

EDITORIALS.

MR. JAMES ANTHONY FROUDE, the English historian, delivered at Association Hall, New York, Oct. 16th, the first of his series of lectures on Irish history. His lecture reviewed 700 years of Irish history, including the causes of Irish subjection, and concluding that the fault lay with themselves. He had not come across the Atlantic to talk commonplaces about English tyranny or Irish anarchy, but to appeal to America to judge between England and Ireland, as the common friend of both. To-day two-thirds of the Irish people demanded separation, immediate and absolute, from England. With all the efforts of the English, they had neither made the Irish friends nor broken their spirit. England forgot, but Ireland didn't. If Irishmen could float Ireland into the middle of the Atlantic, England would have no right to object. But Ireland was no Laputa, or flying island, and so long as England remained a great power, she could not let go of an island lying close to her, and accept the risk of a hostile State between her and the Atlantic. England could not commit political suicide, and until England was beaten on her knees Ireland must share her fortunes. If the Irish race refused to be reconciled, they must continue as they were, a thorn in each other's side, or the Irish must find another home, or fight for and win independence. But national freedom was the reward only of persistent, unhesitating, unflinching determination to be free. If we were to sum up the secret of Ireland's misfortune we would say it lay in this—that while from the first she had resisted England, complained of England, appealed to heaven and earth against the wrongs which England had inflicted upon her, she had always invited others to help her and had never made an effective fight herself for her own rights. A nation which unflinchingly, with a single heart and mind, refused to yield to the invader, possessed already the constituent elements of independence. No violence could permanently blind such a nation, and when she had shaken off her oppressor she could take charge of her own destiny.

Mr. Froude, contrasting Scotland with Ireland, showed that the Scotch had always stood shoulder to shoulder, a compact, patriotic mass, never resting a moment while the foot of the foe was on their soil, while the Irish had fallen an easy prey to the oppressor, because they had been divided among themselves. At Bannockburn the Scotch repelled 40,000 Englishmen, while for years Ireland had been held by an English force of not more than 1,500 men. A Douglas or a Campbell cared more for his country than himself; an O'Donnell or an O'Neill was always ready to espouse the cause of the English, if the English would aid him to help himself to a slice of his neighbor's land. It was an Irishman who, when reproached with selling his country, thanked God he had a country to sell. No people had more talk of patriotism on their lips than the Irish; no people, when it came to action, allowed performance to lag so miserably behind their professions. Who did not know that if accident set Ireland free to-morrow, the first step after the declaration of independence would be a declaration of civil war? Who did not know that if Ireland broke into rebellion to-morrow, half of Ireland would be found fighting on the English side? If ever a time should come when all ranks, all classes, all religious sects in Ireland should unite to demand the liberty of their country, and if they were prepared to become a free nation or to die, no earthly power could prevent them from accomplishing their purpose. Six millions of people on their own soil could not be chained by force, and the public opinion of mankind would not, in this age, permit them to be destroyed. And until they are thus united the independence they desire would be a curse, and not a blessing, to them. England to-day had but one wish for Ireland—that she should share her prosperity to the very utmost; and whatever measures of impartial justice Ireland should demand, no English Parliament at this time would venture to deny.

Mr. Froude believed that the solution of the future of Ireland rested with America, and he appealed to American public opinion to weigh both sides and render a just verdict. That verdict could not be resisted by England, and he believed that when the voice of America told the Irishman he had no grievance he would be satisfied. The

Irishman was not thriftless and incorrigibly insubordinate, but he required to be ruled, like all other men, by wise and just laws. A movement in that direction was already begun. The land law of Mr. Gladstone was the most righteous measure that had ever marked the course of English legislation towards Ireland. All her remaining grievances would be gradually redressed, except the demand for independence, and that England never would grant, until made to do so or become an extinct volcano. He wished Americans to remember that there were two sides to the question; that though the Irish emigration of late years was mainly of Catholic peasantry, in earlier years it had been of a different kind—the Presbyterians of Ulster and the North of Ireland, who, like the Pilgrim Fathers, were driven from their homes for conscience' sake; and that while, at the time of the American revolution, the Protestants of the North of Ireland had sympathized with the cause of American freedom, the Catholics of the South had given their moral support to the Tories. He was not among those who, like Mr. Gladstone, thought all Ireland's troubles sprung from the upstart of Protestant ascendancy, but, on the contrary, believed that matters would not be mended now by handing Ireland over into the hands of the Catholic majority.

This much by way of preliminary. Mr. Froude then spoke on the special subject of the evening's lecture, "The Norman Conquest of Ireland," which was not so complete, the Norman element lacking in quantity to leave Ireland sufficiently, as it did England.

Father Tom Burke, the fiery Dominican orator, answered Mr. Froude in a subsequent lecture, and the intellectual fencing of these two distinguished gentlemen has aroused in the Eastern States a spirit of inquiry into Irish history and stimulated research in the musty tomes of Celtic lore.

A SAD chapter of city life appears in late New York papers. A young and beautiful girl was enticed from her home in Boston by a procuress and taken to a house of ill fame in New York. It appears from an account in the New York Herald, that the girl, called Mary, was met in the street in Boston by the procuress, who thus addressed her—"My dear, you are very pretty. Would you like to go to New York, live in a fine house and wear elegant clothes like me?"

Mary thought that she would and was induced to agree to go with the woman. The next day the woman called at Mary's mother's for the girl, but was sent away "with a flea in her ear." Subsequently the woman again met with the girl, whom she induced to accompany her to New York. When on the cars the girl found she was only one of a batch of girls, picked up by the procurer, all for a similar destination.

A sister of Mary's, living in New York, found Mary in a notorious house in West Thirty-first Street, and refused to leave the house without her. The woman of the house tapped a telegraph messenger boy, followed by officer Theodore V. W. Rowland, arrived, the latter taking sides with the old woman, behaving brutally to Mary's sister, and threatening to put her out of the house. She, however, defied him, departed unmolested with Mary, and informed the police commissioners of the facts. Says the Herald:

The two policemen who had been detailed at the telegraph station for duty were yesterday put back on post by the commissioners. One of them certainly, if he merited punishment at all, deserves to be dismissed from the department, and that at once. An officer who could for a moment so far forget his duty is worthy of no consideration and should be disgraced upon the spot. It is a terrible reflection for the people that the wretches who keep these dens of infamy can tap a key in their houses, and in a quarter of an hour have a policeman on the spot ready to do battle for them and defend them.

It is said that almost all the houses of ill-fame in the upper part of the town have these telegraph connections, and all the telegraph offices have policemen detailed from the Metropolitan Department for duty.

All procurers, men or women, should be put to death, without chance or hope of mercy; and policemen or other officials who aid or abet them are worthy of no better fate.

TERRITORY OF UTAH,
Third District Court.

James M. Page } Salt Lake City,
vs. } September Term,
The Central Pacific } 1872,
Railroad } (Oct. 29th.)
Company. }

Chief Justice McKean presiding.

On the 27th day of last June, the plaintiff left Omaha for San Francisco by the Union Pacific Railroad train, having previously, on the same day, purchased a second class ticket over the Union Pacific and Central Pacific Railroads, from the first to the last named place. This ticket he purchased at Omaha, of the ticket agent of the Union Pacific Railroad Company, who, for that purpose, was also the agent of the Central Pacific Railroad Company. For this ticket he paid eighty dollars, the difference in price between it and a first class ticket being, as stated by the plaintiff's counsel in court, twenty dollars.

The Conductor, on the train on the first division west of Omaha, took up the plaintiff's ticket, and, according to usage, gave him an exchange ticket. This last named ticket has been introduced in evidence.

On the 5th day of July last the plaintiff entered a second class car of the Central Pacific Railroad Company at Ogden, and started for San Francisco. To the conductor who collected or examined the tickets, the plaintiff exhibited the exchange ticket mentioned above. The conductor refused to receive it, saying it was behind time. According to the testimony of Henry Lyons, one of the plaintiff's witnesses, the plaintiff told the conductor that there was no limitation of time on the ticket he bought at Omaha. The conductor told the plaintiff that he must pay his fare or get off the train. Walter C. Thompson, Assistant general ticket agent of the Union Pacific Railroad Company at Omaha, called as a witness by the plaintiff, testified that the limit of time is the same on the original and the exchange tickets. The plaintiff refused to pay his fare, and at Corinne, where the train stopped, the conductor and other employees of the defendant put him off the train. In the affair the plaintiff sustained an injury in one of his ankles, from which he has not yet fully recovered. He brings this action against the defendant and claims judgment in the sum of \$50,000.

The plaintiff having introduced his evidence rested his case. The defendant's counsel thereupon moved for a nonsuit, on four several grounds, which will be stated and considered *seriatim*.

"First: The complaint does not state facts sufficient to constitute a cause of action, in this: Said complaint does not allege a tender of fare or a ticket over defendant's road."

The sufficiency of the plaintiff's complaint might have been questioned by a demurrer; the sufficiency of the plaintiff's proofs can be questioned by a motion for a nonsuit. But the plaintiff has proved, without objection, that he did tender his ticket to the defendant's conductor. This point is not well taken.

The defendant's counsel further moved for a nonsuit, as follows:

"Second: The evidence shows a special contract which was once valid, but was violated by plaintiff and rendered null and void by his own act."

The material portions of the exchange ticket, which has been introduced in evidence, read as follows:

"Union and Central Pacific Railroad Line.

Thos. L. Kimball,
Gen'l Ticket Agent, U.P.R.R.

This ticket entitles the holder to one SECOND-CLASS Passage

From
OMAHA

TO STATION CANCELED

If presented within SIX DAYS from date indicated in the margin, after which time it will be void."

Then follow the names of stations from Corinne to San Francisco, each inclusive, the last name being "canceled." Below "San Francisco" are printed the words—

"No Step-over Check given on this Ticket." The "date indicated in the margin," is "June 27, 1872."

The conductor of a railroad train is not bound, is not permitted, to take the oral statements of a passenger in lieu of a ticket, nor in modification of the terms of a ticket. The conductor can accept nothing for the fare but the money, or a ticket which shall show the nature of the contract between the passenger and the company represented by the conductor.

It is fair to presume that the plaintiff can read, and that he had read his exchange ticket, and all its contents, before he arrived at Ogden and stopped over there several days. The onus rested upon him to inform himself of the nature of the contract between himself and the defendant. The means of information were not merely at hand, they were in his own hands. He had the right to ride over the entire length of the defendant's road within six days after the 27th day of June. That was a contract which he and the defendant had a right to make. Two days after the expiration of this contract the plaintiff demanded its fulfillment by the defendant. But by the terms of the contract itself, it was then void, and the plaintiff having refused to pay his fare, it was the right of the defendant, by its agents, to put him off the train at the place where he was put off.

The defendant's counsel further moved for a nonsuit, as follows: "Third: The evidence shows regulations which were reasonable, but were violated by plaintiff."

It is for the court and not the jury, to pass upon the reasonableness of the regulations under consideration. It has already been held that they are reasonable.

The defendant's counsel further moved for a nonsuit as follows: "Fourth: If the evidence shows that unnecessary violence or force was used by the conductor, or others, in expelling plaintiff from the cars of defendant, then the conductor and such other parties are liable, and not the defendant."

Upon this point there seems to be a serious conflict of authority. But from such examination as I have been enabled to give it, during the pressure of a *non prius* trial, it seems that in recent elaborate decisions in several of the States, a doctrine has been held the opposite of that insisted upon by the defendant's counsel. I deem it right, therefore, at present, to follow these authorities, and to submit the question of excessive force to the jury.

It is not improper to add that, if in the future progress of this cause, the judge of this court should be called upon to hear re-argued any of the questions now passed upon, they shall receive a careful re-examination at his hands.

The motion for a nonsuit is over-ruled.

EASTERN NOTES.

Minister Washbourne has not presented Senator Sumner to President Thiers, and the neglect excites considerable comment.

Alexis says, earnestly, that he will come over and have more good times with us at the great Centennial celebration in 1876.

James Anthony Froude smokes, thinks New York charming, says American girls are like English ones, and has several other disagreeable traits.

A specimen of Colorado flour was lately sent to Boston, which, says the Denver News, was generally admired by the grain dealers and commission merchants of that city, and the result was that an order was sent from the Hub for fifty car-loads of Colorado flour.

Some admirer of Lewis Class recommends that a tablet in memory of the great Michigander be set in the massive masonry of the Sault Ste. Marie Canal, in commemoration of the eminent service which he did in opening that pathway of commerce between Superior and the lower lakes.

The manuscript of the original draft of Mr. Seward's book was entirely completed some time since. At the time of his death Mr. Seward had finished the revision of about two thirds of it. This revision will be at once taken up and completed by his son Frederick and his adopted daughter, Miss Risley Seward.

Eight rabbis only in the United States preach to Jewish congregations in the English language. These are Drs. Guthelem, Vivader, and Rev. S. M. Isaacs, of New York; Drs. Wise and Lillienthal, of Cincinnati; two brothers Jacobs, one in Philadelphia, the other in New Orleans; and Rev. Geo. Brown of Evansville, Ind.

Mr. G. H. Booth, an American, who is about to return home from Bradford, England, where he has lived for some years, has expressed his intention to present to that city a full-length statue of the late Richard Cobden. The cost will be about one thousand pounds. Mr. Booth has given more than one thousand pounds for distribution among the local charities.

On election day a woman appeared at the Sixth Ward polls in Cleveland, Ohio, leading her husband by the arm. Ticket distributors crowded around him, but she waved them away, saying, "Never mind, I vote this man." She marched him up to the ballot box, saw that he voted, and afterwards led up two other men, whom she served in the same manner. Who says a woman has no political influence?