

The Examiner.

AND SEMI-WEEKLY INTELLIGENCER.

"THIS IS TRUE LIBERTY WHEN FREE-BORN MEN—HAVING TO ADVISE THE PUBLIC—MAY SPEAK FREE."—MILTON'S EURIPIDES.

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A BATTLE PIECE.

BY CROLY.

The Turkman lay beside the river;
The wind played loose through bow and quiver,
The charger on the bank fed free,
The shield hung glittering from the tree,
The trumpet, shewn and atabal
Were hid from view by cloak and pall,
For long and weary was the way
The hordes had marched that burning day.

Above them, on the sky of June,
Broad as a buckler glowed the moon—
Flooding with glory vale and hill,
In silver sprang the mountain rill,
The shrub in silver lustrate bent,
A pile of silver stood the tent;
All soundless, sweet tranquillity—
All beauty, hill, and tent and tree.

There came a sound—'twas like the gush
When night winds shake the rose's bush!
There came a sound—'twas like the tread
Of wolves among the valley's bed!
There came a sound—'twas like the roar
Of ocean on its wintry shore!

"Death to the Turk!" up rose the yell—
On rolled the charge—a thunder peal!
The Tartar arrows fell like rain—
They clank on helm, and mail, and chain,
In blood, in hate, in death were twined
Savage and Greek, mad, bleeding, blind,
And still on flank, and front, and rear,
Raged, Constantine! thy thirsting spear!

Breast and pale—a type of doom—
Looked the moon through the deep'ning gloom!

Down plunged her orb—'twas pitchy night!

Now, Puckman, turn thy reins for fight!
On rushed their thousands through the dark!

But in the camp a ruddy spark
Like an uncertain meteor reeled—
Thy hand, brave king, that firebrand wheeled!

Wild burst the burning element,
O'er man and courser, flag and tent!
And through the blaze the Greeks out-sprung.

Like eagles bloody—hoof and fang!
With dagger stab, and falchion's sweep,
Delving the steun'd and staggering heap,
Mid lay the slave, by chief and kban,
And all was gone that once was man!

A wailing on the Eugene shore—
Her chivalry shall rise no more—
There's wailing on thy hills, Altai!
For chiefs the Grecian vulture's prey;
But Bosphorus! thy silver wave,
Hears shouts for thy returning brave—
The highest of her kingly line—
For there comes glorious Constantine!

PROGRESS.

Does the earth contain one spirit
Bowed dependent to the dust,
On the midnight of whose vision
Beams no star of hope and trust?
Let that soul but pause and ponder
On the works the Past has done,
And an earnest, bright and glorious,
For the Future shall be won.

For the soul must feel the stirring
Of its destiny sublime,
Who but rightly views the Present,
With its earnest heart and mind,
Toiling in the earthly vineyard,
Many hands have found a place;
Some are nearly to the summit—
Some are at the mountain's base.

Progress is the stirring watchword—
Cheers them upward to the height;
Canst thou pause and play the laggard,
With its glories full in sight?
And while fair, and broad, and glorious
In our vision we can see,
Still the future brightly stretching
Into far infinity.

Who shall tell what bond or barrier
To improvement heaven designed?
Who shall dare to fill the limits
To the onward march of mind?
Only He, who into being
Called the unfathomed human soul,
He for whom the hymn of Progress
Through eternity shall roll!

REPORTS ON BARRISTERS.—Sergeant Cottle, who was a rough blustering fellow, once got from a witness more than he gave. In a trial of a right to a fishery he asked the witness, "Do'st thou love fish?" "Aye," replied the witness, "but I donna like cockle sauce with it!" The roar of laughter which echoed through the court rather disturbed the learned sergeant.

There is an anecdote similarly related of Sergeant Davy, a great lawyer of the last age. A gentleman once appeared in the Court of King's Bench to give bail in the sum of £3000. Sergeant Davy wanting to display his wit, said to him sternly, "And pray, sir, how do you make out that you are worth £3000?" The gentleman stated the particulars of his property up to £2040. "That's all very good," said the Sergeant, "but you want £60 more to be worth £3000." "For that sum," replied the gentleman, in no way disconcerted, "I have a note of hand of one Sergeant Davy, and I hope he will have the honesty soon to settle it." The laughter that this reply excited, extended even to the bench; the Sergeant looked abashed, and Lord Mansfield observed in his usual urbane tone, "Well, brother Davy, I think we may accept the bail."

Dunning, while examining a witness asked him if he did not live at the very verge of the court. "Yes I do," was the reply. "And pray why have you selected such a spot for your residence?" "In the vain hope of escaping the rascally impertinence of *Dunning*," was the retort. A witness with a *Bardolphian* nose coming in Dunning's way, he said to him, "Now, Mr. Copper-nose, you have been sworn, what do you say?" "Why upon my oath," replied the witness, "I would not exchange my copper nose for your brazen face."—*Law and Lawyers.*

GREAT SNOORING.—Lord Eldon relates that the Duke of Norfolk, towards the latter end of his life was extremely apt to fall asleep. This happened very often in the House of Lords, and its proceedings were in some measure interrupted by the noise which his Grace's snoring made. Upon one day, whilst he was sound asleep, and very sonorous, the members of the House of Commons came up with a bill, and I announced to the House of Lords as the speaker the message from the Commons was, that the Commons had passed a bill relative to the Great Snoring, in which they desired their Lordships concurrence. I spoke very loud when I mentioned Great Snoring, which, with a laugh throughout the House, awoke the Duke out of his great snoring, who very heartily joined in the laugh. Great Snoring is a parish, I forget in what county, (Norfolk) and the bill was a bill for enclosing the commons of that parish.

A LAWYER'S TRICK.—A remarkable instance is remembered in Westminster Hall, of a lawyer acting in the face of a jury, at the critical moment of their

beginning to consider their verdict. He had defended a gentleman of rank and fortune, against a charge of an atrocious description. He had performed his part with more than his accustomed zeal and skill. As soon as the judge had summed up, he tied up his papers deliberately, and with a face smiling and easy, but carefully turned towards the jury, he rose and said, loud enough to be generally heard, that he was engaged to dinner, and in so clear a case there was no occasion for him to wait what must be the certain event. He then retired, deliberately bowing to the court. One of the jurors having occasion to leave the court, found that all this confidence and fearlessness had never crossed its threshold—for behind the door stood Sir James Scarlett trembling with anxiety, his face the colour of his brief, and awaiting the result of the "clearest case in the world," in breathless suspense.

DOCTOR FRANKLIN'S TOAST.—Long after the victories of Washington over the French and English had made his name familiar to all Europe, Dr. Franklin chanced to dine with the English and French Ambassadors, when as nearly as the precise words can be recollected, the following toasts were drunk—

'England—The Sun whose bright beams enlighten and fructify the remotest corners of the earth.'

The French ambassador filled with national pride, but being too polite to dispute the previous toast, drank the following—

'France—The Moon whose mild, steady and cheering rays, are the delight of all nations, consoling them in the darkness, and making their dreariness beautiful.'

Dr. Franklin then arose, and with his usual dignified simplicity, said—

'George Washington—The Joshua who commanded the Sun and Moon to stand still, and they obeyed him.'

THE EXAMINER.

Saturday, January 4, 1851.

OFFICIAL DEFALCATION.

If Duncan Maclean had the least prudence, or regard for the feelings of some of his official employers, he would studiously avoid in his paper the discussion of topics which are eminently calculated to awaken reminiscences that can only be recalled with disgrace and dishonour to the party it is present object to serve. His infamous calumnies on the public character of the Hon. Mr. Howe, which appeared in the "Islander" of the 27th ult., whilst they leave untarnished the reputation of the Hon. Provincial Secretary, because of the worthlessness and impotence of the calumniator—they bring to our remembrance all the circumstances connected with the notorious defalcations of the late Treasurer.

"Is it not now," asks the *Islander*, "believed in Halifax that the deficiency (in the Excise) was advanced by his (Mr. Howe's) friends to save him from disgrace? Is he (Mr. Howe) now considered in Halifax a fit and proper person to be entrusted with the management of a public office like the Treasury or Excise?"

Mark the cowardice of this calumniator; lost as he is to all sense of shame, yet he dare not assert positively these monstrous slanders of Mr. Howe. He asks if such and such things are believed in Halifax, leaving his ignorant readers to suppose that they are. We tell him confidently they are not believed, even by the bitterest enemies of the Hon. Provincial Secretary. When the charge of a defalcation in the Excise was first got up by Mr. Howe's political enemies, he immediately brought the subject before the House of Assembly and demanded an inquiry. In that House were a majority of Tories from whom he had little clemency to expect if proved guilty of the offence laid to his charge. But Mr. Howe was exonerated in the most satisfactory manner by a hostile Committee, and scarcely an individual ever afterwards believed the fabrication about his being a defaulter. Such was not the case with the late Treasurer. When it was well known all over the country, that there was a deficiency of thousands in the Treasury which had to be made up by private subscription, and by loans, obtained from the friends of the gentleman holding that office, an inquiry into the whole affair was asked for by a member of the Assembly, and the calumniator of Mr. Howe was amongst the first to refuse the inquiry. It is true a Committee was afterwards appointed, but the investigation which took place under that Committee was so managed as to conceal every material fact, and give the Treasurer every chance of appearing as unmaculate as the new made snow. We shall not copy the style of the *Islander* but do assert positively, that there was a deficiency in the Treasury of this Island at the time we allude to, and that that deficiency "was advanced" by Mr. Smith's friends "to save him from disgrace." His taking money from people under false pretences—his subsequent absconding from the Island—his loss of securities, when even a bad government were still disposed to tolerate the man—his disappointment in getting no one to be a security for him—his second absconding to England in a vessel owned by the Sheriff whilst writs were out for his arrest—are circumstances, however, which have no parallel in the case of Mr. Howe, and would not probably be thought of, if the subject of official defalcation were left untouched. So much for Duncan's injudicious reference to falsehoods long since refuted.

It appears that the observations from a correspondent, in our last paper, in reference to the determination of a Committee of the Agricultural Society not to send for exhibition at the World's Fair the articles of domestic growth and manufacture advertised for by the Society—have directed public attention to the subject; and we are glad now to learn that a Be-