

SATURDAY, FEBRUARY 24, 1855.

" Nothing extenuate, nor set down ought in malice "

We have often heard expressions of pity for the victims of some deliberate ~~act~~ or well-planned swindle, which had been far better reserved for their own cases by those so lavish of their sympathy. Such parties seem to forget that there is a criminality to which they are the daily victims, though strange to say, but trifling punishment usually falls to the lot of those who are the transgressors. The crime to which we refer may not be cognizable by any of the codes in existence, but its reality, extent, and ruinous consequences are not the less certain. There are many fair promise-givers and pretentious charlatans who have done irreparable evil to their fellow-men, whose misdeeds are as safely beyond the pale of the law courts as if their existence were a myth. The political trickster whose career may prove the destruction of thousands often obtains his position and influence under pretences so false that were the same law applicable to him as to others there would be a speedy termination to his practises.

Unfortunately our present state is but too pregnant with illustrations, and it must continue so until there be a healthy spirit infused into the whole of our population; this once obtained the natural constitutional right feeling which is in the colony will speedily rectify the evil and place the specious imposters in their proper position in society.

What is a diplomatist? A compound of caution and speciousness. What are those gentlemen above hinted at who are given to practical joking on society? Precisely the same. For success in either of the above departments these qualifications are indispensably requisite, and not only should they be really possessed but rightly used; herein lies the whole secret; and His Excellency has failed, simply because he was too specious.

He landed on our shores a total stranger to us and to our condition, unless in so far as he could gather from city merchants, ~~as before~~ were so irreclaimably devoted to the worship of the orthodox Trinity of L. S. D. as to care for none of those things which are so agreeable to new Governors, such as processions, &c, but to his astonishment he found a reception more akin to the triumphal procession of a returning conqueror than anything else, and illogical that he was, he believed that we had transferred our worship to the shrine of the coming man, the Demigod--His Excellency. For such unlimited devotion he considered himself indebted and began--too speciously--to declare what he should give in return for all the incense which had been offered to his duty.

But, alas! where had --caution-- the other necessary qualification flown to, that it did not keep him from promising more than he had the power to execute? Had this element been early introduced into His Excellency's management all might have gone right.

His reception on his arrival was believed by some to be an apotheosis--and it was a swindle, though not on the part of the colonists; they gave the reception not to Sir Charles Hotham (as he has since turned out) they gave it to an ideal, to a creation of their own warm heads and hearts. This ideal was inapproachably removed from the present reality. Not understanding us he imagined that we gave him the reception for himself, or for his antecedents; of which we knew but comparatively little.

By his appointment the Colonial Office played us false, and he by his own conduct since, in not realizing our high hopes has followed suit. He led us to believe that he was about to introduce changes of a most liberal character--if he made such promises knowing that he could not perform them--he obtained our confidence under false pretences, and if he made them in ignorance, the Home authorities are in no better plight as they should not have appointed a man so ignorant of the extent of his power. Were it not for serious consequences which have already ensued, the complication of misunderstandings might be well styled a comedy of errors.

JURIES here get a very a good character from the judges and crown lawyers, for they generally decide as they are directed. We have noticed this especially in all the late political trials. McIntyre and his friends were condemned, while Campbell and his companions were acquitted. And yet the evidence of guilt was as strong in the latter case as in the former. In both cases, also, the juries *wished* to acquit the prisoners. Why did they not do so? Because the judge in the one instance summed up "severely," and, in the other instance, "mildly." Two libel cases have also been recently tried. Mr. Seekamp was found "guilty." In plain law and plain fact, the one was as guilty as the other. Seekamp would have been acquitted by the jury had the judge not held out something like a threat or reflection upon their conscientiousness in the event of their differing from him. In Lang's case, the judge observed something like neutrality, and he got off. This is not so creditable to juries as the judges would have us believe. It augurs



unfavorably for their intelligence and independence. The reason may be that many of those who figure on the jury-list here were not in a similar position at home, and are consequently strangers to the independent bearing of the juries which have so often defied the Bench and stung the Court to madness in the old country by their uncourtly verdicts. Some judges are honest enough to speak the truth on this point, and timid jurors may take courage when they hear the Bench itself acknowledging their rights. "To what end," says Chief Justice Vaughan, "is the jury to be returned out of *the vicinage whence the cause of action ariseth*; to what end are they challenged so scrupulously to the array and poll; if after all this *they implicitly must give a verdict by the dictates and authority of another man?*" This is as candid as it is reasonable. An honest judge has no fear of an independent jury.—*Age.*