

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.]

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Literature.

JUDGE REMSEN'S FIRST CLIENT.

(Concluded from Examiner of Wednesday last.)

In answer to my question, he stated what Helen's behavior was when the articles were found in her trunk, and described the breastpin and money. The latter consisted of four half eagles, one of which had a hole in it, that had been made by Mr. Murch, the jeweller, so Mrs. Wesley could string it on a ribbon, for a birthday present for the minister's little boy; and that was one way Mrs. Wesley knew the money was hers. He also gave me a letter signed "Eunice Gregory," that he had found in the yard that day, and which he maintained was in Mrs. Wesley's handwriting. "That made him suspect her name wasn't Neswith before she was married to Wesley; and he had thought she might have been some relation to old Mr. Gregory who died, and there must have been something bad to make her change her name."

This information made a deep impression on my mind, taken in connection with what Helen had told me; besides the name Eunice Gregory seemed floating in my memory as though I had seen it connected with some event which had faded from recollection, and was dimly recalled.

I dismissed Hannegan, and paid a visit to Mr. Murch, the jeweller. I told him confidentially who I was, and for what purpose I had called. He distinctly remembered the half-eagle business—in fact, it was set down on his record whereon every transaction of his shop was written out punctiliously. At my request he turned to his book to see on what day the hole was made in the half-eagle. It was Wednesday, the 17th day of March—the very day Helen's trunk was searched. I asked at what hour the coin was delivered to Mrs. Wesley. He replied that she called for it about eleven o'clock in the forenoon, and that Miss Montessor's trunk was searched about one o'clock in the afternoon of the same day.

"That looks rather strange," replied I; "would you have any objections to attend the trial to-morrow, with your books, and testify in this case?"

"None at all," he replied; "I had intended from the first to be present at the trial."

I bade the jeweller good day, and turned to depart. At that moment Wesley entered the shop and was accosted by the jeweller, who gave me a wink to indicate who he was. As we had never before met, I had no fear of his recognising me, and so I regarded him at my leisure. He was an evil looking man. Over his left eye was a queer-shaped scar, which ran crookedly across his forehead. The instant I saw the scar, I felt as though the whole thing was clear to me now.—The scar, the description of which I so well remembered, brought the whole story freshly to my mind. I remembered now the name of Eunice Gregory, the child murderer—and there stood her accomplice under an assumed name. Giving the jeweller a warning glance, I hastened to my carriage and drove furiously home.

After taking some refreshments, I shut myself in my room, and determined to pass the entire night, if necessary, in preparation for the coming contest. I not only wished to clear my client of the charge made against her, but also expose the Wesleys and oblige them to make restitution to the wronged and pilaged orphan; for I felt an assured conviction that all the property they had in the world rightfully belonged to Helen Montessor.

I ransacked my memory to find something tangible concerning the past career of Eunice Gregory and her accomplice, but I could find nothing. I had read the story many years before in a newspaper, the name of which I could not now remember. I could not prove that the Wesleys were the same parties; and should I mention my suspicions in court, the district attorney would scout them as ridiculous and malicious inventions of my own, and the Judge would charge the jury to pay no heed to them. I must say the character of the Wesleys in my cross-examination of their witnesses, and thus try to effect a branch sufficient to justify a direct assault, on a charge of conspiracy against Helen, and crush James Wesley on the witness stand. And I wove my meshes for the unsuspecting victim, until the morning sunrays streamed through my windows.

The court opened, a jury empanelled, the case called, Helen Montessor placed in the prisoner's box, and the district attorney's telling, merciless opening the case completed, in what seemed to be but a few minutes of time. Helen seemed to look more innocent than ever, and I resolved that full justice should be done her, if my resources could compass such a result. It is in such an hour that the lawyer feels the honor and dignity of his position; and it is then that he also feels its responsibility.

The first witness was Charlotte Boyce, the servant girl. She had been called by her mistress to go up and see Helen's trunk searched; she went up and saw the breast-pin and money found in it—tucked away in one corner. By my cross examination I elicited from the witness the fact that Helen had just come home from an errand (on which she had been sent over an hour) when her trunk was searched and had on her bonnet and shawl; that "she looked quite innocent and unconcerned until the things were found, and that she seemed astonished." On dismissing the witness, I gazed at the jury to see if what I had done made any impression upon them, but they sat with stern faces, as though resolved that nothing should make them clear the culprit. I called Miss Boyce back, saying that I had forgotten a very important point. This excited some attention, and when I asked her if Mrs. Wesley was in the habit of ill-treating the prisoner, everybody pricked up their ears. The girl hesitated and stammered, and finally said she was. "And why do you think so?" I asked.

"Because Mrs. Wesley beat her once with a large club, and threatened to kill her, and was always scolding her," she replied. "But don't ask me any more questions," she suddenly exclaimed, "or I shall lose my place!"

I glanced at Mrs. Wesley, and saw that she was regarding her servant with a look of intense malignity, and for the purpose of annoying her as much as possible, I appealed to the Court to protect the witness against the threatening looks of her mistress, who was evidently bent on intimidating her. This brought all eyes to a focus on Mrs. Wesley's ugly countenance, and she turned fairly white with indignation. The Judge told the witness to speak without fear, and if she lost her present place by telling the truth, she would undoubtedly find plenty of better ones. Being satisfied with the impression already made, I told the witness she might go, and the district attorney permitted her to pass without questioning.

The next witness was Miss Sarah Brown, the seamstress—a rat eyed, hatchet faced, dapper little creature. "She was at work for Mrs. Wesley at the time the theft was discovered,

She met Helen the day before the trunk was searched, coming out of her mistress' room, and she looked so guilty, she then suspected she had been doing something wrong. The same day Mrs. Wesley spoke to her about the things being gone, and she told Mrs. Wesley her suspicions. Thereupon she thought it would be a good plan to search Helen's trunk; she proposed to do it at once, but Mrs. Wesley preferred to wait until the next afternoon. When the trunk was searched, the things were found in it, just as she expected they would be."

When the witness was passed over to me, I asked in a careless tone, how she knew the money was in Mrs. Wesley's room, the day she had met Helen coming thence. "She knew it because Mrs. Wesley had told her it was there. Couldn't be mistaken, for Mrs. W. had spoken about the half-eagle with a hole in it, which she was going to present to the minister's little boy. This I made her say over and over again, until there could be no mistake about it, and then asked if she knew who made the hole in the half-eagle."

"Yes; Mr. Murch, the jeweller, made it."

"Is he in the room?" I asked.

"Yes there he is," said she pointing to Mr. Murch, who was sitting near.

I told Miss Brown she could go; and as I supposed he would do, the District Attorney requested that Mr. Murch should be sworn. The oath having been administered, the Attorney handed Mr. Murch the identical half-eagle, and asked if he recognized it. He said he did, that the Magistrate who committed the prisoner had made a mark upon it so it could be easily identified.

"That's all; the witness is yours, Mr. Remsen," said the District Attorney.

"Do you remember, Mr. Murch, on what day of the month you made the hole in the half-eagle you are holding in your hand?" I asked.

"It was on the 17th day of March," said he.

"Why, that was the very day the prisoner's trunk was searched, was it not?" said I, turning to the District Attorney.

"That is the day mentioned in the indictment," he replied.

Turning again to the witness, I said, "Mr. Murch, please to recollect with precision; you heard the witness who preceded you, swear that Mrs. Wesley told her that the identical half-eagle, with the hole therein made in it, was in her husband's trunk on or before the 16th day of last March."

"Yes," said Murch, "I heard her swear to that, and was astonished, for Mrs. Wesley brought me the coin on the afternoon of the 16th, and told me I must have it fixed by noon of the next day; at eleven o'clock on the 17th she came for it, and at one o'clock that afternoon it was found in Miss Montessor's trunk, with other things."

The District Attorney turned sharp around and gave the Wesleys a piercing look. Mrs. W. sat immovable; but Wesley turned pale and fairly cowered beneath the gaze of the Attorney, who, I saw, was now convinced of the true facts of the case; and the Judge and Jury seemed to be of the same mind. I felt certain, then, of a verdict in my client's favor, but how was I to crush the Wesleys and win back her estate? I decided on my course.

Hannegan was the next witness, and I showed by him that Mrs. Wesley had persecuted the prisoner in the most outrageous manner—beating her, threatening to kill her, and to ruin her reputation, and ill-treating her shamefully. His testimony excited so much indignation against the villainous couple, that I longed for the moment to arrive when James Wesley should take the stand. When Hannegan retired, Mrs. Wesley whispered to her husband, and he whispered to the Attorney. The latter seemed surprised at first, but made a gesture of assent, and announced that the prosecution would there rest the case.

Everybody was surprised that the Wesleys were not called upon to testify, and I was quite stunned. My plans were all disarranged. I divined at once that Mrs. Wesley had suggested this extraordinary course to shield her husband and herself from cross-examination. Had the instinct of self-preservation told her what was coming? I immediately decided upon my course, and arose to open my case for the defence. I began by stating that I had incontestible evidence that a conspiracy had been entered into to blast the character of my client, to enable the parties in the conspiracy to perfect certain secret plans, which, when I proceeded to expose them, would fill the community with horror. I saw that everybody was prepared to believe almost anything, and I determined to waste no time in words. So I requested that James Wesley might be sworn, and desired the Judge to have Eunice Wesley removed from the room while her husband was being examined. She was taken out by the Sheriff, and I turned to question James Wesley.

"James Wesley," said I sternly, "how came that scar on your forehead?"

As the villain turned ghastly pale, staggered, and clutched at the railing of the witness box for support, I felt sure of my man, and said, "Answer me, Bob Harman; how came that scar on your forehead?"

At the mention of the name "Bob Harman," the wretch fell back upon the seat and groaned, "Oh don't—don't bring that agin me."

"I shall bring that up and more too, unless you answer me truly about this pretended thief. Now, tell me—did not Eunice Gregory put those things in Miss Montessor's trunk?"

"Oh, my God! how did you know about Eunice Gregory? Don't bring that up now. It's gone by years ago," groaned the wretched man.

"Answer me, then: did not your wife put those things in Miss Montessor's trunk?"

"Yes—she did,—let the girl go, and don't ask me any more questions."

The excitement had now become overwhelming, and the witness was beginning to fear for his bodily safety—a fact which I determined to use as an additional screw. "I shall ask for but little more information," I replied, "as I do not wish to expose you to the rage of this audience, if you will answer me promptly. Where is the will that old Mr. Gregory executed in which he made his grandchild, Helen Montessor, his heir, and which he gave her to give to his lawyer when he returned—the will your wife stole from the child as she lay sleeping?"

"Oh Lord! it's come at last! just as I told her it would."

"Where is the will?" I thundered.

"It is burnt?" he exclaimed—"but Helen is his only surviving relation, and the will by which my wife got the property is a forged one."

Having achieved everything I wished, and not caring to prolong the painful scene, I asked the District Attorney if it would not be best to dismiss the case. He cheerfully assented to the proposition, and Miss Montessor, who, in her flush of agitation and thankfulness, looked more lovely than ever, was released from the custody of Mr. Mace and placed in charge of his wife, while Wesley and his wife slunk away from the indignation of the assembly.

The excitement was so great, the Court was not adjourned till three o'clock, p. m., and I was obliged to state for the gratification of the crowd, how I had managed to get on the track of the Wesleys. I told that many years before I had

read an account of the murder of a child by its aunt, Eunice Gregory, assisted by her lover, one Bob Harman, for the purpose of possessing her niece's estate. In that account it was stated that Harman, at the time of the murder, had fallen down an area and gashed his forehead terribly, which afterwards healed over and left a peculiar scar, which was described. The hints I received from Helen's story, and the old bit of letter signed Eunice Gregory, had set my memory at work, and when I met Wesley and observed the peculiar scar on his forehead, the whole thing flashed upon me, and I then determined to make a bold push to expose them, and not only defend Helen against the charge of larceny, but wrench from her unnatural aunt the patrimony that had been withheld from her. "And gentlemen," said I, "you have seen the result."

My explanation was received with much applause, and a movement was set on foot to have the Wesleys indicted for perjury; but it was never carried out, as they disappeared from that part of the country, and we all thought it best not to bring them back for any purpose whatever.

In conclusion, I may as well state, that Helen secured the property and that I secured Helen; and if you will go home with me, you shall have an introduction to her and the children. The first case did the business for me all round, as by it I secured a great reputation, plenty of practice, a handsome wife and a large fortune.

Colonial Legislature.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 18.

AFTERNOON SITTING.

USURY LAWS REPEAL BILL.

(Concluded.)

Mr. COOPER.—There would have been no Bank in operation here, if there had not been a Bill of this sort introduced. Now, when a Bank is in operation, then the next thing is, withdraw encouragement from it, and let it go down, which would be unfair. With regard to the Banks in England issuing pound for pound, I have understood that the issue was in proportion to the quantity of gold and silver in the vaults of the Bank; that is, if their specie was taken out, they had to withdraw their paper at the rate of two pounds for one of specie that was paid out. In our Island Bank there is not paper in proportion to the quantity of gold and silver in its vaults.

Mr. DOUSE.—I cannot see why there should not be an act of this kind here. It has been well known to all commercial men, that great advantages must naturally result to persons engaged in business transactions from the aid to enterprise which is afforded by the banking system. I was proud, sir, that we established a Bank, and that means can now be so readily obtained to assist those whose energy and honesty demanded it. It is all very fine for individuals to rail about discount; but to illustrate, "I am for free trade and sailors' rights," and content that every man should, in fairness, be left free to make the most of his money and his property. With respect to some allusions in reference to usury and the old system of loans before the Bank was established, if a person wanted to borrow forty or fifty pounds—call it sixty or perhaps more, and a bond was given to secure that amount. These days are happily passing away; and what is the difference? Why, just call on the Bank with a safe signature, and it is responded to, I think at 7½ per cent. for 90 days, or 6 per cent. for 60 days, just the same rate of discount you would pay a short time since at the Bank of England. Then why complain? If our Bank affairs are coercive, they will soon meet correction, and another be established. I am for giving an impetus to all honest industry, whether in money, land, labour, or merchandise, or in anything else. I think no attempts should be made to cripple the fair trader. At the time the Bank was contemplated, I felt sanguine of its success. I was happy to learn it is prosperous, and that it requires no back-stair influence, either to prop it up, or cause its downfall. It is a safe investment—it is in safe hands; and I believe its directors to be men of integrity, and equally anxious as the public that trade may increase to require a large bank extension in this Colony, at as fair a rate of discount as elsewhere, which would have the effect of suppressing usury.

Hon. Mr. PALMER.—I stand perhaps as disinterested in this matter, Mr. Chairman, as any individual in this House. I am in no manner concerned in the Bank of Prince Edward Island; and as regards that institution, I can give a very impartial opinion. Now, sir, with respect to the repeal of the Usury laws, I think it has been attended with advantage to the trade and commerce of other countries, and would be in some measure to their advantage here. There was a great difference of opinion for many years in Great Britain among statesmen as to the policy or utility of Usury laws; but as time wore on and people became more enlightened and liberal in their opinions and sentiments, it resulted at last in the total repeal of those laws. Now, sir, I think it was wise that they should be repealed—I think that greater facilities have been given to trade and business of all kinds, and I do not see that those advantages apply one bit less to a new country than to an old one. We think they are of most advantage to a new country. If we look to the United States of America, we see there that the rates of interest have been allowed by law in almost all the States, so far as I recollect, to run very high, greatly above the old in Great Britain, and they have found the advantage of it. No people know the value of the dollar better than they do, and what they can make of it; and they have seen the fallacy of making laws to prevent monied people from lending money at whatever rate of interest they pleased to ask for it. But laying aside the consideration of the Bank, and looking at the law in general, I think it would be very bad policy for us not to allow people to trade as freely as they please. My own professional experience has taught me that it would be for the advantage of people in trade to continue the act; for I have seen people in trade coming to me and asking my professional services to enable them to borrow money, and they would willingly have given 10 per cent., and the best of security too. I am no money lender, but I have borrowed money at interest, and have found very great benefit from it; and would have given more than 6 per cent., rather than have been obstructed in my speculations. I can imagine persons careful in their habits and honest in their purposes wishing to engage in speculations. For instance a young man of enterprise may see a vessel driven ashore and sold as a wreck, and who perhaps could get it off successfully if he had a few hundred pounds to expend on it. He goes to a person and asks him to lend him a few hundred pounds; and would it not pay that man to give as high as 10 or 20, or 30 per cent. for money which would perhaps enable him to make 100 perhaps 200 per cent? Various other things might be mentioned to show how money may be borrowed to advantage when there are no restrictions by Usury laws. I think it was very well to repeal the law against usury. Now, what was the intention of the House in passing the repealing act? We are eating our own words the course we are now taking by opposing it; and I think if we consult the interest of the public generally, we ought to take off those trammels on trade. With respect to the Bank, I am not disposed so frequently as some persons to express an opinion inimical to the way in which it has transacted its business.

A number of gentlemen having obtained an Act of incorporation, established a Bank; if the Legislature can see that it is working to the injury of the public, I shall not oppose hon. members wishing to control its regulations so as to check it as far as we can. As far, however, as the Bank in Charlottetown has worked I do not think the time has arrived to check its transactions. We all know how anxious the people of the Island were some years ago to get up a Bank in this Colony. At last, gentlemen of sufficient spirit were found to enter into the speculations, and when with the aid of an Act of incorporation, it has gone into operation, I think we are too hasty in passing an opinion respecting that the rate of discount charged by it is too high. Now, it has been very well stated by some hon. members that if they charge too high, it is always open to every person to get money from other people, or to get up an opposition Bank; and looking at the charges, I think we are perhaps rather too hasty in complaining of the rate of discount at present. As to the rate of discount in England, it is only the last mail that I received a letter from a gentleman who has a large business there, giving me instructions about his accounts in this Island, and he says, remember I am at this moment paying 9 per cent. interest in England, and that letter was dated a very few weeks ago. That being the case, and when we look at the interest paid in other places, I think it would be rather premature in continuing the Usury laws, and thereby transacting trade. The Bill could be continued for a few years as at present, till an opportunity be afforded of testing it. I hope the Legislature will see the policy of taking into view the interest of all parties, guarding as they do their interests, and inflict no injury on the very parties they wish to protect. I say what I did before, that as regards the Bank I am perfectly disinterested and in fact, so far as I was concerned, I was a loser by it, for I had business to transact for other parties whose interest clashed with it. I hope and trust that this discussion will be of advantage to the country, and will perhaps be the means of inducing the Bank to keep their rates of interest within bounds, when they know that the Legislature intend to watch their movements.

Hon. Mr. LORD.—I do not rise to make any lengthy remarks on this question, which perhaps is worthy of more extensive information than I possess in reference to banking transactions. It is, however, my opinion that we would not benefit the money borrower by falling back on the old Usury Bill. I will therefore support the Bill before the House, independent of any interest which I may have in the Bank, which I waive for the benefit of the money borrower. We know what money lenders do under the old act. Money, like every thing else, has its value in the market, and let the laws be ever so stringent, money lenders can easily evade the law and receive even 20 per cent. What is the case in England? There the rate of interest rises as the want of money increases. Hon. Mr. Palmer states, that his friend at Liverpool had to pay 9 per cent. I myself paid in January last 7 per cent. for discounting six months paper, which was a high rate; but even at that I considered it an accommodation, as otherwise perhaps some property might have been forced into the market and sacrificed. Hon. members who are not engaged in commercial transactions do not take a proper view of the question as regards the value of money; but those of us who are in trade, know the value of it, and if we cannot be accommodated by a bank, we must go to a private individual for it, and if he is not a particular friend, the probability is you will get pretty closely shaved. The hon. member for Pricetown, Hon. T. H. HAVILAND, has taken the wind out of my sails by his explanation respecting the Bank in not discounting paper over three months, as a clause in the Bank charter prevents them; but I think this House will allow them to extend that time. As to their suspending payment, I do not apprehend anything of that kind. I am satisfied that the Bank since its establishment has been, and in future will be, of immense benefit to the agricultural and commercial communities of this Colony. It is said that in three or four years another Bank will be established, and I hope to see that the case, as competition has a good effect. Let us for a moment refer to England. Throughout its country towns, you see farmers' banks established, where each respectable farmer has an account open, and can be accommodated on his own responsibility, the directors of the banks not being so penurious as to demand further security; and I trust the day is not far distant when a man of property in Prince Edward Island will be accommodated more readily than at present,—when the directors of the Bank can walk into the Prothonotary's office, and see what amount of real estate or other property unencumbered he may be possessed of, and allow him an accommodation, without having to go round begging among his friends for the loan of a pound. I presume the greatest number of the directors of the Bank are very like myself, afraid of risking their money—perhaps too much shipbuilding going on or other over speculations, and thus hesitate to lend their money without great caution as to the security they receive. In conclusion, I hope the country at large will be benefited by the Bank, and that the time to which it is restricted in lending money will be extended. With these few observations, I shall feel much pleasure in supporting the Bill now before the House.

Hon. Mr. LONGWORTH.—I certainly think it would be a retrograde movement to go back to the old Usury laws in these days of enlightenment, as money as a commodity ought to be worth its value in any country; still I think this discussion will do no harm. I must say I am a little disappointed when the Bank went into operation, that so high a rate of discount should be charged, and that the time was so limited; but the directors were appointed after the Usury law was repealed. At that time, I dare say 7½ per cent. per annum was not too much; yet I think they were not quite liberal enough, and that they will be justified hereafter in extending the time, which I have no doubt they will do. I cannot see why they should dread the clause of the Act restricting the time to ninety days, because the Bank must cease to exist if they cannot respond to their paper within three months;—this the Bank need not dread, and in my opinion should under circumstances extend the time for the discount of bills and notes. But at the same time, it would be as well to have the Act amended, so as to extend the time as affects the existence of the Bank, in case of their notes not being duly responded to. The duration of the Act, I think, should not extend to more than one or two years. I think so far there are no complaints as to the manner in which they manage the affairs of the Bank.

Mr. MACINTOSH.—I do not rise to say much on the affairs of the Bank, for I do not know much about them; but as we are satisfied that this is the age of free trade, I am not for restricting the Bank. I do not think it is a greater hardship for a man to borrow money at a given rate, than to buy any other thing, even a quantity of turnips at a particular price. If he is going to pay for the use of a certain amount of money, there must be an understanding between him and the man from whom he borrows, as to what he is going to give; but leave him free, and let him make the best he can of it. Let us have free trade.

Mr. COOPER offered a few additional observations. When there were many speculators, as in England, restrictions were sometimes necessary. They often heard of money being tight, which was to prevent ruin, and to prevent people from getting money at an easy rate which might encourage improvident speculations. At the beginning of the operations of the Bank, 7½ per cent. was a high rate of interest; but it was perhaps better to be so, as no persons would borrow money at that high rate, but those who required it in the regular course of trade.

Hon. Mr. SPEAKER.—I must rise to order; we are discussing the principles of this Bill, and have not heard a single word of it read yet.

Hon. Mr. MONTGOMERY.—I was just going to observe that I have been a member of the House of Assembly a long time, and have never heard a discussion like this; it has been all on one side; for all seem to agree that the Bill should be continued. As far as I am concerned, I have no objections to