

2. RESOLVED, That it is the opinion of this Committee, that the sum of £3,400 having been appropriated for the general service of Roads, Bridges and Wharves, for the present year, and as great advantage would accrue to the public if the Contracts for the erection and construction of Bridges and Wharves were entered into previous to the breaking up of the winter, as Contractors would be enabled to procure those materials at less expense than during the summer season, they therefore recommend an Address to His Excellency the Lieutenant Governor, on the subject of the Contracts being entered into as above recommended.

THURSDAY, February 22.

The Bill to authorize and regulate the gathering of Seaweed on the Shores of this Island, was read the third time, passed, and sent to the Council for concurrence.

Mr. Speaker laid before the House several Returns relating to the Crown Lands in this Island. And also, the usual Custom House Returns of Imports and Exports, Vessels launched and registered, &c. during the past year; Account of the Imperial Duties, &c.

Mr. D. Macdonald reported the following Address to His Excellency the Lieut. Governor:—

To His Excellency Sir HENRY VERE HUNTLEY, Knight, Lieutenant Governor, &c. &c. &c.

May it please your Excellency;

The House of Assembly respectfully request, that your Excellency will be pleased to lay before it copies of such information as induced the Government of this Colony to send the Civil and Military force to King's County, last Spring.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Mr. Speaker laid before the House the School Visiter's Report for the past year, agreeably to the Act, 4 Vict., cap. 6.—See our 4th page.

The Bill relating to Schools, and for the encouragement of Education, was, according to order, read a second time—Committed, progress reported; leave granted to sit again.

A Petition of divers Inhabitants of Townships Fifty and Fifty-seven was presented to the House by Mr. A. Maclean, praying that the House will withhold its sanction from any grant of money towards defraying the expenses incurred in sending the Military and Civil Force to the East Point last Winter.—Laid on the table.

A Petition of Hugh Macdonald, of Georgetown, was presented to the House by Mr. Thornton, and the same was received and read, setting forth—That Petitioner is under the impression that the Court of Chancery, as at present constituted in this Island, is not calculated to answer the purposes for which it was originally intended—that of relieving the subject from frauds, breaches of trust, and other oppressions, and to mitigate the severities of the Law, in all cases in which the property of the subject is concerned. In England, the most distinguished professional persons in the Kingdom are appointed Chancellors. The Masters are also men of high professional attainments, and not allowed to plead at the Bar of the said Court, while they act in that capacity. As the Court in Prince Edward Island is not so constituted, Petitioner doubts the authority it exercises to fine, imprison, or order the sale of Real or Personal property, or yet to appoint Masters and Receivers to execute the orders and decrees of the Court, until such time as a Law is passed in the Colony to establish, regulate, conduct and controul the Court, in every respect suitable for the convenience and interest of the inhabitants. Petitioner claims the particular attention of the House of Assembly to the decisions of the Court here, and to the enormous sums demanded of appellants to enter into Recognizance, before they can obtain an appeal. In many cases it amounts to a total denial of an appeal to the High Court of Chancery in England, perhaps the first professional Tribunal in the world; and Petitioner therefore prays, that the House of Assembly will enquire into the constitutional power and practice of the Court, as it now stands, and pass such enactments as will be in all respects fit and suitable for the Colony, and not repugnant to the Laws of England.

Referred to Mr. Thornton, Hon. Mr. Palmer and Mr. Hudson, to report thereon.

FRIDAY, February 23.

Mr. D. Macdonald presented the following Report:—

Your Committee, appointed last Session to inquire into the utility of the intended alteration to be made in the Road at Little Harbour, King's County, beg to report, that they have examined the site of the proposed Road, and are of opinion, that it would be of much benefit, not only to the people of Little Harbour, and adjacent Settlements, but also to all who may have to travel from Souris to East Point, by avoiding three very steep hills on the present Road, some of which are impassable with any thing like a load, and must continue so until some Hundreds of Pounds are expended to raise the Bridges and to cut down the Hills, and will also materially shorten the Road.

The land through which this intended road will pass is, for the most part, cultivated, and some covered with wood; and many of the inhabitants informed your Committee that they would give a right of way, and open the road at their own expense, provided the Legislature would grant a sum sufficient to build the Bridge, which will require to be about 125 yards long, and will cost, according to the opinion of those on the spot, about £130; but should it be deemed advisable to construct a floating Bridge, the expense will be much less.

Your Committee recommend that a portion of the money voted to Roads and Bridges for that District, for the present year, be appropriated towards building this new Bridge, and the remainder to be voted next Session, to enable the Road Commissioner to contract for its erection this season. All which is respectfully submitted.

Referred to the Committee of the whole House, on the consideration of all matters relating to Roads, Bridges and Wharves.

Ordered, That the Committee to whom was referred the Petition of Neil Morrison, of Grand River, King's County, be discharged; and that the said Petition be withdrawn.

Mr. Thornton presented the following Report:—

Your Committee, to whom was referred the Petition of John Kearney and others, Proprietors of Pasture Lots in the Royalty of Georgetown, complaining of the injury they sustain in consequence of the Main Road through the Royalty of Georgetown running through their Lands, and also the Petition of Martin Byrne and others, owners of land in the vicinity of Georgetown, called "Reserved Lands," setting forth the inconvenience and loss they labour under, from the line of Road laid off from the Eastern line of the Common to the Lots fronting on Cardigan River not being opened, have to report on the first Petition,—that the Main Road to Georgetown runs through upwards of Twenty Pasture Lots, some of which are so cut up by the Road as to be of little value to the owners, besides the great additional expense they must incur for fencing. That when the Royalty was originally surveyed and divided, lines of Roads were laid off, giving fronts to all the Lots, and running in such directions as to afford a direct line for a Main Road to Georgetown without injury to individuals, but unfortunately this line was not followed, and the present Road was opened.

That with respect to the second Petition, above referred to, it appears a line of Road has been laid off from

the Eastern line of the Common of Georgetown to Lots fronting on Cardigan River, which, if opened, would enable several owners of such Lots to have access to them without being liable to prosecutions for trespass, which they now are, as they are obliged to cross the adjoining private properties before they can get to their own.

The gross amount derived from the sales of Crown Lands in Georgetown and Royalty, to the First of January last, is £2,297 15s. 3d., and out of this large sum there has only been £167 11s. 10d. laid out in opening the Royalty Roads, or for any other public improvement in the Town or neighbourhood. Your Committee find, by the Accounts furnished to the House of Assembly, that the balance on hand, on the sales of Crown Lands, is £2,151 4s., and they beg to remark, that two-thirds of this sum has been derived from the sale of Lands in Georgetown and Royalty, and they feel called on to state, that if a proper representation is made by the House of Assembly to the Imperial Government, they feel assured that a portion of the above moneys would be applied for the opening of the Main Royalty Road to the Town, and other branch Roads throughout the Royalty, a measure in justice due to the inhabitants of the Town and Royalty, who, by their exertions and outlay of Capital, have rendered the neighbouring Crown Lands more valuable.

Report agreed to, and adopted by the House.

Mr. Wightman presented the following Address to the House:—

To His Excellency Sir HENRY VERE HUNTLEY, Knight, Lieutenant Governor, &c. &c. &c.

May it please your Excellency;

The Legislative Council and Assembly beg leave to call your Excellency's attention to the answer received in reply to your Excellency's Despatch accompanying the Joint Address of the Legislative Council and Assembly, passed last Session, with reference to the protection of the Fisheries of this Island.

The Legislative Council and Assembly perceiving by the tenor of the said reply of the Right Hon. Lord Stanley, that the prayer of the said Address, with respect to an armed Steamer being stationed here, cannot be acceded to, the Legislative Council and Assembly therefore humbly request, that your Excellency will be pleased to communicate with the Admiral on the North American Station, and make application, in the terms prescribed by the Despatch of the Right Hon. Lord Stanley, for such assistance as the Admiral may have at his disposal.

Mr. Yeo, from the Joint Committee of the Legislative Council and House of Assembly, appointed for the purpose of taking charge of the Government House and Public Furniture, reported as followeth:—

The Committee of the House of Assembly, appointed in conjunction with the Committee of the Legislative Council, to take charge of the Government House and Furniture, respectfully submit to your Honourable House the copy of a communication received from His Excellency the Lieutenant Governor, relative to the necessity of provision being made for an adequate supply of fuel for the use of Government House—certain parts thereof being at present subject to the injurious effects of dampness, and other causes dependent upon the climate—which communication the Committee recommends to the consideration of the House.

Secretary's Office, December 7th, 1843.

Gentlemen;

I am desired by the Lieutenant Governor to apprise you, that, as the Legislature makes no allowance for Fuel for the Government House, it is not His Excellency's intention now, or at any future period, to bear the expense of purchasing more than is necessary for the use of such part of the Building as he intends to occupy during the Winter—an expense which His Excellency considers unjustly thrown upon him, and, as he believes, not in accordance with the practice of other Colonies similarly situated. There being many rooms which, consequently, will be unoccupied and without fires, His Excellency is of opinion, that, from dampness and other causes dependent upon the climate, these rooms will fall into a very dilapidated state—a consideration he submits to the judgment of the Joint Committee of the two Houses.

I have the honor to be, Gentlemen,
Your obedient humble servant,
T. H. HAVILAND, Secretary.

The Joint Committee of the Legislative Council and House of Assembly, having charge of Government House and Furniture.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of all matters relating to Roads, Bridges and Wharves.

The House accordingly resolved itself into the said Committee—Mr. Longworth in the Chair.

After some time spent therein, Mr. Longworth reported, that the Committee had come to two Resolutions, which will be found in our first and second pages.

And the said Report being again read;

The Hon. J. S. Macdonald moved to amend the Report, by adding the following Resolution thereto:—

3. RESOLVED, That it be recommended to the House, when in Committee of Supply, that the sum of Two hundred and fifty Pounds be granted, and paid the present year, in addition to the amount subscribed by private individuals, towards the erection of a Flying Bridge across the Elliot River, at Mr. M'Ewen's, to ply between solid abutments, to be built on each side, and that the House do, at its next Session, grant a like sum, each grant to be paid respectively as each half of the amount subscribed shall be paid in to the person appointed to receive the same.

The House divided on the motion of amendment:—

Yeas: Hon. J. S. Macdonald, Hon. Mr. Palmer, Messrs. A. Maclean, Macgregor, Aitken, Yeo—6.

Nays: Messrs. Longworth, Coles, D. Maclean, Wightman, Macintosh, Cooper, Dingwell, Bearisto, Thornton, Dalziel, Montgomery, Rae, Fraser—13.

So it passed in the negative.

Mr. Fraser then moved to amend the said Report, by deducting the sum of Three Pounds from the amount intended to be appropriated to the Road leading from the Shore to the Back Settlement of Lot 15, and adding the said sum to the amount intended to be applied to the Road leading from St. Joseph's to Higgins's Ferry.

The House divided on the motion of amendment:—

Yeas, 7. Nays, 12.

So it passed in the negative.

The question of concurrence being then put on the said Resolutions, they were agreed to by the House.

Mr. Montgomery presented to the House the following Report:—

Your Committee, to whom was referred the Petition of William Macneill, late Commissioner of Roads, have to report—That Mr. Macneill was Commissioner of Roads for the 4th District in 1825, at which period the Road from the settlement of Cavendish to the harbours

of New London and Rustico, was a dangerous winding path along the verge of high cliffs, and on the shore of the Gulf below highwater mark. That on examining evidence, it is proved, that the whole of the inhabitants of the above settlement applied to the Commissioner for an alteration in the line of Road; and Mr. Macneill, conceiving himself warranted, on such an application, to alter the line, acceded to the wish of the inhabitants, and opened a new and more eligible line of Road, at the same time closing the old one, with the consent of all parties interested in it; but unfortunately neglected to take such consent in writing. That no complaint against the Commissioner for doing so appears ever to have been made; but in 1842, a Crown prosecution was instituted against Mr. Macneill, (at the instance of one of the applicants to him in 1825,) for closing the old path alluded to, and it appears that the Commissioner, though acquitted of the alleged nuisance by the verdict of a Jury, yet was subjected to the payment of Costs, amounting to £43 16s. 8d. Sterling.

Your Committee have to observe, that previous to the Act of 3 Will. 4, cap. 23, there was no Law to guide the Road Commissioners or others interested in the closing of such Roads as are no longer required.

Your Committee have to remark, that the conduct of Mr. Macneill in closing the old Road, appears to be warranted by similar conduct or practice on the part of several other Commissioners of Roads, who, on a general application from portions of their Districts, considered themselves as fully authorized to close old lines of Road on the opening of new and more eligible ones; and your Committee, considering that Mr. Macneill's conduct in this instance having been for the decided benefit of the public, they consider it a very great hardship that, as a public officer, acting for the advantage of the public generally, he should be liable to pay the costs arising from the prosecution above stated, and therefore recommend his case to the favourable consideration of the House, when in Committee of Supply, that he may be relieved of a part, if not the whole, costs on the action against him.

The Colonial Herald.

SATURDAY, MARCH 2, 1844.

The R. M. Steamship HIBERNIA arrived at Halifax on Saturday, the 17th ult., after a passage of 12½ days from Liverpool. The Mail arrived on Saturday evening last. Our latest English dates are, from London to the 3d, and Liverpool to the 4th inst. The leading items of intelligence will be found below:—

GENERAL SUMMARY.

(From Willmer's News Letter.)

The absorbing topic for the last three weeks has been the trial of Mr. O'Connell and others, which commenced in Dublin on Monday the 15th ultimo. As yet it is difficult to form any positive idea of what the result will be, but the general feeling is, that the government have made out but a poor case—and that the prosecution will tend rather to advance than crush the cause of Repeal. The speech of the Attorney-General, in opening the proceedings, was characterized for nothing particular except the most consummate bigotry and hatred of Repeal and Repealers. The evidence in support of the Crown disclosed nothing that was not previously known to the whole world, whilst the speeches of the Counsellors for the various traversers have been marked by the most sterling eloquence—which will no doubt have their effect upon the jury. One circumstance preceded the commencement of the trial, which has caused no small degree of excitement in Ireland—from one end of the country to the other—and which is regarded by some as tantamount to a repeal of the Catholic emancipation act. It was the successful effort of the crown law officers to exclude from the jury every Roman Catholic. This proved the signal for renewed agitation—and the *insult*, as it is termed, will not easily be forgotten, and may perhaps cause some discussion in Parliament during the present session.

The Parliament was opened on Thursday, Feb. 1, by the Queen in person.

The proceedings in both houses so far have, of course, been only of a preliminary character.

The Anti-Corn Law League continue their agitation with unabated zeal—indeed we may say with increased vigour: Since we issued our last paper, they have held meetings which have been very numerous attended in most of the leading towns, not only of England, but they have extended the field of their speculations to Scotland. The subscriptions towards the £100,000 now exceeds £80,000.

The Conservatives in the agricultural districts fearing, we suppose, that the efforts of the League will ultimately be crowned with success, are now bestirring themselves in right good earnest, and are using every possible effort to counteract their Anti-Corn Law movements, by the organization of an anti-league. They have held meetings in most of the agricultural districts of England, and have set a subscription on foot, and succeeded in raising nearly ten thousand pounds. This movement might have done something to lengthen the life of the existing Corn Law, had it been commenced some months ago, but now it is too late.

Trade is brisk, and the general tone of commercial affairs is cheering. Money is abundant and discounts low. The cotton market is in a feverish state of excitement, and the sales at Liverpool, for the week ending yesterday, amount to the unparalleled number of 109,560 bales.

ACQUITTAL OF MRS. GILMOUR.—The trial of Mrs. Christina Cochran or Gilmour, for the murder of her husband—a case which has excited great interest, both from its circumstances, and the panel's apprehension in New York, under the Ashburton treaty, occupied the High Court of Justiciary on Friday and Saturday week. Evidence was laid, on Friday, for the prosecution, at great length; and, on Saturday, the jury were addressed by the Lord Advocate and Mr. Maitland, for the prisoner. After a summing up from Lord Justice Clerk, the jury retired to consider their verdict, and in about an hour afterwards they returned into the court, and by their chancellor returned the following verdict:—"The jury, after careful and mature deliberation of the evidence before them in this case, are unanimously of opinion that John Gilmour died from the effects of arsenic; but they find that the charge is not proven against the panel at the bar as libelled.

It is again hinted that the family circle and domestic ties of the Queen are in a fair way of being multiplied.

Mr. Morgan O'Connell is about to marry a step-daughter of Mr. Shiel, with £20,000.

The Duke of Buccleuch has declared himself in favour of a repeal of the corn laws.

The appointment of Mr. Montgomery Martin to the post of Treasurer of Hongkong was officially gazetted on Tuesday night. The appointment has given much satisfaction to the mercantile interest.

INCENDIARY FIRES.—England continues to be infested by villains who destroy by burning at night. Since our last publication large amounts of property have been destroyed by fires in the following places: Eastry, Great Barford, Bedminster, St. Ives, Daventry, Nottingham, Dunstable, Telmersham, Sleaford, Manuden, Harlow, Crowland, Weldon, Ipswich, Poisted, Battisford.

Mr. Packenham, the newly appointed British envoy to the United States, carries out with him, it is confidently stated, full instructions to negotiate a settlement of the Oregon territory dispute.

Information on the subject has been carefully collected by an intelligent Naval Officer (formerly employed on the Newfoundland and Halifax stations), who accompanied a friend from this country to Prince Edward Island, about four years ago, and has recently returned to England. During his residence in the Island, he repeatedly visited the best fishing stations, and had frequent opportunities of witnessing the success of the United States fishermen. His views and calculations have been approved of by intelligent and influential men in the Island, and also by persons who had quitted Newfoundland, and who were well acquainted with our fisheries at that place.

The leading facts stated by him are also known to several proprietors of land resident in this country; but who have not, hitherto, had their attention directed to the subject, with any view to actual operations. Up to the present time, any real capital possessed by the settlers in Prince Edward Island has been expended in acquiring and clearing land, or employed in ship-building, store-keeping, &c.; leaving the valuable Fishery to be monopolized by citizens of the United States, who, under many disadvantages, usually employ above 800 sail of valuable schooners in this fishery alone.

The following are extracts from the letters alluded to:—

"I have ascertained that from 700 to 900 Yankee schooners (splendid vessels from 30 to 110 tons), have carried on, for years, a fishery of Cod, Mackerel, and Herrings, on the north side of this Island, but are not allowed to cure or land fish here.—If they can make it answer, surely a Company on the Island could; indeed, it has been long talked of, but there is no capital here."

"There is not now, nor never was, a regularly conducted Fishery in the Island, nor are there any proper fishermen; farmers catch at their leisure, with miserable boats and gear;—their small surplus, badly made, is sold to Halifax and Miramichi agents, at about 10s. per quintal."

"I have ascertained that Cod, Herring, and Mackerel, are fully as abundant here as in Newfoundland—the season about a month longer—climate better for making fish—foggy hardly known—and, I believe, vessels cheaper, and crews 'victualled for less.'"

"Fish and bait are abundant round the Island. The Americans (from the United States) not being allowed to fish within three leagues of the land, are obliged to bring their bait (Salt Clams and Herrings) with them; nor are they allowed to land to make their fish."

"The Americans catch few Cod; Herrings they catch with nets; but Mackerel is their grand aim—their Government grants a bounty on them. They use nets, but principally jig, with which, when the fish are thick about, one man will catch three barrels in an hour. Last Saturday (2d September), I saw five Yankee catch in four hours twenty-three barrels of Mackerel. The profits must be good, as one vessel is only five days from Boston, where she sold 720 barrels of Mackerel, at 1½ dollars per barrel, and expects to nearly fill again this season."

"My Newfoundland and Halifax friends assure me, that in both these places, plenty of born and bred fishermen are to be had, who will never touch a plough while there is a fish in the sea. This is tolerably confirmed, for last week I saw in Richmond Bay 153 Americans, from 40 to 100 tons, about one-fourth of their crews Nova Scotians."

"The average catch per boat, per season, is about 400 quintals, exclusive of Mackerel and Herrings, which is calculated at half the value of Cod, and the oil is sufficient to pay for the salt."

"The United States owners find, on security, a vessel, provisions, fishing gear, and bait; for which they get half the Mackerel, &c.—the master and crew share the other half."

"The unmarried Yankees and Nova Scotians express themselves willing to be engaged, and say, there will be no difficulty in obtaining thousands of men; they and Nova Scotians are equal to Newfoundland fishermen at Cod, and far superior at Mackerel and Herrings."

"The Nova Scotians find the American employ very precarious, and would be much better pleased with employment under their own flag."

"I see no difficulty, with capital, to begin this winter to build boats, &c., having supplies out next fall, and in the following spring going to work;—that is to say, as soon as orders arrive from England, to commence to build boats and vessels, flukes, store-houses, &c., also to lay in provisions; and in the end of next summer, to collect the men, so as to begin fishing in the next spring (1842)."

It seems certain that a Company with a competent capital—convenient, but not expensive establishments in the Island—having its own boats and schooners built by contract, under strict superintendance (which can be done cheaper in this Island than in almost any other part of British North America)—having the privilege of curing its own fish upon ground specially reserved by Government all round the Island for fishing purposes—and being able, under the direction of a London Board, to send the produce of the Fishery to the first markets in its own vessels, would not only have decided advantages over foreign competitors, who are obliged to employ more expensive craft to be able to keep the sea—but also, from the abundance and very low price of provisions, would have many advantages over Newfoundland.

The benefits to be derived from such an Establishment by the settlers and the Island in general, are too obvious to require

MEMORANDUM FOR THE FORMATION OF A COMPANY TO BE CALLED THE "PRINCE EDWARD ISLAND FISHING COMPANY."

CAPITAL £100,000, IN 2,000 SHARES, OF £50 EACH.

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