

SLAVERY IN CUBA.

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vented the principal journals from advocating the only policy which can secure to Spain the continuance of the possession of the Queen of the Antilles. There is in the way of a candid discussion of the social and political questions affecting the interest of Cuba a punctilious pride that will not allow itself to be even touched by common sense.

It is a stride of his hobby horse, and it is to be feared that it will not come down until the rotten framework is knocked to pieces. So much the worse for the riders. If people will insist on keeping alive the pretensions of a dead past in this practical age they must be prepared to be trampled under the feet of the progressive and advancing millions. If one could photograph the thoughts of the ablest spirits who are defending the existing institutions the fear of this aggressive liberal spirit would be found to hold a prominent place in all their calculations. They know that slavery *per se* is indefensible, and that the old specious plea which would persuade us into the belief that the slave is happier than the free laborer will no longer be listened to by the civilized world. Of course there is the despotism theory, which claims that Spain as an independent and sovereign State has a right to do what she pleases within her own dominions, and may "arrange her own affairs" if she pleases to do so. The conscience of the civilized world has, however, revolted against this atrocious doctrine, as it has revolted against the divine right of the puppets we call kings. It is now an accepted rule that neither an individual nor a nation has the right to commit a wrong against humanity so long as there is power in others to punish the offender. If Spain could defy the world her pretension to be above the law of civilization might have to be respected; but, as things are, those who have the power have the right to insist that she shall maintain no institutions within her boundaries which offend the conscience and ideas of right of the rest of mankind. As Spanish sensitiveness refuses to give me facilities to examine thoroughly into the state of the insurrection I intend to extend my inquiries into the social and political state of that part of the island under the undisputed sway of Spain. To my mind it is a subject of infinitely more interest to the general conscience of mankind than whether Céspedes has five thousand or ten thousand men in the field. For about him one thing is certain—the movement with which he is associated will continue in spite of all the efforts of the Spanish authorities.

UNTIL THE QUESTION OF SLAVERY HAS BEEN SETTLED FOREVER. In view of possible contingencies in the fulfillment of the mission I have undertaken, I intend to leave some contributions to this question to be remembered. Whatever comes from my pen will have at least one recommendation—to wit, dispassionate truth. It does not require any very deep penetration to perceive that there is enough that is startling to the minds of men habituated to freedom of thought and action, to the dispensation of equal justice without question of race or color, to render my appeal to sensationalism quite unnecessary—I am tempted even to say, superfluous.

The Cuban question has so many sides and presents such a mass of entangled interests that only a mind perfectly impartial could give anything like a correct picture of the exact state of things existing here or of the causes that led to them. When we examine a disputed question closely and impartially experience generally shows that some right exists on both sides. With my present information it would be preposterous on my part to attempt to dogmatize or to pretend to give more than a cursory sketch of some of the causes which render a solution of the present trouble so difficult. While abhorring slavery from the depths of my soul, I am not prepared to look upon all who differ from my views in theory or in practice as necessarily bad men. So much depends in questions of this nature on the training and education as well as the association of men, that it would not be just to demand a universal acceptance of any set of opinions on the subject. Although slavery threatens to become a source of danger in the future it has had little to do with bringing about the present state of society here. The pride and haughtiness of the Spaniards in the first instance offended the *amour propre* of the Cuban population until the discontent of the latter reached the point where they wished for separation and independence. At first the Cubans sought only for reforms, but as these came slowly or were denied and the island was being constantly exploited by needy Spanish adventurers the discontent deepened into an absolute disloyalty, which culminated in the present insurrection. The Cubans were, up to that moment, the chief slaveholders, and it was not until when, by the act of insurrection, they had forfeited their property by law, that the revolutionists proclaimed the freedom of the slave. It is needless to recount how the insurrection failed almost from the beginning on account of mismanagement, but chiefly for want of the support of the strong hands and bold hearts of an industrious population. The Cubans were brave enough and rich, but they were unused to labor and unequal to the hardships of a soldier's life. If they had had a vigorous and hardy population in sympathy with them it is impossible now to say what the result would have been; but they were wanting in this essential condition of success, because the slaves refused to fight on either side unless when they could not help it. Like their brethren in the United States, they stood by while the white men were killing each other, fully convinced that the more were killed the better it would be for them. Unfortunately for the success of the movement the Cubans raised the cry of *¡España! ¡España!* (death to Spain) and the Spanish residents, becoming alarmed, fanned themselves into those corps of volunteers which have hitherto preserved the island to Spain. Much jealousy has for years existed in Cuba toward the Spanish immigrants, on account of the industry and success of the latter. While the natives passed their lives in amusement the newcomers were in nearly every instance thrifty and industrious people, who only sought to make enough money to enable them to return rich to Spain. By the aid of their own energy, and the superior confidence with which the foreign merchant treated the immigrants as a class, they thrived so well that the native-born people began to regard them with dislike and aversion. The result was the growth of a feeling

ANALOGOUS TO "NATIVISM" IN THE UNITED STATES, which alarmed the immigrants and separated their interest from that of the native-born inhabitants. It was a most unfortunate circumstance that the Cuban cause, because it forced into opposition the mass of industrious and enterprising spirits who had come to the New World to carve out their fortunes. Rightly or wrongly, the Spanish immigrants conceived the idea that if the Cuban cause succeeded they would be obliged to fly from the island and abandon the result of years of toil. The struggle assumed in their eyes more importance than a simple question of politics, for their lives and their property were held to be at stake. With these ideas they prepared to support the government, or rather they resolved, with the aid of Spain, to keep the island for themselves, as they have been and are now doing. Such of the foreign merchants as I have spoken with give an excellent character for industry, honesty and energy to the Spaniards, and seem to think that were they free to leave the island would retrograde a few years. Of course, the Spaniards would be taken for what it is worth. The foreign merchants, as a rule, do not care much for abstract questions of right, but think that whatever form of government encourages or facilitates their trade is the best. For this reason they are, as a class, rather in favor of the Spaniards than of the Cubans, though sometimes they express themselves in pretty decided terms about the Spaniards also. We have, therefore, to consider not alone a conflict of political theories, but we find the right of the immigrant to the enjoyment of life and property in question as well as the right of the colored man to absolute freedom. If the granting of one right would secure the other it would be plain sailing; but here we have the two rights in conflict. Under the influence of the rich, who control their opinions and their fortunes, the immigrant Spaniard, while demanding all rights for themselves, are opposed to the liberation of the slaves. It is difficult to see what interest

poor Spaniards have in maintaining slavery except to please the millionaires; but such is the position. To be perfectly just the solution to be found for this difficulty must secure protection for the immigrant as well as liberty for the slave. Not that there would be any trouble in accomplishing this if the volunteers would loyally support the government in giving freedom to the slaves. The trouble is that they will not, because of the influence over them of the slave masters, who are the real rulers of the island. This statement will give offence to the authorities, I fear, but it is true; and it is that fact which will make it the more unwelcome. One of the chief obstacles to the intelligent discussion of the affairs of Cuba is found in the extreme

SENSITIVENESS OF THE AUTHORITIES to anything that might be suspected of conveying even the slightest censure of the government. In the letter which the Captain General did me the honor to address to me you have an excellent example of this state of feeling. In what I wrote to His Excellency there was nothing which I would not have safely stated to the President of the United States without fear of giving offence. Nor was it so much the phraseology of the communication as the ideas of an individual having presumed to put forth a few logical reasons why the Captain General should reconsider a resolution, taken, as it appeared to me, without sufficient reflection, that called forth the assertion of superiority and condescension which is so unequivocally made in the Captain General's letter. Such is the submission exacted from the people here that few, if any, subjects of Spain would have dared to address the authorities in the language of common sense. Whatever communications are made to the Captain General are usually in the form of a humble petition, and it no doubt shocked the fine sense of etiquette of the Spanish officials to receive a letter from a simple citizen, politely but firmly written in the language and spirit of a freeman. There was certainly on my part no desire to give offence, and no one more sincerely regrets than I that it was possible for even the most punctilious to find something to carp at in what I wrote. I have no desire to achieve notoriety at the expense of decency and respect for the hospitality extended to me in a foreign country, but, at the same time, I will not submit without protest to anything having the air of discourtesy or insult. What I asked from the Captain General was simply to be left alone, and to pass at liberty, according to the *lex deo de gens*, through the country over which he commanded. I do not pretend to know what he means by travelling at my own risk, but I intend to find out exactly what the phrase means. The same hour that sees this letter of my way will see me far on.

MY JOURNEY TO SANTA CLARA. When I shall first visit some of the estates to note the operation of the slave and coolie contract systems, about which I intend to somewhat enlighten the civilized world before proceeding at "my own risk" to investigate the state of the insurrection. The causes that have led to this deviation from my original programme must remain unexpressed for the present, but they are sufficient in my own mind to justify the few days' delay the new investigations will occupy.

Whatever the peculiar phrase in the Captain General's letter may mean, I wish to express to him publicly, as I have charged some of my friends to express to him personally, my sense of the politeness and courtesy with which he has treated me. There are differences so radical in our modes of viewing things that it is impossible there ever could exist more than the sense of mutual respect between us—the Captain General representing the extreme pretension of federalism, and I the progressive and independent spirit of republicanism that refuses to acknowledge any other superiority than that which the intellect confers. However unfit for the post, accident has made me the representative of the conscience of civilized humanity, and as such, for good or evil, I shall wield on the destiny of this island an influence greater than even a Captain General can pretend to; for after all he is but a high official who, it is true, commands within restricted limits, but what I shall have to say will

SWAY THE MINDS OF MILLIONS, both in the Old World and the New. I comprehend my position and its importance, and the very opposition I have met with here has aroused me to the necessity of discharging my high trust so that it will be of benefit to the cause of humanity. As I have before stated, not one word or line will be written which will not be based on indisputable facts, drawn from my own observations or that of people worthy of all credence, and by this means I hope to lend such an interest in what I may have to say as will more than compensate any lack of brilliancy or power in my manner of saying it. My mind on all the questions is free from prejudice, and I confess to a love for Spain that would rather incline me to be her partisan than her censor. But, though I admire her glories and her heroism, I do not love her faults; and wherever I find any, or what appears to me to be faults, I will lay them bare unflinchingly. It is one of the misfortunes of the system of government, as understood in Spain, that the subject

MUST ALWAYS ASSUME THAT HE IS WELL GOVERNED, even when he desires reform. Before everything authority must be respected, and so abuses grow old until the people lose patience and attempt to procure reform by violence. The cause of this is that the officials, or, as we would call them, politicians, who live and grow rich on money wrung from the people, look on the masses as an inferior race of beings, whose chief use in life is to pay taxes and render obedience to those whom they support. The masses—very generally entertained by every man in America—that an official of government is a servant of the people, would be scorned by a Spanish official as an abominable political heresy; and if a newspaper man was independent enough to write such a sentiment every hair on the censor's head would stand bolt upright in blank astonishment and dismay. In such a state of society, where abuses have freedom to develop, like mushrooms in the dark, there is and can be no healthy public opinion to check them, for no one dares to say anything publicly that the official "ring" disapproves. But just imagine old Tammany with the right of censorship over the press, with the power to prevent one word or line being written

SECRET—WHAT WAS PLEASING TO THE "BOSS," and what hope would there have been for the reforms that swept away that corrupt institution? Under the Spanish system it would have continued to flourish until it became respectable by time, because the cant about respecting authority would have rendered the exposure of the thieves impossible. It is well for us that Tammany Sachem never gravitated towards Havana in the days of their power, or they might have learned how to control public opinion and make authority respected by a more efficient and respectable-looking process than dividing the plunder.

THE WANT OF HOMOGENEITY in the population here is the chief reason why a government so much opposed to the liberal instincts of the age can continue to exist almost in sight of free America. There is scarcely any ground upon which the whole 1,300,000 inhabitants, more or less, could meet on equal terms for the common good. The Spanish authorities hold the balance of power between all parties, and are looked to for protection alike by the slave and his master, the Cuban and the Spanish immigrant. The kindly feeling manifested by the expropriated Cubans and the colored people came too late to be regarded in any other light by the despots than as a bait to secure their support in overthrowing the power of Spain, and as they did not consider themselves deeply interested in the struggle they declined to take part with either side. It is true that the Cubans took a good many of their slaves with them into the field, and the Spaniards forced the five regiments of Havana, which were composed of colored men, but offered by white men, to go to the front, where they now are. From the first the question of mixed races has been a serious one for the Cubans, had they succeeded in shaking off the Spanish yoke they would have found themselves numerically inferior to the colored people, and as they could not have afforded to refuse to them the rights and privileges of free men, they would inevitably have

FALLEN UNDER THE POWER OF THE SLAVERS. Not could the difficulty be very well solved by the

encouragement of white immigration, as the climate exercises a most deadly effect on Europeans, and it is admitted on all hands that white men cannot work in fields. I have been assured that nearly eighty per cent of the whole white immigration fall victims to the vomito. Under these circumstances it appears to me that these islands will eventually be almost wholly populated by the African race, for even that portion of the immigrant Spaniards who escape the vomito and become rich leave the island as soon as they have amassed sufficient means and return to Spain to enjoy their wealth. At present there is a strong tinge of African blood in many of the people who claim to be considered white, and if the colored people were enfranchised the process of miscegenation would no doubt progress with great rapidity. On account of the conflicting interests of race it appears to me impossible that Cuba could avoid an internecine conflict in case she succeeded in establishing her liberty, unless by attaching herself to some stronger Power. The choice would seem to be, then, either to remain under the Spanish flag or to enter the Union. There seems to me to be no other alternative, for the mass of the people are wholly uneducated for self-government, owing to the want of education. It has been the policy of the government here, as in Spain, to keep the people ignorant, in order the more easily to exploit them. It is the peculiarity of the Latin races that while they have produced the greatest men in almost all branches of knowledge, the degrading feudal system fastened on them in the Middle Ages, has, up to the present, condescended the people to the darkest ignorance. The ruling classes of Spain and Italy and the old nobility of France never could rise to the height of recognizing how much nobler and grander it is to be the first citizen among a free and intelligent community than the master of degraded slaves. So wrapped up are those feudalists in their self-importance that they do not think they are called upon to blush for the ignorance and misery by which they are surrounded. So long as slaves burn incense before them they consider themselves great, while the intelligent world looks on with pity and disgust at their folly and selfish indifference to the well-being of their people. It is to be hoped that the revolution at present in progress in Spain will not stop until it has swept away every trace of the ancient and infamous system. Let it do for Spain what '90 did for France, but without the excesses that stained that glorious epoch. If the Cortes will only insist on the absolute and immediate liberation of the slaves and introduce reforms into the administration of this island the chief danger that threatens her would be removed. Whether she can continue to maintain possession of Cuba in the future, in view of the generally admitted hostility of the Cuban population, would have to be decided by time. There is very little reason to doubt that the spirit of the native population is animated by

A BITTER HOSTILITY TO SPAIN and all belonging to her. Indeed, the Spaniards do not pretend that they are liked, and look with unconcealed suspicion and distrust on the Cubans. In conversation lately with one of the prominent Spanish editors he stated that even the Cuban dogs in the street hated the Spaniards. What appears most strange is that the immediate descendants of the immigrants are the bitterest in their hatred of Spain; at least I have been so assured. It is very difficult to find any one who will commit himself by giving expression to Cuban sympathies, because the people were afraid of rendering themselves suspected—even the surrendered rebels are very cautious. Since my arrival here, although my presence is pretty widely known to both Cubans and Spaniards, I have not been once approached by any one in the interest of the insurrection to give me the slightest information or help in my mission. This is a circumstance that speaks well for the prudence of the Cubans, but if persisted in during my stay will be decidedly inconvenient.

For some days there has been a vague rumor circulating among the Cubans in Havana that HOLGUIN HAD BEEN SURPRISED by the insurgents under Vicente and Calixto Garcia. As they are somewhat in the habit of circulating rumors of imaginary victories, no particular attention was paid to the affair. However, it occurred beyond all doubt, and is much more serious than was at first supposed. By letters from reliable Spanish sources we are informed that a *rise de guerre* Colonel Wyler, commanding at Holguin, was led to make a sortie, and while he was gone some five hundred insurgents surprised the town, killing a major and several other superior officers and many soldiers and volunteers. They took possession of the place, plundered many of the chief stores, among others the jewelry establishment, and then left with their booty. It is said that the Colonel will be tried by court martial for having allowed himself to be surprised. The government report, which the *Diario* publishes this morning, is silent on these points, and, while admitting the surprise, endeavors to turn a serious check into a glorious victory. The loss of five officers and four soldiers killed is admitted, but not a word about the number wounded. We are also asked to believe that the loss of the enemy was infinitely greater. The DISPROPORTION BETWEEN THE NUMBER OF OFFICERS AND SOLDIERS KILLED can only be accounted for on the theory that five out of every nine men in the Spanish army are furnished with commissions, a peculiarity of organization that deserves the attention of our crack militia regiments. Whether the account given by the authorities be the correct one or not, it is certainly regarded with suspicion even by the Spanish adherents, while the Cuban sympathizers would have us believe that half the town of Holguin has been destroyed. One large store and five shanties were admitted by the Spaniards to have been burned. The importance of this event cannot be measured exactly by the loss inflicted, but must be looked at from the moral effect it will have in giving

CONFIDENCE TO THE INSURGENTS. The first serious check sustained by the Cubans in the beginning of the war of liberation was in Holguin, where some fifty Spanish soldiers, with a valor and tenacity worthy of the days of Saragossa, defied the whole force of the insurrection and heroically maintained their position until they were relieved. Since then the town has remained a thorn in the side of the Cuban leaders, and from its strategic position enables the Spaniards to hamper the movements of the insurgents. In so far as the latter have been unable either to destroy the town or to maintain possession of it, the Spaniards have some reason to be thankful, but it is not the policy of the Cubans to remain in towns. There can be no question that in the field they are unable to meet the Spanish forces, and they know it. What they purpose doing is to maintain the present guerrilla warfare until Spain becomes

TIRED OF LOSING MEN AND MONEY in a hopeless conflict. The losses of the Spanish army from sickness are something frightful, and as there is neither honor nor profit to be gained in fighting in this irregular warfare, the Cubans hope that after a time it will be impossible to obtain volunteers to supply the losses sustained by the troops from the effects of fatigue and the deadly influence of the climate. Well informed parties here assure me that the government is paying \$200 bounty to each of the volunteers; but even every one can be persuaded to face the vomito. The small steamers bring out little detachments, but what they do are not deserving the name of reinforcements. Another difficulty has been thrown in the way of the suppression of the insurrection which, more than anything that has yet happened, will tend to keep the conflict alive. I allude to the declaration in the Cortes that so long as one rebel remained in the field

NO REFORMS WOULD BE GRANTED TO CUBA. That is to say, the foolish Minister in Madrid has made it the interest of the slaveocracy here that the insurrection should be kept alive, so that slavery may continue so flourish unintercepted. It must be remembered that under existing circumstances the insurrection does not interfere with the commerce of the island. Most of the great estates are in the districts where the Spanish rule is undisturbed, and where it is otherwise the estate owners pay a tax to the insurgents to prevent them burning the plantations. It is even said that loyal merchants

in Havana furnish them with arms and munitions on similar conditions. It will only now be necessary for those interested in maintaining slavery intact to act a little more generously towards the rebels to render them more formidable than ever; and this, unquestionably, will be the result of the Spanish Minister's declaration. There are other reasons also why many of the rich merchants here are desirous that the war should continue.

MANY OF THEM ARE ARMY CONTRACTORS, and find a ready way to increase their already large fortunes by means well known to our own shoddy contractors during the civil war. The difficulty of putting an end to the insurrection will be easily understood when the conflict of these interests is taken into account. The losses experienced from the acts of the insurgents are nothing compared to what would result to the estate owners from the liberation of the slaves, and at present they enjoy an unexampled prosperity. The export of sugar and tobacco for this year will reach \$100,000,000, if nothing unforeseen occurs. It is natural that men amassing wealth at such a rate should be very jealous of any interference with their rights, or that they are pleased to consider their rights, except that the authorities here to such an extent that they may be said with truth to rule the island. That this is so is proved by the fact that the decrees of the Madrid government are of no force whatever when opposed to the wishes and will of the ruling oligarchy here. By law the slaves are free under certain conditions, but the slave-owners find a means of evading all the provisions except those in their interest. As soon as a slave becomes too old or too infirm to work he is in mockery given his freedom and allowed to

SEE HIS WAY TO THE GRAVE. I do not wish to affirm that this is done in all cases, or even in the majority of cases; but it is done, and the law is so framed that when a master chooses he may do this grave injustice if it be his pleasure. Before I quit the island I shall make myself master of this question, which I believe to be the real root of all the evil here, and also the great danger of the future. Without slavery I see clearly that the insurrection must soon pass into a state of brigandage, but the hope that this question will yet compel foreign intervention gives backbone to the hostility of the native population. In connection with this question

YESTERDAY A COURT arrived from Mexico. Everything was in apple pie order. The Celestials, with their pig tails, were fat and strong-looking fellows, not a bit like our Western notions of weak and pigmy Chinese. There was scarcely any trace of the almond eye, and the general expression on the face of the "immigrants" was one of marked intelligence. One of the ship, which looked suspiciously like a slave and her crew, I will write another time when treating of this slave and contract system in full. For the present I must close in order to catch the mail. For the last three days I have been waiting the good pleasure of the authorities to obtain my passport, or rather schedule; but as the official world takes three days holiday at Christmas I must wait its good pleasure. The following extract from a letter received from Spain has been published in the *Diario*:

THE NEW CAPTAIN GENERAL. As soon as the 12,500 men are collected together, which are to form the reinforcement to be sent to Cuba, General Cordova will be appointed Captain General and Superior Political Governor of that island. Public opinion, which at first was passionately in favor of the appointment of General Cordova, is turning, even journals antagonistic to the radical ministry admitting that with the sole exception of the Marquis of San Carlos (and de la Coma), there is no other person who better unites in himself the necessary conditions to take charge of the command of that Antilla.

PORTO RICO. According to another published letter from Madrid, the concrete points which constitute the aspiration of certain deputies among those from Porto Rico are the following:—They pretend that the lesser Antilles shall have a political organization according to the custom of the most radical school—that municipal councils, elected by the suffrage now in force, shall be the arbiters of local administration. The law of Ayuntamientos, or City Councils, which has been in force in the Peninsula since 1845, appears to them wanting and reactionary, because it is the wish of those deputies that the authority of the Captain General shall not intervene at all in the formation of the municipal budget nor in the employment of the funds. As a complement to this municipal organization they wish also for a deputation, directly elected, to represent in Porto Rico the rights and attributes at present confined only to the central power. This corporation will form, according to these deputies, the general budget of the island; would influence instruction and would direct the improvement of the public works, and would be, in fact, the real and almost exclusive government of the country. The Captain General disappears in this organization; a superior civil Governor would preside over the deputation, with the only right of objecting, in certain determinate cases, to the resolutions of that body; he would be of little influence in the government of the island. A military commander, subject to the orders of the superior authority, would command the military forces of the country, and a representative in Congress and the Senate, as these exist at present, would be the limit of that system. The "unconditional Spaniard" who writes the foregoing concludes by saying:—"This would leave Porto Rico no other ties to the metropolis than those absolutely necessary to evade the confession that nothing remains!"

THE HERALD'S CUBAN EXPEDITION.

From the Milwaukee (Wis.) Sentinel, Jan. 1. The able and interesting letter of Mr. Henderson, the correspondent of the NEW YORK HERALD, has increased public interest in the affairs of Cuba. Mr. Henderson gave it as his candid opinion that if the patriots were supplied with arms they could soon win their independence. He gave facts to show that it will be impossible for Spain to regain an undisturbed control of the island. It is now rumored from Washington that Brazil, Chile and Mexico are ready to share in the liberation of the Cubans, if the United States will only give them a pledge of neutrality. We hope that our government will not only remain neutral, but accord the insurgents the belligerent rights. Nothing is more probable than that the nations of South America, which have not forgotten the rigor of Spanish colonial rule, will intervene in favor of the oppressed and suffering people of the "Queen of the Antilles." It is also rumored from Washington that the Spanish Legation there has recently received information from the home government that it will be necessary to raise a corps of troops from Cuba to help repress revolutionary insurrections in the Peninsula. It is time that the thorough rule of Spain was ended on this side of the ocean. That degenerate monarchy was long ago driven from the American Continent; let it now be driven from the last island in the western sea. The insurrection is spreading to the Cubans from the United States, Mexico, Brazil and Chile would probably induce Spain to bleed from the constant striking of the dagger. All Christendom would rejoice at the result.

A NEW YEAR'S DAY HOMICIDE.

Post-Mortem Examination. The first homicide of the year, with fatal results, was yesterday brought to the attention of Coroner Keenan, at the City Hall. On New Year's Day Thomas Doyle, thirty-three years of age, became involved in a quarrel with William Wilson, at No. 8 Mulberry street, during which the latter, as alleged, struck his antagonist in the head with a stone, and, when the latter was knocking him down and reducing him to insensibility, Doyle was removed to the Centre Street Hospital, where he remained in an unconscious condition until yesterday morning, when death ensued from fracture of the skull. Doyle was married, and lived at 8 Mulberry street. Wilson made his corpse lie in state in the City Hall until last night, when Captain Keenan, of the sixth precinct, and the officers of his command, are in search of him.

FATAL CASUALTY—A LANDLORD CENSURED.

Coroner Young yesterday held an inquest in the case of Martin D. Hayden, the man who was killed by being struck on the head by some pieces of board which fell on him from an awning fronting the premises 426 West street during a heavy gale which prevailed on the morning of the 10th ult., as previously reported. In the testimony the jury censured the landlord of the above named premises (O. B. Lawton) for allowing the boards to remain on the awning in such an exposed condition.

MRS. WHARTON.

A Day of Legal Tiltng in the Annapolis Court.

Experimentum Crucis of Defending Counsel.

THE STATE AUTHORITIES.

The Bill of Exceptions Taken Under Advice before the Judges.

ANNAPOLES, Md., Jan. 8, 1873.

At half-past nine o'clock this morning Judge Miller, Hammond and Hayden took their seats on the bench, and, after the formalities of opening, the trial of Mrs. Wharton was resumed. Mrs. Wharton was accompanied by her firm friend, Mrs. Neilson, and her devoted daughter, Nellie. The ladies were provided with chairs within the bar and immediately behind Mrs. Wharton's counsel, Messrs. Hagner, Thomas and Stump, Jr. As heretofore, the ladies were veils, which quite concealed their features, so that no signs of emotion could be detected as the prosecution argued their side or the defense raised exceptions and presented motions and demurrers which in their opinion were calculated to relieve Mrs. Wharton from the painful situation in which she is placed. The lawyers on both sides were well provided with legal books to verify their arguments, and personally and professionally presented a formidable array. The general public seem to have been more interested than during the former two days. The attendance in the court room was more than doubled, many ladies being present; and although the proceedings were merely trials, which to the outsiders were naturally not calculated to satisfy curiosity, yet there was but little shifting about, or going or coming.

THE CITATION OF AUTHORITIES and reading of sections of statutes made up about all the doings of the day, filing documents being the alternates. Attorney General Syester was suffering from so severe a cold that he was not expected to be present, but in pursuance of his duty he was in his place to support State's Attorney Revell. The debate was opened by Mrs. Wharton's attorneys filing a bill of exceptions to the ruling of the Court, refusing to quash the indictment on the ground of its containing charges of distinct and separate felonies. The motion to quash was argued by the State's Attorney, the Chief Judge, Miller, remarking this morning that the Bench had no hesitation in denying the motion, for an appeal could be taken from the ruling of the Court. At this stage of the proceedings Mr. J. Nevitt Steele, who so ably defended Mrs. Wharton in her former trial, entered and was soon in consultation with Messrs. Hagner and Stump.

The Court read and considered THE BILL OF EXCEPTIONS, and, after inquiring whether its terms were satisfactory to the counsel for the defense, being answered affirmatively, ordered it on file, and argument on the terms and dictum of the indictment, which lastly was read by the Chief Judge, supported by Mr. Thomas, of the defense. He said that, in addition to exceptions already presented, he desired to place on record exceptions to the eleventh and twelfth counts of the indictment, and would demur to them on the ground of duplicity, and asked the quashing of those two counts. He spoke about an hour, quoting voluminously to show that it was his belief that the indictment, as drawn by the Attorney General Syester, was defective, and declared that the indictment should be construed by its own terms, and not be measured by the constructions of the State's Attorney. He then presented a bill of exceptions, which the indictment should be construed by its own terms, and not be measured by the constructions of the State's Attorney. He then presented a bill of exceptions, which the indictment should be construed by its own terms, and not be measured by the constructions of the State's Attorney.

THE QUESTION OF THE CITATION of the prosecution as to which particular count in the indictment, or particular act alleged to have been committed, they would go before the jury, was then brought up. Mr. Thomas, of the defense, would demur to them on the ground of duplicity, and asked the quashing of those two counts. He spoke about an hour, quoting voluminously to show that it was his belief that the indictment, as drawn by the Attorney General Syester, was defective, and declared that the indictment should be construed by its own terms, and not be measured by the constructions of the State's Attorney.

MR. HANAGER MADE ANOTHER MOVE. He stated that he desired in the direction of Mrs. Wharton that the counsel for the defense were making these motions and exceptions, but that he would not be bound by them, and would demur to them on the ground of duplicity, and asked the quashing of those two counts. He spoke about an hour, quoting voluminously to show that it was his belief that the indictment, as drawn by the Attorney General Syester, was defective, and declared that the indictment should be construed by its own terms, and not be measured by the constructions of the State's Attorney.

HE WAS FOLLOWED BY MR. STUMP in the same strain, and by Messrs. Revell and Syester in rebuttal. Mr. Thomas, of the defense, occupied the remainder of the day in his argument, and would stand taken by his colleagues, and submitted to the consideration of the Judges that the charge of attempted poison, as recited in this indictment, was not a separate felony, but was included in the same act of poisoning, and that the indictment should be construed by its own terms, and not be measured by the constructions of the State's Attorney.

THE POINT TO BE JUDICALLY DECIDED. After consultation Judge Miller announced that the point to be decided was whether the indictment, and the decision of the Bench was announced in the morning before an adjournment was had.

AN EXPLANATION FROM MR. STUMP. Mr. Stump, in explanation of the course he had taken, made a personal explanation to the Court, and, leaving being granted, he said that having been of counsel for Mrs. Wharton in her former trial, and having withdrawn, he wished to understand that it was with the utmost reluctance that he had taken that step. In the previous trial he was in feeble health, and, although he had been in the consideration of the honorable judges that he had been able to bring it to a conclusion. It was not that he now felt any less confidence in her case, or that he regarded any less the honor of the law, but he was not now actively engaged in her behalf, but he had been, as from the very first, a conviction of her entire innocence. Since that time he has been engaged at the present time in her defense, but that his colleagues were still Mrs. Wharton's counsel, and were altogether competent to conduct the case, and that he had no doubt felt sure that no injurious inference to her case would dwell in the mind of any one from his withdrawal from the case.

BOARD OF PUBLIC INSTRUCTION.

Joseph B. Nollard Elected as the New President of the Board. The Board of Public Instruction met yesterday afternoon at four o'clock, Commissioner Smith in the chair. Commissioner Jarvis moved that the Board proceed to the election of its presiding officer for 1873. The motion was carried, and Commissioners Gross and Wood were appointed tellers. Commissioner Joseph B. Nollard was unanimously elected.