

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, JUNE 23, 1856.

No. 51.

MOON'S PHASES.—JUNE, 1856.
New Moon 2d day, 7h. 0m. evening. W.
First Quarter 10th day, 9h. 11m. morning. N. E.
Full Moon 18th day, 7h. 13m. morning. W.
Last Quarter 25th day, 5h. 38m. morning. S.

Poetry.

[SELECTED FOR THE EXAMINER.]

THE DANDELION.

God sends thee, modest flower, to bless
The humble and the poor;
To deck the sods where children play
Around the cottage door.
No place to thee in festal hall,
Or garden bower is given;
But meekly do thy buds unfold
Beneath the eye of Heaven.

When willows hang their tassels forth,
And maple trees are gay
With floating fringe of crimson hue,
On every bending spray,
When all the wayside dusty turf
With springing grass is green,
Then, waking from their wintry sleep,
Thy golden buds are seen.

Poets exalt the violet blue,
And pale anemone,
But who hath ever sung thy praise,
Or talked of love to thee?
Yet is there none of all the train
Which decks the field and bower,
That thrills my heart with deeper thought,
Than thou, my humble flower.

Sweet memories of my childhood days
Are linked for aye with thee,
And with thy bloom the loved and lost
Are gathered unto me—
The early lost, whose spirits' home
Is with the sanctified;
I bid them come, for with their names
No bitter thoughts abide.

Together we have curled thy stems,
And called them passing fair;
And braided thy golden flowers
Bright wreaths to bind our hair:
But now in early spring I see
Above the narrow bed,
Where they are gently laid to sleep,
Thy yellow petals spread.

Then bloomest still, though they are gone,
More fair and frail than thou;
And when my form lies low as theirs,
Still wilt thou bloom as now;
And in some fond and gentle heart
This link to bind the vernal bloom
With memory of me.

Colonial Legislature.

HOUSE OF ASSEMBLY.

FRIDAY, April 11.

(Concluded from last week's Examiner.)

LOYALIST CLAIMS.

The House in committee resumed the consideration of the report of the Special Committee on the subject of alleged Loyalist Claims to Land on Lot 30. After a great deal of discussion the report was adopted, with several amendments, which completely changed the object and spirit of the report, as at first introduced. The report, when submitted to the House, was as follows:—

"1. Your Committee to whom was referred the Petition of certain inhabitants of Township 30, in which it is alleged that a large portion of that Township, after being granted, was surrendered for the benefit of the Loyalists and disbanded Troops, and does not therefore belong to Robert Bruce Stewart, Esquire, although claimed by him,—have to report, that the Committee have examined the record of the Title Deeds of Township No. 30, in the Registry Office of this Island, and they find that an Order was made in Council, by His late Majesty, King George the Third, dated the 26th August, 1767, directing the then Lieutenant Governor of Nova Scotia to grant the said Township to a Mr. John Murray, who subsequently, in the year 1790, transferred his claim to Chief Baron Montgomery, for the sum of Five Shillings, sterling. In the year 1783, as appears by the Act 30th Geo. 3d, cap. 5, certain proprietors surrendered to the government of this Island tracts of their lands, to be allotted to the Loyalists and disbanded Troops; and by the Act referred to, the government were authorized and empowered to give grants of the lands so allotted, to individuals of the class alluded to, who were then in possession of the same, as appears by a plan and survey in the Registrar's Office of this Island—a copy of which is herewith submitted—and by which it appears the following persons were respectively assigned the quantity of land set opposite their names, viz:—
Hugh Fraser, 500 acres.
Archibald Sellers, 300 "
John B. Young, 500 "
James Fraser, 500 "
Michael Jeffries, 100 "
John Kingston, 500 "
Alexander Boyce, 100 "
Benjamin Ferrar, 300 "
Sageo Potter, 500 "

"2. By referring, however, to the Records of the Registrar's Office, your Committee find that no more than four grants had been issued by the proprietor of Lot 30, and they were in favor of the following persons: Hugh Fraser, James Fraser, Michael Jeffries, Sageo Potter. The allocations of Hugh and James Fraser are still claimed by their representatives. The land granted to Michael Jeffries was not reserved in the transfer of the land on Lot 30, from the Messrs. Montgomery to Mr. Stewart, who exercises over it the right of ownership.

"3. The land granted to Sageo Potter was specially reserved by the Messrs. Montgomery when they sold their land on Lot 30, to Mr. Stewart, in 1842; but notwithstanding this specific reservation, Mr. Stewart has taken possession of the land, and leased a portion of it to a person named Patrick Dougherty; this person has been examined by your Committee, and it appears from his testimony, that when he took the land in question he was under the full conviction that Mr. Stewart had an indisputable right to dispose of it; but learning afterwards that Mr. Stewart had no such right, he refused to pay rent, when the former sought to enforce payment by sending a Constable to detain upon Dougherty.

"4. Your Committee respectfully submit, that when the proprietors surrendered certain portions of their lands for the benefit of the Loyalists and disbanded Troops, as hereinbefore referred to, and their intentions having been carried out by the Legislature of the Colony, in passing an Act empowering the Lieutenant Governor to give grants of the same, those lands then, became so invested in the Crown, and ought to be subject

to its disposal; and your Committee cannot but express their emphatic condemnation of the gross injustice practised by Mr. Stewart, in claiming and attempting to exercise the right of ownership over tracts of land granted to the Loyalists, without giving any consideration therefor; and in one case as hereinbefore particularly referred to, usurping a certain piece of land without the shadow of a claim, reserved for Sageo Potter and his descendants.

"5. That it appears to your Committee that the relief prayed for in the Petition of certain inhabitants of Township No. 30, depends upon the right and ownership to the lands therein mentioned, which right, your Committee consider, can only be tried and determined in such legal tribunals of the Colony, as are already or may be hereafter established, to take cognizance of such matters; and that the House of Assembly cannot constitutionally entertain the measure in such a manner as to decide justly on the conflicting rights of the several parties alleged to be interested therein.

"6. Your Committee to whom was also referred the Petition of Daniel Wall, respecting his claim to land at Cherry Valley, alleged to have been granted to his late father, for services rendered the Crown, have also to report, that there appears to be no grant upon record in favor of this person, but there is no doubt on the minds of your Committee that the father of the said Daniel Wall was one of those Loyalists in whose behalf a certain portion of land was allotted.

"7. Your Committee recommend that an Address be prepared and presented to His Excellency the Lieutenant Governor, requesting that His Excellency, in Council, will take such proceedings with respect to the premises, as the circumstances of the case may seem to require.

Mr. McGill moved to amend the above report by striking out the whole of the fifth paragraph, which the House did not agree to.

The original motion being then about to be put, viz. that "the report of the Committee be received"—Mr. Whelan moved in amendment, that "the report of the Committee be received this day three months."

The House divided: For the amendment—Messrs. Whelan, Mooney, Lord, Palmer, Longworth, Cooper, McGill, Clark, McIntosh, H. Haviland, Munro, Muirhead—12.
Against it—Messrs. Coles, Laird, Warburton, McDonald—4.

The report was therefore quashed; then the House adjourned.

SATURDAY, April 12.

The Bill to consolidate and amend the Laws relating to Weights and Measures was read a third time and passed.

The Legislative Council sent down a message, announcing that they had agreed to the Act for raising a revenue.

The House then adjourned—and having again met in the afternoon—

The Hon. Mr. Whelan, from the Committee appointed to join the Committee of the Legislative Council, to prepare an address to Her Majesty the Queen, in accordance with certain resolutions agreed to by the House, on the subject of the memorials of the Land Proprietors—presented the draft of the said address, which was read, and referred to a Committee of the whole House.

After a short discussion, the address was agreed to, without any amendment, and is as follows:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign:

We, Your Majesty's loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island in Parliament assembled, most humbly submit for your Royal consideration the following premises:

During the last Session of the Legislature two Bills received the concurrence of both branches and the approval of Your Majesty's Representative, which Bills were respectively intitled "An Act to secure compensation to Tenants, and thereby to promote the improvement of the soil," and "An Act to impose a rate or duty on the Rent Rolls of the Proprietors of certain rented Township Lands in Prince Edward Island, in order to defray the expenses of an armed force which may be required on account of the withdrawal of the Troops, and for the further encouragement of Education." These Bills were agreed to by the Legislature, almost unanimously—the first having passed the Assembly without any division being taken against it, while in the Legislative Council it was opposed by two members only. The second Bill received the opposition of only two members in each branch of the Legislature. But when they were forwarded to your Majesty for the royal confirmation, they were accompanied, as we have since learned, by several memorials and remonstrances, signed by a few Land Proprietors in this Colony, and by the Agents of many others who reside in England and elsewhere—a class of persons who have little or no sympathy in common with the inhabitants of this Island, who derive much profit and advantage from the industry of our population, and contribute an insignificantly small share of the public burthens.

It appears by a Despatch from one of your Majesty's Ministers, the Right Hon. Sir George Grey, dated 17th November, 1855, an extract of which has been submitted to the Legislature, that your Majesty's advisers could not advise your Majesty to assent to the Bills under consideration, for certain reasons set forth in the Despatch, and for other reasons more particularly detailed in the Memorials of the Proprietors. We have carefully and dispassionately considered the objections advanced by your Majesty's Secretary of State, as well as the allegations of the Memorialists, and we beg to assure your Majesty that the former appear to us as based on the most untenable grounds, while we have been under the painful necessity of shewing the latter to be, for the most part, untrue, as may be seen by a series of Resolutions, severally agreed to in the two Houses of Legislature, and recorded on their Journals.

While we sincerely regret that the Tenants' Compensation and Rent Roll Bills were deemed unworthy of your Majesty's favourable consideration, we offer no complaint against the exercise of the Royal prerogative in this matter; but when we find that measures can be frustrated by palpable misrepresentation—which measures are deemed to be essential to the welfare of the Colony by those to whom the guardianship of its rights and interests is entrusted, and who are, from their local position, best qualified to form a correct judgment as to the requirements of the Colony—it is our duty to acquaint your Majesty that a grievous wrong is inflicted upon a loyal and dutiful people; and we are forced to the painful expression of our conviction, that although unshaken is our confidence in your Majesty's gracious consideration for the interests of all classes of your Majesty's subjects, the people of Prince Edward Island cannot but feel themselves degraded below the level of their fellow subjects in other parts of the Empire, and the privileges of self-government, now so highly valued in the Colony, rendered entirely nugatory, if your

Majesty's advisers, should continue to be led into error by misrepresentations, and the constitutional action of our representative institutions be suspended, by the covert and selfish designs of persons who are entrusted with no authority, acknowledge no responsibility, and are apparently insensible to the best interests of the community at large.

We do not deny that the Land Proprietors, or any other class of our fellow subjects, whether resident in the Colony or not, have an unquestionable right to appeal to your Majesty against the enactment of any law, by which their interests are expected to be affected.

We only complain that the exercise of this ancient right, as is the case with respect to the memorials of the Land Proprietors, should be unhappily coupled with calumnious allegations against the people of a loyal Colony and wilful misrepresentations of the acts and motives of the Legislature, to whose care the interests of that people are entrusted, and that representations are frequently made to the Colonial Office which we can have no opportunity of rebutting.

The prayer of this humble Address is, therefore, that your Majesty may be pleased to give such consideration to our just complaint, and to the facts herein set forth, as will rescue this portion of your Majesty's dominions from the humiliating and anomalous position of being, in a great measure, subject to the domination of a power so foreign to the constitution as that which is permitted to be exercised by land proprietors, chiefly non-resident, and their Agents; and that since your Majesty has been graciously pleased to concede to us Responsible Government, under which the management of our local affairs was believed to belong to ourselves,—our further prayer is, that under your Majesty's august and happy reign the small dependency of Prince Edward Island may not be placed in a worse position than its sister Colonies, with respect to the full enjoyment of its just and constitutional privileges.

The foregoing address having been reported to the House, Hon. Mr. Palmer moved to amend the same by expunging the whole, and substituting the following:—

"Whereas His Excellency the Lieutenant Governor having thought proper to communicate to this House only a certain part or parts of the Despatch of the Right Honorable Sir George Grey, Her Majesty's Secretary of State for the Colonies, dated the 17th day of November last, in which is communicated Her Majesty's disallowance of the Rent Roll Bill and Tenants' Compensation Bill, passed in the last Session of the Legislature, and the Colonial Secretary, in his place in the House of Assembly this Session, having declared that the whole of the said Despatch should not be laid before this House, if even it were called for by a majority of the House: Therefore Resolved, that this House feels it would be to surrender the rights of the people of this Colony, and to adopt a principle dangerous to their liberties, were the House to adopt any Address in answering or acknowledging said Despatch, which might, by any construction, be held an admission on the part of the Legislature of this Colony, that Despatches from the Colonial Minister, on the public affairs of this Colony, not being marked private or confidential, may or may not be withheld from its Legislature, according to the will of the Lieutenant Governor of the day."

The House divided: For the amendment—Messrs. Palmer, Cooper, Longworth, Haviland—4.
Against it—Messrs. Whelan, Coles, Lord, Mooney, Warburton, McGill, Clark, Muirhead, McDonald, Laird, McIntosh, Munro—12.

The amendment was therefore lost. The question then being put—"Shall the address be agreed to?"

The House divided: For the address—Messrs. Whelan, Coles, Lord, Mooney, Warburton, McGill, Clark, Muirhead, McDonald, Laird, McIntosh, Munro—12.

Against it—Messrs. Palmer, Longworth, Haviland, Cooper—4.

The address was then agreed to and ordered to be engrossed.

A Committee was appointed to prepare an address to His Excellency, thanking him for his various communications during the Session. The House then adjourned.

MONDAY, April 14.

Mr. McGill, from the Committee appointed to report on the contingencies of the House, presented the report of said Committee, which was read, submitted to a Committee of the whole House, and agreed to therein.

The Legislative Council sent down a message, stating that they had agreed to the Election Bill, the Weights and Measures Bill, and the Appropriation Bill.

Mr. McDonald, from the Special Committee appointed therefor, presented the draft of an address to His Excellency, thanking him for his various communications during the Session, which was agreed to and ordered to be engrossed.

Hon. Mr. Whelan, from the Committee appointed to join the Committee of the Legislative Council, to prepare an address to Her Majesty the Queen, in accordance with a resolution agreed to by the House, while in Committee on the subject of the Land Proprietors' Memorials—the said resolution having reference to a further purchase of township lands in this Island, under the guarantee of the Imperial Government—presented the following draft of an address as the report of the said Committee:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign:

Your Majesty's loyal and dutiful subjects, the Legislative Council and House of Assembly of Prince Edward Island, in Parliament convened, have had under their earnest consideration, during the present Session, a Despatch addressed to His Excellency the Lieutenant Governor of this Island, by your Majesty's principal Secretary of State for the Colonies, dated, "Downing Street, 21st December, 1855," in reference to the long agitated question of the land tenures in this Island, from which Despatch we beg to make the following extract, for your Majesty's royal consideration:—

"With regard to the main object which has been frequently proposed by a large portion of the inhabitants, namely, that some means may be provided, by which a tenant holding under a lease, may arrive at the position of fee simple proprietor, I am anxious to facilitate such a change, provided that it be effected without injustice to the proprietors.

"There are but two ways in which such a change could be effected. The first is the usual and natural one of purchase and sale between the tenant and the owner; and no reason appears as yet to have been stated why, if the tenants offer to the land-owners the full value of the right and interest of the land-owner, sales and purchases cannot be effected. It would seem probable that at all events, in the case of non-

resident owners, such fair offers would generally be accepted, and as the lands are usually let upon leases of extraordinary length, and at a small annual rent, there can, it would seem, be but few tenants who would not find the means of offering a fair price for buying up the annual rent of their holding.

"The other method would be, that the Government of the Island should treat with such of the land-owners as might be willing to sell, and that the State, thus becoming possessed of the fee simple of such lands as might thus be sold, should be enabled to afford greater facilities for converting the tenants into freeholders than the landlords themselves might feel an interest in doing.

"An arrangement of this kind could probably not be made without a loan to a considerable amount, to be raised by the Island Government, the interest thereof to be charged upon the Revenues of the Island. But Her Majesty's Government would not be indisposed to take into consideration any plan of this kind which you might submit to them, showing in what way the interest of such loan could locally be provided for, and what arrangements would be proposed, as to the manner of disposing of the lands of which the fee simple might so be bought up."

Your Majesty's Secretary of State seems not to have been made aware that there is a law upon our Statute Book authorising the Government to purchase the Township Lands in this Island; but by this Law the Government cannot exceed, in making such purchases, the sum of £30,000, and the whole of the Revenues of the Colony are pledged to the redemption of that amount.

The Law in question is now in operation, but its beneficial results can only be felt to a very limited extent by the smallness of the amount which can be appropriated to the extinction of proprietary claims.

We humbly conceive that if all the Township Lands were purchased by the Government, there would be a sufficient sum realised by their re-sale to cover the expense incurred, the interest of the money employed, as well as its repayment, while the advantages would be incalculable which this loyal Colony would derive from such a measure, by its stimulating the enterprise and industry of its inhabitants, now in a great measure paralyzed by the long-prevailing contention between landlords and tenants, and restoring tranquility and contentment.

As your Majesty's Secretary of State has been pleased to say that your Majesty's Government would not be indisposed to take into consideration any plan for extinguishing, by purchase, the rights of proprietors, we beg humbly to suggest, that if your Majesty's Government will give a guarantee for any sufficient loan required, as alluded to by the Secretary of State, the Legislature of the Colony will, in its next Session, make the necessary provision for the payment of its interest; and in offering this suggestion, we are convinced that no loss would be sustained by your Majesty's Government.

On motion being made that the foregoing address be agreed to, the House divided:

For the address—Messrs. Whelan, Coles, Lord, Warburton, Mooney, McGill, McDonald, Munro, Clark—9.

Against it—Messrs. Palmer, Longworth, Haviland, Cooper, McIntosh, Laird—6.

The address was therefore carried and ordered to be engrossed.

A Committee was then appointed to join a Committee of the Legislative Council, in preparing an address to His Excellency the Lieut. Governor, requesting him to transmit to Her Majesty the joint addresses of both Houses, respecting the memorials of the Land Proprietors, and the despatches of the Secretary of State on the same subject.

Some unimportant routine business having then been transacted—such as receiving the reports of special committees respecting the delivery of addresses to His Excellency on various subjects—a message was received from the Lieut. Governor, requiring the attendance of the members of the House of Assembly at the bar of the Council Chamber; and they having attended accordingly, His Excellency closed the Session, after giving, in Her Majesty's name, his assent to twenty-five Acts passed during the Session.

Literature.

THE NIGHT BEFORE THE WEDDING.

"This must be the last of your wedding gifts, Vaninka," said Madam Brentano, handing a small package to her daughter. "As you are to be married to-morrow, and it is now quite late in the evening, I think there will be no more."

"Mother!" said the young girl, in a frightened tone, holding up a small jet necklace, the contents of the package, "see, it is black! It is ominous. Oh, what grief can be in store for Henry and me!"

"None, none, Vaninka!—there is more folly," said her mother, in a tone of rebuke.

But it was some minutes before the young maiden recovered her calmness. Then, conquering her weakness by a violent effort, she said, lightly:—

"Am I not silly, mother? You will laugh when I tell you it, but my blood ran cold and my flesh seemed to creep, as I touched this bauble, as if it had been a serpent. See, I do not mind it now!"

Vaninka Brentano was the only child of wealthy Prussian commoners. She had been betrothed to Henry Werdler, a young officer in the Prussian army, but owing to the wars in Europe, their wedding had long been delayed. Now, however, there was peace, and the lovers were to be united the day after the one toward the end of which my story commences. Vaninka was devotedly attached to her betrothed, and too happy at the near approach of their nuptials to allow the black necklace to disquiet her long. Her parents left the room, and throwing herself into a chair, she leaned her head against its back, and sank into a reverie, her fingers mechanically playing the while with her last gift. It was easy to see that her reflections were of a pleasant nature, for, ever and anon, a beautiful smile stole over her features, and fading gradually away, still left the same expression of quiet happiness. She had been sitting there some time, when another person entered the room. The intruder was a young, handsome man, dressed in full Prussian uniform. His face was pale, and wore an agitated look, strongly contrasting with the peaceful smile on Vaninka's lips. She did not hear him enter, and he stood for a moment looking, with his eyes beaming with tenderness, upon her; then with the air of a man who has a distressing duty to perform, he advanced and stood before her.

"Henry!" she exclaimed, starting to her feet. "I did not expect you this evening. Has anything happened?"

"Much, much, Vaninka. Sit down again, and I will take this stool at your feet. My own beloved, I came to tell you that our wedding must be postponed."

"Our wedding?" cried the astonished girl.

"Even so! You are astonished, perhaps hurt; have I told you too abruptly? Look in my face, Vaninka, and see what I suffered before I would grieve you with my bad news."