The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

EDWARD WHELAN] This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES. [EDITOR AND PUBLISHER

VOL. V. CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, FEBRUARY 25, 1856. No. 33.

Card.

STEWART & MACLEAN,

Ship Brokers and Commission Merchants,

For the sale and purchase of American and Provincial Produce, and Dealers in Provisions, Fish, Oil, &c.

FERRY LANDING,.....WATER-ST., ST. JOHN, N. B.

REFERENCES—Charlottetown, P. E. I., JAS. PURDIE, Esq. St. John, N. B., Messrs. R. RANKIN & Co.

Oct. 8, 1855. 6m

JOHN HARPER,

Auctioneer and Commission Merchant,

(*Queen Street, in Mr. Desbrisay's Buildings.*)

Solicits the patronage of the public, and will endeavor to merit the confidence of all who may favor him with business in the above line. Feb. 11, 1856.

GLOBE HOTEL,

James W. Cairns,.....Proprietor,

KENT STREET, CHARLOTTETOWN, P. E. I.

Pleasantly situated, and every comfort afforded at moderate cost.

☞ Horses and vehicles, for hire, in connection with the establishment.

September 3.

JAMES MORRIS,

Commission Merchant, General Agent and Auctioneer.

QUEEN STREET,

CHARLOTTETOWN, PRINCE EDWARD ISLAND

HARRIS, BOWDITCH & Co.,

Commission Merchants,

RUSSIA WHARF,.....BOSTON.

Particular attention is given to consignments of Vessels and Produce from the British Provinces; and the purchase and shipment of all kinds of Merchandize, with a general Insurance Agency. September 10.

Notice.

THE subscribers hereby give notice that all Powers of Attorney, or any other orders given by them, are this day revoked, and all parties interested are notified accordingly.

HARRIS, BOWDITCH & Co.

Boston, January 30, 1856. 1m Feb. 11.

Valuable Properties for Sale or to Let in King's, Queen's and Prince Counties.

IN King's County—Between 4 and 500 acres of excellent land on Lot 55, chiefly covered with choice Hardwood.

In Queen's County—100 acres on Lot 37.

In Prince County—1000 acres of excellent land on Lot 3; 100 acres on Lot 8; 300 acres on Lot 11, part of which is in a good state of cultivation; 70 acres on Lot 17; 254 acres on Lot 23.

Terms liberal. For further particulars please apply to JOSEPH BALL, Esq., Surveyor General, City of Charlottetown, or to the subscriber,

CHARLES S. HUNT.

Miscouche, February 18, 1856. 1sl. 3w.

Notice

To Tenants on that portion of Township No. 27, known as Mrs. Mann's Estate.

THE Tenants on the above Estate are hereby notified that by Deed of Conveyance, bearing date the 26th day of January last, past, and duly registered in the office of Registrar of Deeds for this Island, all the right, title and interest of Mrs. Isabella Mann, in and to the said Township, and all rent and arrears of rent due thereon, was duly conveyed to J. C. POPE, of Summerside, Esq., and that the said J. C. Pope, by Power of Attorney dated the 31st day of said month of January, duly appointed the Subscriber his Attorney, to demand payments of the said rent and arrears of rent. Now, Notice is hereby given to the said Tenantry, that all moneys due by them for rent and arrears of rent, must, without delay, be paid to *the subscriber, at his office in Charlottetown*, and that in default of payment, legal proceedings will be resorted to for the recovery thereof.

W. H. POPE,

Ch. Town, Feb. 11. 1m Attorney for J. C. Pope.

Excellent Stand for business for Sale at Bedeque.

THE subscriber offers for sale the following excellent stand for business, situate opposite Hooper's Corner, Bedeque. There is a piece of ground, with a front on the road of five chains, and two chains deep. There is a new Dwelling House upon it, a story and a half high; it has five comfortable rooms on the first floor, besides a commodious Kitchen and Dairy; the second floor may be laid off in four convenient bed-rooms. A Store adjoins the Dwelling House, measuring 20 x 30, and is well fitted up for business. Another small Dwelling House adjoins the Store, which will be sold with the other property. The Land will be divided into building lots, and sold separately, if so required; or sold all in one block, with the buildings thereon.

The situation of this property, being in the midst of a flourishing and beautiful settlement, and within a very short distance of the rapidly thriving sea-port settlement of Summerside, renders it a very desirable location for the establishment of a Mercantile Business, or a Boarding House. Part of the purchase money may remain on mortgage. Further information respecting terms and other particulars may be obtained on application being made to the subscriber at Charlottetown.

JOHN HARPER.

Charlottetown, January 14, 1856.

Dwelling House and Land near Charlottetown for Sale.

FOR SALE, the newly built and commodious Dwelling House in Charlottetown Royalty, late the residence of the Hon. Charles Hensley, together with eighteen acres of Land adjoining. The Dwelling House contains—Dining Room, Drawing Room and Study; two Kitchens, with Store-rooms, &c.; and Nine Bed-rooms. There is also Stables, Coach-house, Root-house, Pump, &c., on the premises. The distance from Charlottetown is rather less than one mile.

Also to let from year to year, or for a term of years, as agreed upon, several Pasture Lots in Charlottetown Royalty, near the above Dwelling House.

For Terms of Sale and Lease apply to the subscriber at the Attorney General's Office, Colonial Building, Charlottetown.

July 30. JOSEPH HENSLEY.

Freehold for Sale.

THAT well known Freehold, of 55 acres, "EGLANTINE POINT," Fortune Bay, formerly owned by EDWARD ABELL, is now offered for sale, of which a good and valid title can be given. For further particulars apply to W. B. DEAN.

Registered book 24, page 878. tf July 23.

For Sale,

THAT excellent stand for public business, known as DAMEREL'S TAVERN, situated on the Georgetown Road, about five miles from Hillsborough Ferry, 36 years of the lease unexpired, and subject to a ground rent of only 20s. per annum. Possession given on or before the first day of April next. For further particulars apply to

CORNELIUS C. N. LITTLE, Jun.

Charlottetown, February 4, 1856.

SMOKE! SMOKE!!—Lots of the Essence of Smoke, a first rate article to smoke Hams, &c., for sale at SKINNER'S Drug Store, Queen Street. Feb. 11.

Literature.

STANZAS.

BY THOMAS K. HERVEY.

She sleeps that still and placid sleep
For which the weary pant, in vain.
And where the dews of evening weep,
I may not weep again:—
O, never more, upon her grave,
Shall I behold the wild-flower wave!

They laid her where the sun and moon
Look on her tomb with loving eye,
And I have heard the breeze of June
Sweep o'er it like a sigh!
And the wild river's wailing song
Grow dirge-like as it stole along.

And I have dreamt, in many dreams,
Of her—who was a dream to me,
And talked to her, by summer streams,
In crowds and on the sea,—
Till in my soul she grew enshined,
A young Egeria of the mind!

'Tis years ago!—and, other eyes
Have flung their beauty o'er my youth,
And I have hung on other sighs,
And sounds that seemed like truth,
And loved the music which they gave,
Like that which perished in the grave.

And I have left the cold and dead,
To mingle with the living cold,—
There is a weight around my head,
My heart is growing old!—
O for a refuge and a home,
With thee, dear Ellen, in thy tomb!

Age sits upon my breast and brain,
My spirit fades before its time,
But they are all thine own again,
Lost partner of their prime!
And thou art dearer, in thy shroud,
Than all the false and living crowd!

The Attorney's Revenge.

Twenty years ago, Sam Saunders and I were reading law together with old Squire Littleton, of Pleasant Valley. That is to say, we both read, or professed to read, at the same time in his office; but to own the truth, that *together* must be taken in a very metaphorical sense.

Sam, indeed, read patiently and ploddingly. He went at Blackstone, as he approached every other new acquaintance, somewhat timorously at first: but after a little he clung to him, as he clung to every one of his few friends, with a vice-like tenacity. Many a clear, crisp October day, when the hills around Pleasant Valley were echoing the quick reports of my fowling-piece, the dingy office walls only echoed Sam's droning voice, as he toiled through contingent remainders and executory devises, reading aloud as if in hopes that the intricate meaning which eluded his eyesight might, perchance, creep in by the ears. On warm summer afternoons, as, with my feet on the window-sill, I watched the fumes of an after-dinner cigar, those same measured cadences would lull me to sleep. In winter evenings, when Bessie Littleton and I were going home from singing school, we used to peep in at the window and see Sam poring over his task. That, as I have said, was twenty years ago: Sam is quoted now with great respect, in the Reports, as Saunders, J.; he non-suited me, last week, on one of the very points that I first drilled into his skull, twenty years ago! That skull had such a happy thickness that no idea, once lodged, ever made its escape. But I am wandering from my story.

When Sam first came into old Littleton's office, we all thought him an incorrigible dunce. As such, he was made the subject of numerous tricks. Practical jokes of all descriptions he bore with immovable gravity. Tom Littleton, the Squire's nephew, the wit of the office and the village, spent his shafts upon him in vain. Scott, our managing clerk, delivered long lectures to him, replete with such law as never had entered the head of mortal men; and when, our gravity exhausted, Tom and I rushed out to give our laughter vent, Sam would gravely reach down his vast common-place book, and treasure up Scott's mendacious maxims and apocryphal authorities with the most painful diligence.

But these things soon grew tiresome, even to ourselves. Sam was too easy a victim to afford lasting sport, and after the first month or two we left him to plod on his way alone. By and by the impression gradually grew on us that Sam was not a man to be despised after all. Slow and plodding he certainly was; but there was a world of good feeling under his great ungainly exterior. We began to see that Sam had in him the material of a warm, steadfast friend; and once in a while, when I heard him express his few dislikes, the conviction came over me that I would not much like to have Sam Saunders for an enemy.

Bessie Littleton was the belle of Pleasant Valley. She claimed that title on a variety of grounds. She was the only child of the old Squire; and the old Squire was a great man, even throughout the country. Moreover, Bessie, in her own right, was a bright-eyed, brown-haired, red-lipped little beauty; and to crown all, she was the most artful and bewitching little coquette that ever proved, in a village church, how much a natural genius for flirting can surpass the studied art of city belles. Every one of the Squire's students fell in love with her before they had finished the first chapter in Blackstone; every one except Sam Saunders. And every one had some sweet-treasured reminiscence—some particular word, or look, or smile, upon which he built particular hopes. To be sure, if any one of them had examined the subject in connection with Phillips on Evidence, or any other good work on that branch of his studies, he might have known that there was hardly a *prima facie* case in his favor. But, perhaps, this is a process hardly to be expected of lovers.

If the truth must be told, I flatter myself that I could give a shrewd guess at the true state of Bessie's feelings. It would hardly be proper for me to speak very plainly on such a matter, even at this late period: and as Mrs. Quidam is of a slightly jealous turn, I do not like to commit myself. Suffice it to say, that although Miss Littleton never exactly expressed herself to me in so many words, yet I have always been convinced that certain little marks of attention to your humble servant were not without their meaning. But this is not to my present purpose.

Lazily smoking one July afternoon, in the position I have described before, a rustling of gauze upon the walk struck my ear. My eyes opened just in time to catch a glimpse of Bessie as she passed the open door. Something white fluttered to the ground as she vanished. Bessie had dropped her handkerchief.

Now, I do not mean to say that Bessie intended to drop her handkerchief, or was cognizant of the loss. I am aware that handkerchiefs are often dropped by young ladies in situations which entirely preclude the suspicion of any ulterior purpose. I am even prepared to admit that (except on the stage), handkerchiefs are more often dropped accidentally than otherwise.

But yet, in the present instance, it was singular that she should have dropped her handkerchief in that very place. She might have been aware that I was at that time particularly disengaged, so far as office business was concerned. Indeed, if the reader will remember the position I was occupying, she could hardly have passed the window without having her attention called to that fact. These reflections, to a mind accustomed, as that of a student at law in his second year must be, to the weighing of evidence, led to an irresistible conclusion. It was clearly my duty to restore the handkerchief to its fair owner.

Rapidly as this train of argument had passed through my mind, it yet occupied some seconds; and still more were required to gather myself up and proceed to the execution of my mission, with such deliberation as its importance and the heat of the weather demanded. These few seconds were of vast importance in the life of Samuel Saunders.

I reached the doorway just in time to see his huge figure bending to pick up the delicate fabric, which he handled as gingerly as if it had been one of the cobwebs of the law. Chagrined as I was to be thus forestalled, I could not help smiling at what I flattered myself would be Bessie's disappointment. But if I expected it to be visible in her face, it was because I did not fully know Miss Bessie Littleton, or young-lady nature in general. She never had given even me a sweeter smile than that with which she rewarded my fellow-student's clumsy politeness, when his long strides had overtaken her; and Sam returned blushing like one of his father's blood-red beets. Two or three evenings after, I met him in unusual array. To see him away from the office at that time was a wonder; but imagine my astonishment when he told me he was going to call at Squire Littleton's! That evening sealed his fate. The little flirt had played her cards well: she had trumped Sam's heart.

The poor fellow was strangely affected at first by his novel sensations. He dreamed over unopened books; he scribbled many things which he afterwards carefully destroyed, reducing the paper to the minutest fractions of which his big fingers could render it susceptible; he took long solitary rambles; he committed all the follies which from time immemorial have been the signs of first love. But this stage did not last long, for it was not in accordance with his earnest, serious nature. After a week or two, he came back to his books with redoubled energy. I thought he had escaped from the toils.

But one day Miss Bessie came to the office to look for her father. She might have recollected, had she taken the pains, that he was gone to try a case at N———. But it so happened that she did not; and only Sam and I were in the office when she entered. There was nothing in her manner which gave me a chance to guess at the true state of affairs; she was to both of us the same bewitching little gipsy as ever. But when I glanced at Sam, I could read his heart like an open book. His broad face lit up with a smile that made it almost handsome; and from out his grey eyes there gleamed such tenderness as if his whole heart were flowing through them toward the beautiful girl.

With a smile and a gay word, she flitted away, and Sam turned back to his desk, and his eyes grew dull and his lips compressed once more over Chitty. I watched him with strange interest, for I had just caught a new glimpse into his character. He loved Bessie Littleton with all the power of his deep, slow nature, and he had set himself down to win her by the only means he knew—patient, plodding labor. And the next time I saw her, I gazed at her with an odd mixture of admiration and pity; for I felt that she had chosen a most unfit subject for her arts, if she were but flirting—and if she were not, that Sam Saunders and Bessie Littleton would make a very odd couple!

A year and more passed without making much change in Pleasant Valley. Sam studied, and I smoked, and Bessie flirted, sometimes with Sam, sometimes with me, often with any new comer that relieved the monotony of village society. She danced before my comrade's eyes like a will of the wisp, or the tempting mirage towards which the laden caravan toils its weary way, always sustained by seeing it just ahead, yet never diminishing the distance that still remains to be passed.

Our admission to the bar came at last, and we separated, I to build air-castles and blow smoke-wreaths from a fourth story window in Wall street, and Sam to open an office in his native village. Amid the novel excitements of city life, our village scenes, and interests, and friendships, soon grew dim and distant. I began to think of them as of a different sphere, with which I had lost my connection; and I even found myself speaking and thinking of the fascinating Bessie as a pretty little girl whom I once knew in the country.

It was some time in the third summer of my professional life—I can hardly say of my *practice*—that I strolled into the rooms of Mr. Flourish, the eminent counsel, whose office was two floors below me. I had got into a habit of doing this, for it was pleasant to see clients even if they were not my own, and to see that fees and retainers still existed, and were not, as my own experience had almost led me to believe, traditions derived from a by-gone age.

"Quidam," said my learned brother Flourish to me, "you studied law in Pleasant Valley, did you not!"

I nodded.

"Wouldn't you like to take a turn up there next week? I am going up to try a case."

I could not help expressing my wonder that any case should arise there of sufficient importance to call from the city a counsel so eminent as Flourish.

"It is a queer case, a breach of promise; and the queerest part of it is that the plaintiff is of our own profession."

Taking up the bundle of papers which he drew from the great heap on his desk, the first one which met my eyes was the following "declaration."

SUPREME COURT.

SAMUEL SAUNDERS
vs.
ELIZABETH LITTLETON.

Oudamon County, ss.: Elizabeth Littleton was attached to answer Samuel Saunders of a plea of trespass on the case upon promises; and thereupon the said Samuel Saunders in his own proper person complains. For that whereas heretofore, to wit, on the first day of April, in the year——, at the town of Pleasant Valley, in the County of Oudamon aforesaid, in consideration that the said Samuel Saunders, being then and there unmarried, at the like special instance and request of the said Elizabeth Littleton, had then and there undertaken and faithfully promised the said Elizabeth Littleton, to marry her the said Elizabeth Littleton, and she the said Elizabeth Littleton undertook and then and there faithfully promised the said Samuel Saunders to marry him, the said Samuel Saunders, in a reasonable time then next following. And the said Samuel Saunders avers that he, confiding in the said promise and undertaking, hath always hitherto remained and continued and still is sole and unmarried, and hath been and still is ready and willing to marry the said Elizabeth Littleton; and although a reasonable time for the said Elizabeth Littleton to marry him, the said Samuel Saunders, hath elapsed since the making of the said last mentioned promise and undertaking, yet the said Elizabeth Littleton, not regarding her said last mentioned promise and undertaking, but contriving and fraudulently intending craftily and subtilly to deceive and injure the said Samuel Saunders in this behalf, did not nor would within such reasonable time as aforesaid, or at any time afterwards, marry him the said Samuel Saunders, but hath hitherto wholly neglected and refused so to do, to wit, at the town of Pleasant Valley aforesaid, in the County aforesaid. Wherefore the said Samuel Saunders saith that he is injured and hath sustained damage to the amount of five thousand dollars, and therefore he brings his suit.

CHAPTER II.

From time immemorial court-week had been a period of high festival in Pleasant Valley; but I could not help fancying, as we reached the inn, that a more than ordinary interest attended the term which was to decide the great case of Saunders *vs.* Littleton.

Having casually remarked that I had come up in company with the distinguished Mr. Flourish to try that case on the part of the plaintiff, I speedily found myself the object of almost as much curiosity as that eloquent counsel himself. That the very ingenious efforts made to acquire information respecting the private affairs of my former fellow-student and Miss Bessie failed, was owing partly to my natural discretion, and partly to the fact, that, of all which had transpired since I left the village, I was even more ignorant than my inquisitors themselves.

The next morning after our arrival the case was called, and in the presence of a more crowded auditory than Oudamon County Court House had ever before contained, Mr. Flourish opened for the plaintiff.

The evidence was brief, but decidedly to the point. It consisted chiefly of a series of letters from the defendant, which established, very conclusively, the following facts; first, that after a long and assiduous courtship, on his part, she had given the plaintiff an unequivocal promise of her hand and heart; and second, that some time after, and when Sam had already commenced his arrangements for their union, she had dismissed him in a manner equally decisive, and had ever since persisted in treating the whole matter as a tiresome jest, which none but the very dullest of suitors would ever have considered earnest.

Here the plaintiff rested. Evidence for the defence there was none, for the nature of the case rendered it impossible. Miss Bessie could hardly deny her own delicate handwriting; and it was in vain to attempt showing anything in the life or conduct of the staid, sober, prosperous lawyer, which would justify the breaking of a solemn engagement.

Squire Littleton, therefore, who was his daughter's only counsel, addressed himself at once to the jury. He spoke to them not so much as an advocate, as in the manner which became an old man, reasoning with his neighbours. All that the plaintiff had shown, he said, was undoubtedly true. It was his hard lot to stand there, in his old age, and confess that his darling child had done much to grieve a fond parent's heart. She had committed what, in his own eyes, seemed a grievous sin; for she had broken her word. But this, he argued, was not the place or the manner to punish such offences. The law of contracts never was intended to be a substitute for the tribunal of conscience. If the plaintiff could show that he was pecuniarily the loser by her fickleness, the jury might compensate him. If he could show that any more advantageous match had been lost, any prospect of advantage blighted, any outward loss or suffering entailed upon him, these were matters of which they might properly take cognizance. But of this there was no pretence. The injury inflicted had spent itself in the immost heart. That it was an injury, a deep and galling one, he most humbly confessed; but it was one which could not be estimated in dollars and cents. The highest verdict claimed would not mend the plaintiff's heart one whit; the lowest possible would more than compensate his pocket.

All this seemed to be very good sense; and yet I was convinced that it would have but little weight with the jury. In private life those twelve men would each probably have reasoned in the same manner; but in the jury-box they felt it their solemn duty to compensate, with pecuniary damages, all the sufferings and evils of the world.

Flourish knew well this idiosyncracy of jurymen, for it is one by no means confined to the panel of Oudamon county; and he framed his reply accordingly. Under the charm of his fervid eloquence, Sam (who, in rugged health, and with a bag full of briefs, sat just behind him) became the most dejected, the most blighted, the most broken-hearted of sufferers. Bessie (who sat on the other side, with that same bewitching smile as of old, rendered only still more fascinating by a puzzled look, as hardly knowing whether to laugh or cry,) grew into the most artful and dangerous of foes to human happiness, whose power for ill those intelligent jurymen were called upon to destroy, by the all-powerful spell of exemplary damages.

Mr. Flourish wiped the perspiration from his brow, and sat down; and the jury were charged in the most approved manner.

(*To be concluded in our next.*)

Miscellaneous.

WHAT AN EDITOR DOES NOT LIKE.—1. To pay postage on a letter ordering a discontinuance of a paper when perhaps the subscriber is in arrears. 2. To pay postage on communications, perhaps not more than ten lines in length, where none but the writer's interest is concerned. 3. To be in debt without the means to pay, because his subscribers will not pay. 4. To send a paper six months of a year to one who is dead or moved away and the postmaster or some one else taking them out and reading them, and then after all receiving a letter from the postmaster, saying, 'Stop your paper sent to Mr.———, he's dead, or moved away;' but not a word about pay. 5. To have a man take the paper until he is in debt 8 or 9 dollars, and then slip off to parts unknown without paying, leaving the postmaster to give notice of the slide to the editor.

BEN JONSON.—Lord Craven was very desirous to see Ben Jonson, which being told to Ben he went to my lord's house, but being in a very tattered condition, the porter refused him admittance. My lord happened to come out while they were wrangling and asked the occasion of it.

Ben stood in need of nobody to speak for him and said, "He understood his lordship desired to see him."

"You friend," said my lord, "who are you?"

"Ben Jonson," replied the other.

"No, no," quoth his lordship, "you cannot be Ben Jonson who wrote the Silent Woman; you look as if you could not say boo to a goose."

"Boo," cried Ben.

"Very well," said my lord who was better pleased with the joke than offended at the affront; "I am now convinced you are Ben. Jonson."

A very corpulent man accosted by another, to whom he owed money, with a "How d'ye do?" answered, "Pretty well, I thank you. You see I hold my own." "Yes," replied the creditor, "and mine too, to my sorrow."

GOOD AT GUESSING.—"Well, Pat, which is the way to Burlington?" "How did you know my name was Pat?" "Oh, I guessed it!" "Thin, be the powers, if you are so good at guessing, ye'd better guess the way to Burlington."

DRESS.—Processions, cavalcade, and all that fund of frippery furnished out by tailors, barbers, and tirewomen, mechanically influence the mind into veneration; an emperor in his night-cap would not meet with half the respect of an emperor with a crown.—*Goldsmith.*

Pitmen consider it unlucky to meet a *woman* or a *pig* on their way to work: of course they are on the look-out through the day for some untoward event, when that has been the case. That it always happens so, is more than I can vouch for, but there is no rule without an exception.—*Snider.*