

was, at or near St. Albans, an arsenal, or some such national structure, and in the town itself, one and only one, soldier. These opportunities of glory and destruction are, however, neglected. The arsenal and the soldier are, strange to say, both untouched, and poor old Mr. Breck is made to play a part in the history of modern war, which must have surprised him quite as much as it has surprised me, and the rest of the world, who had perhaps formed somewhat different notions of warlike achievements and martial glory. I will not stop now to discuss very minutely the contents or the dates of the various documents that have been put in on behalf of the prisoners. Their legal effect I shall notice when I come to another part of the case. The question, too, of whether these documents prove anything at all; whether Young can, under the circumstances contended for, be considered to have held a commission at all, and whether the others, all proved to have resided in this Province, for some time previous to this outrage, had really preserved the character of soldiers, supposing them to have had that character previously, and can be considered to have been so, in any intelligible sense, at the time this offence was committed; these are points which I am quite content to leave where they were left by my learned friends who are acting for the United States Government. To notice some of them, might perhaps be said to be descending to small points. It may be so; and yet the necessities and exactitude of legal proceedings may require it. What indeed were the points upon which all the celebrated modern cases of extradition have at last turned, except points of the narrowest and most technical description? Take Bissett's case; take Anderson's case; take the famous case of the Chesapeake; or come down still later to the case of the Gerrity. Upon what points were they all finally disposed of, but on those of the very narrowest form? The three first for defects—which may almost be called clerical defects—in the warrants of commitment; and the last upon the not much broader ground, that the piracy alleged and proved, was not the particular kind of piracy intended by the treaty. I feel, however, that upon this part of the case it cannot be necessary to enlarge;—that the idea of this enterprise presenting in itself any sign of lawful war, is untenable, and utterly unwarranted by the evidence. We have all heard, both in fable and in history, of instances of self-arrogated importance: we have read in our youth of the fly upon the wheel, and the frog that endeavored to distend its dimensions to those of the ox. We have read, too, in modern history, of the tailors in Tooley Street, who called themselves the people of England, and proceeded to alter the constitution of the empire;—but none of these instances can excel in ludicrous extravagance the pretence that, in going to a bank, in the middle of the day, in a