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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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Provincial Parliament.

HOUSE OF ASSEMBLY.

ADDRESS FROM THE LEGISLATIVE COUNCIL TO THE QUEEN ON THE FORMATION OF THE GOVERNMENT, AND THE ASSEMBLY'S REPLY.

MAY 14 & 16, 1859.

Committee on Address to the Queen in answer to the Address of the Legislative Council. Mr. John Yoo in the Chair.

The Address of the Council having been read by the Chairman, the discussion was commenced by Mr. Howat, who repelled the assertion that the exclusion of officials from the House was a violation of constitutional principle,—which had been infringed by the Council, in censuring the conduct of the representatives of the people, to whose wishes they should endeavour to give effect, and who had, at the late elections, most distinctly signified their desire for such exclusion. It was the duty of the House to resist this unprecedented encroachment on their privileges, which struck at the root of Responsible Government, as it was an attempt to have Government constructed, not in accordance with, but in opposition to the popular will.

He was followed by the Hons. Messrs. Palmer, Haviland, Longworth, Yoo, Pope, Gray, and McAlay, who, after arguing that it was the imperative duty of the House not to suffer the Address of the Council to go to the foot of the throne, without contradiction or comment, proceeded at considerable length to review *seriatim* the statements it contained, and to controvert them. The Council at present comprised 9 members opposed to the views of the majority of the House, and of these 7 owed their seats to the late Government, which was not represented by the minority. The question was, whether these 9 or 7 councillors were to rule the Island against the wishes of the people, and the large majority of the House—which had yesterday declared, by a majority of 23 to 2, the necessity for a change in the constitution of that body? And although some difference of opinion had manifested as to the details in effecting the change, yet the mode was settled by a vote of 17 to 9.

The assertion in the Address, that a system of Government had been conceived, similar to that in force in the other Colonies, was untrue, and its fallacy had been fully demonstrated in the debate to which he referred. Responsible Government had not been granted to any Colony in any particular form—but the concession was of the general right of self-government.

The charge that the Government had violated the constitution, was a presumptuous and unwarrantable assertion. The Government was based on the support of a majority of the people's representatives on the floor of the House, and if the people wished that no office-holders should be there, they had a perfect right to exclude them. That such was their desire, had been amply proved; and with the knowledge of that fact, he was surprised at the temerity of the Council in charging them with a violation of the right of self-government.

In recusing that the officers of the present Government were not in either branch of the Legislature, the Council has studiously ignored the practices of the late Government, which had availed itself of a discreditable subterfuge, for the purpose of deceiving the people. The law stipulated that any member of the House accepting one of the principal Government offices, should vacate his seat and go back to his constituents for re-election, but any one holding one of the most petty offices, such as Commissioner of Small Debts, Roads or Boundaries, need not vacate his seat on being appointed to the highest office. And if any pliant tool, whose services were required to support the party who employed him, could not obtain a seat in the House, what was easier than to put him into the Council with an office? Equally unfounded was the assertion, that the dissolution in 1854 was caused by any attempt to subvert the constitution. The Assembly of that year was dissolved principally on account of the new Franchise Bill having been assented to, which gave a very great addition to the number of electors, who had previously no political power whatever.

The Address of the Council alleged one objection to the present Government—which was founded in truth—that no member of that body was in the Executive Council, although two were alleged to be supporters of its policy and principles. No practical benefit could result from the appointment to the Executive of either or both of these gentlemen, as they would find themselves in so hopeless a minority in the Legislative Chamber to which they belonged, that they need expect nothing but the contemptuous ridicule of the majority. Although the Council denied that their conduct had been, or would be, influenced by party feelings or organization, the best refutation of that assertion was to be found in their proceedings with reference to the only Government measure submitted to them during the present session. The bill providing for the prepayment of the postage on letters for Europe had been summarily rejected; and the journal which was the organ of the majority of the Council and of the minority of the House had misrepresented its character, describing it as an arbitrary attempt to compel a revenue from the pockets of the people, whether they would or not. That bill had been recommended by the Imperial Government, and its principle and details had been adopted by other Colonies, as being essential to an uniformity of postal arrangements, which would greatly conduce to the advantage of the Colonies by simplifying the present system of Post Office accounts, and enabling the mother country to reduce the rate of ocean postage. The Island was the only one of the Colonies which had declined to come into the arrangement. The late Government, last summer, referred the subject to the then Postmaster General, Mr. Owen, for his report. That gentleman, actuated, no doubt, by conscientious objections, gave it as his opinion that it would not be expedient to pass the bill, as he thought its enactment would involve inconvenience to the poorer class, especially the settlers in the backwoods. The matter was subsequently referred to his successor, Mr. Davies, and that gentleman reported in favor of the scheme, and his report was referred to a sub-committee of the late Executive Council, and met their approval, and afterwards was adopted by the whole of the late Government. It thus appeared that in carrying the bill through the House the Government had but followed in the footsteps of their predecessors; and the bill had, in the Legislative Council, met the opposition of two members of the late Government, the President and Hon. Col. Swabey, who had previously been in favor of it. In view of such a state of facts, there was but little reason to give credit to the declaration in the Address that the Council was ready to approve measures sent from the House.

In alluding to the absence from the Government of any members of the Catholic persuasion, doubtless the Council thought that they could make excellent capital out of such a circumstance. It was possible that the 12 notables in the Council Chamber might come to be regarded as the defenders of the faith. No one would deny the right of any body of Christians to share in the honors and rewards of political life, and no class of religionists in the colony could with truth say that their creed had been a barrier to their full and equal participation with their fellows in the enjoyment of social, political, and religious equality. The truth was, that the Roman Catholic body had, with but one or two exceptions, identified themselves with the minority, and manifested their opposition to the Government in every way they could. Under these circumstances, it could not be expected, that where not a solitary Catholic had been elected as a supporter

of the Government, that they could invite a gentleman of that persuasion to take a seat in Council. It was to be hoped that at no distant time they would see that their present course was not calculated to benefit themselves, and that they would combine with their fellow-subjects in promoting the real interests of their common country. There had been, and there was, on the part of the Government, and of the party which supported them in the House, no desire to exclude Roman Catholics—on the contrary, it was to be regretted that they had practically excluded themselves.

In opposition to the Address of the House, it was contended principally by the Hon. Messrs. Coles and Whelan, that the Address of the Council was fully justified by the position in which the public affairs of the Island had been placed by the present Government. That the statements it contained were fully borne out by the facts, and that the Council had acted wisely and constitutionally in bringing to the notice of Her Majesty the extraordinary degree to which the constitution had been violated, and its fundamental principles disregarded by the Government. It was urged by Hon. Messrs. Coles, Whelan, and others, that the Council had as much right to complain of the conduct of the Government, as the latter had to complain of them. Although it was desirable that the Council should co-operate with the House in giving effect to the wishes of the people, they were certainly entitled to have their own opinions as to the nature of those wishes. The present Government, by refusing to take departmental offices, had not treated their opponents fairly, for their predecessors had resigned when they found themselves in a minority, and were willing that the majority should receive the offices on the same terms as they had them, viz: by virtue of the approval of the constituencies, indicated by their re-elections to their seats, after their acceptance of official situations. As to the assumed opposition of the Council to the majority of the House, it was thought most in accordance with the principles of the constitution, and the requirements of the country. The British House of Lords had never been considered a mere echo of the Commons; they had deferred, indeed, to the determined wishes of the people, but their opposition to any measure emanating from the popular branch had not been made a pretence for abolishing or swamping them, as was threatened here, because the Council thought the Government had infringed the constitution. If our constitution was supposed to bear any analogy to the British, we must have the system of Government by responsible heads of departments, as was the case in the mother country. Members of Government taking office, and being re-elected by their constituencies, would necessarily occupy positions of more independence than at present, when no opportunity was afforded the people of expressing their opinions as to the manner in which the public offices were filled. In the year 1850, preparatory to the adoption of Responsible Government, it was considered necessary to provide pensions for the then Attorney General and Colonial Secretary, because, under the system about to be inaugurated, their successors would be required to have seats in the Legislature; and the gentleman to be displaced had taken and held their offices under no such obligation. The Government had used the cry of exclusion of office-holders from the Assembly to gain support at the elections, under the plea, that by such means the independence of the Legislature would be increased; they had not, however, said anything about the presence of members of Government on the floors of the House, of whom they now had the unprecedented number of seven, representing more executive influence than had ever been there. As to the charge that the late Government had appointed to office rejected candidates, it came with a bad grace from the men who put into office those who would not dare to seek a constituency. A man might be rejected, although he possessed the confidence of a large portion of the constituency to which he appealed, and of the population generally; but we now had men in office who could not obtain any appreciable number of votes. Notwithstanding what had been said to the contrary, the dissolution of 1854 was caused by the Bill relative to the partial exclusion of officials from the House, introduced by the Government, and the passage of the new Franchise Bill was a co-operating cause.

The Post Office Bill, concerning the rejection of which by the Council so much capital had been made by the Government, was by no means identical in its nature or provisions with that which the late Government would have been willing to have carried. The one merely provided for the ultimate payment of double postage in case of non-prepayment of the single rate; while the late measure prohibited entirely the transmission of any letter to Britain, unless the postage were prepaid—in other words, the letter, the postage of which might not be paid in advance, was not to be forwarded at all to its destination.

The absence of Catholics from the Government was an undoubted, and indeed, an admitted fact, and the Government would in vain attempt to gloss it over. The census returns showed that the members of that communion comprised nearly one-half of the gross population of the Colony; and the declaration in the Address before the House, that they had sent no supporters of the Government to the House, was a significant admission that they did not possess the confidence of that large and influential section of the people. The late Government had left a vacant seat in the Legislative Council, which the present might have filled up with a Catholic, of which denomination many vote for members of the majority. As a branch of the Legislature, co-ordinate with the House, the Council were entitled to courteous and respectful treatment; their Address to the Queen only stated matters of fact, which could not be controverted, such as the exclusion of officials from the Legislature, the absence of Catholics from the Government, and of members of the Executive from the Legislative Council. The late elections did not prove the popular desire for excluding office-holders to the extent which the majority asserted. The late Col. Secretary, and the late Queen's Printer, were triumphantly returned, and the late Registrar of Deeds had withdrawn from the contest, and his place was supplied by a person of similar principles; the late Postmaster General had lost his seat by a minority of only 8, and nearly 50 votes of parties non-resident in the district were recorded against him. True, the late Treasurer was defeated, but he had left his former district. The assertion of unqualified and factious opposition of the Council to measures of the House, was unfounded and unjust. They had passed every measure sent up, but one—the Post Office Bill—and it was better that the Government and the House should adopt a conciliatory course, than one which could have but the effect of producing discord and bad feeling. It would be found, on reference to the Journals, that the Council had thrown out many bills of the late Government, which did not argue the blind subserviency which had been attributed to them.

After a very protracted debate, of which the foregoing summary contains the substance of the arguments on both sides, the Address was agreed to, on the following division:

YEAS—Hon. Messrs. Gray, Palmer, Laird, Longworth, James Yoo, Haviland, Pope, McAlay, the Speaker, Messrs. Davies, Douse, McNeill, Montgomery, Holm, Howat, Ramsay, Owen.—17.

NAYS—Hon. Messrs. Coles, Kelly, Wightman, Thornton, Whelan, Messrs. Cooper and Sutherland.—7.

W. M. Howe, Reporter.

Literature.

A SONG FOR SEPTEMBER.

BY THOMAS W. PARSONS.

September strows the woodland o'er
With many a brilliant color;
The world is brighter than before—
Why should our hearts be duller?
Sorrow and the scarlet leaf,
Sad thoughts and sunny weather,
Ah! me! this glory and this grief
Agree not well together.

This is the parting season—this
The time when friends are flying;
And lovers now, with many a kiss,
Their long farewells are sighing.
Why is earth so gayly dressed?
This pomp that autumn beareth
A funeral seems, where every guest
A bridal garment weareth.

Each one of us, perchance, may here;
On some blue morn hereafter,
Return to view the gaudy year,
But not with boyish laughter;
We shall then be wrinkled men,
Our brows with silver laden,
And then this glen mayst seek again,
But nevermore a maiden!

Nature perhaps foresees that Spring
Will touch her teeming bosom,
And that a few brief months will bring
The bird, the bee, the blossom;
Ah! these forests do not know—
Or would less brightly wither—
The virgin that adorns them so
Will never more come hither!

[From Blackwood's Magazine for August, 1850.]

THE HAUNTED HOUSE.

[Continued.]

We regained the bedchamber appropriated to myself, and I then remarked that my dog had not followed us when we left it. He was thrusting himself close to the fire and trembling. I was impatient to examine the letters; and while I read them, my servant opened a little box in which he had deposited the weapons I had ordered him to bring; took them out, placed them on a table close to my bed-head, and then occupied himself in soothing the dog, who, however, seemed to need him very little.

The letters were short—they were dated; the dates exactly thirty-five years ago. They were evidently from a lover to his mistress, or a husband to some young wife. Not only the terms of expression, but a distinct reference to a former voyage indicated the writer to be a seafarer. The spelling and handwriting were those of a man imperfectly educated, but still the language itself was forcible. In the expressions of endearment there was a kind of rough, wild love; but here and there were *dear* unimpeachable hints of a more serious love—some secret, that seemed of crime. "We—meant to love each other," was one of the sentences I remember. "How every one else would exonerate us if all was known." Again: "Don't let any one be in the same room with you at night—you talk in your sleep." And again: "What's done can't be undone; and I felt you there is nothing against us unless the dead could come to life." Here there was underlined in a better handwriting (a female's?) "They do!" At the end of the letter later in date the same female hand had written these words: "Lost at sea the 4th of June, the same day as—"

I put down the letters and began to muse over their contents. Fearing, however, that the train of thought into which I fell might unsteady my nerves, I fully determined to keep my mind in a fit state to cope with whatever of marvellous the advancing night might bring forth. I roused myself—hid the letters on the table—stirred up the fire, which was still bright and cheering, and opened my volume of Macaulay. I read quietly enough till about half-past eleven. I then threw myself dressed upon the bed, and told my servant he might retire to his own room, but must keep himself awake. I bade him leave open the door between the two rooms. This alone, I kept two candles burning on the table by my bed-head. I placed my watch beside the weapons, and calmly resumed my Macaulay. Opposite to me the fire burned clear; and on the hearth-rug, seemingly asleep, lay the dog. In about twenty minutes I felt an exceedingly cold air pass my cheek, like a sudden draught. I fancied the door to my right, communicating with the landing-place, must have got open; but no—it was closed. I then turned my glance to my left, and saw the flame of the candles violently swayed as by a wind. At the same moment the watch beside the revolver softly slid from the table—softly, softly—no visible hand—it was gone. I sprang up, seizing the revolver with one hand, my dagger with the other. I was not willing that my weapons should fare the fate of the watch. Three slow, loud, distinct knocks were now heard at the bed-head; my servant called out in that you, sir?"

"No; be on your guard!"

The dog now raised himself and sat on his haunches, his ears moving quickly backwards and forwards. He kept his eyes fixed on me with a look so strange that he concentrated all my attention on himself. Slowly he rose up, all his hair bristling, and stood perfectly rigid, and with the same wild stare. I had no time, however, to examine the dog. Presently my servant emerged from his room, and if ever I saw horror in the human face, it was then. I should not have recognized him had we met in the streets, so altered in every lineament. He passed by me quickly, saying in a whisper that seemed scarcely to come from his lips: "Run, run! it is after me!" He gained the door to the landing, pulled it open and rushed forth. I followed him into the landing involuntarily, and called him to stop; but, without heeding me, he bounded down the stairs, clinging to the balusters, and taking several steps at a time. I heard, where I stood, the street door open—heard it again clap to. I was left alone in the haunted house.

It was but for a moment that I remained undecided whether or not to follow my servant; pride and curiosity alike forbade so dastardly a flight. I re-entered my room, closing the door after me, and proceeded cautiously to the interior chamber. I encountered nothing to justify my servant's terror. I again carefully examined the walls to see if there was any concealed door. I could find no trace of one—not even a seam in the dull-brown paper with which the room was hung. How, then, had the Thing, whatever it was, which had so scared him, obtained ingress except through my own chamber?

I returned to my room, shut and locked the door that opened upon the interior one, and stood on the hearth, expectant and prepared. I now perceived that the dog had slunk into an angle of the wall, and was pressing himself close against it. I approached the animal and spoke to it; the poor brute was evidently beside itself with terror. It showed all its teeth, the sinner dropping from its jaws, and would certainly have bitten me if I had touched it. It did not seem to recognize me. Whoever has seen, at the Zoological Gardens, a rabbit fascinated by a serpent, covering in a corner, may form some idea of the anguish which the dog exhibited. Finding all efforts to soothe the animal in vain, and fearing that his bite might be venomous in that state as in the madness of hydrophobia, I left him

alone, placed my weapons on the table beside the fire, seated myself, and recommenced my Macaulay.

Perhaps in order not to appear seeking credit for a courage, or rather a coolness, which the reader may conceive I exaggerate, I may be pardoned if I pause, to indulge in one or two egotistical remarks.

As I hold presence of mind, or what is called courage, to be precisely proportioned to familiarity with the circumstances that lead to it, so I should say that I had been long sufficiently familiar with all experiments that appertain to the Marvellous. I had witnessed many very extraordinary phenomena in various parts of the world—phenomena that would be either totally misbelieved if I stated them, or ascribed to supernatural agencies. Now, my theory is that the Supernatural is the impossible, and that what is called Supernatural is only a something in the laws of nature of which we have hitherto ignorant. Therefore, if a ghost rise before me I have not the right to say, "So, then, the supernatural is possible," but rather, "So, then, the apparition of a ghost is, contrary to received opinion, within the laws of nature—i. e. not supernatural."

Now, in all that I have hitherto witnessed, and indeed in all the wonders which the amateurs of mystery in our age record as facts, a material living agency is always required. On the Continent you will find still magicians who assert that they can raise spirits. Assume for the moment that they assert truly, still the living material form of the magician is present, and he is the material agency by which, from constitutional peculiarities, certain strange phenomena are represented to your natural senses.

Accept, again, as truthful, the tales of Spirit Manifestation in America—musical or other sounds—writings on paper, produced by no discernible hand—articles of furniture moved without apparent human agency—or the sight and touch of hands to which no bodies seem to belong—still there must be found the motor or living being, with constitutional peculiarities capable of obtaining these signs. In fine, in all such marvels, supposing even that there is no imposture, there must be a human being like ourselves, by whom, or through whom the effects presented to human beings are produced. It is so with the now familiar phenomena of mesmerism or electro-biology; the mind of the person operated is affected through a material living agent. Now, supposing that a mesmerized patient can respond to the will or passes of a mesmerizer a hundred miles distant, is the response less occasioned by a material being; it may be through a material fluid—call it electric, call it odic, call it what you will—which has the power of traversing space and passing obstacles, that the material effect is communicated from one to the other. Hence, all that I had hitherto witnessed, or expected to witness in this strange house, I believed to be occasioned through some agency or medium as mortal as myself; and this idea necessarily prevented the awe with which those who regard as supernatural things that are not within the ordinary operations of nature, might have been impressed by the adventures of that memorable night.

As, then, it was my conjecture that all that was presented, or would be presented to my senses must originate in some human being, gifted by constitution with the power so to present them, and having some motive so to do, I felt an interest in my theory which, in its way, was rather philosophical than superstitious. And I can say, sincerely, that I was in as tranquil a temper for observation as any practical experimentalist could be in awaiting the effects of some rare, though perhaps perilous chemical combination. Of course, the more I kept my mind detached from fancy, the more the temper fitted for observation would be obtained; and I therefore riveted eye and thought on the strong daylight sense in the page of my Macaulay.

I now became aware that something interposed between the page and the light—the page was overshadowed; I looked up, and I saw what I shall find it very difficult, perhaps impossible to describe.

It was a Darkness shaping itself out of the air in very undefined outline. I cannot say it was of a human form, or rather shadow, than anything else. As it stood, wholly apart and distinct from the air and the light around it, its dimensions seemed gigantic, the summit nearly touching the ceiling. While I gazed a feeling of intense cold seized me. An iceberg before me could not more have chilled me; nor could the cold of the iceberg have been more purely physical. I felt convinced that it was not the cold caused by fear. As I continued to gaze I thought—but this I cannot say with precision—that I distinguished two eyes looking down on me from the height. One moment I seemed to distinguish them clearly, the next they seemed gone; but still two rays of a pale-blue light frequently shot through the darkness, as from the height on which I half believed, half doubted, that I had encountered the eyes.

I strove to speak—my voice utterly failed me; I could only think to myself, "Is this fear? it is not fear." I strove to rise—in vain; I felt as if weighed down by an irresistible force. Indeed, my impression was that of an immense and overwhelming power opposed to my volition;—that sense of utter inadequacy, to cope with a force beyond men's which one may feel physically in a storm at sea, in a conflagration, or when confronting some terrible wild beast, or rather perhaps the shark of the ocean; I felt morally. Opposed to my will was another will, as far superior to its strength as storm, fire, and shark are superior in material force to the force of men.

And now, as this impression grew on me, now came, at last, horror—horror to a degree that no words can convey. Still I retained pride, if not courage; and in my own mind I said, "This is horror, but it is not fear; unless I fear, I cannot be harmed; my reason rejects this thing; it is an illusion—I do not fear." With a violent effort I succeeded at last in stretching out my hand towards the weapon on the table; as I did so, on the arm and shoulder I received a strange shock, and my arm fell to my side powerless. And now, to add to my horror, the light began slowly to wane from the candles—they were not, as it were, extinguished, but their flame was gradually withdrawn; it was the same with the fire—the light was extracted from the fuel; in a few minutes the room was in utter darkness. The dread that came over me, to be thus in the dark with that dark Thing, whose power was so intensely felt, brought a reaction of nerve. In fact, terror had reached that climax that either my senses must have deserted me, or I must have burst through the spell. I did burst through it. I found voice, though the voice was a shriek. I remember that I broke forth with words like these—

"I do not fear, my soul does not fear; and at the same time I found the strength to rise. Still in that profound gloom I rushed to one of the windows—tore aside the curtain—flung open the shutters; my first thought was—LIGHT. And when I saw the moon high, clear, and calm, I felt a joy that almost compensated for the previous terror. There was the moon, there was also the light from the gas-lamps in the deserted slumberous street. I turned to look back into the room; the moon penetrated its shadow very palely and partially—but still there was light. The dark Thing, whatever it might be, was gone—except that I could yet see a dim shadow, which seemed the shadow of that shadow against the opposite wall.

My eye now rested on the table, and from under the table (which was without cloth or cover—an old mahogany round table) there rose a hand, visible as far as the wrist. It was a hand, seemingly, as much of flesh and blood as my own, but the hand of an aged person—lean, wrinkled, small too—a woman's hand. That hand very softly closed on the two letters that lay on the table; hand and letters both vanished. Then there came the same three loud measured knocks I had heard at the bed-head before this extraordinary drama had commenced.

As those sounds slowly ceased, I felt the whole room vibrate sensibly; and at the far end there rose, as from the floor, sparks or globules like bubbles of light, many-colored—green, yellow, fire-red, azure. Up and down, to and fro, hither, thither, as tiny Will-o'-the-wisps, the sparks moved, slow or swift, each at its own caprice. A chair (as in the drawing