unmolested by threats or insults of private persons. (2) Their thoughts and attentions undisturbed by any concern for

I fear himself did not constantly pursue." And Sir Orlando Bridgman in his report of *Benyon v. Evelyn* says, that Lord Coke's treatise on the jurisdiction of Parliament, is a posthumous work, and contains a multitude of errors.

‡ Mr. Justice Coleridge, in *Howard v. Gossett*, (which arose out of the celebrated case of *Stockdale v. Hansard* in 1842), 20 A. & E. 377.

§ 1st vol., p. 205.

their goods or estates. (3) Their personal presence in the House, not to be withdrawn either by the summons of Inferior Courts, or by the arrests of their bodies in civil causes." How far this opinion was correct may be judged by the examples given in this article.

The jurisdiction of Parliament in early days, was extended not only to protect, under the claim of Privilege, the members, their families, and their properties, but the persons and properties of their servants; and woe to the luckless judge, sheriff, bailiff, creditor, or citizen, found "guilty of a breach of the Privileges of the House," for pursuing the ordinary legal remedies against impecunious members, or their servants.

The Parliamentary rule which forbids the Sovereign's name to be used in debate, received official recognition in the 4th and 5th Philip and Mary—5th March, 1557,—and is thus recorded :

"Mr. Copley, one of this House, having spoken unreverent words of the Queen's Majesty, saying that 'he feared the Queen might give away the Crown from the right inheritors,' the House, commanded by Mr. Speaker, directed that Copley should absent himself until consultation were had thereof. And after consultation it was agreed to be a grievous fault; and Copley was committed to the custody of the Serjeant-at-Arms, during the pleasure of the Queen's Majesty."\*

Another example was furnished by Mr. Peter Wentworth, during the reign of Elizabeth, who for "unreverend and undutiful words uttered by him in the House, of our Sovereign Lady the Queen's Majesty,"† was 'sequestered;' and thereupon the House proceeded to conference and consultation of his said speech. "After sundry motions had,

it was agreed and ordered that he should be committed to the Sergeant's ward as prisoner, and so remaining should be examined upon his said speech by all the Privy Council being of this House." The following day the Committee, by Mr. Treasurer, reported "touching the violent and wicked words," and thereupon Wentworth was committed close prisoner to the Tower.‡

Another member, not having the fear of these precedents before his eyes, wandered into expressions which the Journal records as follows :

3 June, 1626. "Mr. Herberte reported from the Grand Committee some words used by Mr. More, a member, to the following sense or effect: 'That we were born free, and must continue free, if the King would keep his Kingdom;' and his discourse, upon a supposition what a tyrant may do within this Kingdom, adding these words: 'as, thanks be to God, we have no occasion, we having a just and pious King.' Mr. More was heard to explain himself, and withdrew. Mr. More, by all who spake, (which were many,) cleared from any ill intention in speaking his words.

"Upon question, resolved, Mr. More to be sent to the Tower, during the pleasure of the House, for his offence in speaking the words now reported. Which judgment Mr. Speaker pronounced to him, kneeling at the Bar."§

During the reign of James I., the House assumed the power of punishing for improper observations on members of the royal family; but the occasion and mode of punishment, as reported in the Journals, were neither creditable nor justifiable :

On the 4 May, 1621, Edward Floydé was charged with making "false, malicious, and spiteful speeches" about the Princess Elizabeth and her husband, to this effect: "I have heard that Prague is taken, and Good-

\* 1 Commons Journal, p. 50.

† In the *Memoirs of the Court of Elizabeth*, it is stated that Wentworth and another member who seconded him, were arrested by order of the Queen, "for presenting a petition to the Lord Keeper, praying the Lords to join the Commons in a supplication to the Queen for fixing the succession."

‡ 1 Commons Journal, p. 104.

§ 1 Commons Journal, p. 866. 2·Car. 1.



man Palsgrave and Goodwife Palsgrave have taken their heels and run away; and, as I have heard, Goodwife Palsgrave is taken prisoner;" and that these words "were spoken by him in a most despicable and scornful manner, with a fleering and scoffing countenance." The House after debating the matter, and after a long recital of the complaint, "did adjudge and award that the said Edward Floyd should be returned prisoner to the Fleet, and to lie that night in a place called Bolton's ward; and next morning be brought to Westminster, and be there set upon the Pillory from 9 to 11 o'clock, with a paper upon his hat, with this inscription in capital letters: 'For false, malicious and despicable speeches against the King's daughter and her husband; that from thence he should ride to the Exchange, within the city of London, upon a horse, without a saddle, with his face backwards towards the horse-tail, holding the tail in his hands, with the former paper upon his head; and be there again set upon the Pillory two hours; and from thence he shall ride in like manner to the Fleet, and there to remain until the next Friday morning; and on that morning to ride in like manner into Cheapside, and there to be again set upon the Pillory two hours, and ride back to the Fleet in like manner as before; and that there be set and assessed upon him a fine of £1,000.'\*

Not only were the functions of Parliament misused in the case here cited, but about the same time the Scottish nation came in for a share of the omnipotent power of the privileges of the House. On the 13th February, 1606, during the debate on the union with Scotland, Sir Christopher Piggott, member for Bucks, "did, in the face and public hearing of the House, enter into a

*bitter and scandalous invective against the nation of the Scots and Scottishmen*, tending to the dishonour of the Commons House of Parliament." For this loose talk he was, "after much dispute," ordered to be committed to the Tower, and expelled; and on being called in, and kneeling at the Bar, judgment was thus pronounced by Mr. Speaker: "That sithence his offence was so apparently heinous, the House did not hold it fit that any particulars should be named, or to give a reason for their judgment, but that their order was:

"That he should be carried to the Prison of the Tower, and there remain during the pleasure of the House.

"That he should be dismissed from his place of Knight for the shire of Bucks, and a new writ issued for a new choice." †

A later Parliament appears to have exercised a more moderate judgment on a member similarly offending. In the Journal of the 10th November, 1640, it is stated: "Distaste was taken by the House at Sir Wm. Witherington, for calling the Scots '*invading rebels*.' Whereupon Sir Wm. in his place stood up, and said that he knew them to be the King's subjects, and would no more call them rebels; and with this explanation the House rested satisfied." ‡

It is unfortunate for the impartial reputation of Parliament, that the interests of the Irish nation were not similarly conserved; for we find that on the 12th May, 1614, in a debate on the disorderly conduct of a member for insulting the chairman of a committee, Mr. Hackwill is reported as saying, "That such disorderly conduct was a good countenancing of the proceedings in the *Irish* Parliament."§ But the House allowed this reflection on their fellow-subjects to pass unnoticed.

Further, the House itself recorded the disfavour in which it held the Irish, by an

\* 1 Commons Journal, p. 608. Upon this judgment being given, the King and the Lords interfered, on the ground that the offence was beyond the jurisdiction of the Commons.—See May's Parliamentary Practice, p. 106.

† 1 Commons Journal, p. 335.

‡ 2 Commons Journal, p. 25.

§ 1 Commons Journal, p. 483.

order passed on the 23rd November, 1641 : "That all Justices of the Peace of all counties bordering upon the sea coasts, and officers of Port-towns, shall be required from this House to make strict inquiry after *all suspected persons, especially Irish*, and take course for the restraining all such from going out of the Kingdom into Ireland."\*

The following extracts will show how variable the temper of the House appeared in dealing with the playful "larks" of honourable members. On the 18th July, 1610, Mr. Speaker (Sir Edward Phellips) reported to the House a "personal affront" he had suffered from a member, as follows :—

"Sir Edward Herbert challenged (accosted) him on the stairs, and *popped* his mouth with his finger in scorn; and did again, this morning, do it in the street on horseback."

Whereupon Sir Edward was sent for, and "coming in, stood up and said, that he meant no offence to the House. He was urged to say, that he meant no scorn to Mr. Speaker. Mr. Speaker affirmed that he put not off his hat, but put out his tongue and *plopt* with his mouth. Sir Edward said he had no intent to scorn." Mr. Speaker was then requested to hold himself satisfied, but the Journal records: "Mr. Speaker was worse satisfied than before."† The House, however, took no further action in the matter.

A short time afterwards, two members, who determined to have candles during a debate, probably sportively thinking that the speakers were not "throwing much light on the subject," or from a desire to prolong the debate, or see their notes, were summarily disposed of after this fashion :

"There was this morning (9th June, 1641) exceptions taken against Mr. Herbert Price and Sir Wm. Witherington, for some carriages (*qu. pranks*) of theirs last night, con-

cerning the taking away candles from the Sergeant violently, when there was no general command in the House for the bringing in of candles; but a great sense of the House went for rising, it being so very late. They, in their places, made explanations with what intentions they did it, and they were commanded to withdraw; and then the House fell into a debate of the business.

"Upon the question, whether Mr. Herbert Price and Sir Wm. Witherington should be sent to the Tower for the offence, the House divided: Ayes, 189; Nays, 172; so it was resolved they should go.

"They were then called to the Bar, and there ordered to kneel; but because they did not kneel, they were caused to withdraw.

"And after some debate in the House concerning their coming kneeling, they were called in to the Bar, and then, they kneeling at it, Mr. Speaker pronounced the sentence against them, of their being committed to the Tower."‡

Over some members, the House exercised a sort of police-court jurisdiction, as may be inferred from the case of Mr. Edward Jones, who, on the 15th November, 1566, "complained of John Grey, Knight of the Shire for Stafford, that he had so misused and threatened him, *casting away his cap*, whereby he was in great fear of his life, and prayed remedy of the House." It appeared that the dispute arose about a debt due to Jones, and for which Jones had attached Grey's goods. The Journal then proceeds: "Upon divers arguments made that Jones might be sent to the Tower for so using Grey, in attaching his goods—sounding to the breach of the privilege—the matter was afterwards committed to Mr. Wrothe (an expressive name in this dispute) and others, as well to provide for the safety of Jones against Grey, until Saturday, and then further to report."

\* 2 Commons Journal, p. 323.

† 1 Commons Journal, p. 451.

‡ 2 Commons Journal, p. 171.

23rd November. "Mr. Wrothe declared Grey and Jones, by mediation, to be agreed, and the attachment to be void, on condition that Mr. Grey should, openly in the House, promise that he nor any by him, should hurt Jones when he should come next to the House.

3rd Dec. "John Grey, before the whole House, hath promised that he and his shall keep the peace against Jones; and Jones promised immediately to withdraw his action."\*

The "slander of a member" is thus recorded: 18th February, 1557. "Mr. Mershe, one of the burgesses of London, complained that Mr. Wylde, burgess of Worcester, had slandered him to the drapers of London, (his constituents,) saying that he had unburdened the clothiers from the search of cloths, and laid it upon the buyers." The House ordered the examination of the matter to be referred to a committee to report, but no report appears.†

The practice of sharply criticising the speeches of honourable members did not meet with favour in these early days. On the 6th August, 1625, Mr. Edward Clarke, a member, created an excitement in the House, by using the following words:—*"That there had been speeches here with invective bitterness, unseasonable for the time."* Amid a general cry "to the Bar," he was heard to explain himself, but "which doing he gave greater offence; whereupon he was ordered to withdraw himself out of the House till the same might be debated there."

After debate, "it was resolved upon question that he be called in to the Bar, and that Mr. Speaker let him know the House had taken just offence at his words; and, therefore, he do stand committed to the Sergeant, during the pleasure of the House."‡

Sometimes Mr. Speaker addressed the House on the conduct of members, in lan-

guage which would not be out of place in some of our Legislative halls. The following speech of Mr. Solicitor-General Popham, Speaker during the 23rd year of Queen Elizabeth's reign, delivered on the 21st January, 1580, may be taken as a sample:

"Mr. Speaker made a short oration to the House, partly touching himself, and partly touching them; for his own part acknowledging his infirmities, and praying both their patience and assistance. For them, he advised them to use Reverend and Discreet Speeches; to leave Curiosities of Form, and to speak to the matter; and willed them further to forbear speaking to bills at the first reading; and not to spend too much time in Unnecessary Motions or Superfluous Arguments. And further, desired them to see that their servants, pages and lacquies attending on them, kept in good order. Which ended, a motion was made that Mr. Speaker, and the rest of the House of the better sort of calling, would always, at the rising of the House, depart, and go forth in comely and civil sort, for the reverence of the House—in turning about with a low courtesy, like as they do make at their coming into the House; and not so unseemly and rudely to thrust and throng out, as of late time hath been disorderly used;—which motion was very well liked of, and allowed of all the House." §

Further orders on the conduct of members are entered as follows:

4th December, 1640, "Ordered that whosoever does not take his place when he comes into the House, or removes out of his place to the disturbance of the House, shall pay twelvecpence, to be divided between the Sergeant and the poor; and whosoever speaks so loud in this House when any Bill or other matter is reading, as to disturb the House, shall pay the like forfeiture."

On the 14th December, 1641, a message

\* 1 Commons Journal, p. 77.

† 1 Commons Journal, p. 49.

‡ 1 Commons Journal, p. 811.

§ 1 Commons Journal, p. 118.

to attend the Lords having been read, some members doubtless anxious to secure good places, preceded the Speaker, whereupon the House, before attending on the message, made order as follows :

“ Ordered that the members of this House that are gone up to the Lords’ House now, before Mr. Speaker, shall pay 5s. a piece.”\*

It may be that some member who had been called to the Bar either to confront a “ dun ” or a constituent, or who had smarted under one of the fines inflicted for “ removing out of his place,” induced the House to declare a new mode of protection for members by this order, made the 9th February, 1640 :

“ That whosoever calleth any member to the Bar upon an *unjust occasion*, that a fine be put upon his head.” †

Public fasts appear from time to time to have been ordered by the House, at which it was expected that members should behave themselves discreetly, and duly observe the occasion. On the 28th April 1642, two members appear to have brought themselves within the displeasure of the House for proceedings which the Journal records as follows :

“ Information was given that Mr. King and Mr. Whiteacre rode yesterday,—being the day of Public Fast. Ordered that Mr. King and Mr. Whiteacre at their first coming into the House shall give account why they rode yesterday, being the Public Fast ; and why they departed and have been so long absent from the House without leave, and that this order be set up at their door.

29th April 1642. “ Mr. Whiteacre did acknowledge his offence in going out of town without leave ; his occasions did press him. He had no more to say but these three words—*Peccavi, fateor, pœnitet*.

“ Mr. King gave also an account of his departing from the House without leave.” ‡

With these explanations the House was satisfied.

An earlier illustration of the enforcement of religious duty on members, is noted on the 4th April 1571 :

“ It is agreed on the motion of Mr. Speaker, that the Litany shall be said every day in the House during this Parliament, as in the last was used ; and also a prayer by Mr. Speaker, such as he shall think fitted for this time ; to be begun every day at half hour after eight o’clock in the morning, and that each one of this House, then making default, shall forfeit for every time, four pence to the poor man’s box.” §

The moral tone of the House in the following case will appear in strong contrast with the religious observances above mentioned ; but it is perhaps explainable as having occurred prior thereto, viz. : on the 24th February 1558 : “ John Smyth, returned burgess for Camelford, upon a declaration by Mr. Mershe, a member, that he had come to this House, being outlawed ; and also had deceived divers merchants in London, taking wares of them to the amount of £300—minding to defraud them of the same under colour of privilege of this House. The examination whereof being committed to Sir Jo. Mason and others of the House, was found and reported to be true.” The House, however, by a vote of 112 to 107, resolved, “ that he shall still continue a member of this House.” ||

During the Parliamentary struggle between Charles I. and the House, the assertion of Parliamentary Privilege passed through some startling phases, of which an instance may be cited in the expulsion of certain members on the 6th of September, 1642, under the following resolution :

“ Resolved, upon the question, that Sir Wm. Saville, Mr. Henry Bellassis, Mr. Jo. Bellassis, Sir Henry Slingsby, Sir Thos.

\* 2 Commons Journal, p. 342.

† 2 Commons Journal, p. 8.

‡ 2 Commons Journal, p. 545.

§ 1 Commons Journal p 82.

|| 1 Commons Journal, p. 55.

Danby, Sir Geo. Wentworth, Sir Thos. Ingram, Mr. Wm. Mallory, and Mr. Rich. Aldborough, shall be disabled for sitting any longer as members of this House, during this Parliament, for neglecting the service of the House and setting their hands to a Petition contrived in Yorkshire and sent up to the Parliament, in great dishonour and to the scandal of Parliament.\*

Having been vigorous in the enforcement of their Privileges for and against members, it may be surmised that, when the House came to deal with outsiders, it would give free scope to the Parliamentary zeal of the "high privilege men" of the time. Shortly after the punishment of Floyde, before referred to, the servant of a member was arrested for debt, and being unable to pay, he had the matter brought before the House, on a claim of Privilege. The proceedings thereupon are reported in the Journals of the 28th of May, and 4th of June, 1621.

"Mr. Solicitor delivered a petition of one Johnson, servant to Sir James Whitlocke.

"Moore and Locke, therein complained of, were called to the Bar, and kneeling, Moore confessed he arrested Johnson. Witnesses proved that they told them they thought they committed an error, because Sir James Whitlocke was then a Parliament-man, to which they replied, they had known greater men's men taken from their master's heels in Parliament time. After the debate, it was ordered, that these two men at the Bar ask forgiveness of the House and Sir J. Whitlocke, on their knees.

"That both these to ride upon one horse, bare-backed, back to back, from Westminster to the Exchange, with papers on their breasts, with this inscription: 'For arresting a servant to a member of the Commons House of Parliament.' And this their judgment was pronounced by Mr. Speaker accordingly."†

The Journals contain further entries of punishment for breach of privilege in arresting servants for debt, or bringing ejection, or serving them with process; but a case peculiar for its ludicrousness may be cited as follows:

On the 14th of June, 1610, Sir George Moore, a member, reported that Dr. Stewart's (another member) servant, who was privileged, had been arrested, on a charge of what might, in legal phraseology, be termed seduction, under a warrant issued by four justices before Parliament met, but which had not been executed until then. He asked if the privilege of the House covered this arrest; but the House, doubtless fearing to determine so delicate a question, "committed the matter to the Committee on Privileges." On the 16th of June, Sir Jo. Hollis reported "touching Mr. Dr. Stewart's man, that he should have privilege," that the constable be discharged, and "consideration afterward be had who shall pay the fees." On the 20th of June, Dr. Stewart applied to the House, "touching the arrest of his servant, and moveth for the charges; whether the reputed father, being taken by a justices' warrant, shall pay, or the constable that executed the warrant." The House resolved that the constable should not pay, but the reputed father; and so ended the matter.‡

The Parliamentary protection of the property of members lasted until about a century ago, and afforded frequent occasion for the declaration by the House, that persons in any way disturbing the property of a member, or his servant, were "guilty of a breach of the Privileges of the House," and for the infliction of summary punishment on the offending parties by fine or imprisonment. § The earliest record of this peculiar

‡ 1 Commons Journal, p. 438.

The following were voted breaches of Privilege between 1660 and 1760:

Ejectments against M. P. 21; Ejection against M. P. s tenants, 22; Injuries to properties of M. P. s,

\* 2 Commons Journal, p. 754.

† 1 Commons Journal, p. 629.

jurisdiction appears in the Journals of the 12th and 13th of March, 1606 :

“Complaint made by Mr. James, member for Bristowe (Bristol), that his horse, standing at an inn was taken by one Bigland, servant to the thorough-post of London, by pretence of a warrant, to run post. It was ordered that the Sergeant should bring Thomas Moorton, the post-master himself, and John Bigland his servant, to the Bar, and warn the ostler, that kept the horse, to be here.

“Thomas Moorton, Thorough-post for London, and John Bigland his servant, were brought to the Bar, and the matter of their contempt in taking Mr. James’ horse being examined, it did appear that Moorton himself was ignorant of that his servant did—neither would he avow it, and therefore he was discharged.

“Touching Bigland the servant, the ostler that kept the horse, being then present, did affirm that, upon his first offer to take the horse, he told him that a burgesse of Parliament was the master of him ; and that Bigland notwithstanding did take the horse and said : ‘It makes no matter, my master will justify what I have done.’

“For this, his contempt, the House thought fit to commit him to the Sergeant during pleasure.”\*

In addition to imprisonment, the House, in the following case, assumed the jurisdiction of the Court of Chancery to stay waste. On the 30th January, 1640, it was “ordered, that Jo. Bonnock and Tho. Martin, who have lately, and during the sitting of this Parliament, plowed up a warren, part of the possessions of Lord Mounson, a mem-

ber of this House, contrary to his will, and to the breach of the privileges of this House, be enjoined from this House to give over plowing and destroying the said warren. And it is likewise ordered, that the said Jo. Bonnock and Tho. Martin be forthwith sent for as delinquents by the Sergeant, to answer their breach of privilege in molesting the possessions of the said Lord Mounson, during the time he was in the service of this House.” †

Notwithstanding that, prior to the cases next mentioned, the system of Parliamentary government had become fairly established, the House of Commons still continued to meddle with frivolous cases as breaches of privilege. Thus, in 1728, the Rector and Churchwardens of Wansted were complained of for having “cut down a hedge-row of white thorns” which were near the church-yard, but upon part of the grounds of Lord Castlemain, a member of the House; and the House, after a reference to the Committee on Privileges, solemnly declared the act to be “a breach of the privileges of the House,” and imprisoned both Rector and Churchwardens.‡

The form of the charge, and the usual proceedings of the House thereupon, may be gathered from the following ludicrous case, which was recorded on the 20th March, 1739:

“A complaint having been made to the House, that Christopher Waltham and 12 others did, on the 1st of February last, enter the warren of Lord Galway, a member of this House, in the County of York, and there *killed a great number of rabbits*, in breach of the privileges of this House,

“Ordered, that it be referred to the Committee on Privileges and Elections to examine the said complaint, and report upon the same with their opinions.”§

55 ; Entering on the estates of M. P.s, 33 ; Serving process, or subpœnas from Chancery on M. P.s, 21 ; Serving process, or subpœnas from Chancery on tenants and servants of M. P.s, 13 ; Distraining goods of M. P.s, 13 ; Impounding cattle of M. P.s, 3 ; Arresting servants of M. P.s, 49 ; Stopping up lanes of M. P.s, 2 ; Cutting down trees of M. P.s, 2.

\* 1 Commons Journal, p. 352.

† 2 Commons Journal, p. 76.

‡ 21 Commons Journal, p. 222.

§ 23 Commons Journal, p. 505. The Committee in this case made no report in consequence of the prorogation of the House.

If the Committee found the complaint sustained, they reported it as a breach of privilege, and thereupon the House ordered the offenders into custody. But if satisfaction was given, then an order was made discharging all further proceedings.

Similar proceedings are reported against parties for "having dug and carried away coals" from Lord Gage's property;\* for having "fished with a boat and net in the pond of Mr. Joliffe;† for "having broke open a gate and let two waggons loaded with wood on the fields of Mr. Fane;‡ for "digging ground and carrying away a tree from Earl Verney's property;§ for "having plowed up the land of Mr. Bowles;|| and other similar high crimes against the privileges of Parliament.

Even men of high position were called upon to answer for offences against the property of the tenants of members, as the following case will show :

16th March, 1760.—"Resolved, that Sir Richard Perrott, having *entered into possession of a cellar in the occupation of a tenant of Mr. Scudamore, a member of this House, is thereby guilty of a breach of the privileges of this House. Ordered, that the said Sir Richard Perrott be, for his said breach of privilege, taken into the custody of the Sergeant-at-arms attending the House.*"¶

Newspaper men—combating, as they always have, for pre-eminence in guiding public opinion—frequently came into collision with the House; and although the House made examples of all who disclosed the debates by printed pamphlet or otherwise, the first case in which the penal jurisdiction of the House was exercised, for a bad report of a member's speech, occurred on the 1st December, 1779. The proceed-

ings commenced by an order that the Journal of the 8th February, 1688, should be read, wherein it is recorded, "That freedom of speech, and the debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament." The statement of the charge then proceeds, that complaint having been made that a newspaper, called the *English Chronicle*, published by T. Meadows, contained "a gross misrepresentation of a speech of a member of the House, in breach of the privileges of the House," it was ordered, that the paper be read, and that the matter be referred to the Committee on Privileges; but on the 10th December, the House was informed that the printer had attended the Committee, "and made submission to, and asked pardon of, the member, for his said offence;" and thereupon further proceedings were stayed.\*

Our sketch would be incomplete if it closed without a reference to the proceedings of the House against the Judges, for judgments in which the proceedings of Parliament were reviewed. The most celebrated case is that for which the Lord Chief Justice Sir Thomas Pemberton, and Mr. Justice Jones, were imprisoned on the 10th July, 1689, and which occurred thus: Topham, the Sergeant-at-arms, in executing a warrant of the Speaker, had arrested a Mr. Jay, who thereupon brought an action against Topham in the Queen's Bench.† The declaration set out that the defendant had arrested the plaintiff, and kept him in prison until he paid £30. The defendant pleaded to the jurisdiction, and on a demurrer, judgment went against him in the action. The Sergeant thereupon complained to the House, and the House resolved "that the judgment was illegal, and a violation of the privileges of Parliament, and pernicious to the rights of Parliament." The Chief Jus-

\* 21 Commons Journal, p. 116.

† 26 Commons Journal, p. 698.

‡ 30 Commons Journal, p. 498.

§ 28 Commons Journal, p. 915.

|| 26 Commons Journal, p. 698.

¶ 28 Commons Journal, p. 1, 107.

\* 37 Commons Journal, p. 483.

† See *Verdun v. Topham*, Sir Thomas Jones' Reports, p. 208.

tice and Mr. Justice Jones were then sent for and examined, and, notwithstanding an able defence of their judicial proceedings, they were taken into custody, and so remained until the prorogation of the House.\*

Although lawyers were excluded in the 46th year of Edward III. from sitting in Parliament for counties, they were afterwards found to be so useful in the work of legislation that the law fell into desuetude, and they were in later times elected. They appear to have been the subjects of frequent reference in the Journals, as may be seen from the following extracts :—

“That the lawyers and sergeants be sent for, a collection of them.”

“No lawyer or other to depart without public leave in the House.”

“The deficients of lawyers, if they come not by this day se'n-night, to be sent for by warrant.”†

“The Sergeant to warn the lawyers to attend.‡

“The lawyers of the House to be put in writing and noted, if they be absent.”§

“All the lawyers of the House to be added to the committee respecting recusants, and by them, consideration to be taken of the best means to discover Popishly-affected persons living in the Inns of Court and Chancery ; or that are lawyers and practise the law ; and to prevent all hurt which can grow by them.”||

The usefulness and popularity of lawyers in Parliament may also be gathered from the following order, although courts of law, we fear, would not now listen to a Sergeant-at-arms bringing such a request of pre-audience as was here asked :

“Ordered, that the Sergeant go to all the Courts to move them, from this House, to hear those of this House before any other,

that so they may attend their service in this House, and yet not lose their practice.”\*

In a debate on penalties for coming in late after prayers, the Solicitor-General said that “lawyers must spend their time ill in Westminster Hall, if they cannot afford to pay six pence.”†

On the 27th April, 1621, committees were appointed as follows, on the motion of the members named :

“Sir Tho. Jermyn ; Against young lawyers making unfitting speeches against men in their pleading.

“Sir Geo. Manners ; To provide against any lawyers taking fees in any one term on both sides.

“Mr. Attorney-General ; Against judges suffering their sons or favourites to practise before them ; to prevent this, and against favourites in all courts.”‡

On the 15th February, 1620, Mr. Sheperd, a member, was expelled for saying that a bill respecting the sabbath was promoted by a “sectary and a disturber of the peace,” and that “its provisions were made against Papists, and it was a mouse-trap to catch a Puritan.” In the debate on his expulsion for these words he was spoken of as “one of the busy young lawyers that ought not to have been elected.”§

Attorneys do not appear to have derived much benefit from the privileges of the House, as the following records will show :

“A bill for abridging the number of unskilful attorneys, and for reducing them to an orderly practice.”||

On the 4th April, 1700, the indignation of Parliament was roused against an attorney for sending, to some clients,—not members of the House,—an exorbitant bill of costs, and threatening to sue for the same ; and as a terror to evil-doing attorneys, the

\* 8 Hargrave's State Trials, p. 1.

† 1 Commons Journal, p. 412.

‡ *Ibid.* 440.

§ *Ibid.* 441.

|| *Ibid.* 863.

\* 1 Commons Journal, 479.

† *Ibid.* 668.

‡ *Ibid.* 595.

§ *Ibid.* p. 521-5.

|| *Ibid.* p. 837.



example made in the following case may be useful :

"A complaint being made to the House of an exorbitant and scandalous bill of charges delivered by one Thomas Rogers, a solicitor, to the gunners of Portsmouth, in respect of a petition of theirs presented to the House the last session of Parliament ; . . . . . and the House being further informed that the said Rogers threatens to sue the Petitioners at law for the said demands ; Ordered, that the said Thomas Rogers be, for the said offence, sent for in custody of the Sergeant-at-arms."\*

A further illustration of the assumption of the jurisdiction and functions of the courts of the land by the House of Commons, appears in the investigations respecting assaults or arrests of sons of members. On the 10th March, 1609, under a claim of privilege, Mr. Berry moved that the constable of Newgate be sent for to be examined touching the arrest of his son and servant. The constable and a beadle attended, and on each of the four days subsequent to their appearance, the House investigated the charge. It appeared that the young man had, about one o'clock at night, thrown a link (torch) in the faces of the watchmen ; whereupon the son and servant were arrested. The House decided there was no privilege for a breach of the peace, and discharged the officers.†

Another entry on a similar case appears on the 10th July, 1610, as follows :

"Mr. Twinhoe claimed privilege for his son. He that arrested him, ordered to be warned to-morrow to come hither."‡

We have shown that for reflections against Parliament members have been severely punished ; and it may therefore be surmised that outsiders who had the temerity to express any opinion derogatory to the wisdom or dignity of Parliament, would not find

the House more lenient towards them than it had shown itself to its own members. An early illustration of this jurisdiction occurred on the 17th April, 1559 :

"Mr. Carnesew, a member, declared to the House, that Thrower, servant of the Master of the Rolls, did say against the state of the House, that if a bill were brought in for *Women's wyers in their pastes*, they would dispute it, and go to the question ; and that he had heard the Lords say as much at his master's table. The which Thrower, brought in by the Sergeant, denied those words to be spoken by him, and Mr. Carnesew affirming them, Thrower was committed to the Sergeant's keeping." §

Clergymen appear on several occasions to have excited the ire of the House by their reflections on Parliament. On the 23rd January, 1640, it was "ordered that Thomas Jones, of Offwild, clerk, be forthwith sent for as a delinquent, by the Sergeant-at-arms, to answer an information, and attested by a member of the House, of scandalous words by him used against the Parliament in a sermon preached by him at Tiverton, in the County of Devon."||

Again, on the 30th August, 1642, the following entry appears :

"Jo : Banastie and Jo : Day, two aldermen of Wallingford, came into the House, and informed the House of very dangerous words spoken by Mr. Rich : Paulding, their vicar.

"Resolved, that Mr. Rich : Paulding, Rector of Wallingford, be forthwith sent for as a delinquent, for many reproachful and scandalous words spoken by him against the Parliament."¶

In addition to the function of correcting disorderly words against Parliament, the House occasionally exercised a corrective jurisdiction over the style of preaching adopted by clergymen in their pulpits. On

\* 13 Commons Journal, p. 313.

† 1 Commons Journal, p. 408.

‡ 1 Commons Journal, p. 452.

§ 1 Commons Journal, p. 60.

|| 2 Commons Journal, p. 76.

¶ 2 Commons Journal, p. 743.

the 28th April, 1628, "Mr. Prymme reported, from the Committee for Religion, a petition against Mr. Rich. Burgesse, Vicar of Witney, for profaneness in catechising and preaching, by way of paraphrase. Upon question, Burgesse was sent for presently by the Sergeant, as a delinquent."<sup>†</sup>

Burgesse, when brought to the House, refused to answer, whereupon he was committed to the Tower; but afterwards on his submission he was released, on being enjoined to attend. This he neglected to do, and on its being ascertained that he had "fled from his own parish, and was in Ipswich, and that he said there that 'he had been lately in the company of the Parliament hell-hounds and Puritans,'"<sup>‡</sup> an immediate order was made for his arrest; but Parliament having been prorogued shortly afterwards, nothing further was done with him.

The following rebuke appears recorded on the 7th June, 1641, against certain lay preachers whose proceedings (not reported) had ruffled the High Court of Parliament, and with this our extracts may close:

"Jo. Spencer, Jo. Greene and Nath. Robinson, the lay-preachers, were called in, and Mr. Speaker gave them a sharp repre-

hension, and a general distate of this House of their proceedings, and that if they should offend at any time in the like manner, this House would take care they should be severely punished."<sup>§</sup>

It would be beside the object of this paper to discuss the causes which led to the assertion of these so-called "Privileges of Parliament," or to trace their gradual disuse within the last century. Common learning on the jurisdiction of Parliament, and common justice, equally revolt against the proceedings we have here recorded. Our judgment, however, may be pronounced upon them as unworthy the dignity of Parliament; but we must not forget that the same great Parliamentary leaders who were responsible for these "Curiosities" of Privilege were also responsible for the great contests between the House of Commons and the Crown which led to the establishment of Parliamentary Government, as well as those constitutional rules by which the essential boundaries of Parliamentary Privilege, and Prerogative Right, are now clearly defined and fixed so that neither Parliament nor the people may fear any infringement by the Sovereign or the Executive.

<sup>†</sup> 1 Commons Journal, 889.

<sup>‡</sup> *Ibid*, 932.

<sup>§</sup> 2 Commons Journal, p. 170.

---



---

## MUSIC AT NIGHT.

RIPPLE of waves upon the moonlit shore,  
 Chiming of voices silent evermore,  
 Shining of summer light on southern seas,  
 Murmur of doves among the forest trees,  
 Perfume of growing vines and clover lea,  
 Scent, sound, and sight they all come back to me—  
 All of delight my life hath ever known,  
 Gathered and scattered in one dulcet tone.

SARAH WILLIAMS.

## CURRENT EVENTS.

THE session just closed at Ottawa was little distinguishable from a triumphal march for the Administration. As laurels are as little to be won by striking a fallen Minister as by kicking a dead lion, and as the leader of the Opposition showed consummate tact in his new position, the episodes of personal recrimination which mark a tempestuous session were happily not conspicuous. There is cause for general regret when, in the heat of debate, a first Minister describes his predecessors as "a pack of lunatics;" and the first lieutenant of the Opposition leader speaks as if he believed the Minister of Finance could be bribed by a few cases of champagne. The existence of a deficit was stoutly denied by an Opposition critic, but on insufficient grounds. The Administration was inclined to yield too far to the temptation to present everything in the worst light; the reality was bad enough, and any attempt to make it worse could only tend to throw doubt on the motive that caused so sombre a view of the country's prospects to be presented. It came out during a discussion which an Opposition member somewhat needlessly provoked, that, of a hundred appointments made by the late Ministry after it lost the confidence of the House, no less than eighty were cancelled by the incoming Administration, most of them on the unassailable ground that they were not necessary. It is not impossible that the desirability of suppressing these offices might have been less apparent under other circumstances. The question turned on the practice of English administrations, which the Confederation Act makes a guide for us. It is undeniably true that English Ministers have frequently made appointments after they have been actually or virtually defeated, and on the eve of their retirement; but a precedent may seem to fit in point of form and yet be widely

out in spirit. Nothing can justify the revival of offices, long held in abeyance, for the purpose of giving a defeated Minister a last opportunity of making a lavish bestowal of patronage among his friends. And when this is done on an extensive scale, the act cannot be justified by reference to English precedent any more than can the cancelling of appointments, not liable to this objection, by an incoming Administration. The truth is, the greater play given to party spirit here causes both parties to deviate more or less from the line which English statesmen mark out as a guide for their conduct.

The Senate has at last given signs of flickering vitality. It has mustered courage to throw out a Bill affecting the representation of two of the Ridings of Huron in the House of Commons. It did so under a menace thrown by M. Letellier de St. Just, that the penalty of interference might possibly be the remodelling of its own constitution. The demonstration of independence that followed must be put down to the credit of the Senate. Better, if it had no choice but to vote as directed, that it should prefer any fate that might befall it as the consequence of disobedience. If the Second Chamber is to be of any use, its utility cannot be separated from its independence. If it cannot, even on rare occasions, when great public interests, or what it deems to be great public interests, are at stake, venture to record an independent opinion, then it would be better that it should cease to exist.

If the Senate is to discharge the functions popularly assigned to it—to correct the hasty, crude, or otherwise highly objectionable conclusions of the House of Commons—it must act without fear of the consequences to itself. It cannot be admitted that the Senate has no right to pass on Bills affect-

ing the representation of the other Chamber; prudence should be left to dictate the extent to which it ought to go in that direction. The occasion seems fully to have justified its interference. At present the Township of Tuckersmith forms part of the Centre Riding of Huron; and a Bill had passed the Commons for annexing it to the South Riding. The representation of the House of Commons is based on population; and if there had been any glaring inequality it might perhaps have been permissible to anticipate the decennial period of general readjustment; but the two Ridings with which the Bill interfered were as nearly as practicable equal, South Huron having a population of 21,512 and Centre Huron 22,791. The proposed change would have increased the inequality from 1,279 to 6,119. The Bill flagrantly violated the principle of representation on which the House of Commons rests. To make matters worse, it owed its paternity to the member for the South Riding, whose return is petitioned against, and who, if unseated, might hope to gain an accession of some two hundred votes to a majority which was previously small, and which, without such an accession, may be found to have vanished. When members have an interest in a Bill before the House, be it personal or political, their action upon it must always be looked upon with suspicion. It is alleged that the Ridings as they stand were carved out to serve party purposes, a charge which we can readily believe; but is that a reason for changing them now for party purposes, when there is no inequality to correct, and when the change would introduce an inequality? The configuration of the Ridings is objected to as being wanting in symmetry. This is a matter of taste. Burke expressed great horror of electoral departments described by straight lines, and made the objection one of the grounds of his indictment against the French revolution. The question of convenience does not come in; for the County

has only one official centre, the division into Ridings being merely for electoral purposes. The argument used against the Bill, in the Senate, that Tuckersmith has already played its part in the creation of the House of Commons, and that it would be unreasonable to put it in the way of voting a second time, is not wholly devoid of force. But a large number of the people of Tuckersmith had petitioned for the change. If this argument be admitted, it would prove far too much. It would be equally good if applied to two Townships; and if that number were transferred everything like equality of representation would disappear.

Nevertheless, though clearly in the right, the Senate must have felt that it was treading on dangerous ground, and the reminder that it was voting with a halter round its neck must have been the reverse of pleasant. Still it is to its credit that it did what it conceived to be its duty. But the weakness of its constitutional position becomes evident when it is seen that it can only perform its duty under a menace such as was directed against it. The vice of the old Legislative Council, out of which the Senate has been developed by a law of evolution, was its inherent weakness and constant subserviency to the Government of the day.

On another question the Senate took a stand not less decided. It rejected the provision of the Election Bill by which the franchise of Prince Edward Island, now based on manhood suffrage, would have been largely curtailed. In all the other Provinces, the local suffrage was to apply in the elections to the House of Commons, and Prince Edward Island alone was to have another rule applied to it; so the House of Commons decided. But for once the Senate resolved to show itself the enemy of reaction; and its conduct will be approved by the whole country. It is a serious thing to take the franchise from a large section of a people by whom it has not been grossly abused. No good reason for inflicting on

Prince Edward Islanders the penalty of disfranchisement has been shown; and they will not forget that they owed the preservation of their threatened liberties to the intervention of the Senate: a circumstance which that body may possibly have had in view when it determined to prevent the disfranchisement.

To a Government which frequently found itself at war with the representative chamber, the Legislative Council was a convenient instrument. The recollection of its habitual obstructiveness, surviving its mischievous tendencies, led to a change in its constitution which substituted popular election for Crown nomination—a phase of its existence which was put an end to by the reactionary policy of 1867. At present it is the misfortune of the Senate that it cannot assume an attitude of independence without endangering its existence; a course of policy which would strengthen its influence and give weight to its decisions, if it had taken root in popular feeling and national sentiment, might now be fatal to it. From every side goes up the warning that it cannot go on in this way; that an ancillary position is its only safety, and that it must make a choice between the sacrifice of its individuality and a continuance of its existence on present conditions. The worst of it is that, while the injustice of these taunts is obvious, their truth cannot be denied. If the Crown nominated Senate be doomed, as many believe, it will be none the worse thought of for preserving its independence to the last. It can be useful only by being independent; but that it will persist in proving itself to be so is more than can be hoped for, for the supposition is contradicted by the whole course and tenour of the history of its progenitor, the Crown-nominated Legislative Council. The Legislative Council seldom asserted itself in a manner that showed any real independence; and once, on a conspicuous occasion, when it had done so, it was within a day or two cowed into retracing its steps.

Executive pressure can no longer be exercised on the Second Chamber, as it was habitually exercised before 1841. The members are far from being the creatures of the Executive in the sense they then were. They can no longer be compelled to vote this way or that, on any given question. The danger no longer comes in the shape of deprivation of emoluments; a past danger which gave rise to many stories of members wailing under coercion, and uttering piteous lamentations when a peculiarly obnoxious vote had to be given: stories which, if not literally true in the particular instances related, contained a general truth, and strikingly illustrated the Executive terrorism under which the chamber exercised its functions, the chief of which was to scream loud enough to prevent the popular voice from being heard. The members of the Senate are as independent as any members can be who owe their appointment to Executive appreciation, and who are constantly oppressed with the feeling that they have no representative character, and that they exist under conditions which there will be an increasing desire in the public mind to see changed. It is not that any individual Senator feels any danger, except what would be felt by a party advocate in the other branch of the Legislature; the danger is collective, and menaces the whole Senate with a change in its constitution. The resolutions which were under discussion in the Commons this Session, having this change for their object, created a kind of alarm such as a child feels when it appeals to its mother for protection; and in anticipation of these resolutions passing—though they did not pass—a motion was placed on the books of the Senate for an address to the Queen to maintain the system of Crown nomination against the expressed wishes of the representatives of the Canadian people. It was a desperate device and could not have succeeded; for it is quite certain that when Canadians clearly express a desire

to change the constitution of the Senate, the Crown will not interfere to prevent the reform being carried out.

The suddenness with which a new tariff is passed is intended to act as a surprise. Unlike other measures, which can only move by stated steps, jealously regulated by the rules of Parliament, a Tariff Bill is passed the day it is introduced. Next morning every one who is in the habit of advancing customs duties, in the course of his business, finds himself richer or poorer for the moment, according to ascending or descending gamut of the new duties, and trade is released from old burthens or trammelled by new or additional obstacles. But like all work done rapidly, tariff-making often proves very imperfect. No sooner had the new tariff gone into operation than the Minister of Finance was interviewed by a legion of deputations, each demanding an alteration in behalf of some sorrowing interest. Only cold comfort can generally be dealt out to men on such a mission ; because the original necessity of secrecy remains, and they generally go away not much wiser than they came. But their labours have this time had the effect of very greatly modifying the new tariff. Some of the changes harmonize with the criticisms made in these pages last month. The discrimination between different classes of dry goods naturally elicited objections from manufacturers, because those on which the highest duties were put, such as silks and satins, are precisely the kinds which are not manufactured in the country. The effect of abolishing the discrimination, and putting seventeen and a half per cent. on the value of all classes, is to raise the rate on woollens and cottons two and a half per cent. It is equivalent to meeting the manufacturers half way ; and though the intention is scarcely admitted, the change in the rate of duty, coming after the urgent solicitations of manufacturers, seems to be capable of no other explanation. There are many points on which

deputations representing different interests do not agree. The sugar refiners, who are few in number, but not uninfluential, had reason to be more than well satisfied with the sugar duties as originally arranged in the new tariff ; but the wholesale grocers were up in arms against a scale of duties which would have had the effect of cutting them off from all but one market. All the deputations had one common point of agreement ; with one accord they insisted on the policy of admitting raw material free of duty. They could plead the practice of England, and hitherto of Canada, in their favour. The reason why raw material is subject to exceptional treatment is that manufacturers may obtain a cheap and easy supply of what is essential to them. If this be the ground of exemption, it is difficult to see why it should not be carried a little further, and made to embrace partial manufactures, which taken alone are of no more use than one side of a pair of scissors, and which can only be utilized by being absorbed into some final and complete manufacture for which they are destined. But no sweeping and inflexible rule would suit here, and the line would probably be difficult to draw. Pig iron is a very incomplete manufacture ; it may be used for castings, it may be made malleable or be converted into steel. Other manufactures are ready, without any further manipulation for fashioning into shape for final use. The duty put on pig iron has been taken off again, and rightly so, unless that little start would have enabled us profitably to utilize our own iron ore. Where iron and coal are found side by side, we may reasonably hope soon to see iron works established.

Whatever forms a necessary part of a ship has, as a rule, been hitherto free of duty. The discrimination was judicious. When iron ships came into use, our wooden vessels were subjected to a new competition. The manufacture deserved some encouragement among a maritime people, to whom a commercial navy may one day possess great

national significance. This belongs to the class of circumstances which raise commercial questions above their ordinary level, and clothe them with national characteristics; and when this happens, their discussion may be allowed to take a wider range.

Some of the articles used in ship-building, which the tariff at first made liable to duty, are left out in the amended tariff; and we think it would have been better if they had all been allowed to be entered without duty. The decadence of American shipping is not due to any one cause; but the heavy duties which ship-building materials have been made to bear have had their full share in producing the calamitous result.

The wine duties have been made less objectionable; but the false principle of measuring the tax by the strength is retained. On certain wines the duty will be as thirty to forty of value. This heavy duty will fall on the lighter kinds—on wines not exceeding twenty degrees of strength. It was the placing a comparatively high duty on claret that first brought heavily-branded ports and sherries into extensive use in England, and was one of the causes of the national inebriety which formed the amazement of the people of wine-producing countries. Men may get intoxicated on natural unfortified wine; but the danger of its use is comparatively so little that it must be ranked among the best agents of temperance. It cannot be admitted that a Minister of Finance has nothing to do but to raise the requisite amount of revenue by any possible process: the moral well-being of the community may be the object of the care of a government, without the expectation that moral reformation can be effected by Act of Parliament, being relied on. To discriminate against a light cheap wine, and in favour of wines of which their strength invests their use with greater danger, is surely a discrimination in the wrong direction. But as strength may consist with cheapness, it is a false

measure of duty, and value should have been substituted in its place. As little ought weight to be made the measure of duty when cigars are being dealt with. A strong pressure has probably been brought upon the Minister of Finance to exclude cheap German cigars; but it is going too far to subject the worst and cheapest to the same duty as the best and the dearest.

No country with the population and resources of Canada, it would be safe to say, ever undertook a work of such magnitude as the Pacific Railway. And if this were the only great undertaking in which the country was called upon to engage; if all the energies of the Government, and all the resources of the State, could be applied in one direction—concentrated upon one object—the danger of embarrassment would be much less. But, while we are getting ready to construct the Pacific Railway, we are only bringing the Intercolonial towards a completion, with one or two years' more work on hand. The enlargement of the canals, which had become an urgent necessity, has been commenced between Lakes Ontario and Erie; and the intercolonial commerce is suffering greatly from the delay in commencing the promised enlargement of the St. Lawrence canals. Some of these works are more urgent than the others; and perhaps of them all, sections of the Pacific Railway could best afford to wait. But political and inter-provincial arrangements have been permitted to interfere. The Intercolonial Railway was treated as a child of political necessity, and the Government agreed to carry to completion the Pacific Railway long in advance of any commercial necessity, and sooner than the work can possibly be done.

Under the late Government, the Pacific Railway was treated as indivisible for the purposes of construction and working. Now it is divided, for both these purposes, into four sections, of which the first is to com-

mence at some undetermined point south of Lake Nipissing, and end at Lake Nepigon ; from this point, to be determined by the Governor in Council when the necessary information has been obtained, to the Red River, will be the second section ; the third section will end at the west, somewhere between Fort Edmonton and the foot of the Rocky Mountains, whence the fourth section will run to the Pacific ocean. There is to be a branch from the starting point of section one, the eastern terminus of the road, to some undetermined point on Georgian Bay ; a second branch from the boundary line at Pembina to Fort Garry, and a third from or near the eastern end of section two, to Lake Superior. The division into sections, which for purposes of contract and working may be again subdivided, has two declared objects : the postponement of section one, and to prevent the contracts being monopolized by one company. The postponement of section one we have always regarded as reasonable, and it was suggested in these pages before it was announced as part of the policy of the Government, or had perhaps been conceived by those by whom that policy was framed. But the division into sections was hardly necessary for this purpose. Whether the division of the work, for the purpose of facilitating contracts, will meet the expectations formed of it, is a question that cannot now be definitely determined. It is quite true that one-fourth of the work is more manageable than the whole, since it comes within the compass of a smaller capital. But it is equally true that large works do not appal, but rather attract, in England, where the money capital must be sought. Any number of financially-incapable combinations of contractors may be expected to present themselves with offers to undertake the construction of sections. Against failures from this cause, the precaution of requiring the contractors to possess a capital of \$4,000 for every mile of work entrusted to them is to be taken, and a deposit is to be made in

money or securities. These deposits, even when they are required to be made in money, are often the worst of shams ; and if securities are to be substituted, another chance of evasion will be given. There would be some loss of force by letting the contract in more than two sections. British Columbia forms a natural section, on which the work will have to be prosecuted from the west. The more sections are multiplied beyond this natural division, the greater will be the cost in plant, and the more costly must the work be.

As each section or sub-section is to belong to the contractors when completed, all the difficulties of working a single road in a number of sections will be encountered ; but they would be reduced to a minimum by the common interest all would have to make a united success. Still, a divided ownership must always remain a source of weakness. Either a change of cars must take place on each section, or there would be an inextricable mixing up of the stock, liable to cause constant difficulties and dissatisfaction. The Government, it is true, retains the right of purchase, and if it should ever exercise its option, unity of management would be ensured. Unless the period within which this option can be exercised comes under some restriction, the time will come when the temptation for the State to assume the railroad will be irresistible, since all it would have to pay would be ten per cent. on the cost, or thereabouts ; for the Government will furnish all the means of construction in the shape of land and money. The road will almost certainly someday become profitable ; but before that time comes, the cost may have been greatly enhanced by renewals. In view of the State becoming a possible purchaser, it will be desirable to determine in advance to what extent renewals are to be charged to capital. The option which the State reserves of a right to purchase will probably not seriously affect the financial arrangements which will be necessary to secure construction.



The event will be looked on as remote, or, if not remote, the contractors would get the road taken off their hands at a time when it will be unprofitable, and they would probably be only too happy to take the profits of their contract, and leave the responsibility of working the road to others. In the event of the Government declining to purchase, there would remain the resource of union among the owners of the several sections, by forming one amalgamated company out of the whole. If the division into sections be found convenient for construction, that convenience would be dearly paid for, when the necessity for unity of management came to be felt. To form one company out of the owners of the several sections, of varying local value, would be difficult; and yet without unity of management the road could never be worked to the best advantage.

The survey of the line so far is little more than an exploration. In the absence of measurements, of which there have been none, distances have been taken from different points astronomically determined, and an allowance made for the necessity of deviations from a direct line. Some estimate of this kind was possible before the exploration was made at all; for most of the points along any possible line had been astronomically determined by Mr. David Thomson, while in the service of the North-West Company, during the latter part of the last and the beginning of the present century. Mr. Mackenzie expresses a strong disinclination to commence the work till the survey is completed. This discretion is a very desirable quality in a Minister having charge of a work of such magnitude. It is impossible, with the information at present in possession of the Government, to state definitely the starting point of section one; whether it can be placed on Lake Nipissing or must go some distance to the south; all the Government is pledged to is, that the road shall pass to the south, and not on the north side. It will be remembered by those who

followed the debates, that the late Government refused to pledge itself on this point; and there were persons who professed to know that the road could not possibly go elsewhere than to the north of Lake Nipissing. It is a relief to hear that there are no engineering difficulties between Lakes Nipissing and Nepigon, an estimated distance of 557 miles, and that in the next section no formidable engineering difficulties are met, though the cost of construction will be heavy. From this statement it follows that the section condemned to judicious postponement is not the heaviest, even on the eastern slope. But the lands to be found along that section will hardly be of average value, or such as to tempt contractors to take a contract without a much larger guarantee of interest than would suffice where the country traversed is prairie. The section which is first to be built on this side of the eastern slopes, from Nepigon to Red River, is the heaviest on this side of the Rocky Mountains. The general course the road will take is not everywhere determined, and cannot be till the information respecting the several routes is more complete; but it seems to be a settled point that from Fort Garry the road will strike the Saskatchewan below the Forks, where the Southern branch contributes its waters to the general stream. At what point the Rocky Mountains will be crossed does not seem to be definitely determined. West of the Mountains, the shortest route is along the Frazer river, terminating at Burned Island, but the engineering difficulties may not make it worth while to save a distance of fifty or sixty miles, which would have to be traversed if Bute Inlet were made the Pacific terminus. When the Rocky Mountains are crossed, the final summit level has not been attained; for the plateau near the ocean rises above the mountain passes.

When the Pacific is reached, what is called the treaty stipulation with British Columbia would be fulfilled. But it seems the original

bargain, onerous as it was, was supplemented by new promises made by the late Government, which, if binding at all, bind the country to add two hundred and forty miles to the road agreed upon as a condition of British Columbia joining the union, and to make the terminus not on the Pacific, but at the further extremity of Vancouver Island. This addition would add immensely to the cost; and would necessitate about a mile and a half of bridging which would, of itself, be a more formidable undertaking than the construction of the Victoria Bridge at Montreal. The assumption of this additional undertaking seems wholly inexcusable. It does not appear upon what grounds the promise was made; and we certainly fail to see that British Columbia was to do any thing, or had it in its power to do any thing, in return for this great increase of the outlay originally agreed upon. Mr. Mackenzie does not appear to regard this proposal of the late Government as obligatory; but he is willing to carry it out on condition of the Province agreeing to relax the terms of the bargain in point of time; and Mr. Edgar, the agent of the Government sent on a special mission to British Columbia, was instructed to say to the Local Government that the Cabinet of Ottawa would be prepared, on that condition, to commence work at once on the island and prosecute the surveys on the main land; making, in the meantime, a passable road over the plateau, building a telegraph along the line; and, as soon as the work could be put under contract, spend a million and a half a year within the Province. At the time of speaking the Premier was unable to say whether these offers would be accepted or not. These terms are sufficiently liberal; and, though they do not exceed what had previously been determined upon, they are liable to the objection which lies against all schemes for purchasing the allegiance of any Province that may make a grievance out of an impossibility. We cannot forget that British Columbia agreed that the road should

not be a Government work—that it should be built by a private company, aided by a subsidy in land and money; and, if the Ottawa Government were to stand upon its extreme rights, it might reply to the importunities of that Province, that it was ready to do its part—find the land and money whenever the company was forthcoming. It is not desirable to take this extreme ground; neither is it fair or reasonable in British Columbia to stand upon its extreme right, and take advantage of circumstances to extort costly advantages at the expense of the rest of the country.

The estimates of cost are loose and unsettled. Mr. Fleming's lump estimate of a hundred millions of dollars is by no means given as a definitive amount. We are told it might have to be doubled if the work were pushed rapidly on with a view to fulfil a time engagement. This is where British Columbia has the advantage; she will not fail to say that if the nation is to save a hundred millions by getting an extension of time, it will be only right that that extension should be handsomely paid for. Within the limits of British Columbia thirty-five millions will have to be spent. But for the whole work we cannot be said to have any reliable estimate. Mr. Mackenzie thinks forty thousand dollars a mile a minimum, which may be largely exceeded. The amount of the subsidy to be given is partly fixed and partly undetermined. The ten thousand dollars and twenty thousand acres of land per mile of road, are fixed and determinate amounts; but the amount of bonds or stock on which the Government is to guarantee four per cent. interest, is to be left to competition. Here, as in the case of all other Government contracts, bids will be liable to be put in below the amount at which the work can be done. When this happens, the acceptance of the lowest tender means failure, delay, and finally greater cost than the work could have been done for if let at first at a fair rate. And the rejection of the

lowest tender means a condemnation of the Government. Between the two, it is not surprising if the choice is generally in favour of the lowest tender. Is there no middle-course, no safe way out of the dilemma? If the estimates of the Government engineer be reliable, why let work at prices which those estimates show it cannot be done for? The question is surrounded with difficulties on every side, and we do not pretend to see the way clearly out of it.

But if no mistake be made about the cost of construction, how is the loss on running expenses during the first year to be estimated or covered? Maintenance and working expenses are estimated to cost the country six millions a year; but as the road is the property of the contractors, in what shape is this contribution to be made? In the proposed guarantee of four per cent.? It is reasonable not to prolong the term during which the guarantee is to run, over twenty-five years; for by that time the traffic should be large, and ought at least to pay working expenses. The road may sometime become a profitable undertaking; and in that event the Government can recoup itself by becoming purchaser, provided the original capital has not been greatly exceeded by renewals. The Illinois Central railroad was built by the aid of a grant of public lands, which served as a basis for the issue of bonds; but the lands were not a free gift, and the Company afterwards refunded an amount probably exceeding the original value of the lands.

Of two-thirds of the lands to be given to the contractors, the Government is to retain the control of the sales. Some advantages of settlement are expected from this arrangement, and it is possible the expectation may be realized. But there are difficulties in the way of carrying it out. Unless a fixed price at which these lands are to be sold be agreed upon, contractors will have no settled value as a basis of estimate; and if they be sold at a fixed price, the question is reduced to

one of administration. All experience shows that Governments are not good administrators of public lands; that we know of nothing which should cause their management to be preferred to that of individuals. The objection of granting lands to Companies at all we can understand; but when they are once granted, it is difficult to see any adequate reason for refusing them complete control of more than one-third of lands of which they are to get the proceeds. Will this arrangement not rather tend to induce them to keep back from sale their portion of the lands over which their control is complete? Much has been said about the danger of American influence, and this precaution may originate a jealousy of this kind.

It is intended to give Parliament complete control over the contracts, by requiring at least a negative parliamentary sanction of every contract that may be entered into. The motive is a good one; but practically some evils may result from carrying it out. If the amount to be given for the work had been previously settled by Parliament, the only discretion left the Executive would have been in the choice of contractors and the preference of one firm before another; but when the amount on which four per cent. interest is to be guaranteed is to be determined by tender, it is for Parliament to say whether it will grant so large a sum or not. If there had been no such contingency, the submission of contracts to Parliament would merely have been a shifting of responsibility. If we may judge by the past, a scramble for a share in the contracts is likely to take place on the floor of Parliament. Against such unseemly contention there is but one means of guarding; and that is by bringing these contracts within purview of the acts for securing the independence of Parliament.

The criticism of the Railway Bill in the House of Commons took the shape of a comparison between the two measures of

the two Governments. This was a waste of labour; for the plan of the late Government having definitely failed, any reference to it is valueless, except as proving the necessity for a change of policy. Nor does the policy now adopted involve the abandonment of the railway or any part of it. The necessity of taking more time than was originally agreed upon, is one that involves physical and pecuniary possibilities, and is not within the control of any Government. Any Government would have found itself under the necessity of taking more time, whether it had admitted the fact at the outset or not.

The House of Commons has resolved hereafter to secure an official record of its debates. The experiment is not altogether new, the debates on Confederation having been officially reported. The work was well and satisfactorily done, and the record can be consulted with full confidence in its accuracy. In point of quantity, the leading daily papers give reports which speak well for their enterprise; and we should be slow to believe that they are systematically falsified. But if what is given be correct, and its counterpoise be left out, the result is that a fair representation of a debate is wanting. A full report of what every member says is simply impossible; and the official report is not to aim at anything beyond a summary. A summary that will give general satisfaction will be exceedingly difficult to give. A verbatim report is a much simpler thing; for it leaves the reporter nothing to do but give the words of the speaker, except that when they require it—which is not seldom—he must translate them into passable English. Speakers are seldom willing to admit how much they are indebted to reporters, on whose shortcomings they are generally ready to dwell. A late Canadian statesman, whom the whole gallery would agree that he was most difficult of speakers to report, was among the most persistent censors of the reporting corps. The number of speakers

whose speeches will bear exact reproduction is exceedingly small. In many legislative bodies there is not one. A professional reporter, whose whole time was devoted to his calling, stated some years ago, that he had found but two men—Lord Elgin and Frederick Douglas—whose speeches would bear to be reported without the alteration of a word. Practice in writing, rather than in speaking, gives the exactness required. But, taking members of Parliament as they are, it is possible to give the substance of what they say in readable English. A record divested of its partisan bias, it is the aim of the House to obtain; and it is a good sign to see members disdain to appropriate the supposed advantages of partisan reports. The defect of the forthcoming *Hansard* will be, that it must give a summary of speeches which deserve no publicity, and which, in the interests even of the speakers themselves, had better be suppressed. It will reduce every thing to a dead level of equal publicity; the thoughtful speech, and the speech full of flippant fallacies and airy nothings, will be measured by the same scale. Independent reports fairly given, and a just discrimination made between good and bad speeches, would be better than any official report; but there are two things that prevent Parliamentary reports of this desirable character being obtained—partisan discrimination carried into the reporting columns of the press, and the circumstance that the capital is not situated in a city where the leading daily journals are published. The official report will serve a useful purpose; but we should be very much mistaken if it gave general satisfaction even to members themselves. If the effect of its publication will be greatly to curtail the reports in the daily papers, the people at large will know much less of what is done in the House than they know at present. But it may be taken for granted that the newspaper press only reports the debates to supply a public demand, and that if that demand be not other-

wise supplied—and it cannot be by an official report, which will reach the public much more tardily than that supplied by private enterprise, and despatched by telegraph—there will probably be the same motive for the newspapers to supply reports that there has hitherto been.

The question of an amnesty to cover the Red River troubles rests on the contingency of a promise having or not having been made that it should be granted. The evidence taken before a secret committee appointed to ascertain the fact, so far as it has leaked out, does not show that any promise was made; but as only portions of it have been surreptitiously published, the facts are not sufficiently known to justify the founding of a decided statement or opinion upon them.

Two measures which expectation has placed among the acts of the Session, are postponed. The Supreme Court must await authority for its organization till next Session, and the old bankrupt law must do duty for another year. In the absence of a clear understanding of what alterations it is desirable to make, postponement is the best policy.

New Brunswick is passing through the excitement of a general election. The House was dissolved on the 15th May, and the writs are returnable on the 30th June. The contest is embittered by the sectarian element imported into the School question—the only question on which there is the least chance of a hearing being obtained. This is the proper arena for the contestants to enter the lists for fighting out the battle. The Roman Catholics, who find no place in the Common School system for separate schools for themselves, carried an appeal against the law to the House of Commons, and invoked the interference of the Crown by the exercise of the veto power; but they were met by the reference of the legal question to the law officers of the Crown in England, by whom the opinion was pro-

nounced that the measure complained of fell within the powers of the local legislature, and that the Parliament at Ottawa has no authority to interfere. There remained then to the separate school advocates the resource of an alteration of the constitution of New Brunswick in their favour, or an attempt to secure a victory at the polls. With the first of these objects in view, Mr. Costigan brought the subject before the House of Commons; but in the face of a general election in New Brunswick, the inexpediency of this procedure became evident, and he withdrew his resolutions about the time the dissolution was announced. In demanding the exercise of the veto in their favour, the Separatists were clearly in the wrong; and if the constitution is to be altered, it can be altered only by New Brunswick herself asking for the change. It would be intolerable that a minority in any Province should have it in its power, by appealing to the central authority at Ottawa, to bring about a change in the local constitution.

While Mr. Costigan was moving on the question at Ottawa, the supporters of the school law were engaged in a defensive movement at Fredericton. The first note of alarm was sounded in the Lieutenant-Governor's opening speech, and the address in reply pledged the House to "resist every attempt to violate the constitution as secured" by the British North American Act. The separate school party denied that the violation of the constitution came within the scope of their objects. The constitutional right of the local legislature to pass a separate school law does not admit of dispute; and the reference in the address to a possible violation of the constitution pointed to what might be done at Ottawa. Mr. Wedderburn afterwards moved a series of resolutions, with one of those unparliamentary preambles so much in vogue in the Maritime Provinces, in defence of the school law as it stands; asserting the exclu-

sive authority of the local legislature over the question, and resolving that its jurisdiction and powers should not be impaired or curtailed without the express sanction of the people at the polls ; and that without the consent of the legislature, the Imperial Parliament or the Parliament of Canada ought not to interfere. Here the Assembly was merely standing on its rights, and its position was impregnable. The assailants and defenders of the existing law carry on the contest with the bitterness characteristic of all sectarian squabbles. The Roman Catholics are less than two-fifths of the population, and their representation in the House is hardly equal to their relative numbers, for when these resolutions were put to the vote, they counted only nine against twenty-four.

The vehemence of the writers in defence of the existing law is calculated to give rise to the suspicion that the Government, under a great display of zeal for the safety of the law which a general election does not in the least endanger, has an eye to covering up whatever sins it may have to answer for, by the prominence given to one great overshadowing question, on which men are excited to a pitch that interferes with the calm operations of reason. The merits of the question are obscured by a want of agreement on the main facts. The Catholics claim to be allowed to apply the money they pay for primary education, to the support of Separate Catholic Schools, and allege that they do not desire to compel Protestants to assist them in any way in the maintenance of these schools. The champions of the existing law avoid a discussion on the abstract justice of this claim, and content themselves with denying the possibility of making such a division of the school funds. This they do rather by inference than by direct statement ; they appeal to Ontario, where they profess to find in existence a system which, while it has a fair outside, is really unjust. They find the difficulty in the amount of public funds

by which the Catholic contributions are supplemented. But if there were no compensation in the contributions of Catholics to this common fund—and it is probably not a complete compensation—does it follow that a complete separation of the funds is not possible in New Brunswick, that it is not possible to devise a plan by which the Catholics could have the exclusive benefit of their own contributions, and neither contribute to, nor receive any thing from, the common fund? Because, if this could be done, the defenders of the existing law would be driven from the position they have taken up. It is not done in Ontario, and we have seen no detailed plan by which it could be done in New Brunswick. Some of the fears of the supporters of the existing law, such as that the existence of Separate Catholic Schools would lead to the overthrow of the common school fabric, by creating a desire in other denominations to have separate schools of their own, are exaggerated. This result has not happened in Ontario.

The Separatists will be beaten by a large majority ; and any modification of the school law which they may obtain, they will have to accept at the hands of a House opposed to their extreme claims. Mr. Marshall, a Protestant candidate, speaks hopefully of an amendment that will give satisfaction to all parties ; but the general tone is to decry any thing like concession. The Separatists, on their part, have done their share towards influencing the public sentiment, by the injudicious part they have taken, especially in attempting to deprive the Province of franchises, on which it naturally places a high value. They attempted to obtain a party victory, not by constitutional means, but by using external pressure to violate the constitutional rights of New Brunswick. Now that the opportunity for gaining a victory by constitutional means has come, their previous appeal to Ottawa, against the decision of their own Province, will be found to have covered their policy with a degree of odium

that makes defeat certain before the struggle has begun.

The Inflationists at Washington are not to be put down by a single exercise of the Presidential veto. They have returned to the charge, and carried a new currency bill through the Senate, with a prospect of being equally successful in the House of Representatives. The break up of the old Democratic party, with all its corruption and violence, has not proved an unmixed good. It made itself the propagandist of economic principles, applicable to currency and commerce, which were in the main sound. Probably it acted from interest on these questions, as it certainly did on the question of labour. If we look at the Democratic press throughout the country, we find it has lost the old faith, which always embraced a redeemable currency. The Inflationists have, in this new bill, gone the full length of repudiation. At present, United States notes profess to be payable in specie, a pretence which has long since ceased to be true, but which could not, nevertheless, be discarded without great danger to the national interests. It was something to have the obligation acknowledged; the hope was encouraged that the time was not distant when it would be redeemed, and every attempt to restore specie payment, while it seemed to bring the time nearer, strengthened the hope of ultimate resumption. The Inflationists take away the promise to pay the note in specie, and declare that five-sixths of the aggregate amount of notes which it will be possible to issue, shall henceforth cease to be even nominally redeemable in specie, and shall become exchangeable for United States bonds, which are not to be paid for fifteen years, and after that period only at the option of the Government. This is the old threat of repudiation, long since made by Butler and Morton, embodied in a bill which may receive the sanction of both branches of Congress. In that case nothing but the

possible veto of the President will stand between the nation and repudiation. The bill provides that interest be paid on the bonds for which greenbacks are exchanged, but only at the rate of four and a half per cent. The exchange of United States notes for bonds would not be permitted to decrease the volume of currency, for the notes so received would be re-issued, or, if destroyed, they would be replaced by new notes. The amount of these notes would be increased till the aggregate reached \$382,000,000, at which it would remain, unless there were a large increase in the bank-note circulation. For every million of notes issued to banking corporations, in excess of the highest outstanding circulation prior to such issue, it would be the duty of the Secretary of the Treasury to retire United States notes to twenty-five per cent. of that amount, till the circulation of such notes fell to \$300,000,000. The \$82,000,000 of United States' notes so retired would be paid off out of the proceeds of the sale of bonds; while the remaining \$300,000,000 could not be paid for fifteen years, and even after that period only at the option of the Government. In other words, there would be a chance of one-sixth of the notes being paid, while five-sixths were repudiated for fifteen years, to be paid afterwards if the Government should find it more convenient to pay than to refuse.

It was formerly the boast of the United States that, however fierce their electoral combats, instant acquiescence in the result of the poll was a national and universal virtue which distinguished the Union, in a manner the most decisive, from the Republics of South America, where violent revolutions not unfrequently follow a popular election. It was a proud boast, and true; but, unhappily, it is true no longer. The election of Abraham Lincoln was the signal for civil war. The election of a Governor in Louisiana afterwards led to scenes of violence, followed by the arbitrary intervention

of the central power. And later still, Arkansas has furnished an example of a contested election for the Governorship, leading to a resort to arms by two contending chieftains. On the election of Governor, there were two candidates before the Legislature—Baxter and Brooks—the former of whom received a majority of votes, and whose election was proclaimed by the President of the Senate. But Brooks obtained a decision by a county judge, declaring him duly elected, and the decision being sustained by the Supreme Court of the State, he proceeded to discharge the functions of Governor as if he had been legally elected. There had been a previous decision last October, by the same Court, to the effect that the right of determining the question whether a person claiming to be Governor of the State had been duly elected, was vested exclusively in the General Assembly, and that no Court had jurisdiction in such a question. This decision was given by three judges, who form what is called a full bench and a legal court; that in favour of Brooks was given by four judges. These conflicting judgments only tended to obscure the question. The feeling against the judges who had decided in favour of Brooks was very strong, and two of them, Bennet and Searle, soon found their lives in danger from the violence of the mob. Brooks took possession of the State House, and Baxter proceeded to raise a force for the purpose of dislodging him. The partisans both of Baxter and Brooks rushed to arms, and the United States' forces did not always succeed in keeping the peace. Both appealed to President Grant for support, but for some time in vain. Baxter was supported in this appeal by both Houses of the Legislature, and finally, on the fifteenth May, the President issued a proclamation, declaring Baxter duly elected by the general Assembly of the State, as provided by the constitution, and plainly hinting that if necessary he should use the force which the constitution placed

at his disposal for the preservation of the peace. The Legislature, with whom the right of election rested, was in favour of Baxter from first to last, and the decision in his favour by the President has every appearance of being correct. The Legislature of the State has voted for an amnesty for all engaged in the late disturbances, except the officials who took part in favour of Brooks.

The women's anti-liquor crusade degenerates in its progress into a semi-physical contest rather than a moral movement, and although the instrumentality of prayer is still made use of, it is accompanied with a defiance such as is more commonly associated with a very unhallowed kind of language. Several of the women have, from time to time, been arrested for violation of the law, and we shall probably soon hear that they look upon themselves as martyrs. Some women's-rights advocates, gifted with rare penetration, have traced the whole movement to the absence of female suffrage. The men, they say, make the laws; and it seems to be thought quite right that women should break them at pleasure. Give women the suffrage, and we are told they will content themselves with altering the laws. The Legislature of Massachusetts has been asked to confer the elective franchise on women, but it has refused to do so. The Senate took a division on the question, and, though the vote was close, the majority of the senators are not convinced that the accession to the halls of legislation of qualities brought into bold relief in the women's anti-liquor crusade would be an improvement. With that conclusion we heartily agree.

There is no definite intelligence of the prospects of the success of the negotiations now going on at Washington for a new Reciprocity Treaty. Statements of the proposals which are said to form the basis of the negotiations have been published, the principal of which is the conversion of the money



compensation which the United States would have to pay for participation in our shore fisheries, into a trading concession, which would take the form of admitting free of duty the raw products of farm, forest, mines, and water of each country, into the other. From the nature of the case, this may be assumed to be correct, or nearly so. To this proposition are added others, embracing the enlargement of our canals, and their navigation by American vessels, on the same terms as they are used by our own vessels; the navigation of Lake Michigan by Canadian vessels, and the use by the vessels of both nations of the St. Clair Flats Canal. Only two days before the close of the session, the Ministry at Ottawa had no information on the subject to give; the meaning of which may be taken to be that nothing was concluded. Canada has prospered without reciprocity; but both countries would be gainers by the proposed treaty.

Fears of a new war breaking out between France and Germany seem to be gaining ground. The danger, whatever it may be, is not imminent; though both nations are probably labouring under the conviction that war will come, and each would desire that the time chosen should be that which would be most convenient to itself. The Paris correspondent of the *Times* professes to give the world the most complete insight into the designs of Prince Bismarck; and Lord Russell, playing the alarmist, has asked for correspondence relating to the maintenance of the peace of Europe, with the governments of Austria, Russia, and the French Republic. He also asked to be verbally informed whether the Government thought they could reckon on a continuance of peace. Lord Stanley confessed that he thought there were in future—neither immediate nor far distant—grounds for misapprehension and anxiety. The story of the Paris correspondent of the *Times* is, that

when Victor Emanuel visited Berlin last year, Bismarck tried to draw him into a scheme that would give Prussia a pretext for a new war with France. If the King of Italy would claim the retrocession of Nice and Savoy, Prussia would back the claim, on the plea that she was bound to stand by an old ally, and make it the cause of a new war. Victor Emanuel declined on various civil pretexts to be made use of in the way proposed. The reason given for Bismarck desiring a new war is, that he has begun to perceive that he did not punish France nearly enough; that the facility with which she paid the war indemnity shows how vastly greater her pecuniary resources are than he had conceived at the time, and that to prevent her recuperating rapidly he ought to have made the indemnity double what it was. If he had done this, and overrun the South Departments of France with an army, Prussia would have had nothing to fear from her for a long time. The *Cologne Gazette* denies the whole story; while some French writers have made no difficulty about vouching for its accuracy. Whether true or not, there is little doubt the French are nursing their revenge, and looking forward to the time when they may be able to recover Alsace and Lorraine. Bismarck knows this intention, and he also knows that France can hope to succeed only by taking time to recruit her exhausted strength before the mortal struggle comes on; while the policy of Prussia dictates that the blow should be struck while France is still feeble and unprepared for another great war. If it were not for the territorial question, France might in time give up the desire to avenge the late Prussian victories, as it gave up the desire to avenge Waterloo and St. Helena.

The new First Lord of the Admiralty, Mr. Ward Hunt, has done his best to frighten England into the belief that the navy on which she has been so much in the habit of priding herself, is little better than a sham

and a make-believe. But after all he can do in the way of depreciation, he gives her this bit of comfort, that it is a better navy than any other country possesses. The number of useless vessels is apparently very great. Of 51 ironclads, 41 are sea-going ships—or will be when they are all in existence, for five of them are only now in course of construction—while 14 are intended for harbour and coast defence; nine are so far gone as not to be worth repairing; and of the remaining 27, only 14 are now in effective service condition, though the number is expected to be increased by four during the year. Making every allowance for a desire to exaggerate the neglected condition of the navy, for the purpose of reflecting on past management, the figures would seem to be too precise to admit of much latitude of assertion. If Mr. Hunt's object was to make out a case for a large expenditure on the navy, he will probably be held to have succeeded; though there has probably been no time during the last half-century when a First Lord, if disposed to make a sensation, could not have contrived to reduce the navy of England to the dimensions of a paper navy as effectually as Mr. Hunt has done.

The land reform of the Conservative Government is confined, as we anticipated, to the establishment of a general Registry Act. Some of the journals describe the measure as one that will have the effect of quieting titles, "making that title indefeasible and conclusive which was not so before." If this be not a misconception, the office of Registrar will be judicial, as it is in Spain; but this cannot be, for it is admitted that a defective title may be registered. The Irish Landed Estates Court was intended to meet exceptional circumstances; and a title which passes it must be indefeasible before it can be registered. A measure which will facilitate the transfer of real estate, will save trouble and expense; but it will leave untouched all the other questions raised by Mr. Bright and the Land Reformers.

The publicans threw their weight into the Conservative scale at the last election, and their devotion is to get its reward in the extension of the time of closing, from twelve to half-past. But, while beer conquers more time, and snatches an additional half-hour from sleep, the children of paupers receiving out-door relief are to get less education. The new standard adopted under Lord Sandon's Vice-Presidency of the Education Board "does not really imply," in the estimation of the *Spectator*, "any real education at all." But when beer gets its own, and women have a prospect of getting votes, it must be admitted that the world moves if it does not advance.

The political partnership between the Duc de Broglie and McMahon has been dissolved. If the premonitions in which the Legitimists indulged may be relied on, they have tried in vain to decide the policy of the Government on the question on which De Broglie was defeated. The Legitimists are opposed to the organization of the Septennat by the establishment of the constitutional laws, not wishing to be obliged to postpone their plans for so long a period. They see in the temporary rule of McMahon a personal power which they hope to make subservient to their own ends. De Broglie refused to meet their views, and postpone the discussion on the electoral law; and they being able to count on the support of the extreme Left, which was opposed to the bill on principle, took their revenge. The defeat of the Government was decisive, the majority being sixty-four. McMahon appears to have stood by De Broglie to the last; and it is uncertain whether, under any circumstances, he would be willing to curtail his seven years' term for the benefit of the Royalists. The Extreme Right seems to have been somewhat disquieted at the anticipated result of their own action; for they dealt the death-blow to the Ministry with expressions of general confidence in it on their

lips ; and they have gained nothing by the change, but probably lost much. They have increased the distance between themselves and the Moderate Right ; the Conservative wing of the Left Centre will support the new Government, which may have a majority, independent of the Legitimists. The Goulard Ministry is pledged to carry the constitutional bills, and organize the Septennat—a course which Legitimists are bound to oppose. The issue has thus taken a very definite shape. Goulard's chances of obtaining steady support, sufficient to enable him to carry out his plans, must be very doubtful ; but he may obtain it under a standing menace of dissolution. The Legitimists talk of joining the Left in demanding a dissolution ; but the elections which have taken place from time to time must have convinced them that to do so would be to court annihilation. Goulard only requires to form the resolution to appeal to the country if the Assembly refuses to pass the constitutional bills, and he can get his own way ; only he must drop the proposed disfranchisement, and rely on the constituencies as they stand.

The changes in the Swiss constitution, recently accepted by a large majority through the medium of a plébiscite to which the Swiss have long been accustomed, among other things to increase the Federal army to a nominal strength of 200,000 men, of which, though the drill may be pretty good, the organization will probably prove deficient. In any great struggle, the Federation might be able to bring half that number of men into the field. The central Government is armed with authority to wield the whole ecclesiastical power of the State. It may prevent the establishment of bishoprics in the Catholic cantons, the founding of any new convent, or the re-establishment of one that has been suppressed. Primary education, uniform in character, is to be compulsory throughout the Republic ; a central univer-

sity for the training of youth, without regard to religion, is to be established. The new constitution is a reaction and a protest against the Syllabus ; and some of the powers it confers will require to be exercised with caution, or the very dangers against which it is intended to guard will be found on the other side. They may be such as it is necessary for the civil power to be armed with, though they will require to be exercised in a spirit of tolerance and moderation.

By the fall of Bilbao, the strength of the Carlists is shattered, and the cause of the Pretender is irretrievably lost. He has now the choice of submission or engaging in a hopeless and wicked guerilla war, like a robber chieftain, in the mountain fastnesses of the north of Spain. What the change of Ministry portends, nothing has reached us from which an intelligent opinion can be formed. To some members of the new Ministry, monarchical tendencies are attributed, and Castelar is in opposition.

If it be true that Victor Emmanuel told Bismarck that Italy was staggering under a load of irredeemable paper money, which would prevent her from going to war, there is unhappily more truth than diplomatic *finesse* in the statement. Against the protests of a section of the Opposition, the Chamber recently authorized the issue of a milliard more. The Government has been defeated on its financial policy, but this worst and the most vicious feature of it, succeeded, it is so much easier to print additional promises than to raise the necessary amount in some legitimate way ; and Italy may be destined to carry the fatal financial policy on which she has entered, to the natural goal of national bankruptcy. But, Minghetti, the Minister of Finance, did not rely on the paper issue alone ; he proposed some new taxes—a tax on manufactures and a stamp duty on deeds, besides the extension

of the tobacco monopoly to Sicily. He was not wedded to these; he frankly stated his willingness to accept substitutes for them, on the sole condition that they would produce the revenue required. The proposal to equalize the land tax was favourably received by the Chamber; and, if the amount had been made ten per cent. it would probably have saved the Ministry. The King refuses to accept the resignations; but there is no reason to suppose that Minghetti can count on a working majority, unless he yield something to the demands of the sec-

tion of the Left that follows the lead of Rattazzi, whom he had been trying to lure to the support of the Government by vague promises. They demand that a stop be put to the issue of paper money, and that administrative reform should take the place of additional taxes. Minghetti asked their support without yielding any of their demands; but now, if he cannot do without them, he must be prepared to meet their wishes. It will be a fortunate thing for Italy if the result be to put an end to further issues of paper money.

---

## SELECTIONS.

---

### FIELD SPORTS AND VIVISECTION.

BY EDWARD A. FREEMAN.

(From the *Fortnightly Review*.)

I AM brought back to my old subject of Field Sports by a path which I certainly did not look for. There has been some controversy lately in more places than one about the right and wrong of the practice of what is called *vivisection*—that is, in English, the practice of cutting up animals alive for real or alleged purposes of scientific study or research. Of that practice I made the smallest possible mention in my former articles, because it seemed to have the smallest possible connexion with my immediate subject. Nothing had then happened to make me think specially about it, and it bore on the question of field sports only as one rather remote branch of the general question as to the infliction of death and suffering on the lower animals. I remember that I fully admitted the right of killing animals for real scientific purposes, though I marked it as a practice which was specially liable to abuse. Nothing had brought the question of vivisection home to me as bearing at all directly on

my subject. I might have remembered what was said in the papers, now a good many years ago, about the experiments practised on living horses at Lyons, and I might have remembered that eminent veterinary surgeons declared them at the time to be altogether needless. But I suspect that, at the time when I began to write about field sports, vivisection was chiefly connected in my mind with a story which was often told in my youth, how a man given to cutting up animals alive was telling some of his most horrible exploits to the company on the top of a coach, and how the honest coachman, with a philosophy which went deep indeed into the final causes, answered, "And if the devil does not take you, what's the use of having a devil?"

Since then the question has been brought much more prominently before men's minds. It has, to say the least, been moved quite out of the reach of any such trenchant decision as that of the worthy coachman. The practice of

vivisection has been vehemently attacked, and it has been vigorously defended. It has been attacked, if not always with perfect knowledge of the facts, yet in a spirit of honest indignation which springs from the most generous impulses of our nature. It has been defended with a warmth which is not wonderful in men who deem themselves unjustly attacked, though it is sometimes perhaps coupled with rather too much, both of learned scorn for those who stand without the pale of "science" in the narrower and more modern sense, and of forgetfulness that a defence which is to have any effect on the minds of people in general must be put forth in a tongue which people in general understand. The philosophical defenders of vivisection have undoubtedly shown that they have a case; I do not think that they have shown that there is no case against them. They have, I think, shown that there are cases in which vivisection may be justified; they have not, I think, at all shown that the general public is wrong in thinking that vivisection is often done when it cannot be justified. And, above all, scientific men must understand that their appeal must be made to unscientific men, and that it is by unscientific men that they must finally be judged. And I cannot help saying that men given to those particular pursuits in which vivisection is likely to be practised are apt to be touchy on this point,—more touchy, I think, than men of learning of other kinds. Of all kinds of knowledge, theirs is that which is just now held in most honour, that which—at least in my own University—gets most money voted for its purposes, that whose professors seem every one of them to be flourishing like so many green bay-trees. And yet they certainly seem to have a scorn for the public which so deeply admires them, which I do not think is shared by learned men of other pursuits. This may perhaps be because, so far as I can see, theirs is the only branch of real scientific study which is liable to have anything said against it on a purely moral ground. Every branch of study—pure mathematics, I suppose, alone excepted—seems liable to have something said against it on some ground of sectarian theology. But no other study that I know of is driven or tempted to any method of research which can, with the faintest shadow of reason, be charged with cruelty or immorality of any kind. The

physiologists, on the other hand, have, in this matter of vivisection, a weak point, a point which may be capable of defence, but which is certainly fairly open to attack. There is a *prima facie* case against them, a case which they may be able to answer, but which still needs an answer; they ought therefore to be neither surprised nor angry when the answer is demanded from them.

But what has specially led me to think just now more minutely about the matter is, that some defenders of vivisection have incidentally, and I should think hardly seriously, started the analogy between that form of animal suffering which is now under debate and that other form of it which was the subject of my own former articles. They have started the analogy between vivisection and field sports. The amount of suffering, we are told, which is inflicted on animals by the practice of vivisection is a trifle compared with the amount which is inflicted by the practice of field sports. Considering the relative numbers of the vivisectioners and of the sportsmen, we can hardly doubt that this is true. We may believe that it is true, even though in each particular case the hunted, and even the baited, animal could be shown to suffer less than the animal that is dissected alive. But the argument is worthless from every point of view. It is of course worthless to those who think field sports wrong; and it is equally worthless to those who think field sports right. It is of a piece with the argument in favour of field sports that the aggregate amount of suffering inflicted by sportsmen is less than the aggregate amount inflicted by butchers, drovers, cabmen, and the like. The question is not as to the aggregate amount of suffering inflicted, but as to the moral character of the acts by which the suffering is inflicted. It is of a piece with another argument which I have seen used in answer to one of the secondary arguments brought against field sports to the argument drawn from their dangerous character, from the frequent deaths through accidents in the hunting-field, and so forth. It was said that fewer people are killed in the hunting-field than are killed in crossing the streets of London. Considering the relative numbers of the people who go hunting and of the people who cross the streets of London, it is nothing wonderful if it is so. But the employer of this argument forgot

the difference implied in the fact that thousands of people cannot help crossing the streets of London, while nobody need go out hunting if he does not choose. Arguments of this kind are just of that kind which ought never to be used. They can never prove anything one way or another; but they may very easily draw off men's minds from what is the real question at issue.

Still I am thankful to those who have, in whatever shape, suggested the analogy between vivisection and field sports. The two questions must be argued in exactly the same way, or rather the two questions are only branches of one larger question. Is vivisection cruel? Are field sports cruel? That is to say, can the suffering which is undoubtedly inflicted in both be justified or not? Questions of this kind as to cruelty will be greatly simplified if the disputants on each side can agree in a definition of cruelty. By cruelty then I understand, as I understood throughout, not all infliction of death or suffering on man or beast, but their wrongful or needless infliction. The question then in each particular case, of vivisection, of field sports, or of anything else, is whether the infliction of death or suffering in that particular case can be justified. On the one hand it is not enough to say that vivisection or field sport involves animal suffering and is therefore cruel. For the infliction of animal suffering may sometimes be justified, and, if it can be justified in these particular cases, they cannot be called cruel. But, on the other hand, if it can be shown that some cases of vivisection or of hunting may be justified, that is not enough to take off the suspicion of cruelty from vivisection or field sports in general. This was my general argument in the controversy on field sports, and I propose to argue the question of vivisection on much the same grounds. Perhaps I may have to go a little deeper into the argument than I did in the former case. For the line which I took on field sports was a very simple one. I argued that, as both law and received opinion forbid certain practices, certain amusements, as cruel, they ought in common consistency to forbid certain other amusements also. I argued that certain amusements which law and convention allow were, I do not say in all cases equally cruel, but certainly alike cruel, with those which law and conven-

tion forbid. I started from the ground that there was such a thing as cruelty to animals, that there was, somewhere or other, a limit to our right of dealing as we please with the inferior animals, and that there were cases in which the infliction of suffering on them was blameworthy. And all my opponents met me on this ground. No one dared to say that there was no such thing as cruelty to animals; no one dared to say that we might without blame inflict on a beast or a bird any kind of suffering which it came into our heads to inflict. The line which they took was to argue that, while the amusements of certain other people were cruel, their own amusements were not cruel. This was the line taken by the only adversary whom I thought worthy of an answer, Mr. Anthony Trollope. It was hardly worth while to answer one or two foolish people who allowed that the amusements which they defended were cruel, but said that the cruelty was justified by some great advantage which those amusements supplied. That is to say, they really meant the same thing as Mr. Trollope, only they did not know so well as he did how to say what they meant. What they meant to say was, that, though their amusements inflicted suffering, yet that the infliction of that suffering could be justified, and therefore that those amusements were not cruel. The only question, so far as I can see, between myself and anybody else is as to the cases in which the infliction of death or suffering is justifiable. My position was, that their infliction for purposes of mere sport was not justifiable, and I argued that in this both law and convention bore me out. For they forbid certain sports which I can see no reason for forbidding, except on grounds which lead irresistibly to the forbidding of certain other sports also. My argument, in short, was an argument from consistency. If any one had maintained that there was no such thing as cruelty to animals, that we might deal with beasts and birds exactly as we pleased, I should have had to argue against such an opponent on other grounds.

My positions then were two. First, the one which, so far as I know, is universally received, which I have never heard argued against, that there is such a thing as cruelty to animals, that certain cases of the infliction of death or suffering on brute creatures may be blameworthy.

The second was, that all infliction of death or suffering for the purpose of mere sport is one of those blameworthy cases. Now I assume that vivisection, at least as practised by physiologists of the higher class, would have to be argued a' ... under the former head and not under the latter. I assume that men of real science do not cut up live animals for the sake of sport. I assume that they not only take no pleasure in the thought that they are inflicting suffering, but that they take no pleasure in the act by which the suffering is inflicted. I assume that whatever they do, they do as a matter of grave, most likely of painful, duty, believing that the advantages which science gains through the suffering which they inflict make it one of those cases where the infliction of suffering is justifiable. If they did otherwise, if any man took any pleasure in the actual process of vivisection, I should put him at the very bottom of my scale. If a man should cut up an animal alive for the pleasure of cutting it up alive, it would be cruelty of the very basest form, because it would be cruelty standing out in all its own nakedness, without any of the excuses and disguises which often blind men's eyes to the fact that the pleasures which they pursue are cruel. I should place such a man, not only below fox-hunters and deer-stalkers, not only below hare-hunters and pigeon-shooters, but below cock-fighters, bear-baiters, and the lovers of the Spanish bull-fight or the Roman gladiatorial show. Vivisection, in such a shape as this, ought surely at once to be put down as the worst form of cruelty to animals which has yet been devised.

But a physiologist would of course answer that vivisection, at least as he practises it, is not open to any such charge as this. He will say that whatever he does from a grave and adequate motive, that the suffering which he inflicts on the animal is not inflicted wantonly, and that it is not directly or indirectly the source of any pleasure to himself. He will probably say that he inflicts pain with the object of improving the means of relieving pain. So far his case is a better one than that of the sportsman. The sportsman very often tells you that his pleasure is not derived from the death or suffering which he inflicts; but he cannot deny that his pleasure is inseparably connected with death or suffering. If he

does not directly delight in suffering, he is at least careless about it; he delights in the infliction of suffering, inasmuch as he delights in the act by which suffering is inflicted. The scientific vivisector, on the other hand, may say, probably with perfect truth, that the act by which suffering is inflicted is simply the means to an end a long way beyond, to the increase of scientific knowledge, and thereby to the actual lessening of pain and disease. This is much higher ground than any that the sportsman can take. Mere knowledge, even if it lead to nothing practical, is something higher than mere sport; and, if it can be shown, as physiologists say that it can, that experiments in vivisection have led to discoveries by which painful diseases can be cured or lessened, this, to my mind, is as much as to say that there are cases in which vivisection may be justified. But here comes the practical difficulty in the comparison of the two cases that, in the case of vivisection, so few people can practically know anything about the matter. In arguing about field sports, I was arguing with people whose doings were open to the world, and who at least defended their doings in plain English. The doings of the vivisector are unseen; we have to take his own word, not only for the reasons which he says justify his doings, but for the matter of fact what those doings are. Also, while Mr. Trollope, the defender of field sports, made his defence in a language of which I could understand every word, the defenders of vivisection are apt to make their defence in a technical dialect more than half of whose words give me no meaning whatever. In fact, unless one were to lay down a rule that, under no circumstances and for no ends, could it ever be lawful to dissect an animal alive, the vivisector has the discussion in his own hands. I must take from him both the statement of what he does and the arguments by which he defends what he does. When a fox-hunter tells me that a fox likes to be hunted, I know that he is talking nonsense, nonsense so transparent that I feel sure that he sees through it himself. When he tells me that a beast likes to be chased till he is wearied out and then to be torn in pieces, my common sense is enough to answer him. But when a philosopher tells me that, in certain cutting-up experiments which sound very

horrid, the animal, under the influence of some medical process, only seems to be suffering, and may be cut up without inflicting any real pain, my common sense fails me. It is quite possible that it may be so ; but I cannot, as I can in the other case, judge for myself : I can only take the philosopher's word for it. I can only look on his statement as one which is by no means to be lightly cast aside, but which is still only the statement of an interested witness, who is sure, even if unwittingly, to colour his case in his own behalf. And I cannot admit the claim of scientific men, any more than of any other kind of men, to be judges in their own cause. It is, after all, the unlearned public that must judge. Its judgment may very likely be wrong ; but there is no appeal from it. Here lies the rub of the whole matter. There is no judge who is at once competent and impartial. Those who can judge impartially of the general principle have no means of knowing whether the general principle is rightly or wrongly applied to particular cases. Those who are technically informed as to particular cases are disqualified as judges through their personal interest in the matter.

To me the case seems to stand thus. I would not take upon myself to say that vivisection must in all cases be blameworthy. There may be a reasonable prospect that, by cutting up one animal alive, some scientific truth may be found out which is likely to relieve the diseases or otherwise lessen the sufferings of many animals or of many men. In such a case I should say, cut up your animal boldly. The case would be the same as one which I once put myself, that I should feel no scruple in riding a horse to death, if there were no other way of carrying medicine in time to save the life of a man. But, accepting this analogy, I or any other plain man can judge pretty well when we may and when we may not ride a horse to death ; but we cannot judge when it is, and when it is not, right for a cultivated physiologist to cut up a rabbit alive. We, the unlearned, can, in this matter of vivisection, for the most part only lay down general rules. In many cases we have no means of judging whether this or that vivisectional experiment was or was not undertaken in such a spirit as to remove it out of the class of wrongful inflictions of suffering. All that we can say is that, so far as we

can judge, though we can conceive cases in which vivisection may be lawful, yet we should think that they cannot be very common. One is inclined to lay down the law that, when the salutary results of a painful experiment have once been reaped, the same experiment should not be repeated over and over again out of mere curiosity. Yet again, it is very hard for us to say what is mere curiosity. I can conceive that there may be cases in which one experiment may secure for all time all the knowledge which is needed, while there may be other cases in which it may be needful for each student or class of students to witness the experiment once in their lives. But we have very seldom the means of judging under which of these heads any particular experiment comes. But when it comes out incidentally that there are people among whom vivisection happens daily or nearly so, when we find the physiological laboratory of an University advertising for dogs and cats of any kind,\* we begin to suspect the whole thing. We begin to think that there must be physiologists, who, if they have not reached that stage of cruelty which takes an actual pleasure in the sufferings which it inflicts, are at least not unlikely to inflict them without much thought, and in a way which those who are not physiologists may be strongly tempted to think wanton, and therefore cruel.

\* I quote from the *Pall Mall Gazette* of June 19, 1873 :—" It would certainly be untrue to assert that cultivated people are never cruel to animals. A contemporary has called attention to an advertisement which occurred recently in the *Scotsman*, and runs thus :—' Dogs and cats (few useless) wanted. Any kind of breed will suit. Apply at the Physiological Laboratory University, between 10 and 11 A.M.' We can only hope this does not mean that a horrible form of scientific barbarity is to be carried out by men whose profession is to alleviate pain and not to invent new tortures. The ways in which Englishmen exhibit a want of humanity and often great cruelty in their dealings with the animal world are unhappily sufficiently numerous. One form is that for which science is made the plea, and the advertisement referred to is an example ; in a minor form the pursuits of naturalists, bird and insect collectors, etc., are open to the same remark." With regard to the last sentence, I must in all cases draw a wide distinction between mere killing and torture.



When we read such things as the advertisement which I have just quoted, we are certainly not more inclined than before to grant the claim of scientific men to be judges in their own cause. Yet we feel that to some extent they must be so. That is, we feel that we cannot judge for them. And we feel that there are doubtless here and there scientific men, as there are men of other classes, whom we could trust to be judges in their own cause. Only we cannot extend this trust to all scientific men, any more than to all men of any other class; and we suspect that, if there are men who would never practise vivisection without a good cause, there must be many more who shelter themselves under their example to do horrible cruelties, if not out of mere sport, yet as a kind of scientific amusement. And again, if we allow that, as there is a lawful form of war and a lawful form of hunting, so there may be also a lawful form of vivisection, it follows that, as in the other cases, as in almost all cases of moral questions, there is here also a certain borderland of virtue and vice within which it is hopeless to lay down rules beforehand, within which each action must be judged for itself, and, moreover, where there is room for a fair difference of opinion as to the merit or demerit of particular actions. But then, on most other subjects our common sense will help us, in some degree at least, in forming a judgment in particular cases. We are not wholly at the mercy of the person on whose conduct we are sitting in judgment. We have some means of forming an opinion besides his own representations. In the case of vivisection all these helps fail us. We may allow that there is such a thing as necessary vivisection, but we have no means of judging when vivisection is necessary and when it is not. Scientific men tell us that they must be judges of what is needful for their own researches, and they clearly think that the general public has nothing to do but believe what the scientific man tells it. But I suspect that the unlearned public will not be satisfied with this kind of answer. I at least, as one of them, must assert the rights of common sense. When a fox-hunter tells me that his treatment of his fox, when a costermonger tells me that his treatment of his donkey, is not cruel, I do not believe him, because these are points on which my common sense can judge,

and my common sense tells me that the treatment of the fox or of the donkey is cruel. When a scientific man tells me that his treatment of his rabbit is not cruel, I cannot contradict him in the same offhand way as I can contradict the fox-hunter and the costermonger, because the scientific man has led me into a region in which my common sense fails me as a guide. But my experience of the fox-hunter and the costermonger teaches me that men are very likely, when their interests, their pleasures, or their tastes are concerned, to say, and even to believe, that things are not cruel which a disinterested judge knows to be cruel. I must look on scientific men as being, no less than fox-hunters or costermongers, simply men, men liable to human temptations and human infirmities, and subject, like other men, to the subtle power of self-delusion. I therefore think it possible that scientific men, no less than fox-hunters or costermongers, may say, and even may believe, that an act of cruelty, if it is done by themselves or by those with whom they sympathize, is not an act of cruelty. I therefore do not accept the scientific man, any more than I accept the fox-hunter or the costermonger, as judge in his own cause. His defence in each particular case may be a good one; I cannot tell whether it is good or bad; but I know that *a priori* it is at least as likely to be as bad as good. And I believe that the mass of mankind, who have no guide in the matter but their common sense, will on this point be found to think as I do. It is the mystery in which this matter of vivisection is wrapped up, and the grand tone which scientific men take up towards the rest of mankind, which make people who have no guides but common sense and common humanity look with suspicion on vivisection and all who practise it. The thing looks cruel on the face of it; it looks so cruel that the burthen of proof certainly lies on those who say that it is not cruel. But then it cannot be proved whether it is cruel or not, save by arguments which we, the vulgar, who, after all, who have to judge of the matter, cannot understand. The counsel for the defence can say what he pleases, and neither the jury nor the counsel on the other side has any means of putting what he says to the test. He strongly protests the innocence of his clients, but he proves it by arguments in an unknown tongue.

The general public, then, ready perhaps—as I certainly am—to admit in the abstract that some cases of vivisection may be lawful, is unable to tell which cases are lawful and which are not, and it strongly suspects that the lawful cases are very rare and the unlawful cases very common. It is therefore not wonderful if some of us are led, in the absence of any means of making distinctions, to condemn the whole thing in a lump, and even to commit the heinous sin of “charging cultivated physiologists with barbaric cruelty.” In so doing, I have no doubt that they do injustice to particular cases; but I believe that, on the whole, they do a rough and ready justice which is much oftener right than wrong.

The plea which one hears so often put forward, that scientific men are something altogether removed from, and set above, the rest of mankind, that the fact that they do a thing is enough, and makes it impertinent for anybody else to say any more, is not to be listened to for a moment. Just as little to the purpose is the appeal which some votaries of these practices make to their own excellences: “See what admirable people I and my friends are; yet we cut up animals alive.” Now I am ready to give to a scientific man, as to a man of intellectual eminence of any other kind, all the respect due to his intellectual eminence. But I must decline to acknowledge in him, as a scientific man, any moral pre-eminence over the rest of mankind. I know that men of great intellectual eminence have often been guilty of very bad actions, both in the way of cruelty and in other ways. I therefore do not see on what ground scientific men can claim any privilege, as if the fact of their being scientific men placed them above ordinary moral judgment. It might be more true to say that those forms of science which use vivisection as one of their means of research lie specially open to temptations in the way of cruelty, and that therefore their professors need specially to be watched. Some experiments in vivisection may be necessary, and therefore not cruel; but the temptation to unnecessary experiments must be very great. With the probable intellectual difference I have nothing to do; morally I should put the votaries of those studies where vivisection is used on a level with those who practise any trade which is open to special temptations

to cruelty. *A priori* I should be inclined to put the vivisector, in his best shape, on the same moral level as the butcher. As I am not a vegetarian, I must hold that the butcher follows a perfectly lawful craft, and that, provided he puts his beasts to death in the least painful way that he knows of, there is nothing to be said against him. Yet one would think that there was something not altogether attractive about a man who, if perfectly free to choose among all trades, should choose butchery as the one which he liked best in itself. One thinks the chances are that the tailor or the baker will be a more humane man than the butcher; and one thinks that the chances are that the astronomer or the geologist will be a more humane man than the experimenter in vivisection. This is of course *à priori*; but, by that subtle law of our nature of which I have so often spoken, I can perfectly well believe that a man may be cruel in the laboratory and humane in other places. If so, we have here another instance of that system of looking at things through a conventional or other artificial medium, of judging them by some other standard than that of eternal right and wrong, which makes men draw so many strange distinctions both on this question of cruelty and on others. To take an instance as far removed as possible from our present subject, there is no greater instance of the power of conventionality than the fact that women allow men freely to do things in ball-rooms which they would resent as unpardonable insults if they were done anywhere else. So on our present subject, public opinion seems to satisfy itself by the easy process of approving the cruelties of the rich and condemning the cruelties of the poor. The *Field* newspaper was a good deal troubled during the Tichborne trial, and the Judge and Jury seemed to be troubled also, when Dr. Kenealy charged it with being devoted to dog-fights. And the *Field* had a right to be troubled, for Dr. Kenealy was quite wrong in his fact. The *Field* is a “respectable” paper, and does not chronicle dog-fights. But if rich people took to dog-fighting, and poor people took to fox-hunting and pigeon-shooting, it would then be respectable to chronicle dog-fights, and not respectable to chronicle fox-hunts and pigeon matches. And, just as there are so many people with whom the question of cruelty is wholly a

question of fashionable and unfashionable, so there may be others with whom it is wholly a question of scientific and unscientific. But then comes in that strange, but undoubted, moral law, that the conventional standard, though it cannot alter the moral character of acts in themselves, may very greatly alter their effect on the moral character of the man who does them. Very few people look right and wrong straight in the face. Men commonly judge things by some conventional standard; and, if conventionality draws an unreal distinction, most men will draw it also. To most men the opinion of the particular society in which they move, their law of honour as it is called, is to them instead of a moral law. If therefore they do acts which are condemned by true morality but which are not condemned by their own conventional law of honour, they are guilty of an offence against abstract morality, but they are not guilty of any offence against their own consciences. They are therefore free of that special moral taint which commonly follows when a man does what not only is wrong in itself, but which the society in which he lives looks upon as wrong. This doctrine was long ago powerfully set forth by Lord Macaulay.\* The cock-fighter of Queen Anne's day, when Ministers of State went to cock-fights, was probably not a worse man than the fox-hunter of to-day, when Ministers of State go to fox-hunts. But there can be no doubt that the cock-fighter of to-day is a much worse

\* I refer to the passage in the essay on Machiavelli:—"A vice sanctioned by the general opinion is merely a vice. The evil terminates in itself. A vice condemned by the general opinion produces a pernicious effect on the whole character. The former is a local malady, the latter a constitutional taint. When the reputation of the offender is lost, he too often flings the remainder of his virtue after it in despair. The Highland Gentleman who, a century ago, lived by taking black mail from his neighbours, committed the same crime for which Wild was accompanied to Tyburn by the huzzas of two hundred thousand people. But there can be no doubt that he was a much less depraved man than Wild. The deed for which Mrs. Brownrigg was hanged sinks into nothing when compared with the conduct of the Roman who treated the public to a hundred pair of gladiators. Yet we should greatly wrong such a Roman if we suppose his disposition was as cruel as that of Mrs. Brownrigg."

man than the fox-hunter of to-day. I cannot help thinking that even a man's general character must be more or less the worse for indulgence in any form of cruelty or other vice of any kind. Still it is quite certain that the general character is much more affected for the worse by those forms of cruelty or other vice which sin not only against abstract morality, but against conventionality also. A vivisector then, in a society of vivisectors, even though he should practise vivisection when it was needless, and therefore cruel, might not have his general character affected by it for the worse in a greater degree than the general character of a fox-hunter in a society of fox-hunters is affected by the form of cruelty which he practises. In this way too, the vivisector, like the fox-hunter, might look with complacency on his own cruelties, and at the same time look with horror on the cruelties of somebody else. But all this, though it may prove a great deal as to the character of particular vivisectors or fox-hunters, can prove nothing as to the question whether vivisection or fox-hunting is a thing which is right in itself.

If I were to go back to the question of field sports generally, I could find several things to say; but I will not do so now, when my object is to follow out a parallel which has been started by others. The sum of the whole matter seems to be that, as there are times and places where hunting is lawful and praiseworthy, so there probably are cases in which vivisection is lawful and praiseworthy. But the matter is one about which it is so hard for any indifferent person to judge of particular cases, that scientific men must not be surprised if the general public looks on their doings in this way with a good deal of suspicion. It is possible that such an advertisement as that which I have quoted may lead to an unjust condemnation of some really humane man; but it is by such evidence as that of the advertisement the general public must judge. And the general public will perhaps not be wrong in believing that, among those who cut up animals alive, a greater number belong to the class represented by the advertisement than belong to the class who can honestly say that they never inflict suffering on a cat or a rabbit without a distinct purpose and a reasonable hope of thereby lessening the sufferings of a man.

## SCIENCE AND NATURE.

ONE by one the pioneers of Modern Science are departing from amongst us. Few, however, can boast that their loss was felt more widely and more keenly, than John Phillips, Professor of Geology in the University of Oxford, the kindest, the most genial, and in many respects the most universally accomplished, of the old race of geologists. Truly, there were giants in those days. Born in the year 1800, Professor Phillips devoted the whole of a long, active, and vigorous life to the pursuit of Geology and kindred branches of science. He is best known to the world at large by his great work on the Geology of Yorkshire, his treatise on Vesuvius, and his admirable monograph on the Geology of the Thames Valley; but he was the author of numerous very important and valuable technical memoirs on Geological and Palæontological subjects. As a teacher, he was successively appointed Professor of Geology in King's College, London, Trinity College, Dublin, and the University of Oxford, his last chair being formerly filled by Dr. Buckland. His scientific honours were too numerous to mention, but he may be mentioned as having held the much coveted posts of President of the Geological Society of London, and President of the British Association. There is no part of the civilized world where the name of Phillips has not been more or less a household word; and his loss is the more to be deplored, as he has left us in the full vigour of a hearty old age, his death being due to accident, and not to disease.

The name of Phillips naturally suggests that of the veteran Sedgwick, whose death took place little more than a year ago. We are glad to see that tardy justice is at last being accorded to this illustrious observer, and that there is now a reasonable probability that the geological world will recognize that it is to Sedgwick, and not to Murchison, that the honour is due of having laid the foundations of Palæozoic Geology. We may also be glad that the chief agent in the execution of this act of retributive justice, by which Sedgwick is at last restored to his true rights, is one who is familiar to all students of Canadian science—Dr. T. Sterry Hunt. Whilst fully acquiescing in the entire justice of adopting Sedgwick's nomenclature of the older rocks, we cannot, however, but regret that, by a culpable weakness on the part of the leading European geologists, this was not done long ago, since the change will now inevitably

lead to much confusion of mind on the part of readers of geological literature. Moreover, it is not creditable that one of whom it has been said that his life "has raised the character of the whole people of England, should have to wait till beyond the close of an unusually long life before publicly receiving from his contemporaries that justice which most of them did not hesitate to accord to him in private.

A monograph of the Pinkworts of Canada, as represented in the Valley of the St. Lawrence and Great Lakes, has just been published by Messrs. Gibson & Macorin, of Albert College, Belleville. The memoir is the first of an intended series of monographs upon the plants of Central and Eastern Canada; and it is the intention of the writers to make their successive papers component parts of a "Flora Canadensis." The present paper includes thirty-eight species belonging to twelve genera, all being fully described, and each having appended to it a valuable list of the localities in Canada where it is known to occur. Several species, also, are enumerated which have not hitherto been recognised in the Dominion. We very cordially welcome this excellent contribution to Canadian science, and we trust that Messrs. Gibson and Macorin will be enabled to carry to completion the great work of which this may be considered as a first instalment.

According to *Nature*, it is proposed by the United States Treasury Department, in view of the great economic value of the fur-seals of Alaska, and the importance of a thorough knowledge of their habits and movements, to send some one to the North Pacific Ocean for the purpose of studying the subject in an exhaustive manner. These seals, almost to the number of millions, visit the St. George and St. Paul Islands of the Pribylon group every summer season for the purpose of bringing forth their young, and it is when employed in this duty that they are allowed to be captured, to the number of one hundred thousand annually, by a company chartered by the United States. What becomes of these seals after they leave these islands is entirely unknown, in spite of the fact that they are congregated there in such numbers for several months. A few are captured in the spring and fall, as they pass along the coast of British Columbia and Washington Territory, but what is the relationship between these

and the great army of seals, or whether there is any relationship, is unknown. The same species is found, to a limited extent, on the Asiatic side of the ocean, but no extensive captures are made. Should the commission in question be appointed, it is to be hoped that some of these problems may be solved, and that we may not remain longer in ignorance of the general natural history of an animal which, regarded from a merely utilitarian point of view, yields

a revenue of about three hundred thousand dollars a year to the United States, and of more than five times this sum to the Company which has charge of the interest. We may add, that we hope the time is not very far distant when a similar commission will be issued to investigate the habits and life-history of the Newfoundland seals, and to regulate the wholesale and utterly reckless slaughter to which these valuable animals are at present subjected.

---

## CURRENT LITERATURE.

---

The *Contemporary Review* opens this month with a translation from the ninth book of the Iliad, by Mr. Gladstone. In the preliminary remarks the writer explains the position of the parties in the great quarrel which wrought so dire a mischief to the besieging camp, and, in the next place, exposes the weak points of Pope's celebrated paraphrase—for it can hardly be called a translation—of the great epic. Mr. Gladstone's lyric form is, perhaps, not the happiest, although at times it has an heroic tone about it which is attractive, and has, moreover, the additional merit of faithfully representing the original. There is a ring, for instance, about such lines as these, which gives a truer conception of the poet's fire than the tedious monotony of Pope's flowing pentameters:—

“For I hate with perfect hatred,  
Hate him like the gates of hell,  
Who, within him one thought harbours,  
While his lips another tell.”

Mr. W. R. Greg, in “Rocks Ahead,” takes the *role* of Cassandra, and prophecies all sorts of evils for England, traceable to three causes:—1. The political supremacy of the lower classes. 2. The approaching industrial decline of England. 3. The divorce of the intelligence of the country from its religion. In the present paper Mr. Greg confines himself almost entirely to the first of these. He shows that the Reform Bill of 1867 has doubled the constituency, and put the country under the control of the most ignorant and least capable of the population. The picture he draws of the future results of this policy is not attractive, and the tone of the paper

as a whole, is a prolonged wail of despair. A sentence or two from the close will give some idea of its spirit:—“Since the tendency of circumstances is decidedly set in this (a democratic) direction, in nearly every country both in Europe and America, we can see little in the future but progressive decadence in all the higher elements of national life.”

I cannot see that the advances of democracy during the last fifty or seventy years in France, Spain, Switzerland, Belgium, the United States, and elsewhere, have offered results which invalidate the argument; I cannot at present discern the quarter from which re-action or rescue is to come, or the *Deus ex machina* who is to intervene; and there is more faith than philosophy in our vague trust that harvest will not follow seed-time, and that causes, which in all previous history have been relentlessly fertile, will hereafter become preternaturally barren.” Mr. Greg appears, however, to forget that the enfranchisement of the proletariat is in itself a means of elevating and educating, and that the evils he apprehends can at the worst be only temporary in their duration.

The Rev. Baldwin Brown gives an appreciative account of Dr. Birney, the great Nonconformist minister of Weigh-House Chapel, whom he describes as “a broad Nonconformist.”

Principal Tulloch, of St. Andrew's, again returns to the subject of Dogma and its relation to Christianity. There is nothing new in the paper, if we except an effort to clear his position from the misapprehensions of some of his critics. The writer, using the word dogma in its

Protestant sense, denies that it is "an authoritative or accepted statement of Divine truth, but the reasoned expression or formulated statement of this truth." In the words of Hooker, church dogma "is not written in black and white in the Bible; it has to be collected from it." "This and that dogma are in Scripture nowhere to be found by express literal mention, only deduced as they are out of Scripture by collection."

Mr. Orr contributes a lengthy and exhaustive paper on "Mr. Browning's Place in Literature." The writer is an ardent admirer of the poet, although he admits that there are grounds enough in his works why, on the one hand, "he has been sincerely loved," and on the other, "cordially disliked." Why, "for many persons, both men and women, his works have possessed the support, the sympathy, and the suggestiveness of a secular Gospel; whilst with others they have become a bye-word for ambiguity of thought and eccentricity of expression." The estimate of Browning's genius, though perhaps partial, and at times enthusiastic, is, on the whole, sober and just.

An article by Mr. Hopgood unfolds a scheme for the gradual disestablishment of the English Church. The writer holds that the change should be gradual, but "such as ultimately to insure absolute religious equality to all," eschewing any attempt at "a compromise or enlarged toleration." "I also," he says, "abandon all idea of comprehension—the thing is hopeless." The scheme is, in brief, to respect as far as possible all private endowments, to confirm existing incumbents and others holding offices in the Church for their respective lives, to provide for the payment of patrons, and the gradual extinction of advowsons and next presentations, and finally to sell the parsonages and glebe lands as the incumbrances fall in. The Rev. Dr. Lee, a well-known High Church clergyman, advocates a corporate reunion with the Church of Rome. He is followed by Mr. Fitzjames Stephen, who replies to Archbishop Manning's strictures on his paper on "Cæsarism and Ultramontaniam." Mr. Stephen again presses his objections to the validity of the evidences for revealed religion. In this we do not think he is particularly happy, although he has much the best of it in his remarks on Justinian's Institutes—a subject on which he is more at home than he appears to be with theological disputation.

The first paper in the *Fortnightly* for May is devoted to a description of Siberia, by Mr. Ashton W. Dilke. The writer traversed the country through Tomsk and Irkutsk to the Tartar frontiers. Mr. Dilke found that Siberia was not a country of perpetual ice and snow, but very agreeable for travelling, even in the month of January; that so far from the coun-

try being thinly populated, the reverse is the case; and that "villages succeed villages every few miles along the road; and finally, that instead of the peasants being a handful of convicts and their descendants, they are a thriving, honest, and happy population, far superior in intelligence to the bulk of their brethren in European Russia.

Mrs. E. Garrett Anderson, M.D., gives a powerful reply to Dr. Maudsley's remarks on "Sex in Mind and Education." The writer, it will be remembered, was a member of the last London School Board. She certainly has the better of Dr. Maudsley. It is shown that the Dr. borrowed all his information from America without inquiring into its validity or bearing upon the experiments at Girton and other places in England. Mrs. Anderson offers her own knowledge and that of other English women, that Dr. Maudsley's physiological objection is founded upon an entire mistake regarding the functions concerned. At the same time, she thinks that collegiate education should begin later in the case of women, and extend over a longer period before graduation. Mr. Leslie Stephen's critical examination of the Rev. F. D. Maurice's *Theology* is forcible, and in the main just; but he belongs to the enthusiastic sceptical school now in vogue, and is scarcely able to render justice to his subject, although he evidently tries to do so. "Field Sports and Vivisection," by Mr. E. A. Freeman, will be found in another part of this number. "A Defence of Modern Spiritualism," by Mr. Alfred R. Wallace, the naturalist, is certainly the most remarkable article we have seen for some time. It is impossible to give any idea of the evidence Mr. Wallace accumulates, but it has evidently convinced one who has been accustomed to examine facts scientifically. Mr. Wallace admits the entire spiritualistic theory; Mr. Serjeant Cox, in his book just published, admits certain facts as indisputable, but prefers to attribute them to some occult and mysterious natural power. Mr. J. B. Payton, in a very timely paper, answers the question, "What are the Folk Laws?" The text of the four laws is given, accompanied by a running commentary for the most part justificatory. They require a more careful review than we can give them here; and we therefore refrain from remarking upon them. Mr. Frederic Harrison, like Mr. W. R. Greg, takes up the mantle of Cassandra; the former prophesying trouble from abroad, the latter at home. Mr. Harrison's *bagie* is Russia, and he paints in his own vigorous style the danger which menaces England from the growing power of the Czar. Mr. Harrison may have taken too gloomy a view of things; but his paper will be of service if it arouses Lord Derby to a sense of dignity in his diplomatic dealings with the great Powers.

## BOOK REVIEWS.

PRINCIPLES OF MENTAL PHYSIOLOGY, WITH THEIR APPLICATIONS TO THE TRAINING AND DISCIPLINE OF THE MIND, AND THE STUDY OF ITS MORBID CONDITIONS. By W. B. Carpenter, M.D., F.R.S. New York: D. Appleton & Co. 1874.

The present work—the last of a long series—was originally intended to be an expansion of the Outline of Psychology, contained in the fourth and fifth editions of the well-known "Principles of Human Physiology," and was announced to appear in the "International Scientific Series." Its execution, however, proved more laborious than its author imagined, and its final dimensions so far exceeded the limits originally contemplated as to render it unsuitable for the series for which it had been designed. Hence its present appearance as an independent and very substantial treatise of over seven hundred pages.

Upon the whole, the author may fairly be congratulated upon the production of a work which will prove not only of great interest to the educated reader, but which must be of permanent value to the medical man, the naturalist, and the student of Psychology. Nor does Dr. Carpenter claim more for his work than it is reasonably entitled to. It does not pretend to be a "System of Psychology;" on the contrary, it is "simply designed to supplement existing Systems of Physiology and Metaphysics by dealing with a group of subjects which, occupying the border-ground between the two, have been almost entirely neglected by both."

It were hopeless, in the space at our disposal, to attempt any detailed analysis of the mass of facts, ideas, and suggestions brought forward by Dr. Carpenter in his most interesting work. The central feature in the treatise is the attempt to combine and reconcile two leading doctrines, which have usually been regarded as diametrically opposed to one another—namely, the materialistic and spiritualistic doctrines. These opposing doctrines, stated in extreme terms, at first sight appear rigorously exclusive. Thus, the materialistic philosophers not only hold the almost universally admitted fact that the brain is the instrument of the higher mental powers, but they insist that *all* the operations of the mind are but the manifestations or expressions of material changes in the substance of the brain—thus practically denying the existence of *mind* at all, as apart from the gray matter of the nervous system. On the other hand, the advocates of the spiritual nature of

man maintain that the mind is a separate immaterial entity, connected, indeed, in some mysterious manner with the corporeal apparatus, but not dependent upon the bodily instrument 'or the conditions of its operation, or only to a limited extent so dependent. As we have just remarked, the distinguishing feature of Dr. Carpenter's work is the attempt to combine these irreconcilable doctrines, and to show that *both* are really true, at the same time that they are nothing more than opposite sides of the same truth, and therefore neither of them wholly true by itself. "It will," he says, "I doubt not, be considered by many that there is a palpable inconsistency between the two fundamental doctrines which are here upheld;—that of the dependence of the automatic activity of the mind upon conditions which bring it within the *nexus* of physical causation, and that of the existence of an independent power, controlling and directing that activity, which we call Will. I can only say that both are equally true to my own consciousness, as I believe they are to the common consciousness of mankind. I cannot regard myself, either intellectually or morally, as a mere puppet, pulled by suggesting strings, any more than I can disregard that vast body of physiological evidence which proves the direct and immediate relation between mental and corporeal agency. The same difficulty (if it be a difficulty) is experienced by some of the greatest thinkers of the day. Thus, even John S. Mill, the most powerful advocate of automatism, found himself brought by his own mental experiences to what is virtually an acceptance of the independence of the Will. On the other hand, Archbishop Manning and Mr. Martineau, who may be considered as typical metaphysicians, and who hold the freedom of the Will as a fundamental article of their religious and ethical creeds, seem not less satisfied than myself that our succession of thoughts and feelings is in a great degree determined by antecedent conditions, which are intimately related to those of our physiological mechanism. That these two agencies must both be accepted as fundamental facts of man's composite nature, which can only be viewed aright in their mutual relation, is, I believe, a conclusion towards which there is now a general convergence amongst intelligent thinkers, whose minds are not trammelled by system, or obscured by the dust that has been so continuously raised in philosophical discussion."

There will naturally be much difference of opinion

as to whether Dr. Carpenter has succeeded in his attempt at the fusion of two such diverse systems of philosophical speculation. For our own part, we think he has made out a very strong case for himself. Under any circumstances, his work is thoroughly readable and interesting, which cannot always be said of works treating of kindred subjects.

COMPARATIVE POLITICS : Six Lectures read before the Royal Institution, in January and February, 1873, on the Unity of History : the "Rede Lecture," read before the University of Cambridge, May 29th, 1872. By Edward A. Freeman, M.A., Hon. D.C.L., Late Fellow of Trinity College, Oxford. London : Macmillan & Co.

In "Comparative Politics" Mr. Freeman makes a bold and successful claim for political institutions of a right to "a scientific treatment of exactly the same kind as that which has been so successfully applied to language, to mythology and to the progress of culture." This book is far more valuable for what it suggests than for what it teaches, and yet its teaching is valuable and weighty. With the view of aiding thought and facilitating reference, a number of notes are added at the end of the volume, which place the reader at the fountain heads whence Mr. Freeman drew his own knowledge and on which his generalizations depend.

The first Lecture treats of the range of the comparative method, and it is shown how that applies to political institutions as well as to mythology and language, though of course in a different degree. The word "Politics" is used in the same sense which it bears in the name of the great work of Aristotle, and by "Comparative Politics" is meant the study of political institutions—of forms of Government. Analogies are pointed out between the political institutions of times and countries the most remote from one another, and the laws laid down by which we may be enabled to say one institution was borrowed from another or both were derived from a common stock. A political constitution is "a specimen to be studied, classified and labelled, as a building or an animal is studied, classified and labelled by those to whom buildings or animals are objects of study." Likenesses are to be noticed and specimens classified. There are three causes to which likeness may be owing. It may be the result of direct transmission, and this may take several forms—may for instance, be the direct handing on from one state of things to another ; or it may be imitation in one of the many shapes imitation may assume. The institutions of a ruling city or nation will reappear in its dependencies. English colonization furnishes many examples of this. Again, the Legislative Assemblies of Europe have followed the English

model, and the difference between the French *Corps Legislatif* and the Parliament sitting in St. Stephen's, and the Parliament sitting in Ottawa and the great inquest of the English nation whence we have sprung, may be likened to the difference between the real kindred and artificial kindred, such as adoption. But institutions may be alike and yet no transmission and no imitation—for like causes produce like effects. Therefore we must have some confirmatory evidence in order to enable us to come to the conclusion that two institutions, bearing unmistakable marks of likeness, stand to each other in the relation of parent and child, or in that of blood relations owning a common ancestor. "It is only when we find the unmistakable witness of language, or some other historical connexion, that we have any right to infer that the common possession is due to the same cause." "At the time of the dispersion each band of settlers took with it a common tongue, a common mythology, a common store of the arts of social life. So it also took with it certain principles and traditions of political life, principles and traditions common to the whole family, but which grew up in the several new homes of the scattered nations into settled political constitutions, each of which has characteristic features of its own, but all of which keep enough of likeness to show that they are all off-shoots from one common stock." In the second lecture, these principles are applied to the Greek, the Italian, and the Teuton. As the Aryan family stood out from the other great families, so the Greek, the Roman and the Teuton, each in his turn, stood out above the other nations of the Aryan race. The institutions of each nation are examined, and by an elaborate and subtle analysis it is shown that all come from a common stock. This chapter is as instructive as any like number of pages in any book ever written, and is as interesting as a novel of Lord Lytton's. The process is continued in the third chapter, which deals specially with "the State." The fourth is devoted to "the King ; the fifth to "the Assembly ;" the sixth to "Miscellaneous Analogies ;" the "Rede Lecture" on the Unity of History coming last. There are one hundred and fifty pages of notes, which consist not of Mr. Freeman's observations, but of extracts from the sources he has studied, notes which, we repeat, will be found most useful by the student. There is also an exhaustive index. "Comparative Politics" is a book written by a studious scholar for students, and to those who have not been led by Mr. E. B. Tylor on a similar path of thought, the volume will open up a new country, and to all it will be instructive to follow the firm scientific footsteps of Mr. Freeman in a field which he has measured and explored and made his own.



## LITERARY NOTES.

THIS is a gossip-loving world ; and though we are not much in love with biographies, or the manner in which they are compiled, the reader of the "Personal Reminiscences of Chorley, Planché, and Young," just published in Scribner's new "Bric-a-brac" Series, will find a delectable compilation for desultory summer reading. The design of the new series is to collect and condense the personal anecdote and miscellaneous *ana* appearing in current biography, and this *pot pourri* of the gossip of "music and the drama," we should say, is a happy inauguration of the series.

Mr. George Smith, the head of the Department of Oriental Antiquities in the British Museum, has returned from his second visit to the mounds of Assyria, and, it is said, brings with him as valuable and interesting a collection of inscribed tablets and miscellaneous antiquities as he formerly collected while on his mission for the London *Daily Telegraph*.

Messrs. Adam, Stevenson & Co. issue, in conjunction with the English publishers, Messrs. Macmillan & Co., London, a Canadian Edition of the £250 Prize Essay, by Prof. Murray, on "The Ballads and Songs of Scotland, in view of their influence on the Character of the People." Dr. Murray is Professor of Mental and Moral Philosophy in McGill College, Montreal, and late of Queen's College, Kingston ; and our Scottish readers, at any rate, will be eager to possess the work. We shall take occasion to review it in our next issue.

The two first narratives to appear of the recent Ashantee War are those of the *Times*' Special, and the New York *Herald* Correspondents. The former, by Mr. Winwood Reade, is interesting in being written by the only correspondent, either civil or military, who was fortunate enough to see all three of the most important incidents in connection with the expedition to the Gold Coast, viz. : The storming of Amoafu by the Black Watch ; the storming of Ordahsu by the Rifle Brigade ; and the taking of Coomassie by Sir Archibald Alison and Colonel McLeod. The latter is Mr. H. M. Stanley's Narrative, and will be found to be written with that vivacity and dash which characterized the story, "How I found Livingstone," from the same pen. In Mr. Stanley's book will be found a spirited defence of Captain Glover, and a hearty tribute to the part played by that officer in the campaign. Mr. Stanley's narrative is entitled "Coomassie and Magdala," and Mr. Reade's, "The Story of the Ashantee Campaign."

A new and cheaper edition of the Rev. Mr. Nas-

sau Molesworth's "History of England, from 1830 to the Resignation of the Gladstone Ministry," to be issued in three volumes, is just appearing. This work will be found a valuable addition to all libraries, as it deals with a period—from the date of the first Reform Bill—which every student of political history wants to have clearly before his mind.

Messrs. Chapman & Hall are issuing Mr. Anthony Trollope's recent and expensive work on "Australia and New Zealand," in four small volumes, at a popular price, with the idea of bringing the information they contain, in regard to these dependencies of Britain, within the reach of emigrants or those interested in the respective colonies. The plan of publication is this : Vol. 1, New Zealand ; Vol. 2, Victoria and Tasmania ; Vol. 3, New South Wales and Queensland ; and Vol. 4, South Australia and Western Australia.

Messrs. Harper Brothers have just published, in conjunction with the English House of Messrs. Sampson Low, Son & Co., an edition, in two handsome volumes, of the great work of the German explorer, Dr. Schweinfurth, on "The Heart of Africa." Nothing has hitherto appeared, not even excepting the contributions of Dr. Livingstone, which lays bare the interior of the African Continent to the eye and mind of the reader so graphically and powerfully, as do these volumes on the unexplored regions of Central Africa.

The Messrs. Cassell, of London, have commenced the publication of a new National Serial, entitled, "The National Portrait Gallery," which is to comprise authentic memoirs, and accurate portraits, in colours, of the leading men of England among statesmen, divines, authors, artists, &c., in each weekly issue. The design of the work, recognizing that the history of a country is the history of its great men, is to supply the people with a reliable and artistic "Portrait Gallery" of those who are, in any eminent degree, associated with the nation's history.

George Eliot's new volume of poems, "The Legend of Jubal," has just appeared, in a Canadian dress, from the house of Messrs. Adam, Stevenson & Co. The collection embraces a number of lyrical and dramatic pieces, the most striking of which are *Armgart*, and the poem which gives its name to the volume. The production of these two poems alone will establish the author's claim to rank among the first of poets, as she has won the highest place in the ranks of writers of fiction.