Kyan's New Blook, Second Door from O'Connor Street. Ottawa, March 10, 187



OTTAWA, WEDNESDAY JUNE 2, 1875. THE ALLEGED EXCHANGE OF PORTFOLIOS.

The Citizen returns to this subject with a disingenuousness which is, perhaps, not 5. If a woman accuses a man of adulnew, but certainly altogether out of place | pretty nearly nothing, in connection with the subject under discussion. The violation of the Constitution, which was the offence charged against Minsters in this instance, is much too grave a matter to be treated with levity. It suits our contemporary to father L'Ecenement with the responsibility of starting the ru mour. If the statement be true, the Citizen must have been guilty of the not very honourable offence of plagiarism in mak ing the original announcement as its own not only without giving credit to the real author but in language which courted the impression that it had itself come by the information, and was not a little proud of the feat. The public are asked to believe that "Opposition news-"papers are not responsible for the state "ment that Hon. Edward Blake was first 'sworn in as Postmaster General," bu that " L' Evenement, the organ of Mr "any erroros misunderstanding connected " with the entire matter." It is true that L' Ecenement made the statement, but the readers of the Citizen heard that for

SANITALY CONDITION OF THE

the first tifhe, when it was found that the

rumour was unfounded; and the Mail

made the announcement editorially on

out being painfully impressed with the supreme inditference with which even the If the citizens are not dying by the hundred from typhoid fever, small-pox, epidemics to visit us. The city of Ottawa, we hesitate not to declare, is in the mean time a very hot bed of deleterious may become a matter of cognizance at spanish law against a third person for a shalations, which offend the senses, the hands of the criminal tribunal the adultery. A married man guilty of with her, and thus publishes her own shame poison the blood, and ultimately destroy and even he is prohibited from making woman is not called an adulterer by the can be proved against the man, then she on our leading commercial thor- vating circumstances specified in the or unmarried, guilty of the crime in 6. It a man shall accuse a widow or oughfares, from which the accumulations to a minimum imprisonment of three definition "civil law" is meant every to pay the same amount if he cannot of winter have not yet been removed, and months, which may, in the discretion of kind of law which is neither canonical, prove it. gusting and dangerous filth. There cer- accomplice of the criminal wife is also action for adultery can be brought duly edly with a hitherto virtuous spinster or a tainly is no blame attached to the efficient fine in addition; but for the purpose of tion is entirely private, as are all litigated penalty as above ordered, but he shall be and painstaking health officer of the city avoiding unfounded charges and conspirations under the Spanish law. The mode punished by death, or in any way, with or persons found SHOOTING BIRDS, or the bighost punishment possible to in for this shameful state of matters. His cies (which are not entirely unknown even voice has been raised time and again to on this side of the Atlantic), the code produce is thus:—Plaintiff and the highest punishment possible, to interest the highest punishment possible punishment possi warn the city council against the danger wides that the only proof admissable against the accomplice, when he is not diction) to try to effect a reconciliation side the King's palace, and who is a of permitting these nuisances to con detected stagrante delicto must result from Should they consent to live together sworn officer of the Grown, shall lose two tinue, and to one who so well and intelli- letters and other documents written by the Clerk of the Court gives a certificate fingers, and if the woman is in charge of gently watches over the important trust does not exist as pregards the wife when she is charged with the offence. It should it has been signed by the Judge. In case, stored, which she was to take care of, then the laws of the proving the trust of the proving the pr well what must be the consequences, it be observed however, that the laws of however, that the parties insist on going then shall the man who commits the cannot be otherwise than appalling to evidence, if they deserve to be called on with their suit, they appeal to another adultery be considered a public thief and witness the utter neglect everywhere apparent of even the most necessary sandal and the such a trial as has been going on in Brooklyn for the last three months in writing and lasts for years and years as itary precautions. The seventy two is scarcely possible. Long arguments on a general rule. The witnesses testify stenches which Coleridge found in the admissibility of testimony and end- privately before the Alcalde. There is no Cologne are perhaps not paralleled appear to be fast following in the same proof, and he being intrusted with the but that must be done in writing. The wake. It is not from filthy back yards duty of examining the witnesses. What- Alcalde, after reading all the evidence in alone that the offensive effluvia comes. ever may be the defects of sain system. Alcaldes are, as a general rule, very ig-Our sidewalks are, many of them, but the means-yet, at least, it saves a great norant-they are appointed by the govshells which hide from the sight, and deal of expense to the parties and of ernment. From their ignorance comes therefore render more dangerous, mias public time. mic pools and decayed animal matter, which ferment under the influence of the is merely a misdemeanor, triable by a Spanish conversation, and signifying blun sun, and poison the air with their deadly judge without a jury, and the theory is ders or stupidities committed. vapours. Any attempt to escape from these nauseating influences by a walk to decision he is able to separate the chaif diencia, where, for the first time during the outskirts of the city, where one ex from the wheat, to determine what propects the opportunity of at least breath. perly bears upon the case to weigh that allowed to speak; no new evidence is ing the pure air of heaven, is utterly vain and that only, and decide as though admitted in that Court; the only thing and useless. The olfactories are even there assailed on every side by the eman ations of putrefying cows, horses, dogs, cats, and so on. Just beyond Rochester. tainly should say the municipal aution

punished for its non-removal. to remind the Council that one of its most important duties is being neglected Chairman of the Health Committee ought | acterized the French people, nor indeed | whipped, and after that to be confined in | be treated as Lord Penzance treats corto ren ember that prevention is better that cure, that it is useless to shut the stable door after the steed has been stolen, and that a few-thousand dollars to renember that a few-thousand dollars to renember that prevention is better the facility of pardoning his wife till two years after the steed has been the steed has been stolen, and that a few-thousand dollars to the facility of the commission of the crime. When this period of time had claused and her property. The accomplice was sentenced to death. The husband has not the faculty of pardoning his wife till two years after the commission of the crime. When this period of time had claused and her property. The accomplice was sentenced to death. The husband has not the faculty of pardoning his wife till two years after the commission of the crime. When this period of time had claused and her property. The accomplice was sentenced to death. The husband has not the faculty of pardoning his wife till two years after the commission of the crime. When this period of time had claused and her property. The accomplice was sentenced to death. The husband has not the faculty of pardoning his wife till two years after the commission of the crime. When the decree of divorce was propularly has been won by no appeal to stupid prejudices or deprayed tastes.—

\*\*TRMS\*\*: spent in preventing disease is a far more stated: "We have for the basis of our stated: "We have for the bas waluable investment than half the amount spent in recompensing citizens for the destruction of property for the basis of our laws in Hayti the Code Napoleon, with but for incompatibility of temper, &c. her life. By the "Fuero Real" both when the divorce is granted the civil adulterers were delivered to her husband, who was allowed to kill both of them but giving so many both of the giving so many both of them but giving so many both of the giving so many so man upon whose occupants death and disease have done their work. It does not follow that those who endeavour to arouse the authorities to some sense of their duty are more alarmists. The experience of last year, with its postilence of small-pox and fever, teaches us a saddening leason which it would be fatal folly to disregard. And it is against the perpetuation of that fatal folly that we prover was told by his representative of the fatal folly that we provisions on this point to be found in publishers.

Subscriptions to the fivilian duty giving so many beds, chairs, tables, giving so many beds, chai

pensate for their culpable supineness while the threatening danger may yet be averted, nor palliate the offence against east moderately notive in the enorcement of the tary regulations would involve. We are quite aware that until our system of drainage has been constructed perfectly satisfactory his notary, Mr. W. J. P. C. Kramer. stated :-But there is a vast difference between permitting what at best is bad to become worse without the slaw of resistance, and struggling manfully under adverse circumstances to protect the citizens from the unfortunate results of defective drain-

age. We hope, late in the season although it be, that the Council and its Health Committee will give some signs their interest in the affairs of the public by insisting upon the maintenance of that measure of deanliness and sani! tary order which is not only possible under the circumstances, but absolutely demanded by every humane and public consideration. The Committee, it will be remarked, presented a report to the council on Monday night which took a very complacent view of the state of the public health. Whether the report was justified by the facts is somewhat open to doubt, but supposing it to be perfectly correct, it is no exaggeration to say that no part of the credit belongs to the ommittee, their efforts amounting to have the jury system since the advent of

THE CRIME OF ADULTERY

How it is Treated in Different Foreign Countries - The Punishments Pre scribed - French, Italian, Danish, Haytian, Greeian and Norwegian Law-The Code in Holland and Spain Interesting Opinions by Continental Counsel.

1 rom the N. Y. Herald.1

The civil suit for damages brought by heodore Tilton against Henry Ward seecher, for the alleged seduction fo his wife, has not only attracted great attention on the American Continent, but a kep interest has been manifested in its ogress abroad. In view of this fact it interesting to know how such offences against the moral law are treated in oreign countries. As nearly every civilzed nation is represented here by men everal Herald reporters were instructed obtain from them their views, and a " Fournier, at Quebec, is responsible for description of the method adopted in such cases as this of Tilton vs. Beecher.

> The following interesting opinion, is given by Mr. F. R. Coudert, counsel for the French Government in this coun-

the authority of its Ottawa correspondhave been invaded, as is alleged to have follows :been the case by Mr. Tilton in his suit against Mr. Beecher, has a cause of action in damages. The French code provides that every man is responsible for the lamage that he has occasioned to any obliged to make reparation therefor. Under this provision, which is to be found universal acknowledgment of its truth, we that the accomplice of the adulterous very much fear, is no indication that the wife might be sentenced to pay damprinciple receives much practical recognicages to the injured husband when-Ottawa. It is impossible to take a damage to such husband. This seems to five minutes walk in the capital be well settled, although Carnot and one is only allowed seven wives legally, but he of Canada at this season of the year with. or two other authoria in hieline to another opinion. Such an ottence as is charged against Mr. Beecher, might give rise court. In former years the punishment under the French system to a criminal for adultery was much more severe than very appearance of cleanliness is regarded. prosecution as well as to a civil action. Indeed the two might be united into one, the husband being allowed to interfere in the prosecution undertaken by the State and kindred diseases which are the he being what is called the civil party, sity of Havana, and member of a law firm offspring of filth, it is not because every and claims therein his damages. By that in this city, gave the following statement means a double procedure, with all its with reference to Spanish, Cuban and inconvenience, delay and expense, is Hispano-American laws on the subject of

Although the criminality of the wife There are hundreds any such complaint if he is guilty of a canonical law. By the civil law, if the must prove it or pay a fine of half a back-yards, attached to houses similar offence, coupled with the aggra- woman is married, then the man married pound of silver for being a common liar. which positively reek with the most dis- the Judge, be increased to two years. The commercial, public nor criminal. The 8. If a person commits adultery repeat himself. The same limitation of proci of reconciliation (acto de conciliacion), the key of places where beer, food, evidence, are so much more simple in court, held by an alcalde, and there begin punished accordingly. less cross-examinations are unknown, cross-examination known by the Spanish the Judge being vested with almost law. Sometimes the lawyers are permit those of Ottawa, but we unlimited authority in the admission of ted to put some questions to the witnesses,

> It should be observed that under the alcalcadada (to act like an alcalde) French law the offence above alluded to which is used very frequently that after the evidence is all in—good, the judgment of the Alcalde appeal can bad and indifferent !—before making his be taken to the Superior Court or Au-

It is possible that the advantages of our tence according to the evidence or ac system, so forcibly and brilliantly illus- cording to the law. The decision of the trated by the Tilton Beecher suit, may, if Audencia is almost final, and very few fully reported and comprehended in cases are appealed from it to the Tribunal the nuisance is so revolting that we come in their system and induce the French Madrid). There is no jury system in egislators and court to adopt our rules of Spain or Cuba. In Spain it recently exevidence and our manner of procedure. isted under the so-called Republic, but it ties of the Township of Nepean could be I fear, however, that it would be difficult has been already suppressed by Don Alin the whole French territory, even fonso XIL. So far as the city is concerned, we beg Alsace and Lorraine included, to find a magistrate who would be able to display the brilliant qualities of patience and forbearance exhibited by Judge Nelson. to an extent which borders upon, if it The French soil is fruitful in many vir killed them. By the "Partidas" the The pastor's opinion has invariably great

Vienna or Berlin.

IN HOLLAND. Consul General Ruel C. Burlage and

In Holland our laws are based since 1833 upon the Code Napoleon and our ancient laws. We have no jury system Divorces (absolute) are granted for adul tery, desertion, and becoming a convict The adulteress or adulterer is not allowed to marry the person with whom they have committed the offence after the divorce is granted. The offenders are liable to imprisonment, as in France, for the space of three months up to two years. The outraged husband cannot claim pecuniary damages. A husband committing adultery in his own house is liable to a fine varying from 200 to 2,000 francs, and a divorce can be obtained by his wife (section 4, article 336 of the penal code.) These cases are tried in the tribunal, and when appealed can be carried to the provincial, and to the supreme courts. We have no cross questioning and the judge examines the witnesses. THE LAW IN GREECH.

Consul General Botassi made the lowing statement : -Under the laws of Greece the case of a nusband claiming damages for his wife's adultery is unknown. Our laws are main ly based on the Code Napoleon. We obtain money for his wife's shame by legal interferance would be scouted by all foreign representative said he would not condescend to fight a person of inferior rank. To bring about a duel the Consul slapped his face in the street. A duel with pistols then took place, when he seducer was shot in his arm and the one broken. The matter ended here, and the Consul discarded his wife. These affairs generally culminate in a duel, although forbidden by our laws. It is hought a disgrace to bring such matters before the courts and the public. We public morality. When a man seeks as follows :ivorce he details what has transpired, and in his petition to the Court states for reasons detailed in the petition,' which is never made public. Only judge, jurymen and counsel are allowed in court in these tria's. The decision of the Court is published in the official paper.

IN TURKEY. The acting Turkish Consul, Mr. Sherer, was called upon, and referred the Under the French law there seems to be reporter to Mr. A. Bedrossian, an old four and a half ounces of silver and she

> Mrs. Tilton, if proved guilty, would be mprisoned; also, Mr. Beecher, who, on account of his prominence, would likely be subsequently banished for a number of years. The case would be tried before a Cadi, which is the only court we have, save a small affair called the Mecgemai Court. The Cadi's decicision about a divorce would be published in the papers, and, if an important morality of Turkey is as good as the United States. We don't have half as many murderers as you do. The Sultan can have two thousand female slaves if he chooses. Divorce cases are heard in open it is at the present time.

Senor J. Carrille, L. D., of the Univer-

No action for damages exists by the according to his position in life.

ever may be the defects of this system- the case, gives his sentence. These the Spanish proverb, haver not been admitted into the case.

Alcalde has not judged or pronouced sen-Alcalde has not judged or pronouced sen-

THE ANCIENT PUNISHMENT.

protest. No amount of activity on the "that cases like that of Tilton vs. Beecher Adultery, in our law, is cause and those codes are that adultery gives a cause part of the Health Committee after the of public decency, as they would be con- but not for an absolute divorce, quoad feiture of the rights deriving from the idered deleterious to the morals of the fordus et vinculum. This latter class of marriage contract, and that a criminal people. These matters are settled as divorce does not exist in Spanish law, action can be brought against the adulterer quietly as possible. Duels, though forbid- because marriage is conducted by it as a and the accomplice, which may end in not den by law, often result from them. A sacrament, and quod ergo Deus conjugit more than two years' imprisonment of man whose wife is unfaithful generally home non separet. Cases of adultery very both, with the addition of a fine imposed discards her. I have never heard of such seldom appear before the Spanish courts. on the accomplice. The absence law suits as Tilton's taking place in Paris, They are generally settled by duels, as in | however, of a special provision would not

NORWEGIAN LAW.

ollowing as his legal opinion of the case : | England. The Italian law, however, does "This tedious and complicated procedure not recognise vindictive or exemplary contrasts greatly with the manner in damages to the benefit of the party which the Scandinavian laws would ex- wronged, and real and consequential damtricate its truth and falacy and mete out | ages could only be allowed in a sum to ustice between its litigants. In the be fixed by the discretion of the Court Scandinavian countries there is no jury and not the jury, as trial by jury is not system. The elements of the civil law of generally known there in civil actions. A the Romans are strictly adhered to, and particular feature of the law in Italy, the common law of England is scarcely which in the main is the same as that lecisions. The Court in Norway, before the same source, the Roman which an action of this nature proba- is that it is a bar to the bly would be brought, is composed right of action, the fact that the person. as jurors, find and ascertain the amount manner of conducting the proceedings the whole issue. This Court has no original the Tilton-Beecher case here. The case the evidence and arguments of counsel, and from their decision their is no appeal save to the King himself, by whom they are appointed for the term of their lives. pelled to bring the suit against the adult These judges are noted for their learning erer and the accomplice, and no parties and stern justice. The rules of evidence to the suit could give testimony, and are simple and direct, and no such scope thus the whole evidence to be offered i or latitude is allowed as by the laws of not required as intended to corroborate England or the United States. I never or contradict the sworn statements of the knew of an action like the Tilton-Beecher | parties interested, but to substantiate in case to have been brought before the tegrally their respective pleas. The courts of Norway, nor did I ever judges, on receiving the evidence offersee or hear of any Norwegian of ed, are not so very particular the cheracter of either Beecher or and the lawyers also are King Otho to the throne in 1833. The Tilton, and it is difficult to say how the so very ready to object and rigid law of the Norsemen would operate accept, as they are afterward allowed on if applied to decide this issue. Norwegians | the argument to point out the improper are entirely lacking in that sentimental evidence that should be disregarded by well thinking Greeks. "Apply for money, extravagance, those passionate and fickle the Court, and the Court will base its deingredients, which seem to have been the cision on such proofs only as have a strict his subject; "no, never. We have no main cause for the Brooklyn controversy. legal bearing according to the rules of cross-questioning. Recently a celebrated if you had Norwegian judges to decide evidence. The Court, in giving the decia Consul and the latter challeng not for a moment entertain these fantastic interpretations of the letters in suit which such conclusions are based, and as attempted here. I think they would perhaps in a case like Tilton's and punish both the litigants for disturbing Beecher's, the Court might give as a part the equilibrim of public decency and of the reasoning, the dictum given by an morality, and send them to Iceland, old Roman judge, and commonly quoted, North Cape or some other similar place, "That a man and a woman, having no where they could cool themselves among business together, and who are found in HATS, the gushing geysers and snow clad moun. a room with closed doors, are not pre-

THE OLD DANISH CODE, A. D. 1683. piled by King Christian V., of Norway bject to having these disgusting details and Denmark, the following law applied fadultery made public, on the ground to the punishment of adultery. It reads

"OM. LOSAGTIGHED," A. D. 1683.

be guilty of adultery he shall pay to his (feudal) master twenty four ounces of silver and she twelve ounces of silver, and make public confession. . If they have no money to pay the penulties they shall be fined what the Court directs, with imprisonment. Should they marry each other, however, he pays ss penalty only o doubt that the husband whose rights resident of Constantinople, who spoke as half as much, and be exempted from

2. Should a guardian commit adultery with his ward, or with a widow whose shall be forced to marry her if she insists. If she will not, then he has forfeited half his property to her, besides the penalties to his (feudal) master. If he cannot marry her because he is married before then he forfeits all his property, to be evenly divided with his victim and his

3. If a man and woman appear to be living and are suspected to live in adulterous intercourse they shall be ordered out of the township, and if they do not go they shall suffer the punishment of the Church Our juries are appointed by the executive and also of their masters. (Outside of all the old Lutheran churches were stone posts, or pillories, to which offenders were tery, who are under fifteen and over tied on Sundays, exposed to the gaze of church going people.

4. If a person, either personally or through others, asks a man for his daughter, and then seduces her before the engagement takes place, or before he receives the father's consent, then he shall marry her, if her parents or guardians demand. If they do not, then he shall give her a reasonable amount of money,

complaint must be made by the husband, criminal intercourse with an unmarried and makes herself a ---, and no facts code. If the wife is convicted she is liable question is called an adulterer. By the maid of adultery, then he shall be made

liable to the same imprisonment and to a by the husband or the wife. The litiga- widow, then he shall not alone pay the

15. If a man or woman be guilty of

incest they shall be burned to death. 18. If a woman alleges that she has been seduced then she shall communicate the fact to her neighbors and to the public town crier, and then there is a presump tion that what she states is true, but if she keeps quiet on the subject it is right to infer that she is lying.

22. Any man who, by undue means violence, elopes with another man's wife, widow or daughter, shall lose his life when arrested. But if a married man commits the same offence with the wife of another,

the King's countries and provinces. he King's countries and provinces.

26. If any married man is proven to live good standing for agencies in the different cities. criminal intercourse with another man's wife, publicly and shamefully, and does reproach, and continues in his sin, which disgraces the Commonwealth, then he shall be beheaded (lose his neck in original), while she shall be put in a sack and

parish, who goes from house to house By the "Fuero Juzgo" adulterers were he has obtained all the information he can woman was sentenced to be publicly weight with the judge. Mr. Beecher would

prevent the party wronged from suing under the general provision of the civil code, which is substantially the same In conversation with Mr. Auguste Rey- principle of the law of torts on which the nert, a Norwegian by birth, he gave the action for damages is brought here and in

ecognizable in any of their statutes or of France, both being derived from six "assessores" or judges, who also act suing is also guilty of adultery. As to the damage done and who decide the case would be very different there from urisdiction in ordinary cases. They hear would not be heard before a jury but

> sumed to have been saying their pray-GERMAN CONFEDERATION. Mr. Salomon, legal adviser of the German Consulate, stated :- "Mr. Beecher would be tried by an ecclesiastical court in Germany, and if found guilty of adultery, would be removed from his position and handed over to the Criminal Court, In the criminal courts they have a jury; otherwise the jury system does not exist in Germany. The court is open to the public. The law which permits a husband dishonour is unknown in Germany. This

ishable with imprisonment in the German Empire, but women are not generally punished. Duels often result from these cases, which are given as little publicity as possible. We have no cross-question A Herald reporter called upon the

panese Consul, at his office, No. 7 Warren street, when the following opinion was given : "Common persons guilty of adultery are imprisoned from one to two years, cretion of the Court. If a clergyman like Mr. Beecher were found guilty of adultery he would be degraded to the rank of a common person, and imprisoned from is no money compensation that an alleged Our juries are appointed by the executive seventy years of age, there are extenuating

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with her consent, then they shall both be put to death.

23. Any one who engages himself to a woman with a view to marriage and shall marry another shall be banished from all

MR. HOSES LAPOINTE desires to in-

"When a man and wife desire separation for alleged adultery in Denmark nowadays it is necessary that a report on the subject be made by the pastor of their parish, who goes from health and of the subject be made by the pastor of their parish. Ottawa, Feb. 2, 1875

HARPER'S MAGAZINE

BYBPEN BROTHERS. Jan. 11, 18 4

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Dr. Wm. Robertson, of Montreal, wrote as follows, in 1839 :- But the disease above all in which the action of the water is most deci-ded is Rheumatism. I have known a few individuals who suffered much from improper use of mercury who were restored to health by the use of the waters.

A magnificent new hotel, capable of accommodating 300 guests, will be opened on June 1st for the accommodation of visitors. The grounds have been improved and beautified, grounds have been improved and beautified, and every means for amusement and exercise provided. The trip thither by the Ottawa River is most enjoyable, and a rairoad from the river to the Springs is in course of construction. Until the railroad is built, comfortable carriages will be in waiting at the wharf for the conveyance of visitors to the Springs. The distance of the Springs from Montreal and Ottawa respectively is 66 and 50 miles. Mr. W. CHAMPNESS will open a good Livery Stable, providing good carriages, hors a saddles, &c. There is a good race-course on the property of the Company.

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