

and was roughly told by the guard that it was good for nothing. Appealing to the conductor, that officer peremptorily agreed with the gate-keeper. Mr. COLEMAN stated that he was in the habit of using such coupons upon other roads, to which the conductor replied that it was not true, and warned him that if he tried to get upon the train he should be put off.

Mr. COLEMAN then bought a ticket and took his place, intending to ascertain why the coupon was refused. When the conductor came through the car to inspect the tickets Mr. COLEMAN accosted him politely, and stated that he was traveling constantly, and was often obliged to diverge from his course; and that, if such coupons were not taken by the railroad authorities, when no change in the rate of fare had been made, the annual loss to him would be very serious. The conductor replied that the coupons were good from New Haven to New York, but not the other way. That he had been instructed not to take them except under such circumstances, and he would not. Mr. COLEMAN then said that it seemed to him that he had paid for seventy-four miles travel upon the road, or the distance from New York to New Haven, and that he could not see that it made any difference which way he took it. Several of the passengers, some of them officers of other roads, agreed in this view. The conductor said that he should lose his place if he disobeyed instructions; upon which Mr. COLEMAN remarked that, so far as that was concerned, as he turned in all his tickets in New York, it would not be known which way this was taken.

This remark, although innocently meant, was plainly susceptible of misinterpretation, and the conductor immediately replied, so as to be heard by the other passengers, that Mr. COLEMAN might as well ask him to steal ten dollars because the Company might not know it. Mr. COLEMAN did not deny that, theoretically, that was the case; but, offering the conductor his address, and appealing to those around him who knew him, he proposed to the conductor to be personally responsible to the Company, and to screen him from any unpleasant consequences. The neighboring passengers agreed that this was a fair offer; but the conductor harshly demanded another ticket. Mr. COLEMAN declined to give it. The conductor then said that he should put him off at the first station. Mr. COLEMAN replied that, in that case, he should pursue the matter further. At this moment, a gentleman sitting near said to the conductor that he was "a railroad man," and advised him, if he thought that Mr. COLEMAN was evading his fare, to telegraph ahead and have him arrested upon arrival. The conductor replied that they didn't do business in that way upon that road. Mr. COLEMAN then said that he would submit to a policeman, but not to the conductor and his roughs.

The train stopped at Stamford, and the conductor entered the car with five or six men. He ordered them to pull Mr. COLEMAN out and put him on the platform. Mr. COLEMAN passively resisted and a struggle followed, during which he was dragged from the seat with his coat torn, and as soon as he was lifted into the aisle of the car three heavy blows were struck him from behind. Fearing for his life he abandoned passive resistance and struck the nearest man. He was then lifted by main force, carried through the car amidst the confusion of the passengers, the women alarmed and the men striving to prevent the assault of the conductor and his aids. From the platform of the car Mr. COLEMAN was thrown broadside upon the platform of the station. He had several flesh-wounds, and was severely and permanently ruptured in the struggle.

Mr. COLEMAN sued the Railway Company for \$10,000 damages in the Superior Court in Boston. The Judge charged against him upon every point, holding that the ticket was a contract; that the Company could make its own rules, and that if any of them were broken by a passenger he was a trespasser; to refuse to show the proper ticket was a trespass, and being a trespasser in the Company's car as in a private house, it had the right to remove him by force if necessary, avoiding an excess. The only question was, was there an excess of violence? The jury returned \$3300 damages, and the Judge, after several weeks' delay, set aside the verdict on the ground of excessive damages. At the second trial, in the same court, the jury disagreed, being eleven for damages and one opposed; and there will be another trial at the approaching term of the court.

Mr. COLEMAN claims that a railroad ticket is not a contract, but, like a baggage-check, merely evidence of property in possession, which the holder is bound to return, or its equivalent. He insists that it is as essentially ridiculous for a company to refuse its tickets either way as for the government to issue letter stamps that would not take a letter both ways; and that a steam-car ticket must be considered to be like a horse-car or a ferry-boat ticket, good both ways. He insists that if a company of men build a cotton mill, and he owes them two dollars, and they choose to think that he intends to evade payment, and thereupon order a party of roughs to seize him and throw him about, the company of men will be dealt with by the law, and he does not see that they can take the law into

their own hands because they build a railroad instead of a mill. Ought a conductor to be allowed to be judge, jury, and executioner in his own differences with passengers? The law, in fine, should be interpreted, says Mr. COLEMAN, so that the railroad shall be a convenience for the public, and not the public a convenience for the railroad.

In this case, upon the evidence there can be little doubt that excessive violence was used, and that Mr. COLEMAN is entitled to recover for the assault by blows in the car, and for the consequence of the personal defense which that assault required. As for the other questions involved, some kind of judicial interpretation is clearly desirable. Is a railroad ticket a contract? Are the rights of a railroad company in a car those of a man in his own house? Are they any other than those of a landlord in a hotel? May the landlord's clerk order a person to be thrust into the street because a reasonable question arises between them? May a railroad company make rules at pleasure, and empower a subordinate agent to interpret and enforce them at discretion? Since the Legislature limits the fare that may be charged for every mile of travel, why should it not determine the very point involved in this suit, whether between two stations upon a road a ticket should not be good either way?

This case and the experience of travelers readily suggest many similar questions, to which some final answer should be given. Railroad companies must, of course, be allowed to make rules for the management of their roads. But these rules should always be reasonable, and plainly for the public convenience. And it is to juries, not to railroad companies, that the public must look for protection against the despotism and the insolence of railway management. In bringing and contesting this action against a great railway company, Mr. COLEMAN seeks the settlement of questions in which we are all interested. It is true that the essential point might have been brought to a legal decision by his peaceful submission to ejection, *pro forma*. But those who have had differences with many of the agents of railway companies will easily understand that his conduct was not unnatural. We shall watch the trial with great interest, and keep our readers advised of its issue.

#### PERSONAL PROVOCATION.

THE *World*, alluding to our remark that under personal provocation it had branded some of the Ring by name as corrupt, says:

"Harper's Weekly is carefully unjust. We have no personal quarrel, we have had no 'personal provocation,' for we have had no dealings with the Ring. We have neither asked, nor desired, nor had favors from the Ring, nor the Ring from the *World*. Will Harper's Weekly correct its misrepresentations?"

We should be very sorry to be unjust, still more to be carefully or maliciously unjust. But there may be personal provocation other than that of the kind mentioned by the *World*, nor was that the kind we had in view. We were thinking of the assertion made by the organ of the Ring that the editor of the *World* did not vote for the candidates of his party—an assertion which provoked a pointed answer, as if it were felt to be an attack quite beyond the pale of lawful political difference of opinion. It was an attempt to represent the editor of the *World* as personally a hypocrite, or a man who pretended to be a Democrat in his paper but who did not prove his Democracy at the polls. This was a personal provocation, and in repelling it the *World* branded by name certain members of the Ring as corrupt.

Of course we do not suppose that this occasioned the hostility of the *World* to the Ring. But certainly it did not diminish it, and, except for that personal provocation, we have as yet no evidence in the *World's* articles against the Ring that it would have stigmatized any of the members by name, more than the Judges, who, it says, sell justice for a price.

This may be a misconception, but it certainly is not careful injustice, which is malicious misrepresentation.

#### NOTES.

THE *Times*, with singular carelessness, accuses General BADEAU of making "an extraordinary mistake" in his article in "Our Relations with England," in the March number of *Harper's Magazine*. In speaking of the comments of the English papers upon the President's Message, General BADEAU quotes from the *Tory* journals, and the *Times* and *News*, and then from the *Spectator*, which he says, in a quotation, circulates among the class which was most unfriendly to America during the war. In making this statement, we suppose that General BADEAU asserts nothing new. The *Spectator* was certainly very friendly to us; but its readers, of whom Mr. GLADSTONE was the type, were certainly not. The *News* and the *Star* we suppose to be the only English journals that may be said to have circulated among those who were friendly to America during the war.

THERE is one very touching line in the letter which SALVAGE wrote just before his death. He was tried at three o'clock and shot at six, and a

quarter of an hour was given him to arrange his affairs. He used the time in writing a letter, giving directions about various bequests. "Give to Madame St. Just \$2000, to AGLACE \$1000, to the daughter of Mr. LAFORÉ \$2000, to my mother \$1000, to FLORA \$3000; and tell all my little sons never to meddle with the politics of the country." It is a strange, sad, far-away echo of CARDINAL WOLSEY's adjuration to the young CROMWELL: "I charge thee, fling away ambition." In both cases they are the words of utterly despairing men.

EVERY honest man in the country will rejoice that Congress has abolished the wretched habit of permitting members to print, as speeches delivered upon the floor, essays which may contain the most false and indecent statements, which involve the honor of Congress as having permitted to be spoken. The occasion was the publication in the *Globe* of a speech of the repudiator MUNGEN, a member who apparently represents the worst spirit and tendency of the Democratic party, to which he belongs. Its attacks upon the President and Secretary of State, and upon Senator SUMNER, were most gross and inexcusable. Mr. MUNGEN's subsequent defense of his printed speech, upon the floor, was hardly less offensive. We observe that the Washington correspondent of the *World*, in alluding to the subject, speaks of the motion to prohibit the publication of unspoken essays as an advertisement of MUNGEN's speech. Would the *World* have had nothing done? Because the particular case which moved Congress to action was so outrageous, ought no action to have been taken because the case must be cited? It is not a party question, it is a matter of common decency, which the correspondence of the *World* should have condemned as swiftly and strongly as that of any Republican paper.

In the debate upon the admission of Senator REVELS, of Mississippi, Senator NYE made some earnest and eloquent remarks upon the change in the condition of the colored population. Senator GARRETT DAVIS, of Kentucky, replied that if his friend from Nevada did not count upon the vote of that population he would not so warmly praise them; and Mr. DAVIS then produced the celebrated final argument of the Democratic party in the great debate upon equal rights, and remarked that he did not believe Senator NYE ever accompanied a black Dinah to a place of amusement. When Mr. DOUGLAS urged this masterly argument, in his famous debate with Mr. LINCOLN, in Illinois—a debate which had the double effect of electing Mr. LINCOLN to the Presidency and of showing to the country how immensely overrated Mr. DOUGLAS was—Mr. LINCOLN replied that he was so dull that he could not possibly see why a colored man should not have his rights because he himself might not wish to marry a colored woman. If Senator NYE had thought it worth while to slay the slain, he would probably have answered Mr. DAVIS's forcible plea by remarking that there were a great many white Dinahs, also, whom he would not care to accompany to a place of amusement.

A VERY valuable companion to the reader of the Bible, and of books of travel in the East, is a beautiful chromo-lithograph, made in Berlin from the design of Professor W. H. PERRINE, of Lansing, Michigan. It is "A General Landscape View of the Holy Land, or Palestine in Perspective," representing every part and point of the country in proper relation. It is done apparently with the utmost care and accuracy, and gives a vivid and very satisfactory impression of the topography of the country. It is accompanied by a very full key, and, in the Biblical studies of Sunday-school classes, it will be the most delightful interpreter; while it is well worthy general attention for the skillfulness of the design and the masterly execution.

AMONG the most entertaining of recent books is Miss MITFORD's "Life and Letters," published by the HARPERS, full of sketches of the distinguished literary characters of the last half century in England. It is also a very touching story of the devotion of a daughter to a worthless parent. Dr. MITFORD, the father, was one of the good-natured fellows who ask only to have their own way, and who bring sorrow and ruin upon wife and children with the best intention in the world. It is only their confounded luck. Dr. MITFORD squandered his wife's fortune and another which he won in a lottery, and, while his wife was pinching and his daughter writing for bread in the country, devoted himself diligently to playing cards in town. A more worthless gentleman has not lately appeared in literature, and the reader is continually grieved by Miss MITFORD's blind idolatry of such a reprobate. The reader, too, will be surprised to find that Miss MITFORD did so much literary work which has wholly perished. Her letters, however, which are here preserved, are much the best part of her writing; always lively, and often sparkling, with dashes of sudden enthusiasm for persons as suddenly chilled, and with a certain British propriety of tone and subdued delight in the peevish which are very amusing. With all this, however, there is a fidelity and simplicity of character, and a patient conscientious industry, which are most attractive. The book grows sober as it proceeds; but the reader's respect for the writer increases, and he turns the last pages with sad admiration.

ANOTHER pleasant book is "A Day by the Fire," a series of LEIGH HUNT's essays collected for the first time, and, as we presume from the initials, by Mr. J. E. BARNES, who did a similar service for CHARLES LAMB about six years ago, and made the delightful volume "Elia." The light, happy touch of LEIGH HUNT falls in this lit-

tle book, published by Messrs. ROBERTS BROTHERS, as a companion of "The Seer," upon sirens and mermaids and fairies, nymphs and tritons and genii, with a miscellany of other topics, and always with the familiar dainty elegance and scholarship and blithe humor.

#### DOMESTIC INTELLIGENCE.

##### CONGRESS.

February 21.—In the Senate, a joint resolution was introduced, declaring the ratification of the Fifteenth Amendment by the requisite number of States. The case of Fitz John Porter came up on a resolution of Mr. Chandler calling on the President for the correspondence on the subject. The Senator made a long speech, in which he expressed the hope that the proceedings of the court-martial would not be interfered with. He was replied to by General Wilson, who favored a new trial, and the matter was finally disposed of by the withdrawal of the resolution. A resolution was agreed to that no undelivered speech should be printed in the *Globe*.—In the House, a large number of bills were introduced, among which were the following: To make it a misdemeanor to fit out ships of war constructed for a foreign power to coerce the people of a colony who are in armed insurrection; to enforce the rights of citizens to vote in the various States who have heretofore been denied the right by reason of race, color, or previous condition of servitude; to remove political disabilities in States ratifying the Fifteenth Amendment; to abolish the office of Pension Agent, and to pay pensions through postmasters; to reduce the income tax to three per cent, and exempt \$3000; to increase the tax on distilled spirits \$1 per gallon; and to equalize the distribution of the national banking currency. The resolution of Mr. Loughridge calling for the introduction of a bill to increase the currency \$50,000,000 was adopted by a yeas and nays vote of 110 to 74. The Senate bill relieving some five hundred persons in various States from political disabilities was reported from Committee, and the House bill, containing some two thousand names, was offered as an amendment. A long discussion ensued, which resulted in the adoption of the amendment, and the passage of the bill by the requisite two-thirds majority.

February 22.—In the Senate, a bill was reported to reform the Civil Service, providing for the appointment by the President of a Board of nine Commissioners to prescribe the qualifications of certain office-holders, arranging for competitive examinations, and instituting other measures of reform.—In the House, a resolution was adopted censuring Mr. Munger, of Ohio, for inserting in a recent number of the *Globe* an undelivered speech of such a character as to amount to an abuse of the privileges and a violation of the rules of the House.

February 23.—In the Senate, the credentials of Mr. Revels, the colored Senator elect from Mississippi, were presented and made the subject of a long debate on the question of their regularity. No action was taken.—In the House, four of the members elect from Mississippi took the oath of office. The case of Mr. Whittemore, charged with selling cadetship, was taken up; but at the request of General Butler and Mr. Whittemore action was deferred until the following day.

February 24.—In the Senate, the case of Mr. Revels was again debated without result. A resolution against a currency expansion was agreed to without a division.—In the House, the first business of the day was the case of Mr. Whittemore. The accused member was proceeding to reply to the charges made against him, when he was interrupted by the Speaker, who announced that copies of telegrams containing the resignation of Mr. Whittemore, together with its acceptance by the Governor of South Carolina, had been received, and it was a question whether the gentleman could be allowed to proceed, he being no longer a member of the House if his resignation was proper. A long discussion ensued upon the right of a member to resign without consent of the House. Finally it was decided that the resignation was effective; the resolution of expulsion was tabled, and a resolution of condemnation, declaring Mr. Whittemore unworthy of his seat, was unanimously adopted.

February 25.—In the Senate, the credentials of General Ames, Senator elect from Mississippi, were presented and referred. The discussion in regard to the admission of Mr. Revels was resumed and concluded, the oath was administered to him, and he took his seat.—In the House, bills were introduced to encourage the building of iron steamships, and to establish a system of national education.

##### GENERAL NEWS ITEMS.

On Friday, February 25, a train on the Mississippi Central Railroad ran through a trestle bridge near Oxford, Mississippi, demolishing the baggage, express, and four passenger cars, and killing and maiming a large number of passengers. Twenty-one dead bodies were taken from the wreck. The trestle through which the train ran is forty feet high, and the accident was caused by a loose rail throwing the cars off the track after the locomotive had passed over.

On the 23d of February the President signed the bill for the admission of Mississippi to representation to Congress. Of the four Representatives who were sworn in, two had been officers in the Union army and two in the rebel service. General Barry, the Representative elect from the Third District, is absent in consequence of wounds received in an affray during the canvass.

General Reynolds, Military Governor of Texas, has officially notified General Sherman of the ratification of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution by the Legislature of that State.

In the Senate of the New York Legislature, a bill providing for the election of the Judges of the Court of Appeals and Court of Common Pleas in New York has been reported; and a bill to amend the Excise law has been passed by a small majority.

Hon. William H. Seward has returned from his long trip through Alaska, California, Mexico, and Cuba. His health has been much benefited by the journey.

#### FOREIGN NEWS.

ACCORDING to a dispatch from Rome, several American ecclesiastics have been expelled from that city, with others, for corresponding with newspapers on subjects connected with the Ecumenical Council.

A bill to close shops on Sunday in London has been introduced in the House of Lords. It was stated in support of the bill that 10,000 shops were open on Sunday in that city. Those against it say it would deprive working-people of recreation.

Baron Von Bunsen, the Austrian Prime Minister, attended a banquet given on Washington's birthday by the American Minister at Vienna, and made a neat speech in English.

The ill health of Mr. Bright causes great anxiety in England.

A report having been circulated that the Emperor of France had become dissatisfied with his Ministry because of their inability to reconcile the differences in the Legislature on the question of discontinuing the system of official candidates for Deputies, it is officially represented that the Emperor has declared that his relations with his Ministers are entirely harmonious, and that he believes they have the sympathy of every honest Frenchman.

The Duke of Montpensier has published a letter denying that he is a pretender to the Spanish throne, and asserting that he desires only to be considered a Spanish citizen, and long for a definite Constitution.