

The African Times.

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"Talk to me anywhere of Power, and I'll tell you of Protection. Mention a Magistrate, and the idea follows of Property. Show me any Government, and you are to see the proposed interest of those governed. Power constituted otherwise is a monster that is impossible in every system where there is any notion of the justice of God or the good of mankind."—EDMUND BURKE.

"If any Colonist suffers from injustice, whatever may be his class, his condition, or his colour, he has a right to redress at the hands of the Colonial Minister in this country."—EARL OF CARNARVON, SECRETARY OF STATE FOR THE COLONIES, AUGUST 2, 1866.

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WEST AFRICAN STEAMERS.

ARRIVALS.

The Lagos, with the regular monthly mails and full cargo, on June 3.

The British and African Steam Navigation Company's ship Congo, with a full cargo, on June 13.

The Mail Steamer Calabar, with the bi-monthly mails, on June 19.

DEPARTURES.

On June 4, the African Royal Mail Steamship Company's ship Biafra, the first of the new monthly service.

On June 7, the British and African Steamship Roquette.

On June 15, the Royal Mail Steamship Don, with the bi-monthly mail.

The Royal Mail Steamship Lagos will carry out the mails of the 24th June.

The British and African Steam Navigation Company's ship Congo will leave Liverpool for West African Ports on the 1st July.

NEW CIVIL COMMANDANT FOR ACCRA.
(From the *Gazette* of June 18.)

Downing-street, June 17.—The Queen has been pleased to appoint Charles Cameron Lees, Esq., to be Civil Commandant at Accra, in Her Majesty's settlements on the Gold Coast on the Western Coast of Africa.

For very important Gambia Letters, see pages 152-3-4.

AFRICAN PRISONS—THE LASH.

TO THE EDITOR OF THE AFRICAN TIMES.

Supreme Court, Sierra Leone, May, 1869.

Sir,—The abomination of the lash exists in Freetown Gaol—that punishment which converts man into brute, and weeds from out his soul every sentiment of manhood and self respect. It is completely banished from England, unless in the case of garrotters, who being deemed the common foes of humanity at large, and resembling the untamed beasts of the forest more than man, have the punishment of brutes accorded to them. Now cases of violence against the person are not common amongst

us, and to award the punishment of the lash for any petty breach of the law is, I believe, contrary to the law itself. That the Colonial Secretary of Sierra Leone for the time being should be made the ignoble instrument to see to the execution of such a degrading punishment as the lash adds to the bitterness of the transaction, and gives a fresh pang where one would suppose no fresh sorrow could be introduced. Our present Colonial Secretary should see that he may not be made amenable to the law for undue punishments. Every one knows, not only in Sierra Leone, but in the Parliament of England as well, that Mr. Justice Huggins on countless occasions awarded the lash when he might with just as much legal correctness have awarded the gallows. To be the executioner of such an ignorant and capricious expounder of the law is indeed to stand in a place of peril and legal uncertainty. I sincerely trust that the subject of the lash may be brought under the consideration of the Legislative Council, for I confess that, independent of its innate atrocity, I still further regret that it should come within the official province of our new Colonial Secretary.—I am, &c.,

WM. RAINY.

IMPORTANT ACTION AGAINST MR. JUSTICE HUGGINS FOR ILLEGAL WHIPPINGS.

SIERRA LEONE SUPREME COURT, MAY 31, 1869.

(Before his Honour Chief Justice French, without a Jury. Trial by Jury in Sierra Leone is abolished.)

THOMAS v. HUGGINS.

Mr. Rainy for the plaintiff. The Honourable the Queen's Advocate for the defendant.

The plaintiff in this case is a prisoner in gaol, and he brought his action against Mr. Huggins (who is an assistant judge of this court) for passing an unlawful sentence upon him in June, 1867 (whilst Mr. Huggins presided in this court as Chief Justice), whereby the plaintiff received 150 strokes with the cat-o'-nine-tails.

The defendant pleaded *Not guilty*.

Mr. Rainy opened the plaintiff's case in a speech of great power, and said that the declaration contained a simple charge against the defendant of assaulting the plaintiff, and causing him to be thrice privately whipped, in answer to which the defendant had pleaded *not guilty*. It was clear that a very simple issue was here raised, and he doubted whether the defendant could offer any other defence than showing he did not do the act complained of. However, as he (the learned counsel) had heard that the action would be resisted on the ground that, although the whipping complained of was unlawful, it was a judicial act, done by the defendant in his character of a judge of this court, and for which he could not be sued, it became necessary, in his opening, to draw the attention of the Court to matters which ought to have been raised by the defendant in his pleas. The facts were these: In June, 1867, the plaintiff was tried in the Supreme Court before Mr. Justice Huggins (the defendant) for stealing a coat, a pair of trousers, and a shirt, as appears by the information filed in this court. There was no previous conviction set forth in the information, and none was proved at the trial against the plaintiff, who pleaded guilty, and Mr. Huggins sentenced him (according to the record of the case, signed by Mr. Huggins himself) to twelve months' imprisonment with hard labour, and to be thrice privately whipped. Now, as the prisoner was tried under the Imperial Act 24 and 25 Vic., cap. 96, which is in force in this colony (by virtue of a Local Ordinance), and as there was no Local Ordinance authorising three whippings set forth in the information, it was clear Mr. Huggins had, by his mere whim and caprice, and contrary to the law of the land, ordered the plaintiff to be thrice privately whipped, because, according to the Imperial Act, the only sentence which Mr. Huggins was justified to pass on the plaintiff was a term of imprisonment with hard labour, but *without* whipping. If, indeed, the plaintiff had been under sixteen he could have been whipped, but even then the three whippings were illegal, because the Act of Parliament prescribed but *one* whipping, and the number of strokes and the instrument with which they were to be inflicted were not even specified in the sentence, which was simply recorded in the Calendar (signed by Mr. Huggins) as follows: "Twelve months' imprisonment with hard labour, and to be thrice privately whipped." It being clear, then, that Mr. Justice Huggins had acted illegally in causing the plaintiff to be whipped, the point to be determined by this Court was whether Mr. Huggins was liable to be sued in this action, and he (the learned counsel) submitted that the defendant was clearly liable, because it is laid down by the Judicial Committee of the Privy Council, in the case of *Calder v. Hackett* (3 Moore's P. C. Cases) that trespass will lie against a judge for acting judicially, if he knew or had the means of knowing of the defect of the jurisdiction.

He (the learned counsel) would call the defendant as a witness, and he would show by his own evidence that he well knew that the Act of 24 and 25 Vic., cap. 96, was in force here in virtue of a Local Ordinance, and that he had, in fact, tried the plaintiff under it. If this was shown, he (Mr. Rainy) could not see how his honourable and learned friend, the Queen's Advocate, would raise the defence which it was said would be done in this action. He (Mr. Rainy) submitted that the law could not be otherwise than what he had stated, because, if it were not so, a judge sitting judicially might with impunity order a man's legs or hands to be cut off or order him to be hanged upon his being convicted of a misdemeanour or a larceny. The records of the court showed that there were no less than eighteen prisoners upon whom Mr. Huggins had passed unlawful sentences in the period from November, 1865, to June, 1867. Two prisoners—namely, John Allen and Moses John—had nine unlawful whippings inflicted upon each of them by Mr. Huggins, and eight other prisoners—namely, Thomas Freeman, James Decker, William Coker, Uriah Coomber, Tom Ginger, Thomas Johnson, William Johnson, and James Lewis—received each respectively three unlawful whippings. He (the learned counsel) had undertaken this case in the interest of humanity, and in order to have it judicially decided whether or not a judge of this court could set the law at defiance, in the manner in which Mr. Huggins had done, with impunity. Every member of this community had an interest in this case, and no man is safe here if such a serious evil be not forthwith put an end to. He (Mr. Rainy) had no doubt that, even if this case were decided against his client, still his object would be obtained, because he could not think, after the humiliation Mr. Huggins would be subjected to in the investigation of this case, that he or any other judge would venture to do the like again. The number of strokes all the prisoners had received would appear, by the evidence, to have been entirely left by Mr. Huggins to the discretion of the surgeon doing duty at the gaol!

In order further to show the necessity there was for at once bringing these judges to book for their gross and, it seems, wilful illegal acts, Mr. Rainy casually mentioned his own case against Major Bravo, the police magistrate, which will be fully reported next month.

At the conclusion of Mr. Rainy's speech,

The Queen's Advocate submitted that, as it appeared in the opening statement of the plaintiff's counsel that the defendant had been sued in this action for an act done by him in his judicial character, the Court ought to stop the trial at once.

The Chief Justice: I fear, Mr. Advocate, that I cannot stop the case.

Mr. Huggins was the first witness called, but as we intend to publish the official evidence taken in the case, and as the trial is not yet concluded, we shall give the evidence and result in our next impression. The trial was proceeding when the mail left, and was creating a good deal of interest, the Court being densely crowded.

FIFTH PETITION FROM SIERRA LEONE RE MR. JUSTICE HUGGINS.

To the Right Honourable Earl Granville, K.G., Her Majesty's Principal Secretary of State for Colonial Affairs.

The humble Petition of the undersigned Inhabitants of the Settlement of Sierra Leone—Sheweth—

That a copy of the despatch from your lordship, dated 26th February, 1869, relative to the matters Mr. Huggins is charged with, having been communicated to your petitioners, they beg most respectfully to submit to your lordship herein such further explanation and comment on their part as it seems to them to call for.

Your petitioners beg to say that the object of the petitions which have been preferred against Mr. Huggins, has always been that which they believe has appeared in all of them—namely, to procure a rectification of the state of the administration of justice in Sierra Leone; and it is chiefly because parts of the contents of the despatch just communicated to your petitioners are likely to have, and you petitioners feel sure would have, a bad effect upon the administration of justice in this settlement, they deem it to be of importance that your lordship's attention should be again solicited to these matters.

The parts of the despatch under remark to which your petitioners beg first to refer are the following: "The Imperial Act 24 and 25 Vic. 96 is, among others, adopted in Sierra Leone by the Local Ordinance No. 3 of 1862, 'so far as local circumstances will permit.' And the 116th section of that Act provides the form of indictment for a subsequent offence after a previous conviction for felony or misdemeanour, in which form of indictment the previous conviction is specially alleged. It is stated that Mr. Huggins sentenced prisoners to the increased punishment

due to a subsequent conviction on being satisfied of the previous convictions, although the convictions were not stated in the informations according to the form provided by the Act of Parliament. Mr. Huggins explains that it is for the judge to decide what parts of an Act thus adopted in a colony are really in force in them; he adduces what certainly appear to be very good reasons for thinking that this section of the Imperial Act is not applicable to the circumstances of Sierra Leone, and he has therefore treated it as not in force."

It had to be noticed, my lord, in the former petitions against Mr. Huggins, that the despatches dated 8th June and 22nd September, 1868, afforded conclusive evidence that allegations had been made to his Grace the Duke of Buckingham respecting these matters, which had had the effect of misleading and deceiving his grace with regard to them; and it has now to be noticed that the despatch dated 26th February, 1869, affords conclusive evidence that allegations have been made to, or have come before, your lordship which have had the effect of similarly misleading and deceiving your lordship.

It is evident, my lord, that what Mr. Huggins has set up in his defence is, that in a prosecution for the offence of committing a felony after a previous conviction, it would not be necessary the indictment or information should show that the offence was the committing a felony after a previous conviction but for the 116th section of the Act 24 and 25 Vic. c. 96; and that, consequently, if he held that section not to be applicable to Sierra Leone, and not in force in it, he might lawfully impose the increased punishment prescribed for the offence of committing a felony after a previous conviction, though the indictment or information did not charge a previous conviction.

Your petitioners are advised, my lord, that nothing could well be more unfounded than what Mr. Huggins has thus set up; that it is in fact unfounded to such an extent that even the very notions it proceeds upon are utterly baseless, and contrary to law of so fundamental a character that no lawyer could be ignorant of it who had any proper knowledge of his profession. What is really the case, your petitioners are informed, my lord, is that it is not in consequence of any section or provision of any Act of Parliament an indictment or information is necessary stating fully and exactly what the offence is which is prosecuted for, but that it is a fundamental part of the common law that there shall always be such an indictment or information in every prosecution; and that, with regard to prosecutions for such offences as that of committing a felony after a previous conviction, it is besides settled law that in such prosecutions the indictment or information must state the previous conviction; and also that if it does not state it no heavier punishment can be imposed than that which the law prescribes for the offence which the indictment or information does state.

That this is settled law your petitioners are advised, my lord, a reference to a few short passages of well-known and well-reputed works will render evident. One of these passages occurs at page 55 of Archbold's Pleading and Evidence in Criminal Cases, by the late Sir John Jervis, the late Mr. Welsby, and Mr. Bruce, and is as follows: "Where a statute annexes a higher degree of punishment to a common-law felony, if committed under particular circumstances, an indictment for the offence, in order to bring the defendant within that higher degree of punishment, must expressly charge it to have been committed under those circumstances, and must state the circumstances with certainty and precision.—2 Hale, 170." Another of the passages alluded to occurs at page 79 of Vol. 1 of the last edition of Russell on Crimes and Misdemeanours, by Mr. Greaves, and is as follows: "And where a statute makes a second offence felony, or subject to a heavier punishment than the first, it is always implied that such second offence ought to be committed after a conviction for the first, from whence it follows that if it be not so laid in the indictment, it shall be punished but as the first offence."

Your petitioners are moreover advised, my lord, that section 116 of the Act 24 and 25 Vic., c. 96, is of itself sufficient to render it evident how utterly wrongly Mr. Huggins has acted, and how greatly deficient of a proper knowledge of law he must be to act in such a manner. For what this section really does, your petitioners are advised, my lord, is, that it contemplates an indictment stating the previous conviction, and stating it at length, to be necessary at common law, and to prevent the statement at length from continuing to be necessary, it provides that it shall be sufficient in the indictment to state the previous conviction in a brief and compendious manner, "without otherwise describing the previous felony misdemeanour," &c. So that if Mr. Huggins held this section 116 not to be suitable to the circumstances of Sierra Leone, and not in force in it, the legal effect of his so holding was, my lord, not, as he seems to have utterly wrongly supposed, to enable the increased punishment prescribed for a felony after a previous conviction to be inflicted without

the previous conviction being stated in the indictment, but to render it necessary that the previous conviction, instead of being stated in the indictment in the short manner allowed by this section, should be stated at length as necessary at common law.

That this is what would really be the effect, a reference to a very short passage in the last edition of Russell on Crimes and Misdemeanours, by Mr. Greaves, your petitioners are advised, my lord, will render evident. The passage occurs in a note on page 349 of Vol. 3, and is as follows: "Whenever a statute increases the punishment of an offender on a subsequent conviction, and gives no mode of stating the former conviction, the former indictment &c., must be set out at length, as was the case in Mint prosecutions before the present Coin Act."

Further, my lord, your petitioners are advised that it will be right to call attention to the Ordinance No. 59 of Vol. 1 of the Sierra Leone Ordinances, which provides that all crimes, misdemeanours, &c., cognizable in a Superior Criminal Court at Sierra Leone, shall be prosecuted by information.

The part of the despatch dated February 26, 1869, to which your petitioners beg next to refer is the following: "He (Mr. Huggins) adds that former judges have not thought it indispensable that prior convictions should be thus stated in criminal informations." This, my lord, has appeared in three forms in the several despatches on the subject. The form it had in the despatch dated June 8, 1868, was that Mr. Huggins showed "that the sentences were strictly in accordance with sentences which had been regularly imposed for a long course of years by former Chief Justices at Sierra Leone," and the form it had in the despatch dated September 22, 1868, according to the tenor of that despatch, communicated to your petitioners, was, that, "it has been the practice in Sierra Leone, differing in this respect from the practice in England, not to state prior convictions in the informations, but nevertheless to take them into consideration when proved at the trial in imposing the punishment," to which were added the words "Mr. Huggins cannot fairly be blamed for continuing a practice which he found in operation;" the meaning of which doubtless is, that the practice which Mr. Huggins pursued, and for which he was blamed, of imposing, in cases in which prior convictions were not stated in the informations, the increased punishment prescribed for offences after prior convictions, was a practice which he found in operation, and that he only continued that practice which he found in operation.

The unfoundedness of all that has just been mentioned was shown, my lord, in the former petitions against Mr. Huggins, and it was submitted that even if it were true, it could be no justification of such conduct as that complained of against Mr. Huggins; for even if former judges had acted unlawfully, he was bound to have sufficient knowledge of the law to know that what they had done was unlawful, and not to act in the same unlawful manner himself; and, to what was thus shown and submitted, your petitioners beg now, my lord, to add that except during the time of Mr. Huggins being on the bench, there has not, either since the Act 24 and 25 Vic., c. 96, or since the Act 7 and 8 Geo. IV., c. 28, came into force in Sierra Leone, been any practice in Sierra Leone relative to prior convictions different from the practice relative to such convictions in England. So that unless it can be alleged with propriety (which your petitioners humbly submit it cannot) that the judges in the English Courts have not thought it indispensable that prior convictions should be stated in criminal informations, neither can it be alleged with propriety that the judges of the Sierra Leone Courts have not so thought. There has, however, been a practice both in the English and in the Sierra Leone Courts, and which has existed in both of them for a very long time, with regard to criminal cases in general, which it may be needful should be noticed, and which it is therefore proposed to notice in a subsequent part of this petition, more particularly as it is thought that it must be this practice which Mr. Meheux, the sheriff, has had in view in what he seems to have stated on the subject. It is thought, my lord, that Mr. Meheux cannot have meant that there has been a practice in Sierra Leone, since the Acts imposing increased punishments for offences after prior convictions came into force there, of imposing those increased punishments in cases in which prior convictions were not charged in the informations.

The parts of the despatch dated February 26, 1869, to which your petitioners beg next to refer are the following: "It is not denied that the prisoners were really liable to the punishment inflicted on them if only the proper forms had been observed. I think it very undesirable that the Queen's prerogative of mercy should be used for the purpose of defeating substantial justice; and without expressing any opinion as to the correctness or incorrectness of Mr. Huggins' judgment, I consider that the Executive Government should treat it as authoritative, unless and until a contrary decision should be pronounced by some superior court."

These are some of the parts of this despatch, my lord, which your petitioners alluded to as being likely to have a bad effect upon the administration of justice in this settlement; and your petitioners do not express themselves in the least too strongly respecting them when they say that if it were authoritatively established, as it would be by these parts of this despatch, that people may have sentences passed upon them in Sierra Leone for imputed offences of which they have not been convicted, and that when doings of this sort take place there shall be no remedy for them, it would be sure, sooner or later, to be productive of very lamentable consequences. Your petitioners, therefore, most earnestly entreat your lordship's reconsideration of these parts of this despatch, and that the inhabitants of Sierra Leone may not be left in the dangerous position in which they have been placed by them.

Your petitioners have already explained, my lord, that the petitions against Mr. Huggins have only the public object of procuring a rectification of the state of the administration of justice in Sierra Leone, and they beg that they may be understood as having only this object when they say, with reference to the expressions, "It is not denied that the prisoners were really liable to the punishment inflicted on them if only the proper forms had been observed," that they cannot admit this to be the case; and that if it has been supposed that any of the petitions against Mr. Huggins admit that the persons upon whom he passed unlawful sentences were guilty of any other offences than those they were convicted of, it has been a mistake. It could only be by admitting that they had been guilty of other offences than those they were convicted of that it could be admitted they were really liable to punishments for such other offences. But your petitioners respectfully submit, my lord, that the due administration of justice requires that, with reference to such a question as whether persons shall continue to suffer punishments for offences which they have not been convicted of, no one whatever should have a right either to assume or assert that they have been guilty of such offences; and your petitioners are advised, my lord, that by law no one whatever has such a right, and that if these cases had occurred in England, where they might have been taken by writ of error before a Court of Error competent to correct the injustice which has been done in them, though they cannot be so taken here, since there is no court in Sierra Leone having jurisdiction in criminal cases but the court in which the unlawful sentences were passed, the law that no one has such a right would have been illustrated in these cases, since they would have had to be argued without its being in any manner suggested that the persons upon whom the unlawful sentences were passed had been guilty of any offences that they had not been convicted of, and judgment would have been given accordingly, the court not allowing it to be supposed that the sentenced persons had been guilty of any offence which they did not appear upon record to have been convicted of.

Your petitioners are aware, my lord, that the Secretaries of State are not formally, or in name, Courts of Appeal in criminal cases, but it is submitted that they do really, as a matter of necessity, exercise the functions of such courts, since there are no Courts of Appeal for criminal cases, and very great injustice would frequently be the consequence if the place of such courts were not in some manner supplied. The manner of proceeding is of course different, and the result is expressed in a different manner, but the result is, notwithstanding, substantially the same as would be arrived at by means of a Court of Appeal. And so obvious is it that the Secretaries of State do really exercise the functions of Courts of Appeal in criminal cases, that it has of late been by no means an uncommon remark in the public prints that the Secretary of State for the Home Department is virtually a Court of Criminal Appeal. Very remarkable instances have occurred illustrating that this is really the case as regards the Home Secretary, and your petitioners respectfully submit, my lord, that the Secretary of State for the Colonies stands in the same position in this respect with regard to the colonies that the Home Secretary does with regard to the mother country; that he stands indeed in that position with regard to such a place as Sierra Leone, which has not even a Court of Error before which a criminal case can be taken, however grossly erroneous what has taken place in it may be, to even a greater extent than does the Home Secretary of State with regard to the mother country. And your petitioners most earnestly entreat that your lordship will be graciously pleased not to refuse to exercise the powers which your lordship undoubtedly possesses in this respect with regard to all the cases in which unlawful sentences were imposed by Mr. Huggins, essential as it is to the existence of a right state of the administration of justice in Sierra Leone, and to the safety of its inhabitants, that it should be known that if such proceedings take place as the imposing unlawful sentences upon persons for offences of which they have not been convicted there will be a remedy for them.

Your lordship, as is intimated, has not as yet expressed any

opinion as to the correctness or incorrectness of the judgments passed by Mr. Huggins which your petitioners have more particularly in view; and your petitioners humbly entreat, my lord, that the opinion of the Law Officers of the Crown may be taken as to whether they are or are not correct, and are or are not cases for which there ought to be a remedy. It would appear, my lord, by the intimation given to the Executive Government, that it should treat Mr. Huggins's judgments (except of course those in the seven cases specially particularized) "as authoritative, unless and until a contrary decision should be pronounced by some superior court," that your lordship is under the impression that there is some superior court by which a contrary decision could be pronounced; but that, my lord, as has been explained, is not the case: the only authority by which a contrary decision could be pronounced, being the Secretary of State for the Colonies, acting in conjunction with the Law Officers of the Crown, or after a reference to such officers.

Your petitioners beg leave to mention also, that some mistake seems to have occurred with regard to the cases specially excepted. It appears to have been intended that cases excepted should be those in which prisoners sentenced to whipping were convicted of larceny only, or larceny as a subsequent offence; but two cases of this nature are not included in the list of exceptions. One of these cases is that of the Queen v. Thomas Williams, who, as will be seen by the office copy of the information against him, annexed to the fourth of the petitions against Mr. Huggins and marked E, was charged and convicted of no more than simple larceny as a subsequent offence; the other is that of the Queen v. James Lewis, who, as will be seen by the office copy of the information against him, annexed to the third of the petitions against Mr. Huggins and marked U, was convicted of larceny only, the charge against him being one that included more than simple larceny, but which, being divisible, admitted of his being convicted of larceny only. What this man was charged with was, however, not charged as a subsequent offence, but as the sole offence. Your petitioners beg therefore to respectfully solicit attention to these cases.

The next part of the despatch dated February 26, 1869, to which your petitioners beg to refer is the following: "I should perhaps add, with a view to future legislation, that the law as laid down by Mr. Huggins appears to me more suitable to the circumstances of Sierra Leone than the law prescribed by the English Act of Parliament."

This is another of the parts of this despatch, my lord, likely to have a bad effect upon the administration of justice, and which your petitioners are certain would have a bad effect in every respect. This despatch, my lord, is one to the head of the Local Legislature, and what this part of it imports is that it would be desirable that such Legislature should legislate that judges in Sierra Leone should have the power of increasing the punishments for offences which persons may be convicted of before them, from the punishments prescribed by Act of Parliament for such offences, the amount of which, in many cases, is "not exceeding two years' imprisonment with hard labour," or "three years' penal servitude," and in some cases "not exceeding two years' imprisonment with hard labour," without the alternative of any penal servitude, to four years' imprisonment with hard labour and three public whippings, or penal servitude for life, without its being necessary that anything should be charged in the informations against the persons sentenced to these increased punishments to warrant their infliction, or show why they were inflicted. Your petitioners humbly submit, my lord, that this would be a most dangerous power for judges to be entrusted with; that it would be sure, sooner or later, to be productive of most deplorable consequences were judges entrusted with such a power in Sierra Leone; and that no judges whatever ought to be entrusted with such a power. And what is here treated as desirable to be legislated for is so contrary to all the principles upon which the administration of justice in the mother country proceeds, that your petitioners feel sure, my lord, that by none would the giving of such a power to judges be deprecated more earnestly than it would by the honoured judges by whom justice is there administered. Your petitioners, therefore, most earnestly entreat your lordship's reconsideration of this part of this despatch also.

With reference to the only other part of the despatch dated February 26, 1869, to which your petitioners would wish to refer, your petitioners beg to express their thanks to your lordship for the information afforded them that the Executive Government "has the power of dismissing a judge, and would properly exercise that power if a sufficient case of incompetency, ignorance, or carelessness were established against him; and that if any persons suppose that they have such a case, their proper course is to lay it, in the first instance, not before the Secretary of State, but before the Governor." Your petitioners were not aware, my lord, that there was any settled rule as to the course to be pursued in such a case, and it was indeed thought, on

their behalf, that it would be better that a complaint, the object of which was to procure that a person holding a judicial post should not be permitted to remain in such a post, should be addressed to the Secretary of State. But now that your petitioners have been made aware that there is such a rule, it will, of course, be their duty to conform to it.

Your petitioners beg now, my lord, to advert to the practice which has been mentioned as having been existing for a very long time in both the English and the Sierra Leone Courts, with regard to criminal cases in general, and which, it is conceived, must be what Mr. Meheux, the sheriff, had in view in what he seems to have stated on the subject. It has to be observed, in the first place, with regard to this practice, that the punishments prescribed for offences leave, in most cases, much to the discretion of the judge, and consequently require discrimination to be exercised by him in imposing them. As, for instance, supposing the punishment prescribed by a legislative provision to be "not exceeding two years' imprisonment, with or without hard labour, and with or without solitary confinement," a judge who, without discrimination, should, in every case that came under this provision, impose the utmost punishment that might be imposed under it, would obviously but poorly acquit himself. Discrimination has therefore to be exercised; and your petitioners are advised, my lord, that it is considered that this discrimination should be exercised in such a manner that a novice in delinquency should not be sentenced to a punishment suitable to only an old offender, and, on the other hand, that an old offender should not be sentenced to a punishment suitable to only a novice in delinquency. And that it is considered that discrimination should be exercised by judges in this manner, your petitioners are advised, my lord, appears in well-known and well-reputed works. Thus, there is a passage in Mr. Dickinson's work on Sessions, published in 1815, in which this appears, and this passage has been copied into most of the editions of Burn's Justice which have been published since that time. It may have been, and probably has been, copied into all the editions of Burn's Justice since the publication of Mr. Dickinson's work, but there are not the means at Sierra Leone, my lord, as far as can be ascertained on your petitioners' behalf, of examining any earlier editions of Burn's Justice than the twenty-sixth, which was published in 1831.

It is under the heading "Sessions of the Peace" that this passage appears in Burn's Justice, and it has reference more particularly to the judges or justices at such sessions. The following are parts of it: "With respect to fines, imprisonments, and even transportation, they [the statutes] have, of necessity, perhaps, left to them [the judges or justices at sessions of the peace] the same latitude of apportionment as to the judges of the superior courts. . . . The present purpose is therefore to impress upon the minds of those who are only commencing their career in the public duties of magistracy, not merely the justice and humanity, and therefore the duty, but even the policy also, of the most unprejudiced and temperate discrimination in the distribution of punishments. The first suggestions of common sense and common benevolence need not wait the sanction of experiment, for they are found in the very rudiments of civilization. To the novice in delinquency punishment is intended primarily to operate as an individual admonition, and where the heart has not been absolutely depraved, but only the passions excited, or the temerity of youth stimulated by excessive temptation or the influence of bad example, it will frequently have its due effect if administered with that moderation which corrects without degrading. . . . On a repetition of offences, where it is ascertained, indeed, that admonition has failed to correct, to deter by making the culprit an example becomes a duty to society."

It being, then, considered to be the duty of judges to discriminate, in imposing punishments, between those who have repeatedly committed offences and those who have but once offended, by what means have they enabled themselves to perform this duty? What practice or mode of proceeding have they established to enable them to perform it? What this practice or mode of proceeding has been, your petitioners are advised, my lord, all persons know who are really acquainted with the practice of the English criminal courts. But as it is desirable that some producible evidence should be referred to, your petitioners beg to refer to a work published by the very respectable publisher, Fraser, of Regent-street, the original publisher of *Fraser's Magazines*. The title of this work is, "Old Bailey Experience," with the sub-title "Criminal Jurisprudence, and the Actual Working of our Penal Code of Laws." Its date of publication is 1833; but the experience the title refers to, and upon which the work is based, extended from that year to apparently a much earlier time.

At page 112, at the commencement of a section headed "Information as to Character," a passage occurs which shows the

practice pursued in the English criminal courts to ascertain whether a prisoner has repeatedly committed offences. The following are parts of this passage: "There can be no doubt but the judges, and their coadjutors, the alderman, &c., are anxious to secure a known thief. . . . On the trial, it is usual for the judge to ask the police officer who gives his evidence against the prisoner whether he has any knowledge of him. . . . After the officers the governor of the prison is referred to, either in court (which is often done by signs) or in private, when the judges determine on the sentences. His information is gathered from several sources: Firstly, his own recollections of their persons; secondly, his books of description; thirdly, the powers of recognition possessed by the turnkeys; and lastly, the information obtained from prisoners who are retained in Newgate as wardsmen."

This shows what the practice was in the English criminal courts in this respect in the year 1833 and previously, and your petitioners are advised, my lord, that it has continued substantially the same ever since, and that it may generally be seen in the reports of the trials, which take place in those courts that such is the case, and that the same may be seen also in the report of the case of the Queen v. Summers, decided in the Court for Crown Cases, reserved on the 30th January, 1869, and appearing in the Common Law Part for March, 1869, of the Law Reports issued under the auspices of the Council of Law Reporting.

The practice is, my lord, that of receiving from the police and prison officers information, or evidence, if it may be called such, as to how many times a prisoner has been in gaol, or is supposed to have been in gaol, and what causes he has been in there for, or is supposed to have been there for, including previous convictions, although the prisoner has not been indicted or convicted of committing any offence after a previous conviction, but only of some other offence; the object of obtaining and receiving this information or evidence being, not to impose upon the prisoner any punishment exceeding that prescribed by law for the offence he has been indicted and convicted of, but only to enable the judge to determine how much of such prescribed punishment shall be inflicted upon him, and in so doing to exercise the discrimination which it is considered the duty of a judge to exercise.

This practice, as has been shown, has existed in the English criminal courts for a very long time, and it has existed in the Sierra Leone courts also for a very long time (having been adopted in those courts because it was a practice in the English courts). So that there is no doubt that Mr. Huggins found this practice in operation on his coming to Sierra Leone, and that he must always have seen it in operation whenever, after his coming the trial of criminal cases was going on. For a part of the practice in Sierra Leone has been that the person in charge of the gaol, at the time that he brought up the prisoners for trial, brought with them a separate memorandum for each of them, made up in the manner which has been described—namely, from his own recollections, from the prison books, and from the recollections of the other prison officers; this memorandum, as has been intimated, stating how many times the prisoner has been in the gaol, or is supposed to have been so, what he has been there for, or is supposed to have been there for, including previous convictions, or supposed previous convictions, but embracing the smallest matters for which the prisoner either has been, or is supposed to have been, in the gaol; and unless the prisoner never has been in the gaol, and cannot be supposed to have been ever there, the practice being to furnish the judge with a memorandum such as this in every case, either at the conclusion of the trial or before the passing of sentence.

But what appears to have occurred, my lord, is, that though Mr. Huggins saw this practice continually being acted upon, he, from the inefficiency of his knowledge of law, failed to understand it; he failed to perceive that though information was obtained from the police and prison officers (mostly only from the latter) as to whether there had been previous convictions, the object of obtaining it was only to enable the judge to determine how much should be imposed of the punishments prescribed by law for the offences the prisoners were charged with in the informations against them; and mistakenly supposed that the object was to enable such prescribed punishments to be exceeded, and the increased punishments prescribed for offences after previous convictions to be imposed, though the prisoners were not charged with previous convictions in the informations against them.

And this mistake, arising from the inefficiency of his knowledge of law, there can be little doubt now was the cause of much of what took place when Mr. Huggins was afterwards himself on the bench that has had to be complained of against him. If Mr. Huggins did not make this mistake, if the practice which he saw going on under his predecessor was really a practice of imposing the increased punishments prescribed for offences after previous convictions in cases in which previous convictions were not charged in the informations against the prisoners, then it will of course be easy for him to produce evidence from the

records of the Court of the cases in which, although previous convictions were not charged in such informations, he saw his predecessor impose sentences for such increased punishments. But if Mr. Huggins really did not see his predecessor impose sentences for such increased punishments in cases in which previous convictions were not charged in the informations against the prisoners, but only fancied he did, then of course he will not be able to produce evidence that he did see his predecessor impose such sentences in such cases, and will be left without even the excuse that he only followed a practice which he found in operation; though even if he had had such an excuse it would, it is submitted, not have been a justification.

Your petitioners, in conclusion, my lord, beg to humbly submit this petition to your lordship, and to entreat for it your lordship's gracious consideration, and humbly hoping that it will be deemed by your lordship that the relief sought and entreated for in the several parts of it should be granted, your petitioners most humbly pray that your lordship will be graciously pleased to grant such relief. And your petitioners will ever pray, &c.

(Signatures in our next.)

LIBERIA.

The elections took place on the 4th of May. The polls were opened at nine a.m., and closed at six p.m.

The Hon. and Rev. James S. Payne and the Hon. Edward J. Roye are candidates for the Presidency; the Hon. Joseph T. Gibson, of Maryland County, and the Hon. Dr. James S. Smith, of Bassa County, are candidates for the Vice-presidency.

The Hon. John Marshall is elected senator, and the Hon. Daniel F. Wilson, the Hon. Ellis A. Potter, and the Hon. Wm. Bowen are elected representatives for Cape Palmas, Maryland County.

WRECKS.—Cutter Fanny was wrecked opposite Half Cavallo, twelve miles leeward of Cape Palmas, on Thursday, April 2, 1869, belonging to J. W. Cooper, Esq. Schooner Russwurm was wrecked opposite Neam Calloo, about fifty miles leeward of Cape Palmas, on Friday, April 3, 1869, belonging to the Hon. C. H. Harmon.

ELECTION FOR PRESIDENT OF LIBERIA.

TO THE EDITOR OF THE AFRICAN TIMES.

Monrovia, May 11, 1869.

Sir,—I avail myself of this opportunity to drop you a few hurried lines, hoping soon to write you more fully on the state of things here politically. Our election for the Presidency took place on Tuesday, the 4th instant. No death took place in this county, but blood was spilt most fearfully by parties in favour of the contending candidates.

Ex-Chief Justice E. J. Roye is the man now running against the present incumbent, James S. Payne. I am inclined to think that Mr. Roye will be elected; in this county he has 155 votes. The returns from Leeward will be here in the mail steamer; till then we are unable to say who is duly elected.

Mr. Roye says he is able to make good the bad now existing in the financial affairs of the Government; therefore the people seem willing to try him. He is a man of considerable means, and stands first among the prominent merchants here; his credit is good abroad.

The Constitution is now amended. Mr. Roye will be in office for four years, in case he is elected; formerly the term was for two years.

The Congoes here are a dangerous element; the people are allowing them to vote, though they are uncivilised, which practice I consider to be very dangerous. The present Administration granted deeds for lands to these Congoes, and they were allowed to vote in consequence. The Congoes are vast in numbers. I shall not be surprised to see them bring forward a candidate from their own stock and choice, and vote him in at the next election; and I know that they will have force enough to keep him in the Mansion; and, more so, it will be considered resisting Constitutional authority should we try to prevent him taking his seat as an executive officer. Therefore, I say, look out soon for a Congo president in Liberia.

Paper war is going on between this and the English Government.—Yours, &c.,

VORTEX.

GOLD COAST—ASHANTEE INVASION.

TO THE EDITOR OF THE AFRICAN TIMES.

Accra, May 7.

Sir,—Mr. Administrator Simpson having satisfied himself personally at Aquamoo of the hostile attitude and intentions of the Ashantes and Aquamoo, convened a meeting of the Accra chiefs and people on his return, and expressed his assent to the propriety of their taking immediate measures for impeding the ingress of the Ashantes into the territories of the Protectorate. He has spent already more than 300*l.* from the colonial chest for

ammunition supplied to the several people of the Gold Coast, and now waits at Cape Coast Castle an answer from the King of Ashantee to the message which he sent by a constable to Comassie. Reports are now current of the approach of a large Ashantee force. The Government have not really any excuse for allowing things to get in this dreadful state. All that they have seemed to care about during these three years that have been ruining us all here is to eat up the revenue and get paltry, worthless treaties signed, so as to make it appear at the Colonial-office that they are effecting something and obtaining success.

We are getting up subscriptions for a lamp in the Mission Chapel, Jamestown. Mr. William Addo has given twelve dollars, a good example.—Yours,

C.

Accra, May 7, 1869.

Sir,—There is no improvement in affairs on the Volta and elsewhere. The Ashantes, it is believed 20,000 strong, have invaded Krepee, and the local Government here has given large quantities of ammunition to the Akims and Aquapims for defensive purposes—shutting the stable-door feebly when the steed is stolen. Of course, as soon as the Ashantes have subdued our allies, the Crepees and Agotims, they, with their allies, the Aquamboes and Awoonahs, will compel the poor Crepees to join them against Accra and Fantee. That this is their programme we have ascertained from a prisoner taken in Croboe a few days ago, an Aquamboe man; so you see my oft-repeated prophecies will turn true to the very letter.—Yours,

ACCRA.

Accra, May 13, 1869.

Sir,—It seems there is not to be any redress for those who have been so infamously oppressed and ruined under Parker and Usher; and, to crown the injury, we are told that the latter is to be let loose upon us again. One of his vicious tools, and of the worst of his official understrappers when he was here, has been writing from London to say that "the only result" of your exposure of all the evil and illegal acts of Parker, Usher, and their despicable assistants "has been to get them promoted by the Colonial-office." He instances Parker's appointment to St. Helena; says "that Mr. Usher will soon return to the Coast, that Skues's conduct was approved of, and that Sir Arthur Kennedy has been enabled for releasing Finlason." And this he gives as the real Downing-street news and feeling.

Among the reports current as intelligence from London, is "that a son of Colonel Yonge (1st W. I. Regiment), a lad just from school, has been appointed to succeed Lieut. Bolton as Civil Commandant of Accra!" We do not believe this; but as nothing seems too bad to be true as regards our treatment by the Colonial-office, we have sent a strong protest against it to Sir A. Kennedy, reminding him of his promise respecting Lieut. Russell. As a rule, the appointment of military officers to such posts is productive of very great evil. So far as our experience goes on the Gold Coast, there have been few exceptions to this; but Lieut. Russell has really shown himself qualified for the post he holds; and for this, because he has turned out well instead of badly, as might have been expected, it is, of course, possible that authorities who uphold such men as Parker, Usher, Skues, Elliott, &c., may think he ought to be removed.

I am really afraid that the results some of these days will be very serious. The Africans are a long-enduring people, but there have been evidences of great bitterness of feeling lately; and if this ripens into a determination to revenge, I dare not even think of what may happen.—Yours,

ACCRA.

(Per Bi-monthly Mail, May 23.)

The Government is at last doing what we have been urging during three years. It is distributing arms and ammunition, and authorising native Accra levies to proceed to the Volta to defend Krepee from the Ashantes and their allies. A little steamer in the Volta would have been a great help.

ACCRA.

DONATIONS TO "AFRICAN TIMES."

The undersigned, feeling themselves deeply indebted to the noble exertions that are being constantly made by the *African Times*, not only for the natives of Africa, but also for the benefit of Europeans and others residing on the Coast of Africa, are desirous of marking their sense of gratitude to the editor of that valuable journal for the great benefits that result from his unflinching exertions to remedy abuses, which would have assumed an alarming position were it not for the independent resistance offered by the *African Times*:—

Fair Play, 3*l.* 3*s.*; Fiat Justitia, 1*l.* 1*s.*; Poor Africa, 10*s.* 6*d.*; Poor Sufferers, 5*s.*; W. Addo, 1*l.*; No Justice, 10*s.* 6*d.*; Anti-oppression, 10*s.* 6*d.*; Miserable Trader, 1*l.*; Vederemos, 10*s.*; Anti-Nero, 5*s.*; Chas. Vaulser, 10*s.*; Francis Michs, 5*s.*; Joseph B. Amisab, 10*s.* 6*d.*

Accra, July, 1868.

EXPENDITURE OF THE GAMBIA FOR 1869.

The estimated expenditure of Her Majesty's Settlements on the Gambia during the year 1869 is as follows:—

Salaries, fixed establishment	£9,603	14	6
Salaries, provisional and temporary	145	13	0
Allowances	388	7	6
Office contingencies	182	0	0
Pensions	2,156	0	0
Revenue Services, exclusive of establishment	167	0	0
Administration of Justice, exclusive of establishment	175	0	0
Charitable Allowances	160	0	0
Education, exclusive of establishment	300	0	0
Hospitals, exclusive of establishment	498	0	0
Police and Gaols, exclusive of establishment	635	0	0
Rent	100	0	0
Transport	100	0	0
Works and Buildings	3,655	0	0
Roads, Streets, and Bridges	836	10	0
Miscellaneous Services	377	0	0
Government Vessels, exclusive of establishment	100	0	0
Aborigines	485	0	0
Drawbacks and Refund of Duties	315	0	0

Total £20,377 5 0

Passed in the Legislative Council on 30th April, 1869.

AFRICAN STEAMSHIP COMPANY'S MEETING.

The African Royal Mail Steamship Company held its annual meeting on the 9th June. The report stated that the Company's new vessel the Benin had been launched, and would soon commence her voyages to the West Coast; that they were in communication with the authorities at Bathurst for a subsidy for sending additional steamers there, and that having already partially provided for the greater demand for conveyance of cargo by steam, in preference to sailing ships, they are negotiating for the construction of a vessel to be used as collecting ship in the rivers and ports where only vessels of light draught can safely enter. The directors recommended the issue of unallotted shares in order to raise the necessary capital, the shares to be issued at a premium; and the proprietors were congratulated that after paying all expenses, and meeting all customary reserves, there was a balance of profit enabling the Company to pay a dividend of 8*s.* per share for the half-year and a bonus of 2*s.* per share, both free of income-tax. The meeting only occupied a few minutes, the shareholders present passing the resolutions as proposed by the directors. The accounts presented dealt only with grand totals, and the only two necessary for us to quote are—

Receipts for freight, passage money, postal subsidy, &c.	£91,768	15	3
Disbursements, depreciation, reserve, and interest on cash paid in advance of calls	93,152	9	4

The shareholders being satisfied, we have no remarks to make, except that if we were shareholders we should like to see what these disbursements consist of, and what amounts were carried to depreciation and reserve. It is well for the interests of the African trade that both this Old Company and the New Company should prosper; and one of the guarantees of prosperity seems to us to be, that the shareholders should be able to exercise a vigilant check over the expenditure, which they cannot do unless they have full detail of how their money is expended.

With reference to this Company putting on a third monthly steamer for West Africa (which it has now done), the following remarks in the *West African Herald* (Sierra Leone paper) are amusing and instructive at the same time for the shareholders:—

"We learn that the Old Company (on the principle, we presume, of IN FOR A PENNY, IN FOR A POUND) are going to put on MORE STEAMERS. This will be capital, because then, no doubt, everybody will be able to travel about for nothing, and there will no longer be any such thing as paying freight. On the contrary, we may expect to get paid for paying them the compliment of shipping anything."

THE NILE EXPEDITION UNDER SIR SAMUEL BAKER.

Mr. Charles Buxton made inquiry lately in the House of Commons whether H.M. Government were about to present a steamer to Sir Samuel Baker's expedition for the navigation of the Albert Nyanza lake. Mr. Otway, in reply, said "that an expedition had been fitted out by the Viceroy of Egypt for the suppression of the slave-trade in the interior of Africa, the command of which was entrusted to Sir Samuel Baker, and that in the object of this expedition H.M. Government thoroughly sympathised, although they were not responsible for it; The Viceroy, he

understood, had ordered a small steel steamer to be built in this country, to ply on the Albert Nyanza; and it would not be a fitting proceeding on the part of the British Government to purchase a vessel and present it to him. Sir Samuel Baker has been made a Pasha—is made supreme over all the Upper Nile districts—and has the command of some 4,000 troops—picked men—from the Egyptian regiments. He is furnished with large supplies of beads, clothes, and other articles which his experience in those districts, when in search of the source of the Nile, have shown him to be likely to stimulate the natives to collect cotton and bring in ivory and other produce to exchange for them. The suppression of the slave-trade in those regions where it has raged hitherto with unmitigated horrors will, if accomplished, be so great a result, that we have watched this expedition with the deepest interest; and although it is not likely to lead at first to the spread of Christianity, the expedition being in every respect a Mohammedan one, though under the sole command of Sir Samuel Baker, yet we look upon it as fraught with future blessings; and we pray earnestly that the life of Sir Samuel may be spared for the accomplishment of the great work he has so courageously undertaken.

SIERRA LEONE COURT OF APPEAL.

The absurdity of the Appeal Court at Sierra Leone, as at present constituted, has been often exposed by us in urging the necessity of three learned and upright judges—viz., two other properly-qualified judges, to act with Chief Justice French, in lieu of Mr. Justice Huggins. We may therefore be excused in quoting the Report of the Judicature Commissioners, which has lately been issued. In the regulation proposed for the Court of Appeal, although the Court may sit as a full Court or in divisions, it is emphatically laid down that "the number of judges sitting together in any division of the Appeal Court ought never to be less than three."

We are fully convinced that the Judicature Commissioners, after due examination as to the qualifications of Mr. Huggins, would not pronounce him to be an efficient substitute for two judges. Are we not right, then, to demand that the Court of Appeal should be properly constituted?

HOW COMMERCE ALONE CIVILIZES.

The trade in palm oil in the Brass river is very considerable. The large Liverpool houses have been trading there in this article for many years, and many English agents' vessels and crews are continually in the river, yet in a letter in the *West African Herald* of May 20, we find the following in a letter dated River Brass. After stating that there are disagreements among the natives, he adds: "Several engagements have taken place, and many prisoners taken. A few days ago, nine or ten of these unfortunate 'Nungums' were taken prisoners, brought down the river, killed and eaten, and within a mile or so of us, the fact becoming known when too late to endeavour (were it possible) to prevent such a barbarous custom." No: there is no civilization for Africa without the light of Christianity.

BRITISH AND AFRICAN STEAM NAVIGATION COMPANY'S SHIPS.

The *West African Herald* says the Bonny (British and African Steam Navigation Company's Steamship), R. F. Lowry commander, arrived on the 19th inst. at ten a.m., with a full cargo, from Glasgow and Liverpool. Her appearance has been greatly altered for the better, by the addition of beautiful bulwarks to her upper works; and these are an ornament as well as a protection. The Bonny made a passage of seven and a half days, the fastest passage ever made by any African steamer.

All well on board the Bonny. A great quantity of merchandise was shipped on board this vessel at Freetown for Leeward ports. Up to the last moment, cases of gin, hogsheads of tobacco, and various other packages were being shipped.

NAVAL INTELLIGENCE.—The Plover, 3, double screw gun vessel, Commander J. A. Poland, arrived at Jellah Coffee from Ascension, on the 1st May last. She was to sail on the 4th May for Whydah, to meet the Myrmidon, 4-gun vessel, Commander H. B. Johnston. The Danse, Captain W. Graham, had gone to St. Helena. The Plover, after shipping the mails for the South at Whydah, was to leave for the Congo, to relieve the Pandora, 5-gun vessel, Commander J. Burgess, which vessel upon being relieved was to sail for St. Helena. The Lynx, 2, double screw gun vessel, Commander James W. East, had arrived from England, and was expected in the course of the year to go up the Niger. On the 2nd of May there was a heavy tornado at Jellah Coffee.

NOTICE.

We beg to call the attention of our subscribers to the fact that another year of subscription is due after the publication of our present number. Those who have not yet paid for 1868-9—viz., to June, 1869, and arrears—ought now as a matter of conscience to pay up to June, 1870—that is, an addition of five shillings to what was before owing. We ought not to have to make these appeals; we do our duty, we are entitled to demand that our subscribers should do theirs.

The African Times.

PUBLISHED MONTHLY. PRICE 5s., STAMPED.

You are earnestly requested to allow your name to be added to the list of yearly subscribers. Price 6s. per annum for each copy, payable in advance.

The African Times.

WEDNESDAY, JUNE 23, 1869.

SUBSCRIPTIONS TO "AFRICAN TIMES" PAID.

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CLOSE OF ANOTHER YEAR OF THE "AFRICAN TIMES."

THE curtain now falls over another year of the life of this journal. During eight years we have endeavoured to advocate in its columns, honestly, temperately, and fearlessly, the true interests of the West African countries, their people, and the merchants engaged in commerce with them. Great changes have taken place since the issue of the *African Times* commenced. The slave trade, which was then carrying off victims from the coasts of Dahomey and from the Congo, seems now to be entirely at an end, we hope and believe never to be again revived. At that period there was steam communication once a month between Liverpool and the West Coast ports; now, thanks to the establishment of the new line, there are four steam vessels to be despatched per month. This last important change ought to operate as a powerful stimulus to production and commerce, giving, as it will, so much greater facilities to the native traders to utilise their comparatively small capital in direct operation with Great Britain. With regard to the British settlements, trade and commerce cannot be expected to take their due development, until those administrative and judicial abuses which have been and will continue to be exposed and denounced by us shall have ceased. It cannot be said that life and property are safe in them while the authorities, executive and judicial, are guilty of the most illegal and arbitrary acts, and are allowed by the Colonial-office to perpetrate such acts with impunity instead of being immediately cashiered for them. But since this inclination on the part of the Home Government to throw the shield of its protection over culpable officials, rather than over the people among whom they exercise authority in its name, does unhappily exist, as recent facts most incontestably prove, it only becomes the more indispensable to create and organise a public opinion in the British settlements on the Coast that shall be powerful enough to secure for the governed a due attention to their grievances by Her Majesty's Secretary of State for the Colonies, and prompt redress at his hands. To this creation and organisation of an *African public opinion* our most strenuous efforts will be directed in the future, as they have been incessantly in the past; and looking at what we have done in this direction during the past eight years, we think we are justified in demanding a much more liberal support from all classes on the West Coast of Africa than we have hitherto received. We have endeavoured conscientiously and zealously, without fear or

favour, to carry on the work which God has put it into our hearts and hands to do, and has therefore charged us with; and those for whose present protection and permanent interests we labour have a duty also to perform towards us. We hope they will not fail in it, and in this hope we purpose (D.V.) to commence next month the NINTH year's issue of the *African Times*.

CAPE COAST PRISON.

FOUR or five years ago it was our painful duty to expose, on evidence furnished to us by Mr. W. C. Finlason and others, the disgraceful condition of the places in which prisoners were confined at Cape Coast. The statements were of course denied, though every word of them was true; but as a speedy reform followed the exposure, and our bringing the matter, which we did, under the immediate attention of the Government, we were satisfied to allow the official abuse heaped upon us to remain unanswered, treating it with the contempt which alone it deserved. A subsequent exposure by us of malpractices in Bathurst Gaol led also to improvements there, amid showers of abuse on the offending Editor of the *African Times*. But now we feel as if we had been guilty of a dereliction of duty, although, of course, we can only expose those evils and abuses which are communicated to us, as, in spite of all that rebuked officials say of us, we never invent grievances and abuses. Our invaluable co-operator, Mr. Rainy, has lately enabled us, by a letter of his, to bring the state of the Sierra Leone prisons under public notice. The fault there is the absence of classification, and the herding together of prisoners in a manner that can only lead to an increase of crime and a most vicious demoralisation. The evidence in the case of Joseph Gordon, which occupies so much space in our (this month enlarged) paper, shows that the reformed Bathurst Gaol is in need of many further reforms, among which must be placed the medical examination of every prisoner before he is set to work, the prohibition of punishments by mere verbal order of authorities, however exalted, and the making the visiting justices responsible for a due demand on the Executive for such clothing and bedding, &c., as are absolutely essential to the health of the prisoners. Last year we had to denounce the cells of Accra prisons, in which the life of poor Thomas Williams was so cruelly sacrificed—and the improvised powder-magazine dungeon in which it pleased Mr. Ussher, Mr. Parker, and Dr. Skues that poor Mr. Finlason should be tortured. And now again Cape Coast, that hotbed of all official abuses and mismanagement, iniquity, and oppression, crops up in a most offensive way. We had hoped that our former exposure of Cape Coast prisons, and it being known that we are never without correspondents in Cape Coast, would have insured the permanency of those sanitary reforms that ensued on our such former exposure; but we can only suppose that the virtual approval by the Colonial-office of all the official atrocities of Ussher, Parker, Skues and others by the promotion of Parker,—the white-washing of Skues, whom, contrary to all reliable evidence, the Duke of Buckingham did not consider at all responsible for the death of poor Williams,—and the non-dismissal of Ussher and others from the service, has had the intelligible effect of inducing the present authorities there to believe that they may do whatever seemeth good in their own eyes, without fear of censure; and that to this is owing the state of the Cape Coast prison described in our last number. It is our duty to repeat it. Such a state of a Government prison is too shameful to allow of our passing it by with a mere condemnation of the atrocity of sending such a man as Mr. Lovell into it. Here is the description, reprinted from our last:—

Mr. Lovell is told to walk into a room indicated. The stench that came from the place turned his stomach, and he refused to go in. He was thrust into a den fifteen feet by twelve, with one small window high up in the wall, heavily grated. The floor was covered for about three inches deep with a mixture of straw, mud, dung, and sand; two diseased, stark-naked human beings were crouched each in a corner; not a bench or stool to sit on, nothing but the damp, reeking, filthy, dung-covered floor to sit on, to lie down on, or to eat on.

This ought not to need comment from us. Of course, Mr.

Ussher, the Administrator, now in England, is not responsible for it; equally of course, Mr. Simpson, the Acting Administrator, Mr. Jones, the Colonial Surgeon, and acting in some dozen other salary-bearing offices, and Colonel Mends, the obsequious paid magistrate, who among them sent Mr. Lovell into this filthy hole, are none of them responsible for it. But though no one is responsible, and the Colonial-office will no doubt determine that every one whom we should have deemed responsible has worthily done his duty in allowing such an abomination to exist, with two poor wretched human beings confined in it, we still do venture to hope that our notice of this new disgrace to British rule will lead to the immediate purification of the den, and the adoption of the necessary measures to render the recurrence of such an offence to decency and Christian civilisation impossible. Among such measures we cannot avoid thinking that the confinement of Mr. Simpson, Surgeon Jones, and Colonel Mends for seven days in this model prison cell, with all its filth and all the accommodation and the inmates found in it by poor Mr. Lovell when they sent him there, would be one of the most effective; even as we think a few days' shot-drill and treadmill upon Bathurst Gaol diet, and after sixteen and a half hours' fasting and other hard labour, would be a corrective for Admiral Patey in his vagaries.

THE MURDER IN BATHURST GAOL.

PRISONERS are being systematically murdered in Bathurst Gaol. The evidence we now print is, to our mind, conclusive on this point. We were slow to believe it. When we first heard of the death of Joseph Gordon, and the verdict of the coroner's jury, we thought there must be some mistake. We were not disposed to imagine that an unfortunate petty criminal—a man sentenced to a few months' imprisonment with hard labour—could have so aroused the evil passions of authorities or gaolers as to induce them to inflict on him an unwonted and fatal degree of punishment. And in this we were right; although wrong in our doubt as to the man having been murdered. Gordon was not in any way exceptionally treated. He was only one of many, all of whom were subject to the same system—a system so barbarous and atrocious that a better could scarcely have been devised if the killing off a percentage of the gaol population had been a deliberately contemplated result. Look at the evidence! The coroner's jury had returned a verdict that the man was killed by shot-drill and treadmill punishment. The Administrator of the colony, it appears, appoints and regulates the criminal employment. This was supposed to be appointed and regulated by Ordinance, the colony having a sort of legislative council. Admiral Patey, however, seems to have acted without Ordinance as regards shot-drill. He therefore rightly viewed the finding of the jury as involving something of a criminal charge against himself. He is consequently dissatisfied with it. He knows the power of quasi-omnipotent and irresponsible West African governors to elicit from subordinate officials and others in those colonies just such opinions as they themselves desire to have expressed, when the said governors refer matters to them. He therefore ordered Gordon's body to be exhumed and a post-mortem examination to be made. The surgeon found the right lung, liver, and spleen to be most extensively diseased, but believed the immediate cause of death to be inflammation of the lungs (*vide* No. 2). If the Administrator had possessed a particle of wisdom he would have stopped here. But the verdict of the jury had condemned his favourite shot-drill and treadmill exercise, and he would not stop there. He demands Dr. Waters', the examining surgeon's, opinion as to whether the death was caused by those punishments, &c. It will be seen presently that in presenting the circumstances, he grossly misstated them in his own favour. Dr. Waters replies (No. 9) that "in his opinion such hard labour would not directly produce inflammation of the lungs." The Administrator refers to Dr. Burrows, the Chief Military Medical Officer, who makes a similar reply. The Chief Magistrate is then requested to give his opinion as to the legal effect

of the verdict, and whether it was not the duty of the Coroner to direct the jury to find a specific verdict against some person," &c. (No. 7). Mr. Chalmers, the Magistrate, says (No. 8) that "it is impossible to extract from the evidence such a verdict, no witness having stated the circumstances or the authority under which Gordon was subjected to the treadmill and shot-drill; an omission," he adds, "the more remarkable that there is, apparently, an inconsistency in the infliction of these punishments upon a man selected for the responsible duty of hospital attendant." This must have been "touching the raw;" but the Administrator is determined to go on tightening the rope, figuratively speaking, about his own neck. An additional inquiry is ordered. There is no power to take this evidence on oath, so it is taken on declaration, under the Act 5 and 6 William IV. To realise the full gravity of this evidence it must be read throughout. There are rules and regulations by Ordinance, but the Governor gives verbal orders to go beyond them, and the gaoler obeys. Hard labour was previously understood to be "that the prisoners worked in gangs, in chains, in public or other works." The present Administrator made an addition to this. He ordered that in addition they should have half an hour shot-drill in the morning, and half an hour treadmill in the evening. (Admiral Patey had stated it as ten minutes each to Dr. Waters.) While the Admiral was absent in England four months, the gaoler had discontinued these punishments; but when he heard he was coming back he falsified his journal to conceal his humanity. Admiral Patey calls him to account for it. He replied that he omitted them because the men have such heavy work on the sea-wall and drains. He then receives orders to resume the shot-drill and treadmill, and this is the routine: The men rise at half-past five, begin work at six (*without food*), are brought back to gaol at half-past nine, shot-drill till ten, then breakfast (their first food for the day), which consists of one pound of rice, boiled plain, with salt; then to work again till half-past four, treadmill till five, then dinner (their only other meal), consisting of half a pound of bread and half a pound of beef, including bone; then locked into cells at six. Thus, when placed on shot-drill, the men have been sixteen and a half hours without food, and on work three and a half hours of that time. No wonder that "prisoners complain of their chests" after their 24-pounder shot-drill; no wonder "they fall down sweating" at the treadmill. We repeat that to realise the full gravity of this evidence it must be read throughout. We are not squeamish about making prisoners work, but this evidence causes us an indescribable feeling of disgust and horror. We have given an account of the diet of these hard-labour prisoners to whose tasks daily shot-drill and treadmill were added by Admiral Patey—imposed by verbal order, without their having been prescribed by any Ordinance, ordered to be performed at hours when the men were exhausted by labour and long fasting. But that which constitutes the gravamen of the charge against Admiral Patey, is that he imposed and ordered, and inexorably exacted, these additional and trying labours *without any previous medical examination of the men to know whether they were able to perform them without danger to their lives*. Can anything be more atrocious than this? Are the lives of men, sentenced to seven days' imprisonment because they cannot pay a fine imposed (see the Gordon evidence) to be thus trifled with by some insane Administrator?—for the most charitable presumption is that such a man must be insane. The medical evidence asserts that "three-fourths of the natives who come under medical examination are ruptured" (see No. 17); and yet this probably ruptured man, sentenced to seven days' imprisonment as an alternative of a fine, is put on the treadmill and shot-drill! To be sure these men are *only* Africans, and the Administrator is an Englishman and a Rear-Admiral; yet, though they are so mean and he so exalted, we should scarcely have ventured to think that when the gaoler told him "the shot-drill was too severe for the men, and that sometimes they fell off," he could have had the criminal inhumanity to reply, "If any man falls off, you must keep him his time at it." Then, again, a man

named Day, who had just come out of the hospital—weak, after a very dangerous illness—allows a board he is carrying to fall, by which it is broken. This is reported to the Governor, who immediately orders him—verbally, of course, as usual—to receive thirty-six lashes (*vide* Dr. Jeans, the Colonial Surgeon's evidence). The Colonial Surgeon says, "At the end of twelve lashes I stopped the flogging." We are sorry to be obliged to say he ought not to have allowed him to be flogged at all. But to return to Gordon's case. Dr. Waters says: "The natives have but little power of resisting disease, sinking very rapidly. They are especially prone to inflammation of the lungs, which is very fatal with them; the most common cause of inflammation of the lungs is cold; violent exercise will make a man more subject to the influence of cold; poor diet and fatigue would be predisposing causes toward this disease; I think the prison diet, as described by Mr. Campbell, is insufficient; that a man who has been sixteen hours and a-half without food is not fit to be put on shot-drill; a man in such a state would become more exhausted, and the exercise would tell more generally upon him; it is a dangerous practice for a man to sit down in the open yard, coming hot from drill, without covering or shelter. In January the temperature has been recorded as low as 54 deg., and as high as 90 deg. As I did not see Gordon, I could not undertake to say that the shot-drill, along with the insufficient clothing, might not have been the exciting cause of his decease. I believe it was excited by cold. I should consider it a most dangerous practice to set convicts to hard labour without previous medical examination to ascertain their fitness—lives might often be sacrificed that way." Dr. Jeans, the Colonial Surgeon, says: "I was not furnished with any written rules for my guidance as gaol surgeon. The only instructions I received was at the Colonial office, where I was told it was my duty to visit the infirmary once a-day, and to attend the sick therein. I have never been asked to examine prisoners with a view to ascertain if they were physically fit for shot-drill or treadmill. I have considered the labour to which the prisoners are subjected as excessive in comparison with diet." We need not quote further. We can understand pretty clearly what Dr. Waters meant when he wrote that Gordon did not die directly from shot-drill and treadmill. He did not fall down dead at these exciting exercises (exciting to Admiral Patey we mean), but only died of results consequent upon them. All the evidence—medical, of jailors, and of prisoners—tends to establish this. Are we not right, then, in saying that prisoners are being systematically murdered in Bathurst Gaol? It is no answer, no palliation, to say that the fatal result was not in Gordon's case, and could not be in any other similar case, a calculated or desired one, but only accidental through the omission of certain preliminary precautions—better clothing, better diet, and more watchful supervision. We say this is no sufficient answer—does not furnish the shadow of an excuse. Men who are officially dealing with human lives are morally, if not legally, guilty of the loss of such lives, if such loss proceeds from stupidity or neglect on their part. It is possible that Governor Wall did not intend really to murder the man whom he caused to be flogged to death at Goree, even as Admiral Patey did not intend, no doubt, really to murder Day—who might, however, have died, being weak after a dangerous illness, if the Colonial Surgeon had not stopped the "cat" at the twelfth stroke. Governor Wall possibly believed that he was acting within the limits prescribed by law, or of his powers, by virtue of the authority vested in him by his command—but he did murder his victim nevertheless, and was most righteously executed for it. If we are to believe Admiral Patey, however, he has somebody still more exalted than himself to fall back upon, though we do not think that would save him in a righteous trial. Dr. Jeans, the Colonial Surgeon, and another witness also, state that Admiral Patey said he had received a letter from the Duke of Buckingham insisting on the shot-drill and treadmill being carried out in Bathurst Gaol. The responsibility for what has occurred rests therefore, not only on Admiral Patey alone, but on the Duke of Buckingham also. We do not say that the question is which of the two, or

whether both, should be hanged like Governor Wall—but we do say that we are entitled to demand that such atrocities should not go altogether unpunished. There is no doubt on our mind, and we think there can be no doubt on the mind of any disinterested person who reads all the evidence, which we print in this present number, that Gordon died, either a victim to Admiral Patey's fondness for the application of heavy shot-drill and treadmill to all hard-labour prisoners indiscriminately, without previous medical examination—without regard to their fitness or unfitness—without taking any, even the most ordinary, precautions to prevent their proving fatal; or he died a victim to the superior and inflexible orders of the Duke of Buckingham, which, as a ready and willing tool of a dual Secretary of State, Admiral Patey was determined to carry out with Draconian severity and Procrustean indiscriminate. It is creditable to the other officials at the Gambia that they did not combine, as is usual on the West Coast, to whitewash the head of the Executive. If this honourable course were more generally pursued there would soon be an end of that virtual irresponsibility which now unhappily exists, and which emboldens administrators and others to gratify their caprices, their passions, and not unfrequently their vices, to the great injury and disgrace of the public service, the spread of demoralisation, and the peril of property and of human life.

THE NATIVE PASTORATE AT SIERRA LEONE.

In our February number we gave insertion to a letter of Mr. Rainy relative to the annual grant of 500*l.* out of the revenues of Sierra Leone for the Native Pastorate, first placed on the Estimates by Governor Blackall, under the head of "Ecclesiastical Purposes." The writer argued that by being dependent on an annual grant, which might be continued or discontinued by the Executive, the Native Pastorate were gagged as to any expression of opinion adverse to measures of the Executive, however prejudicial and dangerous these might be to the rights and liberties of the people; and he instanced the abstention from any protest on the part of any members of that important body, the Native Pastorate, against the Blackall-Huggins conspiracy which deprived the people of the right of trial by jury in civil causes. The question thus raised seemed to us a very important one; and we inserted the letter with the conviction that it would lead to local discussions, out of which good could not fail to arise. It has done this; and it has led also to our receiving several long communications, which, however, as they had appeared in Sierra Leone journals, we, of course, did not insert, because they were no longer necessary to the vindication of the native pastorate among their own people; and also to our receiving a copy of the protest of the ministers of the Wesleyan communion at Sierra Leone, against such grants from the revenues of the colony for religious purposes. Now, we do ourselves object, as fully as Mr. Rainy does, to a dependent Church. There is an immense and most important difference between an Established Endowed Church, and a Church subsidised by annual grants dependent on the pleasure of the civil authorities. We are far from either saying or insinuating that Governor Blackall made the Native Pastorate subservient to his views, by that annual grant of 500*l.* which depended solely on his will and pleasure; but we do say, that a subsidised Church must be always in danger of becoming a subservient one. Our decision was, therefore, adverse to the native pastorate accepting an annual and precarious grant. Then came Mr. Rainy's alternative of no grant at all, or a grant by Ordinance of the colony, and therefore independent of the Executive. With regard to the first, we do not think that it will be for the best interests and true advancement of the colony that there should be no grant out of its revenues for the most important object of aiding to make the people of Sierra Leone a religious people. There is no happiness or prosperity in store for them without this. At the same time we are bound to state, notwithstanding our affection for the Episcopal Church of England, that it would be both unwise and unjust to attempt by any such Ordinance to create an Established Church in the colony. If the Christian work in Sierra Leone had been that of the Epis-

copal Church alone, we should have thought it to be the duty and privilege of the colony to endow and establish it, thus identifying the future State with the propagation of the Gospel of Christ Jesus our Lord. But under the actual circumstances, the religious belief which exists in the colony having been the fruit of the joint, though separate labour of the Episcopal Church and the Wesleyan Methodists—and the religious affections of the people being divided, as we believe, almost equally between the Episcopal and Methodist Churches—to endow the one and not the other out of the colonial revenues must be, as we have already said, both unwise and unjust. They are both Protestant Churches; both hold and teach the essential truths of the Gospel, and love to see the Bible in the hands of every member of their communion, and, indeed, of every human being, as containing all that is necessary to human salvation without dependence on priesthood or human inventions. The work of evangelisation has been carried on by both of them in the colony with equal zeal and success, and both ought to receive aid from the revenues of the colony, if that aid can be given in a form which does not create dependence. And we are sure that it may and ought to be thus given. The civil authorities have done next to nothing as regards the education of the people, which has hitherto been the work of the Church and Wesleyan Missionary Societies and the Native Pastorate. Let this work continue in their hands. If education and religion be dissociate in Sierra Leone, a people will be raised up whose excesses would be ruinous. The education given to the rising generation must be combined with religious teaching; and we cannot conceive any way in which the sum of, say, one or two thousand pounds a-year could be applied with so great present and future advantage, as in distributing it, whether in the form of capitation grant or in some other equal and impartial way, among the Church and Wesleyan schools. The time has come when the Church and Wesleyan Missionary Societies ought to be relieved from some part of the burden they have hitherto cheerfully borne in the hope of raising up a people in Sierra Leone to love and serve God. The time has come when the State, the local Executive, ought to take upon itself boldly the chief part, if not the whole, of the expense hitherto borne by those societies in educating the children of the colony; and we hope to see it perform this duty, which we are certain that it would do if the Legislative Council were such a representation of the people as it ought to be. This providing for the religious education of the children is a great and most important question; and we hope it will be solved in a way that will do honour to and promote the permanent welfare of the colony.

MR. JUSTICE HUGGINS' ALLEGED ILLEGAL WHIPPINGS.

THE bi-monthly mail, just arrived here, brought intelligence of the commencement of a trial, Thomas v. Huggins, for illegally causing a prisoner to be whipped. It appears that the unfortunate man received in all 150 lashes with the cat-o'-nine tails. Mr. Rainy, counsel for the plaintiff, had opened the pleadings in a speech of great power. The Queen's Advocate, for Mr. Justice Huggins, tried to stop the case by the plea that what was done by Mr. Huggins was done in his judicial character. The Chief Justice, Mr. French, ruled against this, and the trial was ordered to proceed. We will give a full report in our next of this important case, as it will most likely yet come before the Court of Privy Council here.

DISESTABLISHMENT AND DISENDOWMENT OF THE IRISH CHURCH.

AFTER a four nights' debate, the Government Bill for the Disestablishment and Disendowment of the Irish Church was read a second time, by a majority of 33, on the night of the 18th June. Had the Duke of Wellington been still alive, we believe that he would have considered this to be as great a national defeat, as the Battle of Waterloo, on the 18th June, 1815, was a victory.

CHOLERA AT BATHURST—FEARFUL RAVAGES.

It is with deep emotion that we have read the accounts sent to us by the bi-monthly mail from the River Gambia. The cholera, which at the date of our previous advices seemed to have relaxed a little in its severity, had broken out again with augmented vigour, and the deaths at Bathurst were on the average of 60-70 to 90 a-day. Out of the small population of Bathurst no less than 1,100 had already fallen victims to this fearful malady, which the African constitution, unaided, seems to have no power to resist. In the majority of cases death ensues within five or six hours. There seems to be one universal voice of condemnation as regards the official conduct of the Administrator. If ever there was an occasion when public revenue derived from Customs' duties (as they are here) ought to be unsparingly applied to arrest the progress of disease and alleviate the sufferings of a people, surely this was one; but although we see by the estimates that this small colony can afford, or is made to afford, nearly 10,000*l.* a year in official salaries, the Administrator, if he has not entirely sealed up the colonial chest against the demands of suffering humanity, has at least only allowed assistance in such dribbles, and in so inefficient a manner, that no small share of the frightful mortality is charged openly against him by all classes of persons in the colony, from the European merchant down to the meanest native. Experience everywhere, as Admiral Patey must have well known, has established the efficacy of preventive measures in arresting the course of Asiatic cholera, provided those measures are of the right kind, and are vigorously and unsparingly applied; but little or nothing, so far as we can learn, seems to have been done by him to prevent the invasion and spread of this disease at Bathurst. The culpable parsimony and inefficiency of one man have thus brought disease and a horrible death into the homes of hundreds. Hitherto we do not hear that any European has died in Bathurst of this fell disease, but many were suffering under premonitory symptoms. The medical men in the colony (Dr. Jeans and Waters) seem to be doing their duty; we were prepared to expect this by their straightforward conduct in the Gordon case, which has no doubt brought down upon them the official ire. Dr. J. Africanus Horton, S.A.S., has, we hear from Cape Coast, been ordered up to Bathurst, and we know that he will not be found wanting in humanity or zeal. His eminent services in the Crobboe Expedition and Ashantee War, which never received any reward, are a guarantee of this.

CHAPLAINCY OF CAPE COAST.

We believe we are correct in stating that, after a medical examination by Sir Ranold Martin, the Rev. Mr. Blake has been pronounced unfit for Government service, and has consequently resigned the Chaplaincy of Cape Coast. Why should not a native of Africa, one educated by the Church Missionary Society, be appointed to this post? We could name one such, at least as eminently qualified to fill it with advantage both to the garrison and the natives. Surely the Government could not do better than to give the appointment to an African ecclesiastic who finds acceptance with large English congregations.

TRIAL BY JURY IN CIVIL CAUSES.

We are assured that the people of Sierra Leone are about to petition the Secretary of State for the Colonies to restore to them the great safeguard of trial by jury, of which they were deprived through the Blackall-Huggins-Bravo conspiracy. They ought to demand this safeguard in all civil causes, except in cases where both parties agree to leave the decision with the judge, minus a jury. The people will urge that they were deprived of their right by false statements. Lagos, the Gold Coast, the Gambia, ought to petition also. Let all patriots, until the infamous ordinance is repealed by another which shall fully establish their rights.

COTTON MARKET.

During the first fortnight the market was in an inactive state, and prices declined. A revival followed, and during the past week there has been much greater activity, prices having fully recovered what they had previously lost. The failures in Manchester and Glasgow have had but little influence on the market, which at present looks favourable, United States news being not so good as last month with respect to the growing cotton crop. Prices for Africa are now 9*½*d. to 10*½*d.

ALLEGED DEATH BY TREADMILL AND SHOT-DRILL.

INQUIRY CONSEQUENT UPON THE VERDICT OF THE JURY, THAT THE DEATH OF THE DECEASED JOSEPH GORDON WAS CAUSED BY TREADMILL AND SHOT-DRILL LABOUR.

Copies of Official Documents.

No. 1.

January 21, 1869.

Sir,—In obedience to instructions in your Excellency's letter of yesterday's date, I had the body of Joseph Gordon exhumed for the purpose of a *post mortem* examination.

The body having been identified, I gave it over to Dr. Waters, the Assistant Staff-Surgeon.

I find I have no power to take any further evidence on oath. Dr. Waters has therefore made a statement of this examination of the body for your Excellency's information, which I herewith forward.

(Signed) HASTINGS KNELLER, Deputy Coroner.
To His Excellency Admiral Patey,
Administrator of the Gambia.

No. 2.

Bathurst, January 21, 1869.

As requested, I made a *post mortem* examination of the body of the man called Joseph Gordon.

His body was well developed, and there was no appearance of wound or injury externally, except the mark of blister on right side of chest.

I found all the organs of chest and abdomen healthy, with the exception of the right lung, liver, and spleen.

The right lung was adherent throughout its whole extent to the wall of the chest, the upper two-thirds were consolidated and passing from the second to the third stage of inflammation, the lower third was engorged and softened.

The liver was enlarged, and its right lobe and right upper surface greatly disorganised; it was adherent on its upper surface to surrounding parts, and its consistence was so diminished that it broke down on separating it from its adhesions, and the finger could easily be passed through its substance.

The spleen likewise was enlarged and softened, and of such diminished consistence that it presented the appearance of a soft pulp.

I did not examine the head as I considered it unnecessary.

I believe that death was caused by inflammation of the lungs.

(Signed) ROBERT WATERS, M.D.,
Staff Assistant-Surgeon.

No. 3.

The Administrator will feel obliged if Dr. Waters would give his opinion as to the death of this man being caused by the labour of the treadmill and shot-drill under the following circumstances:—

The prisoners, of whom Joseph Gordon was one, are put on the treadmill for about ten minutes once in twenty-four hours, and exercised at shot-drill for the same period once in each day.

It appears from the imperfect records of the gaol, that the deceased performed this labour for twenty-five days (Sundays excepted) previous to his being taken sick. Being a hospital attendant he had no other hard labour to perform than that attached to his office as such.

The treadmill and shot-drill were discontinued for four months previous to the commencement of the twenty-five days.

(Signed) HENRY FOWLER, Secretary.

No. 4.

Bathurst, January 21, 1869.

Sir,—In reply to your communication requesting me to give my opinion as to the death of Joseph Gordon having been caused by the labour of the treadmill and shot-drill, I have the honour to state, for the information of his Excellency the Administrator, that it is my opinion that such hard labour would not directly produce inflammation of the lungs.

In all probability his disease was excited by exposure to cold, but in what way, or at what time, whether after the exertion of the hard labour or at any other time during the day, the cold operated to produce its injurious effects, it is impossible for me, not knowing the history of his disease, to state.

(Signed) ROBERT WATERS, M.D., Staff Asst.-Surgeon.

No. 5.

Government House, January 22, 1869.

The Administrator will feel obliged if Dr. Burrows, the Chief Military Medical Officer, will peruse this correspondence and give his opinion on the facts and evidence herein disclosed, as to whether the deceased came to his death by the labour of the treadmill and shot-drill.

(Signed) HENRY FOWLER, Secretary.

No. 6.

Military Hospital, Bathurst, January 23, 1869.

Sir,—I have the honour to inform you that I have carefully

perused the annexed statements relating to the death of Joseph Gordon, and to state that, in my opinion, labour on treadmill and shot-drill would not produce inflammation of the lungs, the disease of which Joseph Gordon died.

This disease is always very prevalent amongst the native population at this time of year, and is produced by the variations of temperature to which they are exposed.

(Signed) M. L. BURROWS, M.D., Staff-Surgeon, &c.
P. M. Officer.

To His Excellency the Administrator.

No. 7.

January 25, 1869.

Forwarded to the Chief Magistrate, who is requested to give his opinion as to the legal effect of this verdict, and as to whether it was not the duty of the Deputy Coroner to direct the Jury to find a specific verdict against some person or persons responsible for the cause of the deceased's death, and if so, to state the legal reason (if any) for referring the case back for the further consideration of the Jury and Coroner.

By his Excellency's command,

(Signed) HENRY FOWLER.

No. 8.

January 26, 1869.

Mr. Chalmers has read the verdict referred to in the foregoing note, as also the evidence. As the matter is not brought before him in any judicial proceeding, in which alone he would be entitled to give an opinion in his official capacity, his Excellency will have the goodness to consider the following remarks as a private memorandum only.

Mr. Chalmers is under the more strict necessity of premising this inasmuch as the second query leads directly up to considerations of a serious character, affecting a public functionary. As Mr. Chalmers reads the evidence, from which in every case the verdict must be drawn, it is impossible to extract from it such a verdict as is suggested by the Administrator, there being no statement by any of the witnesses regarding the circumstances or the authority under which the deceased was subjected to the treadmill and shot-drill—an omission, it would seem, the more remarkable that there is apparently an inconsistency in the infliction of these punishments upon a man selected for the responsible duty of hospital attendant. The imputation, consequently, against the Deputy Coroner (if any) would be not that he failed to direct the jury properly on the evidence before them, but that, in consequence of some motive which the law deems corrupt, he refused to receive evidence, or at least failed to suggest to the jury the inexact character of that which they had obtained, and so permitted the inquiry to stop short of a more satisfactory (attainable) conclusion.

But whether or not the Deputy Coroner was thus, or in any way, culpable, Mr. Chalmers feels to be a question upon which it would be quite improper for him, except upon full information and after hearing parties, to offer an opinion.

Upon the third query Mr. Chalmers is not aware of any method of referring this inquest back for further consideration of the Jury and Coroner.

The Jury being *functus officii* upon the delivery of their verdict, it does not seem to be competent to reassemble them. But upon cause being shown for doing so, the Court has power to quash an inquest and to order an inquiry *de novo*.

Mr. Chalmers doubts whether he apprehends what question is intended in the first query, and can scarcely, therefore, make any answer unless it be put more specifically.

(Signed)

D. P. CHALMERS.

No. 9.

I, John Benjamin Campbell, do solemnly and sincerely declare as follows, viz:—

I am keeper of Bathurst Gaol. I have been so for twenty-two years, as gaoler and und-r-gaoler. I have been gaoler for nineteen years. I put in extracts of rules and regulations for the gaol of Bathurst, made in time of Governor M'Donnald, and the Ordinance which form the rules for my guidance in the performance of my duties, I have no other written or printed instructions. I do acts sometimes not authorised by these rules, when I have orders from superior officers. I do such acts under orders from the Governor for the time being.

The Sheriff does not give me orders to go beyond the rules, nor the visiting justices. It is the Governor only. These orders are always conveyed verbally, never in writing. Every such act I enter in the journal on the day of its occurrence.

When I first went to the gaol I understood by hard labour that the prisoners worked in gangs, in chains, or in public works, or other works to which they were put. At present there is an addition to the labour I have described.

The prisoners are put in shot-drill from half-past nine o'clock in the morning till ten o'clock; sometimes the prisoners do not come in from their labour so soon, and then they got shorter

time of shot-drill, but my orders were that they should have shot-drill from half-past nine till ten o'clock.

They come in from work at half-past four p.m., and they are put to the treadmill until five o'clock p.m. The shot-drill commenced on the 15th April, 1868, by order of Admiral Patey. The treadmill on the 15th May, 1868, also by order of Admiral Patey. When Admiral Patey went to England, on 18th August last, treadmill and shot-drill were suspended by order of Acting-Governor Kneller. Treadmill and shot-drill were resumed on December 10, by order of Admiral Patey; no written order was given. The weight of the shot is 24lbs.

The entry in my journal on 26th August, "shot and treadmill-drill" is false; so are all the other entries showing shot and treadmill-drill to have been in use during September and October. There was no shot or treadmill-drill, but I made the entries as they now appear for fear the Admiral should make a row with me. I thought Admiral Patey would be displeased with me because the shot and treadmill-drill had been intermitted.

I made the alterations on 22nd October.

I did so on having reason to believe that Admiral Patey was to return to the colony, of which previously I had been in doubt. A day or two after Admiral Patey's return (I think it was on Monday), he having arrived on Sunday, he asked me what work the prisoners were doing. I said making another sea wall and roads. He then asked how they were getting on with the treadmill and shot-drill. I told him I had discontinued it.

He asked why it had been discontinued. I told him, on account of the public works necessary to be executed, that the place being flooded with water the prisoners have been working very hard at the drains and sea wall. On December 9, the Admiral called me to his house, and asked me again why the treadmill and shot-drill had been discontinued. I gave the same explanation as before; then he gave me orders to resume the shot-drill and treadmill next day, which was the 10th. The prisoners breakfast at ten o'clock, and get a pound of rice boiled plain with salt. They get dinner at five o'clock. The dinner allowance is half-pound of bread and half-pound of beef, fresh beef uncooked, bone included; the fish weighs about three-quarters of a pound. They get no other meals. They are locked in their cells at six o'clock. They are woken up before six (about half-past five a.m.), and go to work at six o'clock or a quarter after. They are at hard labour from that time till they come in at half-past nine o'clock. When the prisoners are put to shot-drill they have been sixteen hours and a-half without food. I am generally present at the shot-drill and treadmill, if not the Head Turnkey is present. The prisoners complain of their chests after the shot-drill. From my observation it appears hard work to them, they appear sometimes to be much exhausted, but do not complain to me at the time, they complain of fatigue afterwards.

The shot-drill is done in a circle. The men are marched round, at each four paces putting down and taking up a ball, and carrying it. The shot is a 24-pounder. At first we had only 18-pounders; Admiral Patey said they were too light and caused me to get 24-pounders. The prisoners march round, putting down and taking up the balls continuously during the drill.

The prisoners go to the treadmill every day from half-past four till five o'clock afternoon. It is not applied to any industrial purpose, there is no board on our treadmill on which a prisoner can rest if tired, and if he relaxes he would fall down.

Sometimes they do fall down, this happens frequently. I put fifteen men on a wheel at a time, when I have twenty-four prisoners or such a number, to divide them. When some drop down I put on some others. I put each gang on for seven minutes and a half. That is the longest time, then I change the gang, putting the first one on afterwards.

It also happens that I have not had prisoners enough to turn the treadmill. One day in May last there were not prisoners enough to turn the treadmill. The Governor was present, and he ordered some labourers on the wheel to make up sufficient number, some were liberated Africans, some Serias. They had been hired as labourers on the Government works.

On that occasion the wheel was being tried to work a saw, which jammed in the wood. The labourers were put on to force it round. On the treadmill the prisoners fall down sweating, appearing very much tired. They dislike much going on the wheel.

All prisoners sentenced to hard labour are put to shot-drill and treadmill without distinction and without reference to their offences. The cook and hospital attendant have to go. My orders are to put any prisoners sentenced to hard labour to shot-drill and treadmill. If a prisoner is sentenced to seven days' hard labour with imprisonment, in default of payment of a fine, he is treated the same as a felon under long sentence. He wears the convict dress and goes in the chain-gang. I have no rule to direct me to make any difference. Such a man works also on the public works the same as a felon.

The shot-drill and treadmill are not given for any breach of

gaol discipline, but as a part of the ordinary punishment of hard labour. The prisoners on conviction are not examined by the surgeon. They are put to the hard labour as I have described it without any examination as to their physical fitness.

Recently the Colonial Surgeon suggested to me that prisoners on conviction ought to be examined by him before being set to labour. When Admiral Patey put the prisoners on shot-drill and treadmill he made no exception as to age or otherwise. (Shown entry May 9, "Whipped six prisoners.")

Extract: "Whipped six prisoners this morning, as follows: Samba Dramie and John Thomas, according to sentence of the Chief Magistrate; John Day and Sass. Jie, by order of his Excellency Admiral Patey, Administrator, for wilfully breaking one of the Government deals, and disobedience of orders; Honore Turay Ribero, for disobedience of orders and abusing the driver; David C. Jones and Thomas Williams, for committing assault on George Thorpe; Amady Jie, not whipped, being sick. No shot-drill this evening, in consequence of six prisoners being whipped this morning, and the rest returned to the gaol from work very late.—(Signed) J. B. CAMPBELL, Gaoler."

I flogged John Day and Sass. Jie on a verbal order of Admiral Patey. They were tied up and flogged with a cat. This was done outside the gaol, in the Liberated African Yard. The Governor did not fix the number of lashes, but told me to tell the Sheriff to give John Day and — Jie a good flogging. I took the message to the Sheriff, and the Sheriff had them flogged. John Day got one dozen, and Jie the same number. The Colonial Surgeon and the Sheriff said that they had no wish to punish the prisoners, but as it was the Governor's orders they could not help it, but that they should not have more than a dozen."

The Governor regulates the hard labour without reference to the Sheriff or visiting justices. Sass. Jie was in gaol for assault, his sentence was nine months with hard labour. Thomas Williams, flogged on the same occasion, was under sentence of two months' imprisonment with hard labour. On December 12, and other dates up to February 2, there are entries in my journal showing prisoners working at Government-house, and carrying grass from Oyster-creek for the Administrator. These entries are as follows, viz:—

December 12, ten prisoners working at Government-house; 14, ten ditto; 15, eight ditto; 16, eight ditto; 17, eight ditto; 18, eight ditto; 19, eight ditto; 21, four prisoners fetching horse-grass from Oyster-creek for Admiral Patey; 22, eight prisoners working at Government-house; 23, six ditto; 24, eight ditto; 26, five ditto; 28, six ditto; 31, six ditto.

January 1, six prisoners working at Government-house; 2, four ditto; 4, four ditto; 5, four ditto; 6, four ditto; 7, four ditto; 8, four ditto; 9, four ditto; 10, four ditto; 12, four ditto; 13, six ditto; 14, six ditto; 15, six ditto; 16, four ditto; 19, four ditto; 25, five prisoners fetching horse-grass from Oyster-creek for Admiral Patey; 30, four ditto.

February 1, two prisoners working at Government-house; 2, six prisoners fetching horse-grass from Oyster-creek.

These prisoners are employed by order of Admiral Patey; a driver goes with them. The order did not go through the Sheriff. The prisoners are sent from Bathurst to the Oyster-creek, and return with the grass. They carry nothing to the Creek. They carry no road materials or anything. They go from six till half-past nine in the morning, sometimes half-past ten. When they are late of returning no shot-drill takes place. I am not aware of any previous practice to send prisoners for horse-grass; none of the three governors, General O'Connor, Sir Richard Graves M'Donnell, or Colonel D'Arcy ever did so. The prisoners used to work in the garden at Government-house in General O'Connor's time. The Council allowed him two hired labourers, paid by the colony, instead of the prisoners. These labourers are still continued at Government-house.

I recollect the prisoner Joseph Gordon. He was convicted at the Court of Civil and Criminal Justice on 3rd August, 1868, of larceny, and was sentenced to eight months' imprisonment with hard labour. The day following his conviction he was appointed to be hospital attendant on the sick, and was not sent out to labour on the roads. I appointed him to the hospital, as I knew him to be a quiet, well-behaved man; never giving any trouble during the two months he had been imprisoned before trial, and also on account of his knowledge of English. His duties required him to be in the hospital night and day. He was the only attendant, and had to attend on the sick by night as well as by day. There is no nurse; he has therefore to act as nurse. He had also to cook for the sick prisoners, wash them and dress them; he has also to make the beds and keep the rooms clean. When the floor required scrubbing I gave him one assistant.

Gordon was put to shot-drill and treadmill along with the other prisoners, and at such times the hospital was left without any attendant. He was put to treadmill and shot-drill immediately after his conviction, and again put to it on 10th December, on its being resumed by order of Admiral Patey.

He was taken sick on the 12th January last; he complained of fever and pain in the stomach and chest. I found him lying down under the hospital piazza about two o'clock in the afternoon. I told him to go into the hospital.

I saw him early that morning before the shot-drill; he did not complain then, and appeared well; he went to shot-drill that morning as usual. I am not aware that Gordon had any relations here; I believe he was a West Indian.

The prisoners have had blankets since 18th December, 1868. During last year the blankets were ragged; some prisoners had none, and they had to sleep in their working clothes. I told the Governor and the doctor. The Governor sent me to look for blankets in town. I got three samples in Bathurst; the Governor refused them all, saying he had sent to England; this was in June. There had been no issue of blankets for three years preceding 18th December last. Last year (1868) I had no clothes for the prisoners; they had to wear their own clothes. If a man had but one shirt he got no other, and had to sleep in it. I complained to the Governor; he said he was waiting for the clothes from England. The prisoners at that time had to wear their own clothes, work and sleep in them; when they washed they tied on some old rags.

The clothes this year were issued on January 25. There are no sheets in the infirmary, nor pillow cases. There is an old towel for the whole infirmary. I never told the doctor that there were no towels for the prisoners. They don't ask me for towels.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "An Act made and passed in the fifth and sixth year of the reign of his Majesty King William the Fourth, intitled 'An Act to repeal an Act of the present Session of Parliament intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

(Signed) J. B. CAMPBELL, Gaoler.

No. 10.

I, John Roach Coachman, do solemnly and sincerely declare as follows, viz.:

I am head turnkey of Bathurst Gaol. Have been so for five years. I superintend the shot-drill and sometimes the treadmill. Mr. Campbell's description of the shot-drill is correct. The men are marched round continuously in a circle, having to put down and take up and carry a shot at every four paces. I have noticed the prisoners at shot-drill perspire very much, and they are fatigued. Sometimes a man loses his steps from fatigue. My orders are to make him, in such case, fall out and complete his drill after the others have finished. The prisoners get a half-hour at shot-drill. If they are late of coming from work they get a shorter time; we always stop for breakfast at 10 o'clock, but there are no orders to reduce the time of drill. The prisoners get their breakfast in the open yard, immediately after the drill. The dress of the prisoners is a blue serge (baize) shirt and blue baize trousers, and red woollen cap, no coat or jacket. They keep these on at shot-drill; they have no additional clothing to put on while sitting down; there is no rule as to washing—those who wish can do so. I have not known any men wash themselves when hot from the treadmill.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of An Act made and provided in the fifth and sixth year of the reign of his Majesty King William IV., intitled, 'An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

(Signed)

JOHN R. COACHMAN, Head Turnkey.

No. 11.

I, Thomas Esqleton, do solemnly and sincerely affirm as follows: I am a prisoner in Bathurst Gaol under sentence of imprisonment with hard labour. I have been in prison for over two years. In April last, on the introduction of shot-drill, I was put to that along with the other prisoners. I felt the shot-drill very oppressive. I was put to treadmill in May. I was taken ill in May and was seventeen days in hospital. I am not sickly. I had not been sick before.

I felt the shot-drill produce numbness and a feeling of straining, especially about the groin. I complained to Mr. Campbell, and the doctor put me on the sick-list. I was put again to shot-drill on coming out of hospital, and continued till Governor Patey went away, excepting one day when I was in the hospital. It hurt me the same way as before. I had shot-drill every day except those days on which none took place.

The treadmill makes me very tired, so much so that sometimes I fall off. I fell twice. I fell off a week ago. I feel pain on both sides of the chest while on the treadmill. The treadmill makes me perspire much sometimes. I have to take my shirt off and wring the water from it. I was put to the shot-drill in the morning and treadmill in the afternoon. That continued daily after I came out of hospital. I enlisted in 1845 for twenty-one years. I was twenty years in Guinea before I came to Sierra Leone. I enlisted same year I came there.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year in the reign of His Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

THOMAS ESQLETON, his (X) mark.

No. 12.

I, Honore Turey Ribero, do solemnly and sincerely affirm as follows:—

I am a prisoner in Bathurst Gaol under sentence of imprisonment with hard labour. I was first put to shot-drill in April last. I felt pain produced by it. The pain was all over my chest and stomach and on the legs. I felt very tired by the shot-drill. On the treadmill I had pain inside the chest, and on coming off I spit blood. This happened about three or four times. I was in hospital for sixteen days. I went to work again for two days, and was again in hospital for seven days.

During the rains there was no shot-drill or treadmill; I was not sick then. I have been again at shot-drill and treadmill since December 10; since then I have not felt well, though not put in hospital. I am always much tired by the treadmill; I can't sleep at night from the pain I feel. I perspire very much; my shirts get soaked. I have been at work at Government-house from December 22 till January 20. I am a tailor by trade. I sewed trousers and buskins for the Governor. Some trousers that were short and tight he gave me to alter; some for him and some for his boy. One day I had to clean knives and forks, frequently I swept the house. When I saw I sit in the piazza. I have no chain on, and there is a constable beside me. At half-past nine the constable takes me to the gaol, and I work at shot-drill. I am brought back by the driver. The constable takes me back to the gaol at half-past four o'clock to treadmill. I mended a bridle at Government-house, and do any kind of work there. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of His Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

(Signed)

HONORE TUREY RIBERO.

No. 13.

I, John Brown, do solemnly and sincerely affirm as follows, viz.:

I am a prisoner in Bathurst Gaol, under sentence of imprisonment with hard labour. I was put to shot-drill in April last, and to treadmill in May. In July I was sick from the shot-drill and treadmill. I felt pain on the chest and loins, and passed blood. Passed a great deal of blood. I was in hospital from 6th July, till the latter part of August. I was there put on Government work at the Colonial Hospital Yard. The shot-drill hurt me much, and after it I could not eat breakfast. I used to throw water over my face and shoulders on coming hot from shot-drill. We were half an hour each time at shot-drill, only sometimes Mr. Campbell made it shorter. The week before last I felt my chest hurt again, and the doctor stopped my continuance at the drill. I saw the prisoners at work last week. Every day when the prisoners come in at half-past nine o'clock they get a full half-hour.

One day the Governor was at shot-drill. Mr. Campbell told him it was too severe for the men, and that sometimes they fell off. The Governor told him, "If any man falls off you must keep him his time at it." I myself heard the Governor say so to Mr. Campbell. And I make this declaration conscientiously believing the same to be true, and by virtue of the provision of an Act made and passed in the fifth and sixth year of the reign of His Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the entire suppression of Voluntary and

Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

(Signed)

JOHN BROWN.

No. 14.

I, James Johnson, do solemnly and sincerely affirm as follows, viz.:

I am a driver in Bathurst Gaol. I have been in the habit of going from Bathurst Gaol to the Oyster Creek with prisoners to bring in horse-grass for the Governor. The prisoners went empty-handed. At the Oyster Creek I got the grass sometimes inside the house on this side of the Creek, and part of it on the other side. I have seen the prisoners from the Cape bring the grass to the Oyster Creek. The prisoners from the Cape have a driver with them. There are eight or nine prisoners. I get 1s. 6d. a day; the Cape driver gets 1s. 3d. besides his rations. The first time I went I brought five bundles of grass; second time, five bundles; third, seven bundles. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

No. 15.

I, David Charles Jones, do solemnly and sincerely affirm as follows, viz.:

I am a driver in Bathurst Gaol. I have gone out with prisoners to the Oyster Creek to fetch grass for the Governor. They go out empty-handed, and fetch the grass into Bathurst. I have seen the prisoners fetch it to the other side of the Creek from the Cape. On the Cape side three are employed. Yesterday seven went from this side. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

No. 16.

Dr. Waters: I do solemnly and sincerely affirm as follows—viz.: I am Staff Assistant-Surgeon. I have been now upwards of two years on the Coast of Africa. This is my third year of service. I have seen a good deal of the African race, and formed opinion regarding their constitution. They have not the same powers of endurance as Europeans, but as they are constitutionally better adapted to the climate, they can really do more work than a European could do in Africa. They have very little power of resisting disease, sinking very rapidly. I think they are insufficiently fed, their diet, which is chiefly vegetables, not being sufficiently nutritious. I should say, though many are muscularly strong, they are not a race vitally strong. They are especially prone to inflammation of the lungs, which is very fatal with them. The most common cause of inflammation of the lungs is cold. Violent exercise will make a man more subject to the influences of cold. Poor diet and fatigue would be predisposing causes towards this disease. At this season it is very common in the Military Hospital. Comparing the African and English constitution, I think a punishment which might be moderate to an Englishman would be more severe to an African.

I think the prison diet as described by Mr. Campbell is insufficient. I think also that a man who has been sixteen hours and a half without food is not fit to be put on shot-drill. A man in such a state would become more exhausted, and the exercise would tell more generally upon him. It is dangerous practice for the men to sit down in the open yard, coming hot from drill, without covering or shelter. In January the temperature has been recorded as low as 54 deg., and as high as 90 deg. The average of variation from six A.M. to noon is 25 deg. to 30 deg. I think the prison clothing is insufficient for the morning temperature. I think the temperature varies more here than in Europe, and therefore greater caution is necessary, especially when a man is not sufficiently fed. I think that blankets are essential at night, and sleeping without them improper. Shot-drill was originally a military punishment, and is still used. If a man has any disease which would cause obstruction in the chest or tendency to rupture, shot-drill would be forbidden him. A man sentenced to shot-drill is always examined by the surgeon before the sentence is carried out. I think that a medical man who has attended the patient in life can much more correctly

judge the cause of death than one called only to make a post mortem examination.

As I did not see Gordon, therefore I would not undertake to say that the shot-drill, along with the insufficient clothing and food, might not have been the exciting cause of his disease. I believe it was excited by cold. In my examination of the body I judge that Gordon was a healthy man. There was no appearance of any disease that could cause death, except the inflammation of the lungs. If there was any cause of obstruction in the lungs, excessive labour would cause engorgement. The enlargement of the spleen and liver observed were probably the result of former disease, but would not cause any tendency to obstruction in the lungs. "I should consider it a most dangerous practice to set convicts to hard labour without previous medical examination to ascertain their fitness; lives might often be sacrificed that way." I think that it would be a dangerous thing to take off the shirt and throw cold water on the body—that is, when exhausted. If not exhausted there would be no danger, for then there is abundant power of generating heat. In cases where there is a tendency to weakness of chest that would add to the danger.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

(Signed)

ROBERT WATERS, M.D.

No. 17.

Dr. Jeans: I do solemnly and sincerely affirm as follows—viz.:

I am Colonial Surgeon. I took up my appointment in November, 1867. In that capacity I am also surgeon to the gaol. I was not furnished with any written rules for my guidance as Gaol Surgeon. The only instructions I have received was at the Colonial office, where I was told it was my duty to visit the infirmary once a-day, and to attend to the sick therein, and that is the whole definition of my duty in regard to the Government Gaol.

Dr. Jeans interrogated: What opinion have you formed as to the vital strength of the natives as compared with white men. Do they contrast favourably or otherwise?—It takes some time to make an observation of that sort. I have now been in the colony fourteen or fifteen months. I believe the African, in physiology, is weak, is not able to endure the hardships or the labour of a European. The African is unable to labour for any continuance of time. Their diet is less nutritious than that of Europeans, it is longer of digesting, and equal balance not being kept up between nourishment and waste, strength must be exhausted. The African is peculiarly liable to such disease.

Inflammation of the lungs stands foremost at certain periods of the year. If a native is submitted to any violent labour, he gets into a state of great perspiration and heat, and, if suddenly exposed to a draught of cold air, the external blood is driven inwards, and inflammation and congestion is very frequently the result. The inflammation arises often very suddenly.

Regarding the cause of Gordon's death, do you wish to state anything additional to the opinion given before the Coroner?—The observations I have just made may be taken in some measure as my reply to that question. I consider that the inflammation of the lungs in Gordon's case was caused by his becoming violently overheated at shot-drill, and then getting suddenly chilled; and, consequently, I am still of opinion that the labour of the shot-drill and treadmill was the exciting cause of the disease of which he died, as he had no other violent exercise.

I have never been asked to examine prisoners with a view to ascertain if they were physically fit for shot-drill or treadmill. I have considered the labour to which the prisoners are subjected as excessive in comparison with diet.

Has the number of patients in the infirmary increased since the shot-drill and treadmill were instituted?—No regular account of the sick is kept, but I thought the number considerably increased after the shot-drill and treadmill began. It is a fact that three-fourths of the natives I have seen are ruptured; shot-drill would be most improper for such. I have spoken to the Governor on the subject, telling him that I disapproved of the shot-drill and treadmill and out-door labour being crowded into one day, stating that I doubted whether natives were physically fit to perform such work and so much. I believe his Excellency's reply was, he had received a letter from the Duke of Buckingham insisting on the shot-drill and crank being carried out. I have also told Mr. Campbell frequently that I disapproved of these labours. I do not suppose there was any peculiar constitutional unfitness in Gordon; he was a strong, healthy-looking

man. The labour at treadmill and shot-drill is very much more severe than ordinary labour at road-making or similar work. The ability to labour depends much on nutrition. My observations have been confined to the natives of the Gambia, and it is of them only I have spoken. A man who has been sixteen and a-half hours without food, and two or three hours at road-making, should not, I think, be put to shot-drill.

I recollect being present on the occasion of flogging John Day and some others, and I recollect the cause. It was stated to me that Day, along with another man, had allowed a board which they were carrying to fall, and it was broken; that this was reported to the Governor, and that he had ordered, as I understood, that Day and the other man should receive thirty-six lashes each. Both were flogged, Day after having just come out of a very dangerous illness, and the Sheriff and I were doubtful as to our authority. We had no written, but only verbal authority (order) from Admiral Patey, through Mr. Campbell. At the end of twelve lashes I stopped the flogging in Day's case. I don't clearly recollect as to the other man. I felt more interest for Day because he had been excessively sick; that made more impression on my mind.

Do you consider that the clothing of the prisoners during your experience has been sufficient?—The infirmary is much exposed, and during the last two years I have understood the prisoners have not been sufficiently clothed either with blankets or with garments during the day. Finding the gaol deficient in clothing necessities, I wrote an official letter to Admiral Patey about August 11 last, calling his attention to what I believed to be the facts of the case, but begging he would inquire for himself. He made inquiry, and found my statements to be substantially correct. A requisition was made for the use of the gaol and infirmary; I believe these necessary things have just now arrived. The convicts have been without blankets. They have been sometimes clothed in ragged garments; they sleep in the same clothes they work in. They have no means of washing in the infirmary.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

No. 18.

I, William Goddard, do solemnly and sincerely affirm:—

I hold an appointment as Sheriff in the settlements on the Gambia. I am never consulted as to the labour to which the prisoners are to be put, or as to the management of the gaol. I was informed on my appointment that I had no concern with the gaol, except in superintending floggings, and that I had nothing to do with the internal regulations. That information was given me by Mr. Campbell, the Gaoler.

Did you order John Day to be flogged?—I decline to answer that question. John Day was flogged. I was there as Sheriff. John Day was flogged by order of his Excellency the Governor. I am not consulted when prisoners are commanded for labour at Government-house, or to do other work for the Governor. I am aware that under the rules the Sheriff has power to suspend the Gaoler. I was appointed, I think, in April or May last year. The insufficiency of clothing for the prisoners was never pointed out to me. Admiral Patey told me he did not consider I had any thing to do with the gaol. This was in conversation a few days ago. I was present by the Governor's order the morning when shot was first started. The Governor said he had received orders from home that it was to be considered part of the hard labour. He never wrote to me on the subject.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth year of the reign of his Majesty King William the Fourth, intitled "An Act to repeal an Act of the present Session of Parliament, intitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and Extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

What is written on this and the preceding pages is the record of the evidence taken in an inquiry held by us on 3rd February current, 1869, touching the death of one Joseph Gordon, a convict prisoner in Bathurst Gaol.

No. 19.

Bathurst, Gambia, February 12, 1869.

Sir,—I have the honour to state that, in compliance with the

request conveyed in your Excellency's despatch of date 29th January ultimo, I obtained the services of Mr. Brown, Senior Justice of the Peace, and of Mr. Melton, the Justice then on the rota for ordinary duty, to sit with me in investigating the circumstances attending the death of the deceased Joseph Gordon.

There being no circumstances giving a judicial character to the inquiry to which we were to engage, we considered ourselves not authorised to administer oaths to the witnesses, but examined them instead upon their solemn declaration.

We have called and examined the witnesses who appeared at the inquest, and in addition have taken the evidence of three of the convicts, selected at random, in regard to the shot-drill and treadmill, and the evidence of Staff Assistant-Surgeon Waters.

The evidence has been fully taken down, and a duplicate of the record thereof, signed by each deponent, is now transmitted for your Excellency's information.—I have the honour to be, Sir, your most obedient servant,

(Signed) D. P. CHALMERS.

To His Excellency Admiral Patey, Administrator.

TO THE EDITOR OF THE AFRICAN TIMES.

Bathurst, Gambia, May 17, 1869.

Sir,—I deeply regret to inform you that, in addition to our other troubles, we are now afflicted with the cholera, a disease hitherto unknown on the West Coast of Africa. The symptoms are those of the most malignant Asiatic type; carrying off its victims in a very few hours.

This frightful disease has travelled slowly but steadily from the Senegal River, where it appeared in an equally intensified shape so far back as November last. From thence it has traversed the strip of land separating the two rivers. It made its appearance at the settlement of MacCarthy's Island about the 10th of March last, where, to use the words of a correspondent of mine, it has made a clean sweep of the population, the affrighted inhabitants rushing away from their homes, and carrying death and disease with them wherever they went. The settlement of Georgetown, MacCarthy's Island, is about 200 miles by the river east of Bathurst, and from this former point it spread up and down the banks thereof with frightful rapidity. The Administrator of these settlements, Admiral Patey, does not seem to have taken precautions worthy of the name to prevent the spread of the disease, or even to do anything towards its alleviation. When this frightful epidemic broke out at MacCarthy's Island, there was no medical man provided and no medicines sent up until the population was decimated. Nevertheless, any man of a thoughtful or charitable character, in his position, would naturally, one would think, have provided both, in anticipation of the certainty of the disease being conveyed across the country from the River Senegal. It may be alleged that no medical man could be got, but my reply is, nothing was easier; it was simply a question of pounds, shillings, and pence. There was ample time to get a medical man out from England even; but, alas! the wretched parsimonious spirit of the man to whom Her Majesty's Government have entrusted the lives of the poor unfortunate subjects in the settlements of the Gambia would not allow him to spend a shilling for the purpose of providing medical aid. Some medicines were sent up, it is true, at the urgent request of some of the inhabitants of the place, who also themselves sent supplies to their friends for distribution; but, unfortunately, medicines alone, without the aid of a medical man, are often more dangerous than useful, and the black man is especially difficult to manage when labouring under disease of any sort. All of them, particularly the Mohammedan portion of them, are fatalists, and the knowledge that they can obtain medicine is practically of little use; it must be administered, and to do any good towards checking the progress of a fearful epidemic like this, house-to-house visits are essential and necessary, but any organisation or attempt at such a thing under the management of a man like Admiral Patey is hopeless. He did nothing because doing anything would have involved expenditure of money; and so the poor unfortunate creatures, the bone and sinew of the country, were allowed to die at MacCarthy's Island like rotten sheep!

One would have imagined that, whilst this fell disease was ravaging MacCarthy's Island, with the positive certainty that it must come to Bathurst, some preparations would have been made in case of its appearance amongst us; but, I assure you, literally nothing was done, except the establishment of a most inefficient and worthless system of quarantine, an annoyance to the merchant and the poorer class of people owning small boats and vessels. You would hardly believe that whilst the vessels of the merchants and others belonging to the place were detained six and eight days in quarantine, the native canoes were landing their crews and passengers in a sick and dying state nightly and daily, all because the Administrator would not spend the needful sum required to keep up a guard-boat or two. The result of no guard-boats being established was that not only did the native canoes

land the sick and dying on the Island of St. Mary's and in the town of Bathurst, but also that the crews of the vessels in quarantine came on shore at night, returning before daylight, and further, that several small vessels, the captains of which knew nothing of the quarantine regulations if they happened to arrive at night, landed some of their passengers; and it was owing to this gross mismanagement that the disease was introduced into Bathurst, the first known case of cholera being that of a poor woman, who was landed in a dying state from a small vessel, whose captain knew nothing of the quarantine being imposed, and who was taken to her house, where she died the same night. Shortly after her death the disease spread rapidly in the town of Bathurst, and, as I now write, there are forty-five deaths per diem in a population of about 5,000.

Seeing the rapid spread of the disease and the supineness and neglect of the Executive, the inhabitants of Bathurst convened a public meeting on the 4th inst., for the purpose of endeavouring to induce the Administrator to do something towards preventing the spread of the cholera in the town and taking certain other precautionary measures, and this meeting was attended by all the British and foreign merchants and all the influential inhabitants of the place, and a copy of the resolutions passed forwarded to the Administrator the same day. His Excellency acknowledged the receipt of these resolutions in a letter full of contradictions, in which he promised much, but in the end did nothing. He was asked to fit up the hull of the Dover as a floating hospital for sick seamen and others coming from the River, and also for town patients in case of need, thus isolating the sick if possible. However, after leading the community to believe he would do this, it is not yet done. Again, he was requested not to fit up the coal depot as a cholera hospital, because, in the opinion of the meeting, it was a most improper place, being badly ventilated, situated in the most unhealthy part of the town, at a long distance from the graveyard; yet, notwithstanding all that was urged against it, he would insist on turning it into an hospital. And why? Because comparatively no expenditure would be incurred. What is the result? It is this, that not one veritable cholera patient has come out of this pest-house cured. How can it be otherwise? The want of ventilation and the foul odour arising from the coals are quite enough to knock up a man in good health, to say nothing of an unfortunate patient, should he be so lucky as to arrive at the convalescent stage.

I would be one of the last to blame the Administrator for being economical, but such parsimonious meanness as is displayed by this man in all his actions is so despicable as to render him odious to the whole community.

The present is a question of life and death, and nevertheless life seems to be sacrificed sooner than that money should be spent in fitting up suitable hospitals and providing a suitable staff to convey the sick thereto and bury the dead. It is true the convict gang, consisting of prisoners of all sorts and grades—viz., those convicted of larceny and other felonies, as also of men convicted of some trifling assaults or street rows—are compelled to bury the dead. This mode of employing these unfortunates may be more useful certainly than carrying forage for his Excellency or mending his inexpressibles, as hitherto employed (read the evidence in the Gordon case), but it is surely quite as illegal. But, setting aside that question for the present, I would ask, is it right to send these poor wretches so employed back to the gaol situated in the heart of the town? Such a proceeding is most likely to introduce the epidemic amongst the prisoners generally, and thus create a new focus of infection in a quarter of the town hitherto singularly free from disease. It also seems to me that if the convict gang, or any portion thereof, be employed in burying the dead, digging trenches, &c., the unfortunates so employed should not only be lodged elsewhere than in the gaol, but be also better fed and clothed. I have, however, heard of no such amelioration of their position. This, too, would cost money, and must therefore not be thought of. We have yet to see, however, how our money is spent. When that day comes I expect some queer items will appear. But more of this anon.

If you take the trouble to peruse the estimate of proposed expenditure for these settlements for next year, you will find that we have to provide for the enormous sum of 20,377l., all of which is to be raised out of a small poor colony, the main resources of which are its agricultural productions and the commerce created thereby. Yet still the people of this place have practically no voice in its government, nor in the expenditure of their funds. We have no voice in the appointment of our officers. A British merchant who contributes thousands a-year to the Colonial chest has not even a voice in the appointment of a policeman. Is it because we happen to be in Africa that we are to be shorn of all our privileges as Britons? How long are we to be subjected to the tyrannical rule of such would-be Neros and Caligulas as the Colonial-office pleases to send us. The day must come—nay, it is not far off—when all the colonies

on the West Coast of Africa must rise, as one man, and appeal to the House of Commons for protection for something like constitutional liberty. With the rapid steam communication now existing, two British and one French line of packets constantly running, and room for others, Africa is no longer the *ultima thule* of former days. Her sons are being educated and civilised, and her European colonists are becoming more united; they must and will see that it is their common interest to pull together and root out those vampires that are sucking our life's blood. But I must return, fearing to occupy too much of your valuable space.

Our Administrator had not had the forethought, even up to the present time, to organise a corps to bury the dead. The convicts being insufficient, policemen and others, clothed with no official authority, are rushing about the streets, impressing the poor natives coming from the interior to carry the dead bodies to the graveyard and dig trenches to put them in. Such scenes are harrowing and disgusting, yet such scenes are being enacted.

You will say, Why do not the leading men of the community organise something? The reply is simple, they have not the disposal of a single shilling of the public money, nor would they be sure of the least support from that exalted functionary who holds the public purse; and, to do any real good, money, and plenty of it, is wanted. Besides, they are all so much disgusted with the manner in which the Administrator has conducted himself toward one and all of them, and they have so little confidence in him, that I do not suppose you could get two influential men in the place, white or black, who would condescend to act with him. I am firmly of opinion that if we had a different man at the head of the Executive here not a quarter of the lives that are now being sacrificed would be lost. Will the Colonial-office not hear us; will the Colonial Minister not grant us a commission to inquire into the capacity of our Administrator? If the Colonial Minister will not do so, let us, through you, entreat of him at least to remove Admiral Patey away from here.

Is it not frightful to think that the destinies and the future of this colony, which contains many clever practical men, are, and probably may remain for some time, in the hands of such a man as Administrator Patey, a man who, if a popular, unanimous, and universal vote could displace, would not be in office a week.

I recollect hearing often that a Governor Wall, who had ordered a soldier to be flogged, from the effects of which he ultimately died, was hung many years after in London for having caused the death of this man. This Mr. Wall was then Governor of Goree, now a French settlement, and no doubt the soldier who was flogged was so flogged in the presence of a medical man. Now let me ask you is it justifiable—is it lawful—nay, is it not criminal—to subject poor, wretched, half-starved, emaciated creatures, such as compose three-fifths of the prisoners in the gaol of Bathurst—men committed for trifling offences, *not for felony*—to the frightful labour of the treadmill and shot-drill? You will read in the evidence that the wretched creatures fall off the mill exhausted, bathed in perspiration, yet there is no medical man present at these scenes, which seem to me to be as frightful and as cruel, whilst they are much more wanton, than the *autos da fe* of the Spanish Inquisition of the last century. You have already published in your valuable paper the inquest and the verdict of the jury in the case of the unfortunate man Gordon. The jury empanelled to try this issue returned a solemn verdict that the said Gordon came by his death in consequence of his being subjected to punishment on the treadmill and to shot-drill, and this verdict is based on the positive evidence of the Colonial Surgeon. Yet still, up to the present time, no steps are taken to inquire into the acts of the Administrator in this appalling case. However, sooner or later, these matters must be gone into, and if no redress can be got from the Colonial-office, the horrid and disgusting scenes enacted in the gaol of Bathurst will be exposed to the British public, through the press, and in the House of Commons, and also in due time in the courts of law in London.

I have already said that the portion of the town of Bathurst which has suffered most grievously from cholera was that portion near to and around the fuel depot or cholera hospital. This portion of the town is inhabited by the poorer classes and the labouring population. Now just before the appearance of cholera, Governor or Administrator Patey issued a proclamation, tantamount to an imperial ukase in the eyes of these poor creatures, compelling them to take the thatch off their houses, so when the cholera broke out the severity of the disease was, and no doubt is, enhanced by these unfortunate creatures being huddled together in huts, exposed to the heavy night-dews and cold damp exhalations arising in this low swampy neighbourhood, with no shelter overhead. This is the paternal government we are living under. Well may we exclaim, with the Roman senator, "Oh, Cataline! how long will you abuse our patience?"—Yours, &c., GAMBIA.

TO THE EDITOR OF THE AFRICAN TIMES.
(Per *Bi-monthly Mail*.)

Bathurst, Gambia, June 5, 1869.

Sir,—Since my last letter I regret to say that the cholera has increased to a frightful extent. Eleven hundred persons have been carried off by this fell disease in about one month, perhaps in less than a month, and we cannot conceal from ourselves nor from the world at large that the Administrator of these settlements is more or less to blame for all this, he not having taken the needful precautionary measures at first. This is my opinion, and I believe the medical men in the colony will, if called upon, endorse this statement. It is something terrible to see and witness the misery and sufferings of our poor people. No attempt is made by the Executive to alleviate their troubles, and the cruel neglect of the Administrator is so revolting that the influential people of the place will not act with him. As I have already informed you, his meanness and parsimoniousness are such as to disgust every right-thinking man. In what more beneficial and honest way can the public money be spent than in relieving the poor and sick in such dreadful times as these? Here is a frightful, inscrutable epidemic devastating the colony, yet still not only is nothing done towards its alleviation, but owing to the bodies of the dead not being properly interred and covered, I fear that after the cholera shall have disappeared we shall be visited by some other epidemic. The graveyard is about a mile to windward of the town; here the unfortunate dead are thrown into pits or trenches, where the bodies, not being sufficiently covered, lie sweltering and steaming in the tropical sun. The odour arising from the dead is carried by the prevailing wind all over the town, and the consequences this will produce, as we get further on towards the rainy season, will be, I apprehend, something fearful. In fact, now so bad is the graveyard, and so foul the smell arising from the bodies, that the clergymen are unwilling to enter it, and it is considered as an act of heroism or madness, whichever one may call it, to follow a friend or relative into this dreadful place.

Now, Sir, I would ask you, can the Colonial Minister hold himself free from blame if he do not inquire into all this and apply the remedy, even though he leave unpunished the parties by whose gross misconduct the horrors of this dreadful epidemic have been enhanced and intensified? You must recollect that in an unfortunate *Crown colony* like this, we have no municipality, no authority, and no money at our disposal; we are powerless and cannot assist our fellow creatures nor alleviate their troubles except by moving the Administrator; but this man's flinty official heart seems inaccessible to any charitable or liberal emotion. Nevertheless our little community is frightfully taxed, and although the public at large is left in complete ignorance of the state of the colonial funds, I believe there is plenty of money in the chest, and there is no taxpayer who would not willingly vote that a reasonable portion of this money so hoarded up should be spent in relieving the troubles of our poor people, whose sufferings and misery are more than I can describe.

I believe I may say fearlessly, that we one and all, white and black, would rejoice if the Right Hon. the Secretary of State for the Colonies would remove Administrator Patey from this place. Let Her Majesty's Government dispose of him in any way they please, but if this man be allowed to remain here as Administrator, I fear that deplorable consequences may be the result.

GAMBIA.

MILITARY MAGISTRATES—BRAVO AGAIN.

REPORT OF THE PROCEEDINGS IN THE SUPREME COURT OF SIERRA LEONE, May 25, 1869.

(Before their Honours George French, Chief Justice, and Horatio James Huggins, Assistant Judge.)

RAINY v. BRAVO.

This was a most important motion. The plaintiff is an eminent barrister-at-law, practising his profession in this colony as an advocate and attorney of the Supreme Court. The defendant is an officer in one of the West India Regiments and commands Her Majesty's troops here. He is also the Police Magistrate of Freetown. It would appear, according to the subjoined affidavit, that the defendant in an off-hand manner wrote a letter at his residence in the Commissariat Quarters, containing some statements injurious to the plaintiff's professional character, and which letter he ordered the police-clerk to read publicly in the presence and hearing of divers persons at the police-court.

The action was brought for the loss of business which the plaintiff had sustained in consequence of the publication of the letter.

The defendant having appeared to the writ;

The learned plaintiff in person now moved the Court for a rule calling upon the defendant to show cause why he the

plaintiff should not be at liberty to inspect and take copy of the letter containing the libel, and why he should not have a week's further time to file his declaration herein after such inspection.

Mr. Rainy's motion was supported by the following affidavit, viz:—

"We, William Rainy, of Freetown, in the said settlement, barrister-at-law and an advocate and attorney of the said court; Joseph Theophilus Fyfe, of Freetown, aforesaid, clerk to the said Mr. Rainy; and Moses Cole Vincent, of Freetown aforesaid, messenger to the said Mr. Rainy, severally make oath and say as follows:—

"And I, the said William Rainy, for myself say this action is brought to recover damages against the defendant for a libel upon me in my profession and otherwise.

"The writ of summons was issued in this action on or about the fifth day of May instant, and the defendant entered an appearance to the said writ on or about the tenth day of the said month of May instant, but I have not as yet filed my declaration.

"I have been informed, and believe, that on or about the fifth day of April last the defendant, who is the police-magistrate for Freetown aforesaid, wrote a letter to the police-clerk desiring him 'to tell one Gilpin (who had a case in the police-court of Freetown) that he, the defendant, had prohibited me from practising in his Court, and there was no necessity for him (Gilpin) to employ a lawyer, but if he required one to employ Mr. —, who is a clever lawyer, and, what's far more, he is an honest man;' or words to the same effect.

"I have also been informed, and believe, that the said letter was sent on the said fifth day of April, by the defendant, to the said police-clerk, for the purpose of being publicly read by him at the said police-court; the said letter containing the following order to the said police-clerk—namely, 'Read this letter distinctly, and take care that everyone in Court understand it.'

"I have also been informed, and believe, that on the said fifth day of April the said police-clerk read a portion of the said letter in the presence and hearing of divers persons at the said police-court; but the police-court was not then sitting, and the defendant was not present.

"I have also been informed, and believe, that the entire letter was perused at the police-court by Isaac John Lake, Esq., a merchant carrying on business at Freetown.

"I have applied to the said police-clerk (Mr. Joseph Metzger) for a copy of the said letter, who replied, 'Major Bravo (meaning the defendant) took the letter from me.'

"I did, on the twenty-first day of May instant, apply to Algernon Montague, Esq., the defendant's attorney in this action, and request inspection and copy of the defendant's said letter, and make an offer for payment of the same. Mr. Montague replied, 'I can say nothing,' and I did not obtain either an inspection or copy.

"On the twenty-second day of May inst., just as I was about to leave my office, about a quarter before eleven o'clock in the morning, the said Mr. Montagu, who was standing in the street, informed me that he had heard that the said defendant's letter (meaning, I presume, the letter which contained the said libel) had been torn in pieces. I replied that I did not believe it, and that the defendant would have to make an affidavit to that effect.

"I verily believe that I have just grounds to maintain this action.

"And I, the said Joseph Theophilus Fyfe, for myself say that on the twenty-second day of May instant I heard the said Mr. Montagu, who was standing in the street, inform the said Mr. Rainy that he, Mr. Montagu, had heard that the said defendant's letter had been torn in pieces. Mr. Rainy replied that he did not believe it, and that the defendant would have to make an affidavit to that effect.

"And I, the said Moses Cole Vincent, for myself say that I was present at the said Mr. Montagu's office on the twenty-first day of May instant when the said Mr. Rainy applied to the said Mr. Montagu and requested inspection and copy of the defendant's said letter, and made an offer for payment of the same. Mr. Montagu replied, 'I can say nothing,' and the said Mr. Rainy did not obtain either an inspection or copy."

Mr. Rainy was proceeding with his motion when his Honour the Chief Justice announced that the learned counsel might take a rule.

Rule nisi granted accordingly, returnable on the 31st instant.

NOTE.—We have heard that Mr. Rainy has commenced an action against the police-clerk, who is a native official, in order to teach subordinate officials that if they will assist their chiefs in carrying out their illegal orders, the law will hold such subordinate officials responsible.—*En. A.T.*

P.S.—In answer to this Rule, Major Bravo has made the following affidavit, which was filed on 29th May inst.: "I Alexander Bravo, of Freetown, in the settlement of Sierra Leone, Police Magistrate, the above named defendant, make oath and

say, that the letter referred to in the affidavit of William Rainy, Joseph Theophilus Fyfe, and Moses Cole Vincent, sworn in this matter, on the 25th day of April 1869, was on the 5th day of April 1869, torn in pieces by me, and the pieces thrown into the street.

AN ENLARGED LEGISLATIVE COUNCIL.

TO THE EDITOR OF THE AFRICAN TIMES.

Supreme Court, May, 1869.

Sir,—From the period that our Council sat with open doors, its enlargement became a matter of necessity. Publicity in the first place, and the representation of varied interests in the second, are the life-blood of every assembly that assumes to represent the state. Upon these grounds in England we find that the people have been long employed in endeavouring to procure the representation of all classes, and the leaders of the people call upon them to secure seats in Parliament for special representatives of their own calling. Thus carpenters, builders, and, in fact, all trades, are solicited to send from their own ranks men armed with a special knowledge of that peculiar walk of life. The aristocracy of England may for a time raise up barriers against this great tide of democracy, but it is sure to prevail in the end, and sweep away in its course, not only the obstacles raised by prejudice and class interests, but much that is valuable that might have escaped, but for its too long continued resistance. Taxation without representation lost England the mighty continent of the New World, and Mr. John Stuart Mill calls it "the greatest curse which can befall a nation."

Now, in our little oligarchy—not yet ripe for the thorough democratic element, and resembling the Venetian constitution far more than the representative power of England—our legislative element is still sadly crippled and deficient. Hence I am not at all astonished that this question of enlargement of the Council should, to use a modern phrase, "crop up" every now and then, and that just now it occupies a great deal of public attention. If we had an enlarged Council such wise and salutary measures, for instance, as the thorough establishment of savings banks, the taking of all civil power from the officers of the West India Regiments, the establishment of honorary justices of the peace to preside with a paid magistracy, all these rich and priceless results would necessarily follow. Enlarged measures mark in the history of representation enlarged numbers, and it is a holy and revered saying "that in the multitude of counsellors there is safety." Carrying out the wisdom of this enlarged rule, rumour just now is very busy in assigning senatorial honours to Messrs. William Lewis, sen., and F. A. Rosenbush. I do not think that better selections each in his own sphere could possibly be made. Mr. Rosenbush represents the banking interests of the colony; there is no more respected merchant than Mr. Lewis, who enjoys the entire confidence of the native population. An enlarged council would sustain Sir Arthur Kennedy in his great measures of reform, nor would he be thwarted and checked, as he too often is, in the wise paths of legislation by the military and their supporters, the miserable remains of a wrecked and defunct party.

I shall look upon it as a bright and auspicious day for Africa, when we behold the legislation of our wish upon this all-important and eminently constitutional subject.—I am, Sir, your obedient servant,

WM. RAINY, Barrister-at-Law.

OBSTACLES TO PROGRESS IN LIBERIA.

By A LIBERIAN CITIZEN.

TO THE EDITOR OF THE AFRICAN TIMES.

Cape Palmas, Liberia, May 8, 1869.

Sir,—It is more than thirty years since I immigrated to this country, and ever since I can remember there has always been a sort of drag in everything. We are kept down in this place next to servitude; our will is not our own; a few men who are in command of a little property keep us knuckle down to them. If we are in their employment we are seldom paid in money, but are obliged to take up such estates as they choose to give us. If a captain or supercargo comes, and wishes to give some of the enterprising young men of this place a little trust, these merchants here, though doing business on trust themselves, will oppose it, and advise the parties not to give them trust. If any of us try to do a little trading whereby we may progress, we are opposed, oppressed, and all kind of stratagems will be used to prevent our success. Hence we are living here not in harmony and love; every man is opposed to the progress of his neighbour in whatever pursuit he follows; whether it be in the mercantile line or farming, it seems as a dagger driven into us to see any one else prosper; very few sympathise with their fellow-citizen when misfortune happens to him, and fewer still will give any aid except for a large reward. Even the immigrants who are invited by us from America to come and help us to build up this black nationality, when they come out, except they possess a little money, are looked down upon with disdain and contempt by the old

citizens; any advantages that can be taken of them will be taken. Sometimes we may be paid by the merchants when we are in their employment in Liberian currency, and if without leaving the store we give them back the currency for the purchase of some article in their store, they refuse to take the very currency they paid us, demanding specie of us; and if they do take it, it will be at a discount; and when foreigners come here to reside among us to do business, whether they be our colour or white men, whereby we can get articles cheaper, be employed, and the country built up for our benefit, the majority of people are against them, and they will try everything in their power to entrap them in law-suits; they will go to their places of business, abuse, insult, curse and swear at them, and some of our young men, when in the employment of foreigners, will skulk away a part of their time in idleness; and if their employers bring them up for it they will question their authority in doing so, and begin to speak of their freedom, and demand full pay for the time they have wasted in idleness; and if the foreigners refuse to pay them they are taken to law and made to pay, for our laws, Mr. Editor, are all one-sided. No foreigners or new-comers expect to get justice in Liberia; if they do, they will certainly drain the pockets well first. Whether this is done from the ignorance of the people, or whether they are influenced by the few merchants here, I cannot say; one thing I know, that this is a practice in the Republic, to take all advantage they can of foreigners, that they may be discouraged and leave the country. I am a supporter of foreigners, for without foreigners we cannot live. America receives into her country immigrants of all nations. The Dutchman finds a home and welcome; he brings with him skill and science, and puts them in operation. The Frenchman, the Englishman, the German, and Italian find welcome hands beckoning them to come; therefore America has advanced to what she is this day. Why can't Liberia stretch out her hands to all nations, and invite them into her country? Why can't Liberia open her "Constitution," and allow all nations to come in and build her up? Why do Liberians take advantage of foreigners and strangers, and combine together against them? These are the things that keep us from progressing. Since our Government was a Government it has been in an embarrassed state; never was Liberia able to redeem her currency in gold and silver, as she reports. These things can be easily remedied if better steps were to be taken, and selfishness and self-conceit put away.

Mr. W. F. Nelson, a merchant here, in consequence of not having confidence in our people, for the reasons already stated, deemed it proper to go to Sierra Leone to bring men down to carry on his business. This created a great prejudice, and our men have made a practice of going to the business places of Mr. Nelson's men, insulting, abusing, cursing and swearing, and challenging them to fight. As I was travelling in a large English barque from this place to Leeward, in conversation one day the mate said, "England expects every man to mind his business," but my countrymen are not so; they will gossip away their time from morning to night boasting of what they have, and what they can do, and what they have done; and when summing all together, it does not amount to anything worth talking about. I am of opinion that in time to come the merchants in Liberia, to get on well, will have to adopt the plan of Mr. Nelson, for these men from Sierra Leone give respects to whom respects is due, honour to whom honour; but were you, Mr. Editor, or any other man, to come to our shores, and ask even of a little girl or boy for our Vice-president, Governor, Judge, or Colonel, the little boy or girl whom you may ask will at once call these men of the highest standing in our county by their Christian and surnames together, and one would think they were calling the names of their equals or playmates; so our young people have been brought up. No respects whatever is shown to superiors here; our people seem not to believe in the words of the Gospel, which says, "Honour to whom honour is due, custom to whom custom," &c.

May your paper, Mr. Editor, not only vindicate the rights of the Africans in the British colonies, but also our rights, and bring to public light our sufferings! for we are Africans as well as those in British colonies. You will hear from me again.—Yours, &c.,

AN OLD CITIZEN.

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Important to English Ministers, British Consuls, and Europeans seeking to reside in safety in Tropical and Foreign Climates. Her Majesty's Representative, the Governor of Sierra Leone, in a letter of request for an additional supply of the Pyretic Saline, states: "It is of GREAT VALUE, and I shall rejoice to hear it is in the hands of all Europeans visiting the Tropics."

Half a teaspoonful, taken in a tumbler of water, contributes more to the refreshment of the body than any known beverage, invigorating and vitalising the blood, it alleviates thirst in a most agreeable manner, and furnishes the system with those saline principles that are essential to health.

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For BILIOUS CONSTITUTIONS, giving rise to vitiated Secretions, Indigestion, and Eruptions on the Skin—a teaspoonful should be taken daily, with the dinner, in a tumbler of water, and the same quantity on going to bed.

In cases of DIARRHOEA, put as much Magnesia as will lie on a shilling into half a tumbler of water, let this fall to the bottom of the glass, and then stir into it a teaspoonful of the Saline, and drink during effervescence.

In JUNGLE, YELLOW, SCARLET, TYPHUS, and GASTRIC FEVERS, and ERUPTIVE DISEASES, it should be given in teaspoonful doses every four hours, in a glass half full of water, or with an increased quantity of water if the patient suffers from thirst.

W. STEVENS, Esq., M.D. and D.C.L., in a work upon fevers, states that since its introduction the fatal West India Fevers are deprived of their terrors. In the Island of Trinidad alone, out of upwards of One Thousand treated on this plan, there were only eleven deaths.

It is particularly recommended to all who have at any period of life taken Calomel, or Mercurial preparations, in order to their removal. For such it is necessary to take the Effervescent Pyretic Saline for several months in small repeated doses.

N.B.—Keep the bottle well corked, use a dry spoon, and it will retain its valuable properties unimpaired by time or climate.

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Dr. Sparks, Government Medical Inspector of Emigrants from the port of London, writes: "From my personal and professional use and knowledge of the value of Mr. Lamplough's Pyretic Saline, for many years past, I have great pleasure in bearing my cordial testimony to its efficacy in the treatment of many of the ordinary and chronic forms of Gastric Complaints and other forms of Febrile Dyspepsia.—August 5, 1857."

From G. D. Sawyer, Esq., M.D., 22, Guildford-street, Russell-square: "I do hereby certify with pleasure that I have tested, on several occasions, the efficacy of Mr. Lamplough's Pyretic Saline, in Gastric and Enteric Irritation, and also in Low Fevers, attended with Derangement of the Digestive Organs."

From Thomas Carr Jackson, Esq., F.R.C.S., and Surgeon to the Great Northern Hospital, London: "I have no hesitation in recommending the compound of Mr. Lamplough's Saline Pyretic. It is an admirable Febrifuge, and will be found an eligible Medicine where such remedy is indicated. I am in the habit of prescribing it largely, its composition being known to me; and I have every reason to be satisfied with it. It is beautifully prepared, and can be used at a moment's notice without trouble, and is therefore particularly adapted for use in public service."

From David Morgan, Esq., M.D., M.R.C.S., and L.A.C., &c., Medical Officer of the Clerkenwell Parish: "I have much pleasure in bearing testimony to the medicinal qualities of Mr. Lamplough's Pyretic Saline. I have used it extensively in the treatment of Diarrhoea and Febrile affections generally, and have found it an admirable Refrigerant Medicine, well calculated for diseases incidental to warm climates, more particularly in Cholera and Fever, as it possesses chemical properties capable of furnishing the blood with Saline matter.—Pentonville, August 8, 1857."

Messrs. Orr and Sons, of Madras, in a letter dated September 23, 1856, state Surgeon-Major O. Murray Duff, M.D., &c., had called for a further supply of all that we could give him, and spoke of its remarkable effects in the Jungle Fever in quite enthusiastic terms, directing a further supply to be sent overland; besides what had already been forwarded by the Cape.

A case of Jungle Fever had been treated with the partial contents of one bottle with perfect success; the medical attendant, of considerable repute, likes the medicine much, and wants more.

In another case of severe Vomiting, the patient was relieved after the third dose, and fell into a refreshing sleep.

Mr. Guthrie, Army Medical Director, became a warm advocate for its use in various diseases, and had the Pyretic Saline direct from the proprietor for personal and family use.

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