The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free.'---Euripides.

VOL. XXII.] CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, MAY 15, 1871. [NO. 20.

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POSTERS AND HANDBILLS
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CLUBBING RATES.

WE will send the "Examiner" for 1871, and any one of the following periodicals at the annexed rates, payable in advance:

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Harper's Magazine,	1 3 0
Galaxy,	1 3 0
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London Review, }	3 0 0
Dublin do }	
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do Tribune,	1 3 0
do World,	1 3 0

We can supply any of the English, American, or Colonial Publications, at the lowest cash rates.

P. R. BOWERS.

ALMANAC FOR MAY.

MOON'S CHANGES.

Full Moon, 4th day, 6h. 48m. even., E.
Last Quarter, 11th day, 10h. 11m. morn., W.S.W.
New Moon, 19th day, 6h. 33m. morn., S.S.E.
First Quarter, 27th day, 8h. 50m., morn., N.E.

D M	DAY WEEK	SUN rises	SUN sets	Sun fast clock	Moon S.	High Water	Days length
		h m	h m	m s	h m	m m	m m
1	Mon	4 51	7 4	3 1	3 26	7 3	14 13
2	Tues	49	5	3 8	4 0	8 33	16
3	Wed	47	6	3 15	4 27	9 33	19
4	Thur	46	7	3 22	rises	10 16	22
5	Frid	45	8	3 27	8 15	11 5	24
6	Sat	44	9	3 33	9 33	11 52	25
7	Sun	4 43	7 10	3 37	10 49	even	27
8	Mon	42	12	3 42	11 54	1 34	30
9	Tues	41	13	3 45	Morn	2 29	32
10	Wed	40	14	3 48	0 44	3 23	34
11	Thur	39	16	3 50	1 26	4 27	37
12	Frid	38	17	3 52	2 0	5 30	39
13	Sat	36	18	3 53	2 23	6 3	42
14	Sun	4 35	7 19	3 54	2 56	7 30	44
15	Mon	34	20	3 54	3 10	8 23	46
16	Tues	33	21	3 53	3 34	9 7	49
17	Wed	31	23	3 52	3 36	9 5	52
18	Thur	30	24	3 50	4 18	10 3	54
19	Frid	29	25	3 47	sets	11 8	56
20	Sat	28	26	3 45	8 44	11 47	58
21	Sun	4 27	7 28	3 42	9 44	Morn	5 0
22	Mon	26	29	3 38	0 32	0 2	2
23	Tues	25	29	3 31	11 21	1 10	4
24	Wed	24	30	3 29	11 59	1 56	7
25	Thur	23	31	3 23	Morn	2 34	10
26	Fri	22	32	3 17	0 36	3 21	11
27	Sat	21	33	3 11	1 10	4 5	13
28	Sun	4 20	7 35	3 4	1 38	5 5	15
29	Mon	19	36	2 57	2 1	6 2	17
30	Tues	18	37	2 49	6 59	2 58	18
31	Wed	17	39	2 41	2 52	7 55	20

Business Cards.

HENRY J. GAFFNEY, M. D.
PHYSICIAN & SURGEON,
OFFICE IN
North American Hotel,
KENT STREET.
Charlottetown, Aug 3, 1870.

MR. A. SMYTHE,
PROFESSOR OF MUSIC,
Has Removed his Academy to Water St.,
(Opposite the late Telegraph Office.)
Pianoforte and Melodeon Tuning punctually attended to.
July 25, 1870. 1y

CARVELL BROTHERS,
AUCTIONEERS,
Commission Merchants,
AND
GENERAL AGENTS,
BANK BUILDING, QUEEN STREET,
Charlottetown, P. E. Island

A. McNEILL,
Reading Room Proprietor
COMMISSION MERCHANT
AND
AUCTIONEER.
CHARLOTTETOWN.
March 21, 1870. 1 yr

SETH D. SHAW,
Attorney-At-Law, &c.
OFFICE—Corner of Great George and Dorchester Streets.
Opposite City Hotel. Formerly occupied as a Law Office by Charles Palmer, Esq., and recently by H. J. Cundall, Esq.
Charlottetown, - - - P. E. I.
May 31, 1869. tf

WILLIAM DODD,
Commission Merchant and
AUCTIONEER,
QUEEN SQUARE,
CHARLOTTETOWN, P. E. ISLAND

H. HASZARD,
Commission Merchant,
GENERAL AGENT,
AND
AUCTIONEER
Uppe. Queen Street,
Charlottetown, - - - P.E.I.
N. B.—Orders from abroad, and the country will receive prompt attention.
April 26, 1869

HANDBILLS and POSTERS printed at EXAMINER Office.

Business Cards.

HAPPY HOME
HOTEL.

The above New Hotel, in Sydney Street, opposite Blatch and McKenzie's, is now open for the Public, The H. H. H. is only one block south of the Market Square, affording Country People a favorable opportunity of obtaining Refreshments for themselves, and good Stabling and Provender for their Horses The Proprietor of the HAPPY HOME HOTEL is determined to give the best possible satisfaction to his Patrons. The Stabling is good, with abundance of Provender for Horses. In connection with the Hotel is a supply of

Groceries, Confectionary, &c.

Seven or eight permanent Boarders can be accommodated at a reasonable rate per week.
Good People, please call and judge for yourselves!
A. A. McKENZIE.
Proprietor
Sydney Street, Ch'town, Jan 23 1871.

Apothecaries' Hall,
The Old Stand, West Corner of Queen Square.
ESTABLISHED, 1810.

By Steamer *City of Cork* from ENGLAND. Brigantine *James* from MONTREAL, and other recent arrivals, the undersigned has completed his importations for the winter, consisting of

GENUINE DRUGS & CHEMICALS,
Dye Stuffs, Vanishes, Paints,
Oils, Colors, &c.
PATENT MEDICINES, PERFUMERY,
TOILET ARTICLES, &c., &c.

The whole of which will be sold at a small advance on cost.
Special attention, by an experienced hand, to the preparation by day and night of Physicians' prescriptions and private recipes.
T. DESBRISAY.
Charlottetown, Jan. 2, 1871.

A. HERMANS,
Bell-Hanger, Gun and Tin-Smith,
Dorchester Steet,
(Next to "Examiner" Office.)

BEGS to return his thanks to the general public for the liberal patronage extended to him since his commencement in business, and asks for a continuance of the same. He keeps constanty on hand
A neat Assortment of
TINWARE, KITCHEN UTENSILS
&c., &c., &c.
ALL ORDERS in the above BUSINESS will be punctually attended to.
Having lately made large purchases in the Cheapest Markets, intended for House Builders, such as
Gas Fitting, Water Closets,
Bell Fittings, &., &c.,
I am prepared to SELL THEM at RATES AS LOW AS CAN BE HAD IN THE CITY, and will fit them up in a good workmanlike style
To a generous public, I would say, that all orders in THIS BRANCH OF MY BUSINESS will be attended to with Despatch
A Lot of First Class WATER COOLERS on hand.
SAYER'S CRYSTAL BLUE,
Sold Cheaper than ever
July 12, 1869

Apothecaries' Hall,
The Old Stand, West Corner of Queen Square.
ESTABLISHED, 1810.

JUST RECEIVED, a fresh supply of FELLOWS' COMPOUND SYRUP OF HYPOPHOSPHITES, and Wyeth Brothers' COMPOUND SYRUP of PHOSPHATES (Chemical Food).
—ALSO—
A Good Assortment of Aniline Dyes, Roseine, &c.
T. DESBRISAY.
Ch'town, Jan. 2, 1871.

1871 Fresh Seeds. 1871
GARDEN, AGRICULTURAL, and FLOWER SEEDS and BULBS.
INDIAN CORN
Grown by an experienced cultivator in CORNWALLIS. For Sale by
WM. R. WATSON.
City Drug Store, Victoria Building. } April 17, 1871.

Salt! Salt! Salt!
10,000 bushels Cadiz Salt.
THE Subscriber offers FOR SALE, immediately on arrival, in lots to suit purchasers, the Cargo of the Brigantine *Katie*, now on her way from Cadiz.
GEORGE W. HOWLAN.
Cascumpec, April 3, 1871 h sj 2 m

LOST.
A RED SETTER DOG, slightly lame, answers to the name of "Bran." Whoever brings the same to Government House, or gives such information as may lead to his recovery, will be handsomely rewarded.
Private Secretary's Office, } April 17, 1871.

NEW BOOTS!
—o—
JUST Received *per* Steamer *St. Lawrence*,
3 Cases Ladies & Gents' Prunella Boots.
1 do Ladies', Gents' and Childrens,
LEATHER do.,
IN CONGRESS BALMORAL, &c.
Which will be Sold CHEAP.
J. B. McDONALD.
Queen Street,
One Door above Hon. D. Brenan's, } April 17, 1871. } h 3 in.

General Advertisements.

POWNAL NURSERY.
Fruit & Ornamental Trees, &c.

THE Subscriber will offer for Sale, in their proper season, the following
FRUIT TREES!
800 Grafted Apple, of 7 different hardy kinds, at 24s. per doz. a part of which are from Cornwallis, N. S; 50 Crab Apple Trees, at 3s. each; 1000 Ungrafted or Seedling Apple, raised from the Baldwin Apple Seed. These are sure to be hardy, and we have no reason to doubt but they will yield fruit, after their kind, are from 5 to 7 feet high; sold at 10s to 12s. per doz. 300 Large Blue Plum Trees, and a few Green Gage, as good as can be had on the Island, 9s. to 12s. per doz. A few dozen Red Cherry 1s. each; 500 Black Currant Bushes 5s per dozen.
ORNAMENTAL!
700 Lombardy Poplars, 6s. to 9s. per dozen
I expect a few dozen of Oak Trees.
GARDEN & OTHER SEEDS!
Also, a large variety of different kinds of Seeds, suitable for Market or private Gardens.
(See Catalogues of Seeds and Trees).
The above will be offered for sale at the Subscriber's, and at his large Double Stall in the Market House, Charlottetown, on Market Days.
Orders sent will be thankfully received and attended to
In regard to Cabbage and other Plants I am making preparations to supply the Market boxed as last year, having 20 lbs. of select Seeds in reserve for that purpose.
EGGS.—I will pay the Highest Cash Price for any number of Eggs, at the Market House.
JAMES. J. GAY.
Pownal Village, Lot 49 } April 20, 2871.

Notice of Co-Partnership!
THE undersigned having this day taken his son Benjamin Davies, Junior, into partnership, the business of Queen Street Warehouse, will hereafter be conducted under the Style and Firm of
DAVIES & SON.
ALL Debts due to the Subscriber must be paid immediately, in order that the business of the old Firm may be closed.
BENJ. DAVIES.

Referring to the above, the Subscribers would inform the Public that to make room for
LARGE SPRING IMPORTATIONS,
They have enlarged their business premises.
They invite the attention of the Public to a large Stock of Fashionable
READY MADE CLOTHING!
Which they offer VERY CHEAP.
DAVIES & SON.
Queen Street Warehouse, } April 17, 1871. } 5w

Seeds. Seeds. Seeds.
FRESH and good for the Garden and farm at
BEER & SONS',
April 24, 1871. 1m Seed Store.

Co Partnership Notice.
MR. WM. HENRY AITKEN has, this day, been admitted a partner in our Firm.
CARVELL BROS.
Ch'town, April 24, 1871. 4in

BOSTON STEAMERS!

'Alhambra' & 'Commerce.'
ONE of the above Steamers will leave Boston every SATURDAY for this Port, *via* Halifax and Canso, commencing on the 8th inst., and will continue, until further notice. Returning will leave Charlottetown every Thursday, at 12 o'clock, noon.
For Freight or Passage apply to
CARVELL BROS, Agents,
Ch'town, April 10, 1871. tf

NEW GOODS!
April, 1871! First Arrival.
W. A. WEEKS & CO.,
Queen Street,
HAVE RECEIVED by Steamer from GLASGOW, G. B.,
5 CASES HATS & CAPS,
In desirable Styles
For Spring Wear.
Please Call and Inspect!
April 17, 1871.

THROUGH TICKETS
TO ALL PLACES IN
Canada, Western States, California, etc.,
May be had at lowest rates, on application to
F. W. HALES,
Steam Navigation Company's Office,
Lower Water Street.
Ch'town, April, 24, 1871.

CARPET PAPER.
SOMETHING NEW for putting under Carpets.
Warranted Air Tight.
A. A. BALDWIN & CO.
Ch'town, April 24, 1871. 3w

Poetry.

Selections from the May Magazines.

We give below some of the best effusions from the Magazines for the present month. The three first are taken from the ATLANTIC MONTHLY, and the others from HARPER'S

MAY-FLOWERS.

LOUISE CHANDLER MOULTON.

If you catch a breath of sweetness,
And follow the odorous hint
Through woods where the dead leaves rustle,
And the golden mosses glint.

Along the spicy sea-coast,
Over the desolate down,
You will find the dainty May-flowers
When you come to Plymouth town.

Where the shy Spring tends her darlings.
And hides them away from sight,
Pull off the covering leaf sprays,
And gather them pink and white,

Tinted by mystical moonlight,
Freshened by frosty dew,
Till the fair, transparent blossoms
To their pure perfection grew.

Then carry them home to your lady,
For flower of the spring is she,—
Pink and white, and dainty and slight,
And lovely as lovely can be.

Shall they die because she is fair,
Or live because she is sweet?
They will know for which they were born,
But you—must wait at her feet.

FAME.

"Colored son of Carolina,
John G. Whittier was thy friend;
In thy darkest days of danger
He stood by thee to defend.

"To thy cause he gave his genius,
And the influence of his fame;
Speak, and tell me, dusky brother,
Has thou ever heard his name?"

Spake the son of Carolina,
With an elbow on each knee:
'Neber heered the name o' Whittyar,—
Tink I heered tho', o' JOHN G.'

VOX POPULI.

HENRY W. LONGFELLOW.

When Mazarvan the Magician
Journeyed through Cathay,
Nothing heard he but the praises
Of Badoura on his way,

But the lessening rumor ended
When he came to Khaledan;
There the folk were talking only
Of Prince Camaralzaman.

So it happens with the poets;
Every province hath its own;
Camaralzaman is famous,
Where Badoura is unknown.

DISILLUSION.

ELIZABETH AKERS ALLEN.

I dreamed that I had long been dead—
Spring rain and summer light and bloom
Had swept across my lonesome bed,
With clover-scent and wild bees' boom
Lightening the place of half its gloom.

Serene and calm my quiet ghost
Came softly back to see the place
Where I had joyed and suffered most—
To look upon his grieving face
Whose memory death could not erase.

But he, my love, whom even in heaven
I yearned to comfort and sustain,
Knowing how sore his heart was riven—
My love, with life so changed to pain
That he could never love again—

Forgetful of the golden band
On my dead finger slumbering,
Now bent above another hand,
And clasped and kissed the dainty thing,
And whispered of another ring.

Alas, poor ghost! I felt a thrill—
A sudden stab of mortal pain—
And sighed. He shivered: 'Ah, how chill
The air has grown, and full of rain,
My darling, kiss me warm again!"

Why should I linger? As I passed
Her lips touched shyly, murmuring low,
Just where my own had kissed their last,
Only so little while ago;
"Ah, well," I said, "'tis better so."

But one, who in my life passed by
With friendship's coolest touch and tone,
I found beneath the darkening sky,
Beside my grave all bramble-grown,
With sorrow in his eyes—alone.

A tear, down-glittering as he stood,
Hung, star like, in the grass below;
I blessed him in my gratitude.
He smiled: "Dear heart, if she could know
How sweet these brier-blossoms grow!"

Miscellany.

Mr. Punshon's Expedition to the Pacific.

NUMBER 4.

OMAHA TO CHEYENNE—MOTLEY TRAVELLERS—PLAINS OF NEBRASKA—RISING NINE FEET PER MILE—PLATTE RIVER—ROCKEY MOUNTAINS—PRAIRIE DOGS—6041 FEET ABOVE THE LEVEL OF THE SEA.

Omaha is the starting point of the grand Trans-Continental Railroad. It is one of those Western places that has had greatness thrust upon it in a day. On the Western bank of the Missouri, within the borders of the State of Nebraska, it sits snugly on the hills, and is seen to best advantage as you approach Council Bluffs on the eastern side of the Missouri. It has broad streets and a few fine blocks and stately buildings, but the streets are chiefly very straggling, and the buildings commonplace. In 1854 a few squatters took up their abode here when Council Bluffs was regarded as the frontier of civilization, now the city numbers 20,000 inhabitants. It has a fine post-office, two daily newspapers, street railway, gas works, schools, churches, hotels, and all the appurtenances of a city. But marvellous as has been the past history of the place, its prospects for the future are brilliant and glowing. In the heart of the continent, at a point nearly equi-distant between the Atlantic and Pacific Oceans, with water communication to the Gulf and Navigation extending 2,000 miles above, and broad prairies dotted with well-cultivated and well-stocked farms on either side, Omaha and her twin-sister, Council Bluffs, must become two of the largest centres of traffic and travel in the Union. At Omaha we were detained a couple of hours by the late arrival of the Chicago, Burlington and Quincy train. As we were waiting at the depot of the Union Pacific Railroad, we were attracted by the eloquence of a crier walking up and down with his hands in his pockets and shouting, "This is the great lunch depot of the West, where you can get canned fruit, meats, jellies, berries, anything your heart desires, or your appetite calls for." Charmed by his eloquence we ventured in, but did not find the dinner equal to the expectations that were raised. I should have said that during the pauses of the fervid crier a gong was sounded more distractedly than that which so terribly alarmed Josh Billings, so that on the whole we sympathised with the remarks we overheard from a fellow-traveller:—"These fellows give us more noise than they do food." The baggage was brought over the river by the boat, and then brought up to the freight-office in three heavily laden wagons, there to be rechecked for the West. The scene is thus given by one of our party in his sketch-book:—The passengers were ranged outside a bar, and as some Saratoga trunk or treasured valise of frail material escaped from the hands of the baggage master with a heavy "thud," an official called out the number of the check which was attached to each piece, and the person who held the counter part must call out sonorously "check," until it seemed almost like a monster game of chess. The sound was echoed from all points of the compass, and in all tones, from the shrill treble of the woman, and the very uneven tenor of the hobble-de-hoy up to the gruff and growling bass of the man, whose patience, like that of most of us, needed a "further work.' Some came out in debris but were repaired most promptly by a smart fellow, who "roped" for half a dollar valises which had come asunder, and for a dollar made damaged wooden trunks "warranted to carry." At length the struggle to get the baggage rechecked is crowned with success, and with a seat engaged in the Pullman Palace Car, for which there is an extra charge of eight dollars, we are ready for our journey of more than a thousand miles, to Ogden.

And now that we are comfortably settled for a ride of fifty-five hours, we have need to call into requisition every provision we have made to relieve the weariness of travel. One of our party, somewhat playfully, boasted that he had every thing needed, but when asked by the head of the party for a "pulpit," Lo! he had it not. Whether the gentleman would have used the article if he had been furnished, your correspondent cannot say; certainly if he had he would have found an interested and delighted audience. We are in the "Montana," a palace car; and certainly to call it a palace is not the language of figure, but of unvanished fact. How different from the close cramped, ill-ventilated ordinary car! The inventive genius of the American mind has certainly been directed to the convenience and comfort of travel with marked success. This car you can make your home by day, the double windows shutting out the noise, excluding the dust of travel: and at night your cushioned seat is transformed into a comfortable bed. All that is wanting on this road is the hotel car, such as we had between Hamilton and Chicago, which has at the rear a kitchen with all the appliances necessary for cooking purposes. The bill of fare is expensive and the meal furnished is as good as can be obtained at the Queen's or Rossin House, or any first class hotel. It is certainly a luxury to sit down in one of these restaurant cars and enjoy leisurely a sumptuous meal while the train is speeding along, and the enjoyment is greatly enhanced when you compare it with the ordinary 15 minutes for dinner at the refreshment station, when you must hastily bolt down hot cakes, muddy coffee, gutta-percha beef-steak and ill-cooked pastry; but like all other luxuries it is expensive, and these Yanks know how to charge. We started with a train of nine carriages. First, the express car, then the mail, next the baggage, next two of Pullman's, then two first-class carriages, and and last of all two second-class or smoking cars. Now, that we may be prepared to take full enjoyment out of the trip, let us cultivate an acquaintance with our fellow travellers, occupants of the same car. Few of them are disposed to be reticent. These are business men, pleasure seekers, Texans going to California, Californians returning home. On board are five nuns, from Montreal on their way to Oregon, and a party of "Jabs" on their way home from a visit to Europe. We have with us Ikeda, Ishibashi, Matzmura, and Pfonndes, members of a large expedition sent out at the expense of the Japanese Government to make enquiries respecting municipal government, agriculture, and commerce in England and the countries of Europe. The jealousy of the Japanese is breaking down. The entire party includes Wooyeno, Special Commissioner of Law, and his interpreter, Von Siebold; Ito, Minister of Finance to Washington; Sameshima, Pleno, to London, and suite, and Nim Nan No Mea—both brothers of the late Emperor.

The foreigners jabber away in their own strange language, and the Americans around us pour out a continual stream of talk. O these talkers! What a volume it would make if all they say in a day were printed! Who would be compelled to read it? And such a talk! Why, the gas and cinder and black smoke that comes rolling in volumes from the smoke-stack of the locomotive that drags us along is purity itself, compared with what often comes out of their mouth.

Then there is a baby, whose notions of waking at night are very inconsiderate; whose capacity of crying is very considerable, and who is perpetually meeting with accidents and troubles. What is more disturbing than a crying child? Boswell is reported to have said to Dr. Johnson, "Sir, what would you do if you were shut up in a tower with a baby?" The character of the answer is left us to conceive. But certainly, our miniature little woman behaves very creditably.

We are passing through the wide sweeping plains of Nebraska. The country is still rich in agricultural resources, and well settled. Now we are passing the comfortable residence of the "old settler;" and now the rude cabin of the new settler, who has just come out to the far West to find a home. Vast and seemingly unbounded prairie stretches out before you on all sides. These prairies are not as one would suppose, a vast level of monotonous plane, but rolling uplands, rising from the Missouri River to the Rocky Mountains in a series of ascending billows. A magnificent earth ocean is rolling in majestic waves.

The road appears to be straight as an arrow and level as the floor; but we are rising steadily at the average rate of 9 feet per mile for the next 500 miles. At Omaha we were at an elevation of 968 feet above the level of the sea, and we are climbing the long western slope of the Rocky Mountains. The rapid-flowing waters of the Platte River, which we follow for 300 miles, dispel the illusion of a level plain. The river is nearly three quarters of a mile in width, but it is not three quarters of a foot in depth. It is pronounced unnavigable for anything but a shingle, even in its highest stage. But it is a great fertilizer, and has made a garden of what would otherwise be a desert. It drains an immense area of nearly 800 miles from east to west, and nearly 400 miles from north to south. Its margin is skirted with trees. Here game is abundant and the stream abounds in fish. We took supper at Grand Island, 145 miles west of Omaha. Now we began to feel the invigorating effects of the dry, pure atmosphere, the cloudless sky, the far-reaching, broad, sweeping vision of the immense glacial deposits, one seems surrounded by a new world. The increasing dryness of the air, and brodening power of the eye infuses a new spirit into you, and you are inspired with the sense of freedom. Some of our passengers must have felt it strongly, for, though a special notice was posted up in a conspicuous place, positively prohibiting smoking in any part of the car, several would persist in filling the car with tobacco-smoke, to the great disgust and annoyance of others. In the evening, as the darkness gathered, we witnessed portions of the prairie on fire, and in the distance long lines of light would extend along the horizon like the view of a brilliantly illuminated city street. During the night we passed twenty-four stations, and in the morning we breakfasted at Sidney, 414 miles from Omaha. We are passing through a great natural pasture ground. This was the favorite feeding-ground of the buffalo. The bunch grass, their favorite food, abounding here. Over these plains once bounded immense herds of bison, but the thunder and lightning of the "fire wagon" has frightened them away. As we passed we caught a distant glimpse of two of these denizens of the plains, that were regarded as apocryphal buffaloes. We saw several herds of antelops; and as the train passed they galloped wildly away, showing the handkerchief—their white tails spread out like a fan. We pass Prairie Dog City, where these strange little animals abound. They burrow in the ground, and in throwing out the earth, rise a mound nearly a foot over their holes. They are of a sandy brown colour, and are about the size of a black squirrel. As we passed, the more shy little fellows would run into their holes, others would stand up on their haunches and bark at us as disturbers of the peace. Now we are rising rapidly, and the cold assures us that we have already gained an immense elevation. Snow sheds are passed; patches of snow lie on the hill-sides. In the dark blue distance is seen the line of the Black Hills. At 12 o'clock we reach Cheyenne, in the Territory of Wyoming at an elevation of 6,041 feet above the level of the sea.

DEATH OF FREDERICK THE GREAT.—On the 15th, after a restless night, he did not wake until eleven o'clock in the morning. For a short time he seemed confused. He then summoned his generals and secretaries, and gave his orders with all his wonted precision. He then called in his three clerks, and dictated to them up on various subjects. His directions to an ambassador, who was about leaving, filled four quarto pages.

As night came on he fell into what may be called the death-sleep. His breathing was painful and stertorous; his mind was wandering in delirious dreams; his voice became inarticulate. At a moment of returning consciousness he tried several times in vain to give some utterance to his thoughts. Then, with a despairing expression of countenance, he sank back upon his pillow. Fever flushed his cheeks, and his eyes assumed some of their wonted fire. Thus the dying hours were prolonged, as the friendless monarch, surrounded by respectful attendants, slowly descended to the grave.

His feet and legs became cold. Death was stealing its way toward the vitals. About nine o'clock Wednesday evening a painful cough commenced, with difficulty of breathing, and an ominous rattle in the throat. One of his dogs sat by his bed side, and shivered with cold; the king made a sign for them to throw a quilt over it.

Another severe fit of coughing ensued, and the king, having with difficulty got rid of the phlegm, said, "The mountain is passed, we shall be better now." These were his last words. The expiring monarch sat in his chair, but in a state of extreme weakness that he was continually sinking down, with his chest and neck so bent forward that breathing was almost impossible. One of his faithful valets took the king upon his knee and placed his left arm around his waist, while the king threw his right arm around the valet's neck.

It was midnight. "Within doors all is silence; around it the dark earth is silent, above it the silent stars." Thus for two hours the attendants sat motionless, holding the dying king. Not a word was spoken; no sound could be heard but the painful breathing which procedes death.

At just twenty minutes past two o'clock the breathing ceased, the spirit took its flight, and the lifeless body alone remained. Life's great battle was ended, and the soul of the monarch ascended to that dread tribunal where prince and peasant must alike answer for all the deeds done in the body. It was the 17th of August, 1786. The king had reigned forty-six years, and had lived seventy-six years, six months, and twenty-four days.

SUPREME COURT.

Important Civil Suit, respecting the Right of Way and alleged Obstruction at the west end of Pownal Street.

THE CITY CORPORATION *VS.* J. S. CARVELL, ESQ.

RESPONDENT, MARSHALL FLYNN; APPELLANT, DANIEL DINN.

An Appeal Case from the Mayor's Court to the Supreme Court.

This important case occupied the greater part of last week in the Supreme Court, Judge Hensley presiding. The suit being one of considerable consequence, and involving several law points of interest to the general public, we give a full Report of the proceedings from the notes of our own Reporter. The case was ably conducted on *both sides, and at times with a good* deal of warmth of feeling. We reserve some observations upon the subject until after the Judge will have given his decision.

The Council for the Appellant were E. J. Hodgson, Charles Palmer, Malcolm McLeod, George Alley and L. H. Davies, Esquires. The Council for the Respondent were Hon. Edward Palmer, Hon. John Longworth, and Hon. Attorney General.

The case was opened by Hon. Edward Palmer for the Respondent, Thomas Flynn, City Marshal. He said the Appellant here, Daniel Dinn, was fined in the Police Court for erecting a nuisance on the prolongation of Pownal Street. This is a prosecution *under summary jurisdiction given by* Statute to the City Corporation. It is brought by Thomas Flynn as one of the public. He does not sue for any specific injury, but the city claim an easement along the west end of the wharf, and this nuisance consisting of trees and brush encroaches on that easement. Modern authorities in England now show conclusively that it is not left simply to a Jury to try the right, but that you have not the right until you get a Jury to find that it is not a nuisance.

Judge Hensley. What does the summons say?

Hon. Mr. Palmer. "An obstruction in a public thoroughfare leading from Pownal Street to the Hillsboro' River."

E. J. Hodgson Esq., said, I object to the proceedings going any further first, because the Bye Law is void, inasmuch as it recognizes in the Corporation a power to license a nuisance. Secondly the Bye Law is void being in direct derogation of the 36 Sec. of the Act of Incorporation, 18th Vic. Cap. 34. Thirdly, allowing that the Bye Law gave the power to abate a nuisance, it gave no power to levy a penalty.

Judge Hensley noted the objections and said he would allow the case to proceed.

Thomas Flynn, examined by Mr. E. Palmer, deposed that he recollected the nuisance being put up about the 1st March. It consisted of brush, timber, &c., about 100 feet long and 10 or 12 feet wide, and 8 or 10 feet high. It was higher than the water at high tide. It was about 15 inches from the piles of the wharf—at any rate, within 4 feet of it at the bottom and 7 or 8 feet at the top. No horse and sleigh could be got through the gap, loaded or otherwise. It was partly pulled down, and has been since erected; but is not half as near the wharf as it was. I did not range it with the street at any time. It was pulled down the same day I first saw it. I know *Defendent, Daniel Dinn*, and saw him working at the erection before it was pulled down. The erection was measured by James Merry, in my presence

Cross-examined by Mr. Hodgson. The Mayor, Mr. DesBrisay, and the Council ordered the breastwork to be pulled down. The Councillors were present when the order was given. I won't swear the erection projected beyond the line of buildings of the street. I had no order from the Mayor to get the names of the men and to sue them. I did not know the obstruction was up until the Mayor told me. Do not know how far the breastwork extended out from the shore—would not say that it was half a mile; it might be a hundred yards, or it might be fifty. The Mayor was on the bank looking on at the time. I had no order to pull it down. My duty was only to protect the men who pulled it down. I saw them pull it down. Messrs. Allin and Murphy stood also on the bank beside Mr. DesBrisay. They were both present when the order was given. My idea of a nuisance is anything that is on the street, or on the ice, or across the right of way. I don't say that the breastwork encroached on the street. I don't think anything about it. I do not know whether it projected outward beyond the line of the buildings. I told you before that I did not form any opinion, as I did not range the work with the line of the street. The Mayor gave orders to pull it down. My duty was to look at them. I saw them tear down some of it. James McMillan tore down as much as he was instructed. I was to keep any one off while the men tore it down. I do not know whether the brush extended west of the line of Pownal Street; I never ranged it with my eye. I will not undertake to say whether it was west of Pownal Street. I know where Purdy's *steam factory is. I cannot say whether the* breastwork was south of the factory. I will not swear to it, because I do not know. I stood in front of the breastwork; but I do not know the north end from the south. I had the information in this case. I did not measure between the wharf and the breastwork. The Mayor told me to go down and sue the men for trespass.

Dr. Jenkins sworn. Examined by Mr. Longworth. Visited the Hospital every day through last winter, as well as previously. I go by way of Pownal Street frequently, when going to the Hospital. I have resided in Charlottetown since the winter of 1856 or 1857. In going on the ice, I use the west side of the road, because there was no access on the east side. Driving down there this spring, I saw some obstructions laid across the right of way, which I viewed at a distance. I went round the obstruction, and I was obliged to turn down from Sydney Street. It would suit me much better to go by Pownal Street. I left my horse and sleigh and went down to examine this obstruction. I found that it was impossible to pass it with my horse. I could not recollect what time it was, but think it was about the first of March. I visited the spot after that in about two days. I was in the habit of using that street more or less since 1856. I might also state that there was no street obstructed in the same way. I consider such obstruction a very great inconvenience to myself and the public. The ground was obstructed with timber and brush. The wharf is not perpendicular; it made an angle of 45 degrees slope. The Wharf leaned a little towards the obstruction. It was impossible to pass it, either up or down. I do not know whether this was after or before the rebuilding of the wharf, as I did not know that there were two erections. *I knew nothing about the obstruction until I saw* it. The first time I saw it, was some distance up the street; but the second time I happened to be down on Water Street.

George Douglas sworn, examined by Mr. Palmer said that he saw the breastwork that is now at the end of Pownal Street, but never measured the extent of it. He did not know the distance between it and the wharf. The distance between it and the end of the wharf to high water mark, is about 260 feet, and the ordinary tide is about 6 feet deep alongside the obstruction. He did not know what the width of the gap was between the obstruction and the wharf, but there was not room enough in winter season for sleighing. He did not think that a sleigh could pass in safely at night, as well as by day. A load of hay or straw could not get through. He supposed the distance or width between the walls of the middle and the inside near the shore, to be 20 feet—that width seems to be the surplus of Pownal Street. He was acquainted with Charlottetown a good many years, and knew that a great deal of traffic went down Pownal Street in winter time. There was a great deal last winter, and he used to go there himself two or three times a day. Whenever he went down there he would go the westward side of the wharf. That was the usual track when a sleigh came from the west. The breastwork is right over that track, and we cannot go that way now, unless we go over it or under it. He had observed a great deal of traffic pass that way for a good many years. He remembered when Pownal Street wharf was built. In 1843 there was a grant of £5000 given towards it, and it was completed the next year. He was city surveyor, and had been in that office going on three years.

Cross-examined by Mr. Hodgson. He presumed that Mr. Carvell owned the piece of land where the factory is now. He did not know whether the wharf is in the same position now, that it was always. The City Corporation altered it, and made it wider. He received his appointment as surveyor from the Corporation.

The Counsel on part of the prosecution objected to witness, stating whether he was instructed at any time by the Mayor, about buying a piece of land from Mr. Carvell for a wharf. The prosecution was entered on the part of the public at large, or their representative. The Mayor and Council may compromise the rights of the public, but in this matter he would repudiate the Acts of the Mayor and Corporation who were power less to shut out the rights of the public.

Mr. Hodgson rejoined "that is just what we are trying to do, and the learned Counsel could not blow hot and cold in this manner." The Mayor and Corporation are the moving spirits in this cause. They went down there and commenced proceedings—they stood upon the case and gave judgment.

The Mayor and Corporation ordered this suit. They are the whole promulgators of it—the rear and front—and they are the parties who compromise the rights of the public. They are not the guardians in this suit, but they are the judges who sat originally upon the case. They treated with us, and they sent a servant to compromise with us We are going to raise a question of title, and we can show that they recognised that title.

Hon Atty General remarked that the Mayor had no right to negociate the public rights away, and supposing the Mayor thought that these rights were vested in the corporation, and that he sent down Thomas Flynn to prosecute and abate the nuisance or supposing he sent down Douglass to negotiate with Mr. Carvell, imagining that they—the Mayor and Council—had a right to do so, all that has nothing with the point under consideration at present. The Mayor is not the guardian of the public, and cannot negociate away the rights of the people.

Mr. Charles Palmer said, that if they treated with Mr. Carvell for his premises that this was the strongest point in favor of the defendent.

Witness continued I suggested to the Mayor to take away 40 feet more from the end of the wharf, he said I could use my own pleasure but to speak to Mr. Carvell about it. I mentioned it to Mr. Carvell and asked him what he would take for 150 feet or 200 feet.