

age, or else that it went to prevent such proprietors as could from raising the question, whether, where the 500 feet could be proved to have been washed away since the date of the grant, the Crown had not lost its right altogether. This could only be a question, on the presumption that the fee was in the Crown. He admitted, that if the reservation only amounted to a liberty, the encroachment of the sea would not diminish the right; but if the fee were decided to be in the Crown, the question would then arise. The two effects of the reservation could not be blended; it must be either a fee or a liberty. If a fee, then the Crown would be what was technically called Niparian owner, and if it was, its rights must be subject to the same rules of law as would apply to the case of an individual. By law, the Niparian owner had to maintain his bank, and if he did not, he lost his land. Who lost it? The owner of the bank. It appeared, no doubt, absurd to say that the Crown should maintain the bank all round the Island; but was it not equally absurd to say that an individual who had allowed his land to be washed away should have a right to move back, and take the land of his neighbour, behind him? The magnitude of the case, when applied to the whole Island, might deceive; but the law which would apply to 100 feet of coast would, with equal inflexibility, to one hundred miles. Besides, if the Crown was Niparian owner, the individual behind could not legally go to repair the bank; he might be treated as a trespasser if he did. See, then, what a dilemma he would be in! The Niparian owner would not repair—would not let him go to repair—and still he must lose his land. He had at first considered the point on the general doctrine of gradual accretion, and thought there was not much in it. But, on consideration, he was convinced that it was an important question. He cited the case of *Seranton v. Brown*, and contended that the reasoning of the Court in that case was favourable to the view he had taken. He did not, however, argue thus to ask the House for a decision on the point—they were not competent to decide it; all he wished to shew was, that there was a question, from the benefit of which his clients ought not to be precluded. He also objected to the 8th clause, which gave the public a right to build ships on the reserves, as being a purpose, in any view of the case, different from that for which it was reserved.

The 9th clause, he said, appeared to him so wholly useless, that he could not, at first, imagine how it came to be inserted; but, on a more attentive perusal, he discovered that it declared that some Townships, which only abutted on Rivers, and on places equally free from the reserves, did abut on the sea shore. This declaration would be the evidence of the fact against the neighbouring Townships that those places were the sea shore. Sorry would he be to attribute a sinister attempt, on the part of the body from which the Bill emanated, to effect that covertly, which they could not do openly. He was too well aware of his duty, to do that; and if he had not known his duty in this respect, he knew too well the impartiality and justice with which the House of Assembly were disposed to deal with the proprietors, to imagine any such motive. It was, of course, accidental, but its effect would be most injurious to his clients. To the 12th clause he also objected, as it took away the marshes and sandhills; but thought it required no comment, as the mere reading of it would condemn it.

He had now gone through the objectionable clauses, and thought he had shewn the impropriety of making them a law. It was well known that the Reserves were a mere chimera, and that not in one instance out of one hundred would the occupant be disturbed. But, besides being manifestly unjust to cut up the Estates in the manner proposed, it would be productive of evils and difficulties which no mind, however acute, could foresee. Purchase money to be divided, rents to be apportioned. In came the doctrine of apportionment, with its attendants, harassing and ruinous litigation. The man who had wisely provided for it in his lease, and cautiously guarded against such an event, would find the compact which he thought would have been respected, broken, and an inundation of law suits let in upon him; and himself, equally with others, involved in a flood of litigation, ruinous alike to his tenants and himself. His clients' request was, do not take away that which is ours; do not preclude us, by a statutory bar, from a trial of our rights; and do not break through contracts which are as binding on the other party as on us. These requests were surely reasonable. Could they refuse to grant them? He concluded by saying, that he felt grateful for the attention with which the House had honored him, and hoped the importance of the subject would sufficiently apologize for the time he had detained them.

Then the House adjourned.

Tuesday, March 31.

The Order of the Day, for the House in Committee on the Fishery Reserves' Bill, being read;

The House was accordingly put into Committee on the said Bill—Mr. Dalrymple in the Chair—and after some time spent therein, the Chairman reported, that the Committee had gone through the Bill, and made several amendments thereto.

The Report was ordered to be received, and the third reading of the Bill, with the amendments, stands as the Order of the Day for Saturday (this day).

THE COLONIAL HERALD.

SATURDAY, APRIL 4, 1840.

There are three Halifax and two English Mails due. The Mail Carriers from this side, after several fruitless attempts, succeeded in getting across to the other side on Saturday last, since when nothing further has been heard of them. The quantity of loose ice in the strait is sufficient, however, to account for their not being able to return, until some change takes place.

The greater part of yesterday was spent by the House of Assembly in discussing, in Committee of the whole, the Bill to authorize the Crown to purchase the lands of the proprietors, and to regulate the settlement of the inhabitants. After all the clauses except the two last had been gone through, the Chairman reported progress, and obtained leave to sit again. It is probable that the remainder of the bill will be gone through to-day.

In the evening sitting, yesterday, the House went into a Committee of Ways and Means. A motion made by Mr. Pope, to exempt articles used for ship-building purposes from the charge of 2½ per cent. ad-valorem duty, to which they are at present liable, was lost, on the following division:—

YEAS—Messrs. Pope, Hudson, Gorman, Young, Montgomery, J. S. Macdonald, Longworth, Palmer, Beck, Thomson, Yeo—11.
NAYS—Mr. Speaker, Messrs. W. Dingwell, Macintosh, Dalziel, J. Dingwell, Le Lachour, Forbes, Macneil, Macfarlane, Clark, Fraser, Rae—12.

A motion proposed by the Hon. J. S. Macdonald, to exempt Molasses from the payment of ad-valorem duty, was carried in the affirmative. With this exception, the duties, therefore, remain the same as last year. The Report of the Committee will be received to-day.

QUEEN'S COUNTY ELECTION.

THIRD DISTRICT.

On Wednesday, the 25th ult., a Poll was opened at Pinette, for the purpose of having a member elected in the room of Mr. Arbuttle, when Charles Young and William Douse, Esquires, appeared on the hustings as the only candidates. After the candidates had severally addressed the electors, the polling commenced with great spirit on both sides, and at its close on that day, the numbers were as follow:—Young, 135; Douse, 121.

Next morning, the polling recommenced, and at its close the numbers were—Young, 172; Douse, 130.

The Poll was then adjourned to Second Creek, Lot 49. At the close of the Poll at Pinette, Mr. Young was chaired to his Sleigh, when his supporters removed his horses therefrom, and dragged him, with great cheering, floating banners, flags waving with appropriate devices, and martial music from the thrilling bagpipes, to the house where he had taken up his temporary residence.

On Monday last, the Poll was re-opened, according to adjournment, at Second Creek, Lot 49, and continued until 3 o'clock, when Mr. Douse, losing all hopes, thought proper to resign, the numbers being—Young, 255; Douse, 133; making Mr. Young 117 a-head, besides 150 that were ready to poll for him. Mr. Young was then declared duly elected, and he addressed the Electors with great animation. He said it was not the triumph of Young over Douse. No! It was the triumph of the people over their oppressors, and he hoped that the people would ever assert their just rights and maintain their independence—that he would do all in his power to make them free, and to relieve them from their oppressive burdens, and thus make them contented, peaceable and prosperous. He thanked them for the honor that they had conferred upon him, for the trust they had reposed in him; and he hoped that he would ever feel grateful for the one and would never betray the other. After his address, Mr. Young was chaired three times round the hustings; then mounted his horse, and, accompanied by a numerous and respectable escort, set forward for Town. On arriving at the wharf, he was greeted with three hearty cheers from the crowd assembled there, and on coming off the ice, he dismounted, and was conveyed to a carriage, handsomely decorated for the occasion, and was then again hailed with loud and continued cheering. When the horses were put in motion, then commenced the firing of guns, waving of banners and flags, with appropriate devices, and the strains of music. The procession moved up Queen-street, round the House of Assembly, through various streets in the town, and conducted Mr. Young to his own residence. He there addressed them, thanked them for the unexpected welcome he had received, for the undeserved honour they had done him, and renewed his pledges, to devote his time, attention and limited abilities, to the cause of the people, and the people only, and to do all in his power to relieve them from their op-

pressive and grievous burdens. He then retired to his house amid the cheers of the joyful multitude.—Communicated.

On the following day, Mr. Young was led into the House, and introduced to the Speaker by Mr. Le Lachour and Mr. Macintosh, and took the oaths prescribed by law and his seat.

Starved,

On the 18th February last, by the Rev. Roderick Macaulay, Mr. James Hamilton, Three Rivers, to Miss Nancy Stewart, Lot 48.

On the 10th March last, by the same, Mr. Anthony Buchanan, Belfast, to Miss Jane Kennedy, Three Rivers.

On the 24th March, by the same, Mr. George M'Intosh, to Miss Caroline M'Ray, both of New London.

On the 26th March, by the same, Mr. Hugh M'Donald, Point Prim, to Catharine, eldest daughter of Mr. Neil M'Neill, Charlottetown Royalty.

TEMPERANCE SOCIETY.

A GENERAL MEETING of the Charlottetown TEMPERANCE SOCIETY, will be held in Mr. Nelis's School Room, on Monday evening next, the 6th inst., at 7 o'clock. An address will be delivered, and a collection taken in aid of the funds of the Society.

A CARD.

MR. NELIS intends opening an EVENING CLASS, for the instruction of Females in the French Language, together with Writing, Arithmetic, Grammar and Geography—to commence on Monday the 6th of April next.

Hours of Attendance, from 4 to 6 o'clock, p. m., three times a week.

N. B.—As the number of pupils will be limited, an early application is recommended.

Terms—15s. per quarter, half in advance.

THE Partnership heretofore subsisting between the Subscribers, under the Firm of *Parkin & Pleadwell*, carrying on business in Charlottetown and at Capraud, is this day dissolved, by mutual consent. All persons who stand indebted to the said late firm are requested to make immediate payment of the debts due, at Charlottetown, to Josiah Parkin, and at Capraud, to Thomas Pleadwell. All accounts remaining unpaid, after the Fifteenth instant, will be sued for without distinction.

JOSIAH PARKIN,
THOMAS PLEADWELL.

Charlottetown, April 3d, 1840.

DESCRIPTION of a Deserter from Her Majesty's 37th Regiment, quartered at Charlottetown, Prince Edward Island, February 21st, 1840.

Private MICHAEL CONDOX, deserted on the 21st February—age, 32 years; size, 5 feet, 6 inches; make or form, low and stout; dark eyes, short nose, short neck, black hair, sallow complexion—dress at the time of desertion, watch coat, black trowsers, short boots, forage cap.

Any persons apprehending Deserters, or who shall give such information as may lead to their apprehension, will be entitled to receive at the Treasury of this Island the sum of Five Pounds for each Deserter, over and above the reward allowed by the Articles of War. And any person found harbouring, concealing, or assisting any deserter from Her Majesty's service, is liable to pay, for every such offence, the sum of Twenty Pounds.

A. LANE,
Captain and Town Major.

SWINDLING. TWENTY DOLLARS REWARD.

WHEREAS a person styling himself Doctor WILSON, accompanied by a youth whom he represented as his apprentice, came to East Point, about the beginning of last December, and took a house from Mr. John Macdonald, Retland, with the declared intention of practising in a medical capacity; but after a residence of something more than three months at the East Point, during which time he successfully played off several acts of swindling upon the unsuspecting inhabitants of that quarter, he suddenly disappeared from amongst them, and has not since been heard of by any of the individuals, who, in some degree, have been made the victims of his knavish deceptions: This is to give notice that the subscriber will give Twenty Dollars, as a reward to any person who shall give such information to him (the subscriber) as may lead to the making amenable to justice of the said self-styled Doctor Wilson; and is also further intended to prevent others from suffering from the impositions which, no doubt, he will continue, or attempt, to practise in other quarters. In accordance with these views, the following personal description, and brief statement of the trickery at East Point, of the said impostor, are subjoined.

Doctor Wilson is a young man, apparently about 25 years of age, in height about 5 feet, 9 inches, smooth and full faced, fair complexioned, and in body stout. His swindling he practised upon almost every dealer at East Point. Mr. M'Vane, miller, he swindled out of a quantity of flour, and the subscriber he cheated out of goods to the value of £3 5s. His success at East Point, in all, seems to be to the amount of about £20 or 25. His last attempt upon the subscriber was by a forged Order in the name of James Manley. He, besides, succeeded in borrowing two or three watches, which he carried off. When he left East Point, it was under the pretence of going to Charlottetown for his Medicine Chest. He was taken to Town by one Donald Kennedy, whom, with his horse and sleigh, he had engaged for that purpose. When he reached Charlottetown, he suddenly forsook the poor man Kennedy, found it convenient "to remember to forget" to pay him, and has not since been heard of. He said he was from St. John, New Brunswick. His pretended apprentice appears to be a worthy disciple of his master. He called himself NEIL McCALLUM, and said he was from Lot 16. He stayed awhile behind his master, in the end purchased an old mare, borrowed a watch from Mr. Samuel Rose, and went, for anything the subscriber knows, to join his master, and aid him in levying further contributions upon the credulous and unwary.

RONALD BEATON,
Per
DONALD BEATON,

East Point, 23d March, 1840.

TEN POUNDS REWARD.

ROBERT WEST, a native of Yorkshire, and for many years a resident of Prince Edward Island, left his brother, under whose care he then was, at Bradford, Gore District, Upper Canada, in the Fall of 1833, to return, as he said, to this Island, but has not since been heard of by his friends. He had for several years been labouring under mental derangement. He was about 32 years of age; stout built; in height about 5 feet, 7 inches; his hair brown; eyes, grey; and complexion fair.

The above reward will be paid to any person who will take care of him, and have him forwarded to this Island as soon as possible. Any information respecting him will be thankfully received by his father.

Little York, P. E. Island, 20th March, 1840.

The Editors of Neilson's Gazette, Quebec; the Montreal Herald, and the Christian Guardian, Toronto, are requested to give the above Advertisement three insertions in their respective papers, and to forward their Accounts for payment.

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.

CLYDESDALE HORSE COLUMBUS.

THAT beautiful and powerful DRAUGHT HORSE *Columbus*, imported last summer by the Central Agricultural Society, will stand for the season at the Subscriber's, Princetown Road, in the Royalty of Charlottetown. Season to commence 1s April. Hours of attendance—6, a. m.; 12 noon, and 6 p. m. Terms, Two Pounds. Groom, Five Shillings.

Wm. CRANSTON

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.

LIFE AND FIRE INSURANCE.

POLICIES will be issued by the Subscriber, in either of the above departments, on the most reasonable terms.

CHARLES YOUNG,

Agent of the

"ETNA" and "ALLIANCE" Insurance Companies.
Charlottetown, Dec. 11, 1838.

AT A GREAT REDUCTION IN PRICE,

HEAVY Winter Cloths—Pilots, Petershams, Flushings, Buckskins, Tweeds, &c. Flannels, Baizes, Serges, Blankets, Counterpanes, Quilts. A great variety of very superior MERINOS, and other WINTER GOODS, (see Advertisement) will be disposed of on very low terms, if applied for immediately. A few Fur Capes, Tippets, Mantillas, Gloves, &c., at nearly half price.

Also,

Kegs Virginia best No. 1, Tobacco,
Do. Halifax manufacture, do.
Chests fine Congo TEA.

ALEXANDER DAVIDSON,

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

All Debts due the Subscriber, and contracted previous to the first of May last, will, if not paid before the 10th day of March, 1840, be placed in the hands of an Attorney for collection.

A. DAVIDSON.

NEW STORE.

THE Subscriber begs leave to inform the Public that he has commenced business in his house, opposite Mr. Dennis Reddin's Store, in Queen's Street, and offers for sale a large and well selected assortment of GOODS suitable for the season, cheap, for cash or Island produce, viz:—Superfine Cloths, Cassimeres, Petershams, Pilot Cloth, Buckskins, Flushings, Mole-skins, Carpeting, Hearth Rugs, Counterpanes, Homespun, Silks, Satin, Merinos, Printed Cottons, Ladies' Shawls, Flannels, Bed Ticks, Muslins, Ladies' Veils, Gloves, Cotton Hose, Table Cloths, Gauze Handkerchiefs, white and brown Cottons, Ribbands, Silk Plush, Silk Velvet, &c.

HARDWARE—Bar and bolt Iron, cast and blister Steel; a large assortment of Cutlery, Earthenware, Glass and Tinware, Sole Leather, Shoe Thread, Cod Lines, &c.

GROCERIES—Rum, Brandy, Gin, Wine, Confectionary, Tea, Sugar, Tobacco, prime Havana Segars, Candles, Soap, Molasses, Lamp Oil, Digby Herrings, Alsapice, Pickles, Pepper, &c. &c.

Also,

140 Bols of Canvass, from No. 1 to 6; 3000 bushels fine Liverpool Salt, and Labrador Herrings.

JOHN DAVIS, jun.

Nov. 18th, 1839.

JUST RECEIVED, and for SALE by the Subscriber, a general assortment, consisting of

440 Packages

British and West India GOODS,

TEAS, FURS, &c. &c.

DAVID WILSON.

Dec. 6, 1839.

TEAS.

50 CHESTS of superior quality, now landing from the *Britannia*, from Liverpool, and for sale, for Cash only, by T. B. TREMAIN.

29th Oct. 1839.

CONSIGNMENT.

JUST received, and FOR SALE by the Subscriber, 300 Barrels of prime Nova Scotia HERRINGS.

J. S. DEALEY.

Charlottetown, Nov. 21, 1839.

NEW STORE AT GEORGETOWN.

ALEXANDER TAYLOR informs the public that he has commenced business in the store lately occupied by A. Macdonald, Esq., at Georgetown, with a very extensive and well assorted stock of

General Merchandize.

The above stock of Goods was purchased under circumstances, and will be disposed of at prices, which must entitle the proprietor to a share of public patronage, and to its inspection the community are respectfully invited.

Mr. Taylor will give the highest market prices for Country Produce.

Georgetown, 17th December, 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 Curran, 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.

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 each forfeit the value of such land to the King and the prosecutor.

ROBERT MEARNS.

Township No. 54, July 27th, 1839.

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.

CAUTION TO LUMBERERS.

ALL Persons found trespassing upon any of the Estates of the Right Honorable the Earl of SELKIRK, in this Island, by cutting timber, or otherwise, will be prosecuted with the utmost rigour of the Law. Tenants requiring Timber for Farm Buildings, &c. must apply to the subscriber.

W. DOUSE, Land Agent.

CAUTION.

ALL Persons are hereby cautioned against cutting or carrying away Timber, or Wood of any description, from that part of Township No. 43, belonging to the Estate of the late Honorable William Townshend, deceased, if they wish to avoid law and law costs.

CHARLES WORRELL,
Mortgagee in possession.

BLANK Bills of Exchange, Charter Parties, Seamen's Articles, Bills of Lading, Manifests, Powers of Attorney, Court Subpoenas, Apprentices Indentures, a variety of Magistrates' Blanks, &c. for sale at the Office of the *Colonial Herald*.