

of law, where the contrary is not expressly stipulated, that the debtor should tender to the creditor the sum due, and where the money is by law payable, it is but fair that the creditor should be allowed to bring his action, and not be compelled to follow his debtor from county to county, indeed any where but where the debt was contracted. The honourable member who has introduced the Bill has probably forgotten that the Plaintiff, resident in his own County, will, by its operation, be compelled to go with his witnesses into King's County to sue his debtor, should the latter have found his way there. He (Mr. Palmer) would beg to undeceive those honourable members who fancied that the locality of actions depended so much on the inclination of the professional men who instituted them; and that it was their interest to draw business to Queen's County. Without the mutual consent of the Attorneys in Charlottetown, where these Clients could find none resident in the other Counties, it was almost impossible to conduct a suit within its own County. But, where the venue is transitory, the choice lies with the Client, who is always asked in which County he would prefer his trial to be had, and if he allows his Attorney to bring it in Queen's County, when he himself resides in another, the fault is his own. If a Plaintiff, even now, brings a transitory action in a County different from that in which the cause of action arose, the Defendant has yet power to move the cause back to the latter County, by stating the circumstance, on affidavit, and the fact that he will give material evidence arising in that County. It also, at times, becomes necessary for the Defendant, on affidavit of special circumstances, to change the venue into a different County, where a fair and impartial trial cannot be obtained in that wherein the action is brought; as in an action of libel or other such nature, where the minds of the jury have been prejudiced or biased by *ex parte* reports or publications of the case; in which cases it was necessary to leave a discretion in the Courts of justice to grant such applications; but, useful and essential as this discretion might be, the present Bill was calculated to destroy it, and not allow the removal of a cause under any circumstances, unless where both parties consented. He (Mr. Palmer) considered the law and practice of the Courts, in those respects proposed to be altered, as at present they stood, to be fully provident for the convenience and liberty of the subject; and that alteration, under the circumstances, by no means requisite.

Mr. CLARK said, that, although he thought it would not be right a Creditor should, in every instance, be obliged to follow his Debtor from his own County to that of his Debtor, in order to be able to sustain his action of debt, yet he thought any suit for the recovery of a debt, of what nature or kind soever, ought to be commenced and sustained in the County in which it had been contracted; and he was of opinion that such a law, as applicable to all actions about rent, was called for in a most especial manner. Rent for a farm was a debt contracted in the County in which the land lay; and it was a great hardship, in fact, a great injustice, that in the case of a dispute between a landlord and his tenant, about rent, that the former should be allowed to drag the latter out of his own County, to defend himself in the Court of another County. As many of the persons collecting or receiving rents dwelt in Charlottetown or its vicinity, many of the persons against whom actions were commenced for the recovery of rent were put to much unnecessary inconvenience and expense by being dragged from distant parts in other Counties into Charlottetown, and being obliged to submit the decision of their causes to the judgment of a jury, composed of tradesmen and mechanics, on many accounts but little qualified to try cases of such a nature. Considering the relief it would afford to defendants in such trials, he would support the measure.

The Hon Mr. PORE observed, that perhaps he would not be advancing too much in saying the country was indebted to him for the establishment of Courts in King's and Prince Counties. At the time when these Courts were established he was anxious that trials should be confined to the Counties in which they originated. He had seen before their establishment that the business of the Courts was not sufficiently attended to; trials remained undecided for two or three years. Arguments on trials, not infrequently, took place in Georgetown and Charlottetown when the suitors were not present. The arguments of the learned and honourable member for Charlottetown were sufficient to convince any unprejudiced mind of the propriety of his (Mr. Palmer's) views.

(Remainder of the debate in our next.)

THE COLONIAL HERALD.

SATURDAY, MARCH 7, 1840.

Owing to the boisterous state of the weather, we have had no Mail this week.

A Bill to authorize the appointment of Coroners for King's and Prince Counties passed the House of Assembly yesterday.

The Bill for the relief of the American Loyalists has been lost in the Legislative Council.

Information having been given to the Coroner that Catherine Webster, (wife of Benjamin Webster, of Fort Augustus Settlement,) who had been confined about a month since, had materially suffered during her illness, and at length came to her death, from the neglect and wilful inattention of her husband, in not providing her with the common necessaries of life, and also by wilfully withholding the requisite nourishment and support, for persons in her situation; the Coroner proceeded to hold, on Saturday last, an Inquest on the body, when, after a full investigation, it appeared that the deceased was in full possession of such nourishment and support as a poor man in his circumstances could obtain; but that, from extreme weakness, occasioned by labour in being delivered of a child, the said Catherine Webster departed this life, and not from any other cause. From the evidence, it appeared that the husband was highly culpable, in not permitting the mother of the deceased to have free access to her daughter during her illness, which was owing to some disputes existing between the families for some time past.

On the same day, the Coroner held an Inquest on the body of Alexander M. Mullin, of St. Peter's, who had fallen into a creek, called "Duffy's Creek," and before assistance could be procured, perished from cold and exhaustion. Verdict accordingly.—*Gaz.*

MECHANICS' INSTITUTE.—On Wednesday evening last, the Rev. Robert J. Patterson, A. M., of Bedouque, delivered a very learned lecture on OPTICS. The branches of the subject which the Rev. gentleman particularly specified and illustrated were Catoptics and Dioptrics—the former embracing the phenomena of reflected light and a description of the various kinds of mirrors, and the latter expounding the laws of refracted light, the construction of the eye, and various kinds of optical instruments.

A good deal of amusement was afforded to a full house by means of a Magic Lantern, which was exhibited, to illustrate some of the principles advanced in the lecture—and by the separation of the rays of light by means of a prism.

The Rev. Robert Douglas, of St. Peter's, will Lecture on Wednesday evening, the 18th instant, on "THE ADVANTAGES OF KNOWLEDGE."

The Annual Meeting of the Saint Margaret's Agricultural Society took place at St. Margaret's, on Wednesday the first of January last, when the following statement of its affairs was laid before the meeting, and ordered to be published in the Charlottetown Newspapers. Alexander Macdonald, Esq. the President, took the Chair. Several matters of business were disposed of, and the Meeting determined upon having a Show of Grain on the 17th March next. For particulars, see Advertisement in this day's paper.

General Statement of the affairs of the Society, up to 31st Dec. 1839:

Balance in Treasurer's hands,	£ 6 17 2
Debts due to the Society,	37 14 6
In Mr. Macgowan's hands,	30 12 6
Goods in Store—100 lbs. Red Clover Seed, at 1s. 6d.	7 10 0
23 sets Plough Mounting, at 10s. 6d.	12 1 6
1 Plough,	2 10 0
20 lbs. Turnip Seed, at 2s.	4 0 0
4 Hay Forks, 4 do. Dung,	0 16 0
10 Hay Knives, at 5s.	2 10 0
1 lb. Cabbage Seed,	0 4 0
1 Hoe, 1s. 3d.; Peas, 2s.	0 3 3
Total,	£102 18 11

By order of the Meeting,
JOHN MEACHERN, Secretary.

TO THE EDITOR OF THE COLONIAL HERALD.

Ne sutor ultra crepidam.

Sir; Happening to drop into farmer Hodge's, the other day, my attention was called to Mr. Hazard's last Almanack, by the farmer's remarking that he could not fancy what had gone wrong with the sun this winter, that the afternoons were 29 minutes longer than the forenoons, as he always thought they used to be equal. As he thought the Schoolmaster ought to know every thing, he applied to me for an explanation of the phenomenon. Upon looking into the

Almanack, and finding it agree with his statement, I told him I supposed it must have arisen from an error in setting the types; but that if he would lend me his Almanack, I would look into it, and give him the result of my inquiries.

Had the old opinion still prevailed, that Phœbus drove his chariot up hill till noon, and then down to the western horizon, I could easily have imagined that he might be longer toiling up the steep than in sweeping down the other side; but I could hardly fancy the reverse, unless, taking warning by the fate of poor Phœton, he might keep somewhat too tight a rein.

Upon looking, however, into the 6th page, I discovered the cause of the hitherto inexplicable mystery. Instead of keeping the beaten track, and taking every thing upon trust from the Halifax Almanack-makers, as they do from Brother Jonathan, and thus giving us a calculation adapted to the latitude of the good people of Massachusetts, Mr. H. has introduced sundry innovations, some of which (with all due deference to his better judgment) are, in my humble opinion, far from being improvements.

However well versed Mr. H. and his disciples in Charlottetown may be, in the difference between mean and apparent time, "arising from the unequal motion of the earth, and the obliquity of the ecliptic to the equator," country people generally know nothing about these distinctions; and, if I am not much mistaken, should Mr. H. strive for the next seven years, he will never be able to beat it into their heads. The only reward for all his labour will be, that most persons will determine with farmer Hodge, never to buy his Almanack again.

Besides reducing the rising and setting of the sun from apparent to mean time, Mr. H. tells us "that the rising and setting of the sun are given, not of his centre, as heretofore, but of his highest point, and are corrected for refraction—a correction hitherto almost always improperly neglected." Of the general utility of the above correction, however accurately made, I am somewhat sceptical. For those who live on the sea coast, and have an opportunity of seeing the sun emerge from the true horizon, I admit that these corrections, when properly made, are very desirable; for they would then have the correct time of the sun's appearance; but for those who are living inland, the old mode answers far better, because the difference made by refraction, and the passage of the sun's semidiameter over the horizon, amounting, at the vernal and autumnal equinoxes, to 4 m. 52 sec., and, at the solstices, to 5 m. 56 sec. will tend to correct the difference between the passage of the sun over the true and apparent horizon.

But Mr. H. has not accomplished what he professes. He may, indeed, have made corrections for refraction, and the passage of the sun's semidiameter over the horizon; but he has neglected to ascertain, in the first place, the far more important point, the time that the sun's centre crosses the horizon. For instance, on the 21st June, Mr. H. makes the sun's upper limb to rise at 4 h. 12 m. 36 sec. apparent time, whereas it actually appears at 4 h. 6 m. 20 sec., being an error, after all his accurate correction, of 6 m. 16 sec. This has arisen from his having taken it for granted that the sun's centre rises at 4 h. 19 m., instead of 4 h. 12 m. 16 sec., its true time of rising. This is truly "straining at a gnat and swallowing a camel." The longest day is actually 12 m. 32 sec. longer than given by Mr. H., and the shortest, on the other hand, is not so long as he makes it by 11 m. 36 sec.

Do not imagine, Mr. Editor, that these remarks are intended to discourage Mr. H., or any one else, from attempting improvements in any department of science. Far from it: such attempts are always laudable, even when unsuccessful. In pointing out the errors into which he has been led, by employing a person who was incompetent to perform what he took in hand, I should hope he would endeavour to have it amended before he publishes another number.

Whilst on this subject, it may not be amiss to remark, that the calculations for the rising, southing and setting of the moon, are, beyond comparison, farther from the truth than those of the sun. As the moon's variations in right ascension and declination are very rapid, when compared with those of the sun, it is proportionally affected by the slightest variations both in latitude and longitude—so that a calculation made even for Halifax would be totally useless in this Island.

But why borrow from Halifax, or from any other place? Shall it be said that there is not science enough in Prince Edward Island to calculate a common Almanack? Have you not an Academy in Charlottetown, liberally endowed, for the purpose of qualifying young men to enter with credit and success into the various walks of life? Now, a common navigator ought to be possessed of all the science that is necessary for the calculation of an Almanack. Might it not be a very pleasing, and, at the same time, profitable exercise, for some of the lads at the Academy to make the necessary calculations every year, and make them a present to the Printers?

The country people, at present, complain sadly that, whilst we poor wights receive only from £12 to £20 a year from the public purse, £300 should be lavished upon the two masters of the Academy, for the benefit of the gentry of Charlottetown. Now, were it to send forth even the calculations for an Almanack, yearly, for the public benefit, it would appear that the country had a something for its £300. Do, Mr. Editor, just ask them; and if they refuse, or plead inability, tell them they may hold themselves in readiness for a good sound castigation from

AN OLD SCHOOLMASTER.

TO THE EDITOR OF THE COLONIAL HERALD.

Sir; Having observed a letter in the *Herald*, some time in the month of September last, reflecting on the conduct of a settler in this Island of the name of David Haystead, who had, it was said, taken a green wood farm on the western road, from town, and, after clearing about twelve acres, in little less than two years, and which land was under crop of different descriptions in the month of August last, when the said Haystead disposed of it upon very advantageous terms, as therein expressed—and complaining that a settler, having been so very fortunate in farming in so short a period, nevertheless was not content to remain on his farm, where he had ample means to support a wife and family, but finally to leave the Island for a more favoured spot; and which appeared to your correspondent an inconsistent thing altogether; and so it probably would to others. I omitted, at the time of publication, to throw light on this subject, by explaining his motives for so doing, which I was very well acquainted with at the time, thinking some person would probably take up the subject that was still better acquainted with him; but, finding there was a second letter, about three months afterwards, emanating from another quarter, (apparently from some landlord), I have been induced to answer your correspondents. In the year 1836, I was a passenger with the aforesaid, in the ship *Brunswick*, from England, and, after landing at Quebec, I was induced, by flattering representations, to accompany my friend to P. E. Island, (he having a son at that time living with W. Smallwood, Lot 49, as a farming labourer). We took a passage in a vessel from Quebec to Halifax, and when opposite the East Point of this Island, we met with W. Wood, in his fishing vessel, who landed us at Georgetown on the 1st Aug. We afterwards moved on, by land, to Lot 49, to see the son, and remained three months there, during which time my friend was engaged as a farming labourer, with two or three of the respectable settlers, and, after a short time, he began to be dissatisfied with the customs, habits, and way of living especially, of the people of this Island; his wife, also, was very much dissatisfied; they were also dissatisfied with the mode of payment of wages, viz: a great part in produce, and the scarcity of money. He often said, the living was worse than he had when he was foreman of a farm in England, where he had been living twelve years. At this time, before the winter commenced, he was anxious to return to England, America not being what he had been led to expect from the representation made to him before he left England, and said that he would surely leave this Island, as soon as he could get money together sufficient for the passage; and finding there was no probability of doing this as a farming labourer, he determined to take a green wood farm, and to clear as much as he could in as short a space of time as possible, and to sell his improved farm to the first person he could meet with—all which he did; and this is the subject matter of complaint of your correspondent. The latter observed in his letter, that a pair of hands had done much in less than two years, which I could not rightly comprehend, as a man and three sons could not be (I imagine) constructed a pair of hands; they were hardworking men, and were much reduced in personal appearance, while they were in the Island. I saw them embark on board the steamer, for Pictou, and they said it was their intention to go to the preferable part of the States, where they expected to meet with better land, a more congenial climate, and living more in the English style. I heartily coincided in their resolution. I have not heard of them since.

Yours, &c.

Wm. BLAINEY.

P. S.—This explanation may not satisfy your correspondents, but they may rely on the truth of this statement.
Stanhope, Jan. 7, 1840.

Died,

At Cavendish, on the 22d ult., Mr. William Simpson, aged 78 years, an old and respectable inhabitant of that place.

SALES AT AUCTION.

BY S. DESBRISAY.

THIS DAY (SATURDAY,) at 12 o'clock, Fifty Barrels Prime HERRINGS.

BY W. H. GARDNER,

ON SATURDAY next, the 14th March, in Queen Street, opposite Mr. Stamper's corner, at 12 o'clock, noon, without reserve, the following GOODS:—12 pairs Blankets, 1 piece blue Pilot Cloth, in lots; 1 do. Lion-skin do., in do.; 3 do. Merino; 1 doz. Fur Caps; 1 do. Woollen do.; 6 Monkey Jackets; Moleskin do.; 3 pieces of Cassimere, in lots; 10 do. printed Cottons; 2 doz. Men's Hats; 900 yds. unbleached Cotton; 2 doz. ready made Vests, 1 do. duck Trousers; 4 Shawls (large size).

N. B. If the day should prove unfavourable, the Sale will take place the next Market-day.

Surveyor General's Office, 18th February, 1840.

THE Surveyor General will submit for sale, at Public Auction, on Saturday, the 28th March next, at the Court House, in Charlottetown, at 12 o'clock, noon, the following PASTURE LOTS, in the Royalty of said Town, viz: Nos. 353, 429, 431, 462, 465, 563, 459, 550, 477, 504 and 510.

GEORGE WRIGHT, Surveyor General.

DISSOLUTION OF CO-PARTNERSHIP.

NOTICE is hereby given, that the Co-partnership hitherto existing between the undersigned, was, on the first day of March, instant, dissolved by mutual consent—their term having on that day expired. All persons having demands against the said firm, are requested to render their accounts for adjustment, and all those indebted are requested to make immediate payment to John Hobs.

JOHN HOBS,
DONALD NICOLSON.

Charlottetown, 6th March, 1840.

JOHN HOBS, Cabinet Maker and Upholsterer, begs leave to acquaint the Inhabitants of Charlottetown, and the public generally, that he is now carrying on the above business, in his Shop in Kent Street, opposite the residence of T. B. Tremain, Esq., where all orders in his line will be thankfully received, and executed with neatness, punctuality, and on moderate terms.
March 6, 1840.

THE Subscriber returns his grateful thanks to the Inhabitants of this Island in general, and his customers in Charlottetown in particular, for the liberal patronage with which he has been favoured during the 18 years he has been engaged in business here, and begs to inform them, that, as he keeps unexceptionable Workmen, and superintends the whole of the business himself, all orders for Country, Ship, and Saw or Grist Mill Work will be executed with a neatness and dispatch hitherto unequalled. Latest and most approved Ships' Trusses made, inferior to none ever imported.

Also, Trusses for cases of Rupture, said to be superior to any other kind in use.

C. C. DAVISON.

N. B.—Two Apprentices wanted. None need apply without testimonials of unblemished character.
6th March, 1840.

ALEXANDER DAVIDSON,

Brecken's Corner, No. 1, Queen Street.

CHAMBERS' People's Editions of valuable and useful BOOKS, many of them at only a twentieth part of the price originally published at.

Lamartine's Travels in the Holy Land,	7s. 6d.
Paley's Natural Theology, with Notes,	3s.
Lay of the Last Minstrel, by Sir Walter Scott,	14d.
Marmion, a Poem, by Sir Walter Scott,	20d.
Lady of the Lake, by Sir Walter Scott,	18d.
Cottagers of Glenburnie,	16d.
Crabbe's Parish Register, and other Poems,	12d.
Franklin's Life and Miscellaneous Works,	2s. 8d.
Life and Travels of Mungo Park,	2s. 8d.
Butler's Analogy of Religion,	2s. 4d.
Goldsmith's Vicar of Wakefield,	16d.
Anster Fair, and other Poems, by Tennant,	16d.
Adventures of Roderick Random,	3s. 4d.
Lord Bacon's Essays,	16d.
Ramsay's Gentle Shepherd, and Select Poems,	16d.
Adventure's of Robinson Crusoe,	3s. 4d.
The Life of Robert Burns,	2s. 4d.
The Poetical Works of Robert Burns,	4s.
The Prose Works of Robert Burns,	3s. 4d.
Imprisonments of Silvio Pellico,	18d.
Clarke's Travels in Russia, with Notes,	5s.
Complete English Tradesman, by Defoe,	2s. 8d.
Chambers's Tour in Holland and Belgium,	3s.
The Sabbath, and other Poems, by Grahame,	10d.
Adventures of Caleb Williams, by Goodwin,	2s. 6d.
Incidents of Travel in Egypt, Arabia, &c.,	3s. 8d.

Brecken's Corner, No. 1, Queen Street.

ALEXANDER DAVIDSON.

CAUTION.

To the Editor of the Colonial Herald.

SIR:—Having seen in the *Colonial Herald* of the 20th inst. the Advertisement of the Assignees of the late Henry Winchester, Esq., offering for Sale 18,000 Acres of Land, on Lot or Township No. 54, allow me, through the medium of your paper, to say, that the late Henry Winchester, Esq. had no property on Township No. 54, nor had he ever the actual possession. Actions of Trespass and Ejectment were brought against me, it is true, but what was done in those actions I have not been able to ascertain.—Suffice it to say that after many years' prosecution, I was not able to get one witness brought forward—this is a case of real grievance, and ought to be looked into.

I find on referring to the provision of the Statute of 32 Henry 8, cap 9, that no one shall sell or purchase any pretended right or title to land, unless the vendor hath received the profits for one whole year before such grant; or hath been in the actual possession of the land, or of the reversion or remainder, upon pain that both the purchaser and vendor shall forfeit the value of such land to the King and the prosecutor.

ROBERT MEARNS.

Township No. 54, July 27th, 1839.

PRINCE EDWARD ISLAND.

TO BE SOLD, by private Contract, an extensive and valuable

FREEHOLD ESTATE,

consisting of nearly

18,000 Acres of Land,

situate in the preferable part of KING'S COUNTY, being contiguous to GEORGETOWN, late the property of HENRY WINCHESTER, deceased, a Bankrupt, and now belonging to his Assignees. Vessels of any burden may go up and down Cardigan River, by which it is bounded on the Southern extremity.

The Estate is delineated on the Plan of the Island, kept in the Plantation Office, Whitehall, and the Surveyor General's Office of the said Island, as Lot or Township (54).

For printed Plans of the Estate, and further particulars, apply at the Offices of Mr. Briggs, 55 Lincoln's Inn Fields, and Mr. Belcher, Official Assignee, King's Arms Yard, London; the Hon. Samuel Cunard, Halifax, Nova Scotia; and James H. Peters, Esq., Charlottetown, in the said Island—to either of whom terms in writing, for the purchase, may be made on or before the 1st of September next.

ALL Persons indebted to SIR GEORGE F. SEYMOUR, for Rent, sales of Timber, or otherwise, on account of his Estates in this Island, are required to pay their respective Debts forthwith to the Subscriber, who hath been duly authorized to receive the same.

J. SIDNEY DEALEY.

APPRENTICES WANTED

BY the Subscriber, two Apprentices, for the Painting, Glazing, and Paper-Hanging Businesses. None need apply without producing testimonials of good character.

J. DAVIS, Painter.

Charlottetown, March 4th, 1840.

A STRAY SHEEP has been on the Subscriber's premises since last Fall. The owner may have same, by proving property and paying expenses.

JOSEPH M'NABB, Tracadie,
DONALD M'LEAN, near Covehead.