

# THE EXAMINER:

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EDWARD WHELAN

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

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## Poetry.

### THE IVY IN THE DUNGEON.

BY CHARLES MACRAE.

The Ivy in a dungeon grew,  
Unfed by rain, uncheered by dew;  
Its pallid leaflets only drank  
Care's moisture foul and colors dank.

But through the dungeon grating high,  
There fell a sunbeam from the sky;  
It leapt upon the grateful floor  
In silent gladness evermore.

The Ivy felt a tremor shoot  
Through all its fibres to the root;  
It felt the light, it saw the ray,  
It strove to blossom into day.

It grew, it crept, it pushed, it clomb—  
Long had the darkness been the home;  
But well it knew, though veiled in night,  
The goodness and the joy of light.

Its clinging roots grew deep and strong;  
Its stem expanded firm and long;  
And in the current of the air  
Its tender branches flourish'd fair.

It reached the beam—it thrilled, it curled,  
It blessed the warmth that cheered the world,  
It rose towards the dungeon bars,  
It looked upon the sun and stars.

It felt the life of bursting Spring,  
It heard the happy skylark sing;  
It caught the breath of morn and eves,  
And waded the swallow to its leaves.

By rains, and dews, and sunshine fed,  
Over the outer wall it spread;  
And in the day beam waving free,  
It grew into a steady tree.

Upon that solitary place  
Its verdure threw a morning grace,  
And mating birds became its guests,  
And sang its praises from their nests.

Wouldst know the moral of the rhyme?  
Behold the heavenly light and rhyme:  
To every dungeon comes a ray  
Of God's interminable day.

## Colonial Legislature.

(Continued from our last.)

WEDNESDAY, February 14.

### PURCHASE OF THE WORREL ESTATE.

Hon. SECRETARY. It was made but a fortnight before they went out of office, but before their resignation a commission was appointed and a report made.

Mr. DINGWELL. Mr. Speaker, as one of the Commissioners referred to by the Hon. Member for Charlottetown, I am compelled to notice the observations he has made affecting myself, and in doing so, I can assure him that I am no land speculator nor was I ever, and nothing in my conduct can justify the Hon. Member in making the remarks he has. In discharging my duty under the Commission I acted honestly, and I tell the Hon. Member that I am, and I trust ever have been, as honest and conscientious a man as himself. It is most improper for the Hon. Member to attribute interested motives to the Commissioners who merit no such imputations.

Mr. McINTOSH. Mr. Speaker, I rise, merely to observe that I think the Government made a judicious selection of the gentlemen who acted as Commissioners, they are fully competent to estimate the value of land, and I for one am satisfied with their report. I must say, however, that in my opinion the Government were somewhat hasty in concluding the purchase, as, I believe, that had they waited a little longer, they could have obtained the land at a lower price.

Mr. COOPER. The reason, Mr. Speaker of the comparatively high price paid by Mr. Cox is, that his land contained valuable improvements, it comprised 200 or 300 acres of well-fenced land, and the former residence of Mr. Worrel, &c. But my objection to the action of the Government is, that the bill makes purchasers pay for their improvements, and I certainly was under the impression that the title of Proprietors would have been investigated by the Commissioners.

On the second reading of the Sheriff's Bill, Mr. H. Haviland suggested an alteration to that part which held the sureties for a Sheriff liable for the acts of his Deputy after the death of the principal, which after some discussion was adopted without division.

February 14.

### TENANTS' COMPENSATION BILL.

On motion of the Hon. Col. Secretary, that the House go into Committee on the Tenants' Compensation Bill—

Mr. COOPER opposed the motion, on the grounds that the Bill was but a prop to the Landlords' titles. It applies merely to a certain class of tenants, those who held written leases for definite periods, while it made no provision for the relief of the large class who had short leases, or had settled on land under an implied promise of a lease, or those whose settlement had been known to the proprietor and not objected to for years. If a general measure, affecting all classes of tenants were adopted, it might be of some service, but the present Bill tends but to strengthen the position of Landlords, instead of embracing provisions to investigate their titles. The arbitrators to be appointed under the Bill, should be empowered to enquire into and report upon the rights and titles of both Landlord and Tenant, and if a Landlord should be found to have exceeded his authority it should be known.

Hon. COL. SECRETARY said that the Hon. Member who had last spoken, had thrown quite a new light upon the Bill; he appears inclined to make it include all classes of settlers. But, Sir, this Bill is intended to apply merely to parties under agreement for rent, who may have been ejected

before the expiration of the period specified in their leases. It is not proposed to extend its provisions to those tenants for short periods whose leases shall have expired; and it has been framed to meet the present settlement of the Country, and is required by the state of affairs caused by the original grants. By this Bill, if a tenant should fall into arrears of rent, it might be by outlay for improvements, he cannot be ejected for those arrears, without receiving the value of the improvements he has made upon the land. The Compensation which the Bill provides will encourage tenants to make improvements, as they will feel that they have a property in the results of their labor and outlay of capital. In cases where the value of the improvements, estimated by arbitrators, shall exceed the amount of the arrears, the tenant will receive the difference. If, Sir, the views of the Hon. Member (Mr. Cooper) be adopted, there will be no end of the matter and no beneficial conclusion can result. Better, Sir, to let this Bill pass, as we wish to benefit the tenant as far as possible. A Bill similar to this passed the House three years since; on that occasion it was maturely deliberated, and received very general support. The Hon. Member had better embody his views in a separate Bill, and not jeopardize the benefits sought by this measure, by the addition of other matters which might cause the loss of the whole.

Hon. Mr. MONTGOMERY had voted for the previous Bill, and would not oppose the present, although he did not think it would do all the good expected from it—if the Bill became Law, Landlords would not proceed against the tenants by the mode of ejection, but would sue the tenants, as for any other debt, and thus avoid the necessity of paying for improvements.

Hon. COL. SECRETARY. The objection of the Hon. Member does not affect the Bill. For supposing that a Landlord should pursue the course stated by the Hon. gentleman, the land will be sold by the Sheriff at public auction, whose competition will secure to the tenant the value of his property. The Sheriff must give ample notice of the intended sale, and if the property should bring £100, and the claim of the Landlord be but £50, the balance would be paid over to the tenant; without this Bill the tenant will have no security. I have heard many instances of agents of proprietors using the influence of their position according to their political bias, and in one instance, an agent, within 15 miles from Charlottetown, threatened to turn off a tenant because he was not on the same side in politics. Pass the Bill now before the House, and should such a case occur in future, the proprietor must pay the value that the tenant has conferred upon the land.

Mr. DOWSE, I do not know, Mr. Speaker, whether the Hon. gentleman alluded to me as the agent in the case he has mentioned, nor do I care. If, however, he does refer to me, I can tell him that his probable informant, should have been the last man to have said a word in the matter. He went on the land with the understanding that he was to take a lease, he never paid a farthing of rent, and refused to execute the lease which was prepared, stripped the land of the timber, and what arbitrators, I would ask, could estimate the damage sustained by the proprietor in such a case. Talk of paying such a person for his improvements! Why, Sir, the property would have been worth much more, if he had never gone on it. I foresee, that such men will endeavour to rob the proprietors by seeking shelter under this Bill. The allusions of the Hon. Secretary to the conduct of agents do not apply to me, I have managed extensive estates now for 22 years, in this Colony, and during that time I never have, and I trust I never shall feel obliged to eject an honest tenant for arrears of rent. God forbid that I should deprive any man of the fruits of his honest industry.

Mr. McINTOSH would wish that a Bill applicable to every case that could arise affecting lands should be introduced—the present Bill did not go far enough, but he would not oppose it on that account. The Hon. Member mentioned the case of Mr. Keeffe, who had located himself upon Lot 40, without a lease or written agreement as to his tenure; after several years occupation the proprietor wanted the land, but the tenant would not give up possession without being paid for his improvements, the value of such improvements was referred to arbitrators who awarded to Mr. Keeffe such a sum that, after deducting the Landlord's claim for rent, he was enabled to purchase a freehold property. He mentioned this as an instance of the benefits likely to accrue under the Bill. Labor should be protected whether the laborer were under lease or not.

Hon. Mr. WARBURTON recommended the reference of the Bill to Committee.

Hon. Mr. MOONEY stated that the present discussion was unnecessary, as the Bill had been before the House twice before, and had received its sanction. If it does not embrace all that some Hon. Members may require, I am willing to take it as an instalment of justice—it is good policy to take all we can get. Such a measure is necessary for the protection of the poor tenants, for the man who goes into the woods to make a living for himself and family. That man must, notwithstanding the complaint of the Hon. Member for Belfast, about the destruction of timber, cut down trees to clear the ground for crop, build his hut and must have a little wood for fire, if he would not be eaten up by the mosquitoes, (laughter.) If the Hon. Member will only give leases for 999 years, I will promise him that there will be no destruction such as he has mentioned. I can state, from my own knowledge, the case of a tenant, who owed £50 for rent, whose farm was seized and sold for the rent. It brought £80, and the Landlord received not only the amount of his claim, but took the surplus. If this measure will have the effect of relieving even 20 tenants in such cases, it should be passed, and any alteration in its details, can be effected in Committee.

The Bill was then read by the Clerk, after which the House went into Committee on it, Mr. McDonald in the chair.

FRIDAY, February 16.

The Bill providing for taking the Census was read a third time and passed. Hon. Mr. Wightman presented some petitions on roads and bridges, which were laid upon the table.

### BANK BILL.

Hon. COL. SECRETARY, among other papers, laid upon the table extracts from a despatch from Sir George Grey, giving the reasons which had induced Her Majesty's Government to withhold the Royal Assent from the Act for the incorporation of the Prince Edward Island Banking Company; and in moving that the latter document be published in the Royal Gazette, stated that the Imperial Government had always carefully scrutinized any measure of this nature, and it was right that they should do so. I am not surprised that the

Bill did not receive the Royal Assent. The clause allowing the Bank to withhold the redemption of their own paper, was quite sufficient to destroy it. I will suppose the case of a man about leaving the Island—he wishes to get money; he takes the notes to the Bank and asks that they be redeemed; he is told that it is not convenient to pay the cash, but that he will be allowed twelve per cent. interest until they are paid. What must he do in such a case? The Bank, according to the Bill, can tell him that it is not convenient just then to take up their paper, but that he can receive twelve per cent. interest on the notes he holds. What compensation, I ask, is that to a man in the circumstances I have supposed? He wants no interest. He requires cash, and cash he must have; and this Bill would have the effect of compelling him to take the notes to a shaving-shop. The Bill is objectionable in other respects. It contains no clause limiting the amount of real estate to be held by the Bank. Such property is not required by such an institution. Specie, not real estate, should be the capital of a Bank. Their banking house is the only property of that kind that a Bank requires. Again, under this Bill, shareholders are not liable for the consequences of any mismanagement on the part of the directors, beyond the amounts of their respective shares. They should be responsible for at least double the amount of their subscribed stock. For these reasons, Mr. Speaker, I consider the British Government justified in refusing their sanction to the Bill, and I move that the paper I have presented to the House be published once in the Royal Gazette.

Mr. HAVILAND.—I was not present, Mr. Speaker, when the document was read, and am consequently unprepared for discussing the matter now, but I must say that the reasons assigned by the Hon. Colonial Secretary for the rejection of the Bill are, in my opinion, frivolous in the extreme. Among other objections, there is one relative to the issue of small notes. Strange, indeed, to find such an objection to this Bill, when the Banks in Nova Scotia and New Brunswick are allowed to issue such notes! and, sir, a clause similar to that allowing the Bank to suspend specie payments, on paying twelve per cent. interest during the period of such suspension, is to be found in the Acts incorporating those Banks. Why was it not objected to in their cases? But, sir, the clause was inserted, and would operate as a penalty on the Bank, and a security to the public. Any holder of its paper could sue the Bank in the same manner as any other debtor. I wish the matter to be fully discussed, when hon. members may have had time to consider the objections; at present I am not prepared to take it up.

Hon. COL. SECRETARY did not intend to enter into the discussion of the objections at that time, his only object in making the observations he had, was to show hon. members the propriety of his motion for publication. He denied that the twelve per cent. clause was penal, for while the Bank were allowed to issue paper to the amount of capital subscribed, they would be in the receipt of eighteen per cent. and deducting the twelve per cent., would still receive six per cent. on their paper, for which the public had no security. The hon. member had stated that a similar clause was to be found in the Bank Acts in the other Colonies, but there was this very material difference between those Acts and the present, that they expressly limited the period of suspension, after the expiration of which, the Charter of the Bank became forfeited, but this Bill provided no time for the resumption of cash payments. He would be willing to give a reasonable time for the Bank to obtain specie, but thought that the Charter should be forfeited after sixty days' suspension of specie payments. With reference to the hon. member's remark that the Bank might be sued, he would only observe, that the liability of the Bank to be sued would be practically of no benefit to the public, for there being no Bankrupt Law in force in the Island, after the time lost in obtaining judgment against the Bank, the creditor might find that there was nothing left on which he could realize his claim.

Mr. HAVILAND.—The Hon. Col. Secretary states that the twelve per cent. clause was not a penalty on the Bank, inasmuch as they might be making eighteen per cent., and only paying twelve; but if the clause were struck out, what security would the public have? The Bank would then receive the whole eighteen per cent.

Hon. Mr. LORD was opposed to the publication. He considered the present discussion a waste of time. Nearly three-fourths of the clauses of the Bill had been objected to. If we want a Bank, we had better state our wishes to the Imperial Government, and take whatever measure they may please to give us. I will not vote for the publication, Mr. Speaker, though other hon. members may. I wish to see a Bank established in Charlottetown; it is very much needed; every man in business feels the inconvenience and annoyance to which the community is subjected for want of such an institution. I know that I, for one, feel it very seriously; but really if such objections as these are to be made, we may as well abandon the idea at once.

Mr. HAVILAND agreed with the hon. member who had just sat down, and supposed that under Responsible Government we were to have the management of our own affairs—that the British Government would not make fish of one and flesh of the other. The Bank of Westmoreland, in New Brunswick, had similar clauses, and the Act incorporating it had passed simultaneously with our own, and had not been objected to. Talk of security to the public—why, sir, I believe there are upwards of £60,000 of foreign bank paper about in the Island, and what security have the public for one penny of it?

Hon. Mr. MOONEY was present at the passing of the Bill, and at the time, thought that there was no security for the public, and thinks so still. The 12 per cent. interest, payable by the Bank, is no equivalent to any person whose business requires cash, and the Bank would still make a profit of 6 per cent. on paper which they could not, or would not, redeem.

Hon. Mr. WARBURTON was in favor of the publication moved for by the Hon. Col. Secretary. It was right that every information on the subject should be furnished to the shareholders and the public at large.

Hon. Mr. MONTGOMERY had no objection to the publication. The Bill was no party measure, hon. members on both sides of the House were in favor of it.

Hon. COL. SECRETARY would mention that the Westmoreland Bank, and other Colonial Banks are restricted as to the period of suspension of specie payments. The Hon. Member (Mr. Haviland) had stated that £60,000 of foreign paper was in circulation in the Island. Well, if people choose to take it, Government cannot interfere, but the Government do not take it. It will not be received at the Treasury. With reference to the remarks of the hon. gentleman and the Hon. Mr. Lord, as to the right of the British Government

to interpose in our local affairs, they both know that the Home Government have always exercised careful supervision over all colonial legislation, especially on the subject of Banking. The Bill was drawn up by, and for, the old Tory party, and if in operation would give that party a monopoly of the monetary business of the Island. The objections are, in my opinion, well founded, and I think that the more carefully guarded the Bill is, the greater will be the security to the shareholders and the public. Hon. members cannot reasonably expect every Bill we may pass to be assented to in England. But since the introduction of Responsible Government into the Colony, but one Bill was rejected. The one-ninth Bill was sent back merely that it might receive one amendment. That Bill should have been passed without a suspending clause. Most probably the proprietary interest was employed against it at the Colonial office.

The motion for publication in the Royal Gazette was then carried.

Hon. COL. SECRETARY, in presenting additional papers connected with the Worrel Estate, to be published with those he had previously submitted, stated, that since the subject had been before the House, a receipt for £30 paid to the late proprietors, had been produced to him, and he mentioned the case of a person who had purchased a portion of the Estate, containing 60 acres for £75, the interest on that sum was £22 10s. making in all £97 10s., of which he had paid to Mr. Desbrisay £56 9s. 2d., whereas had he purchased from Government under the Bill, he would have had to pay but £37 10s. for his land, and even with the addition of two years interest, would have made the cost but £45 10s. Thus showing that he had already paid about £10 more than he need have done, and had incurred a debt of £51 which might have been saved.

The House in Committee on expiring laws, decided, after a little humorous conversation, not to re-enact the Act for encouraging the destruction of Bears and Loupevoers, by granting a bounty, but to vote a sum for such purpose in supply annually.

SATURDAY, February 17.

The Hon. THE SPEAKER presented to the House a letter and papers he had received from the Trustees of the Lunatic Asylum, which were referred to the Committee of supply.

### STUD HORSES.

The Hon. COL. SECRETARY presented a petition from the Royal Agricultural Society, praying a grant of £1000 to enable them to procure six Stud Horses, for the use of the Island. The Society contemplated obtaining three of the horses from the United States in time for the next season, and the remaining three from Great Britain in time for the following season, and he moved that the petition be referred to the Committee of supply.

Hon. MR. LORD wished the opinion of the House to be expressed before referring the petition to the Committee.

Mr. COOPER thought it would be better that the petition should lie on the table, and the merits could be discussed in Committee of supply.

Hon. Mr. WIGHTMAN agreed with the Hon. Mr. Lord that the House should consider the matter now. The hon. member declared his disapproval of the importation of heavy horses as being unsuited to the requirements of the country. Those of lighter weight are of greater service to the people, as there is now no comparatively heavy timber to be hauled, and he was of opinion that whatever number of horses it might be deemed advisable to import should be procured from the United States, whence they could be obtained, of the suitable kind, at less trouble, risk, and expense than from Great Britain.

Mr. HAVILAND.—The question is, shall we have horses or not? He was prepared to support the prayer of the petition for the full sum asked. Hon. members should bear in mind that the horses would be sold, and the price to be obtained for them would probably nearly amount to the cost.

Mr. McINTOSH did not approve of heavy horses. The country does not require them. We have seen that all our heavy horses have been taken off the Island. It would be far wiser to import the kind we want for our own use. He considered the Canadian breed of horses well suited to this country. A sufficient number of them could be procured for a less sum than one thousand pounds which he considered extravagant.

Hon. Mr. MONTGOMERY was in favor of granting the whole sum asked. He considered that no appropriation more advantageous to the country could be made. Large horses were of great benefit to the country, as they were sold at high prices to the people of the neighbouring Colonies, and thus a large amount of money went into the pockets of the farmers.

Hon. COL. SECRETARY.—Mr. Speaker, hon. members may talk about the Country not requiring large horses, but I firmly believe that one Clydesdale Horse has been worth fully £100,000 to the Country. The high character of that horse's stock gave general reputation to Island bred horses, and brought to our shores purchasers at high prices from Nova Scotia and New Brunswick. The best stock is a cross between a thorough bred and a Clydesdale. Fifty pounds are now paid for a horse instead of the fifteen or twenty pounds of former years. Why, Sir, but a short time since, I sold to my hon. friend on my left a mere pony for £50.

Hon. Mr. LORD.—You did indeed. (Laughter.)

Hon. COL. SECRETARY.—And now, I know, he would not take £75 for it. King's County has now the best horses in the Island. It was imported last year. The farmers must raise large horses which will bring them high prices. The demand for our horses in the neighbouring colonies is so great, that it is no uncommon thing to see 18 or 20 horses in a string, the purchase of one man. The full sum of £1000 will be required to meet the great and increasing demand. If four horses had not been lost last year, £500 would have been all that would have been asked for this season. The reason of the rejection by the Council of the grant last year was some dissatisfaction at the individual appointed to select the horses. Some American horses are well adapted for the use of the Colony, but the Clydesdale is the breed required for market.

Mr. COOPER.—I consider, Mr. Speaker, that £1000 is a large amount to be appropriated for such a purpose, in addition to all we have already given. If the horses that have already been imported have been of as good a breed as is alleged, that breed should be preserved. If not, surely we can employ the money to more advantage. If we are always importing, and not retaining the stock in the country, we are but wasting money.

Hon. Mr. MOONEY.—Mr. Speaker, the hon. leader of the Government is always talking of the necessity of importing;