

The Colonial Herald,

AND

PRINCE EDWARD ISLAND ADVERTISER.

NEW SERIES.]

CHARLOTTETOWN, SATURDAY, MAY 3, 1841.

[No. 197.]

AUCTIONS.

DISTRICT No. 6.

THE Subscriber will let by Auction, on the spot, on Monday, the 10th May, at 10 o'clock, forenoon, the Raising and Railing the Bridge on Tod's Mill-dam. And also, on Tuesday, the 8th June next, at 10 o'clock, forenoon, the repairing part of the Road from McNeill's Creek to McKie's; and same day, at 10 o'clock, the raising the Bridge on Bagnall's Creek, Lot 65; and same day, at 3 o'clock, repairing part of the Road from Alexander McFadyen's to Bonshaw; and on Thursday the 10th June, at 10 o'clock, forenoon, the New Road from Bonshaw to Mabey's. Security will be required for the due performance of each contract.

THOMAS TOD, Commissioner.
Commissioner's Office, April 21st, 1841.

DISTRICT No. 8.

THE Subscriber will set to the lowest Bidder, on Monday the 10th of May, at 9 o'clock, the repairing the Corran Ban Bridge, Lot 35. Also, on the same day, at 12 o'clock, noon, the Straightening the Mill Cove Road between Mooney's and Kelly's, Lot 35. Also, on the same day, at 6 o'clock afternoon, repairing Battery Point Road, Lot 35. On Tuesday, the 11th May, at 7 o'clock, morning, the repairing the Road and Building new Bridges between Tracadie Cross Roads and Tracadie Sandhills—the Sale to commence at the Piper's Bridge, Lot 36. Also, the same day, at 2 o'clock, afternoon, the repairing the Road leading from the Gulph Shore to Mount Pleasant, Lot 37. On Wednesday, the 12th, at 7 o'clock, morning, the repairing St. Peter's Road, across Lot 37. Also, the same day, at 12 o'clock, making a Road on the new line between St. Peter's Road and Mount Stewart Bridge, Lot 37. Also, the same day, at 6 o'clock, afternoon, building a new Bridge across Pisiquid River, Lot 37. On Thursday the 13th, at 9 o'clock, repairing the Vernon River Road, Lot 37. Also, on the same day, at 12 o'clock, building a new Bridge across Clark's Mill Stream, Lot 37. Also, on the same day, at 12 o'clock, afternoon, repairing Road across Lot 36, South Side of the Hillsborough. On Friday the 14th, at 9 o'clock, repairing the Road through the Monaghan Settlement. Also, on the same day, at 12 o'clock, building a Bridge over Kelly's Creek, on the Road leading from Fort Augustus to the Charlottetown Ferry. Also, on the same day, at 4 o'clock, repairing the Tarentum Road. On Saturday, the 15th, the repairing the Road from St. Peter's Road to the Portage, Lot 36. Ample Security will be required for the due performance of each Contract.

DAVID HIGGINS, Commissioner.
Commissioner's Office,
April 15th, 1841.

DISTRICT No. 10.

THE Subscriber will, on Tuesday the 1st day of June next, at the hour of 12 o'clock, let by Auction the lowest bidder, the making of a Road from Flat River Road to Big Point. The following day, at 11 o'clock, a new Bridge on Belle Creek River; and the repairs of the Upper Road, leading from the Wood Islands to Pinette Mills. And at 4 o'clock, the re-building Upper Flat River Bridge. On the 3d, at 11 o'clock, the repairs of Point Prim Road, to commence at Donald Martin's hollow; at 3 o'clock, repairing the Road from Orwell Ferry, to Orwell main Road, commencing at the Ferry. And at 6 o'clock, the raising the hollow near Murdoch McLeod's, Orwell Road. And on the 4th, at 11 o'clock, the making of a Bridge on the Murray Harbour Road, near the Township line. At 1 o'clock, Sample's Bridge on said Road. At 3 o'clock, the repairs of Road and Bridges, on the Murray Harbour Road, near the County line. And at 6 o'clock, the repairing Montague Road, towards Pinette Mills, commencing at Murray Harbour Road.

A. McDOUGALL, Commissioner.
Flat River, 26th April, 1841.

DISTRICT No. 15.

MONEYS to be expended at Public Sale: Tuesday 1st June next, at 10 o'clock, £27 on the Road leading from White Sands to the Little Sands. Same day, at 2 o'clock, £12 on the White Sands and Guernsey Cove Roads, beginning at the White Sands Cross Roads. Wednesday 2d June, £17 on the Road and Bridges from the South River to the County Line, commencing at the South River at 10 o'clock, and immediately after £22 (or so much as may be required) on the Murray River Bridge. Thursday 3d June, at 10 o'clock, £30 to round up the Mink River Road, 14 feet wide, beginning at the Hill, Mink River Brook, South end of the Road. Same day, at 3 o'clock, £15 to extend the Wharf at St. Mary's Bay. And the same day, at 6 o'clock, £22 on the Sturgeon River Bridge. Friday, 4th June, at 10 o'clock, £10 on the Hill and Road, South end of Montague Bridge. Same day, at 3 o'clock, £12 on the Road from Aitken's, Lot 59, towards Murray Harbour, and the Road from the Main Road to St. Andrew's Point and Georgetown Ferry. Saturday, 5th June, 11 o'clock, £28 for extending the Wharf at Peter's's Shore, Lot 59. The work to be let to the lowest bidder, and sufficient security required for the performance of the several contracts.

E. THORNTON, Commissioner.
Three Rivers, May 3d, 1841.

FERRY WHARF.

SEALD TENDERS will be received by the Subscriber until Thursday the Twentieth May, inst. for the erection of a WHARF at the point commonly called Minchin's Point, opposite Charlottetown. Plan and Specification to be seen at the Subscriber's Office. Sufficient security will be required for the due performance of the contract.

JOHN R. BURKE, Commissioner.
Commissioner's Office, Lot 49, May 3d, 1841.

FIRE INSURANCE

IS still continued to be effected by the Subscriber at moderate rates, for the ALLIANCE Company of London, which, in point of capital and stability, is second to none in the United Kingdom, and gives to the assured, for five years successively, a share of the entire profits, amounting, on the last division, to twenty per cent. of the premium paid in. The subscriber is empowered in all ordinary cases to settle losses instantly without reference to the Board in London.

CHARLES YOUNG, Agent.
Charlottetown, Oct. 13th, 1840.

CAPTAIN WILLIAM HUBBARD begs to inform his friends, and the public in general, that he has taken the ferry House, and intends to keep good entertainment for man and horse, on Temperance principles, and hopes by strict attention, to merit the favour of a generous public.
Charlottetown, 26th March, 1841.

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

LEGISLATIVE COUNCIL,

MONDAY, April 26.

A Message was received from His Excellency the Lieut. Governor, with the following Despatch:—

DOWNING STREET, 31st March, 1841.

SIR—I have received and laid before the Queen, the Address enclosed in your Despatch No. 14, of the 5th of May, 1840, from the Legislative Council of Prince Edward Island, complaining of the system pursued by the House of Assembly in appropriating the Supplies granted to the Crown.

Having laid this Address before the Queen, I have received Her Majesty's command to instruct you to return the following answer to the Legislative Council:— The practice of sending up the appropriations for the current year in the same Bill, having prevailed in Prince Edward Island for upwards of Fifteen years, without, as it is asserted in the Protest of the three members of the Council, which you have transmitted, having produced any very evil consequences to the Public service, the Queen does not perceive what is the immediate motive for the present complaint. It is of such importance to the Colony to avoid disunion between the branches of the Legislature, that Her Majesty would regard with great concern the addition of any fresh element of agitation. Should, however, the Council still persist, after this answer, in their wish for an alteration in the mode of considering the Appropriation Bills, Her Majesty would not oppose their desire on the subject; and in that case, you will consider yourself authorized to recommend to the Assembly, the adoption of the practice pursued in New Brunswick as most suitable to their situation, although not conformable to the principles in force in this Country.

I have, &c.,

J. RUSSELL.

Lieut. Governor, Sir Charles A. Fitz Roy, &c. &c.

THURSDAY, April 29.

On the passing of the School Bill, the Dissenters gave the following reasons:—

1. BECAUSE, This Bill authorizes two thirds of the Inhabitants of any School District, to assess the remaining one third for the support of a School therein, "according to the number of their children and ability in circumstances"—of which ability, the said two thirds of the Inhabitants, by the said Bill, are to be the Judges—this power of assessment, we conceive, to combine a power of levying both a Property and Income tax, and to be (particularly in the latter case) repugnant to the feelings and unsuited to the circumstances, of the people of this Colony; and also to be the introduction of a principle of direct taxation, novel in this Colony, and which may hereafter be drawn into a precedent for further carrying out such a principle for other purposes.

2. BECAUSE, This Bill enables two thirds of the Inhabitants of any District to assess the remaining one third, for the support of a School master of the highest Class, for the support of which they may be desirous of employing one of the lowest Class, as more suited to their means, and to the means of the poorer inhabitants to contribute to the support of a system of Education, opposed alike both to their wishes and circumstances.

3. BECAUSE, By this Bill, parents of female children may be assessed for such children, towards the support of District Schools, at which children of both sexes are to be taught, although such parents under the restraint of proper feelings and principles, may not permit their female children to attend such Schools; and because, even if the principle of assessment, in such case, could be defended, yet inasmuch as parents of female children are liable under this Bill, to be assessed for the support of Schools, in which the Latin language and other higher branches of education may be taught, not in general deemed necessary for females, we conceive the provisions of the said Bill, in this respect, to be arbitrary and oppressive.

4. BECAUSE, This Bill reduces the present government allowance to Schoolmasters, the evident tendency of which, in our opinion, must be to lower the character of Schoolmasters in this Colony, and ultimately to introduce therein, persons of inferior attainments for such situations.

R. HODGSON,
JOHN LIVETT,
JOHN M. HOLL.

Further dissentient.

BECAUSE, No guarantee is offered by this Bill that the principles of the Christian Religion (so far as may be practicable, without interfering with the peculiar tenets of any denomination of Christians) shall be recognised in the instruction of youth.

JOHN M. HOLL.

The following Resolutions were agreed to, on the rejection, by the House of Assembly, of the amendments made by the Council to the Fishery Reserves Bill:

Resolved, That the mode adopted by the House of Assembly, in disagreeing to the amendments made by the Legislative Council, to the Bill intitled 'An Act for the regulation of the Fishery Reserves in this Island,' by rejecting the Bill without previously desiring a conference with the Council, to signify their disagreement to the said amendments, is contrary to Parliamentary practice, the regular course being, under such circumstances, to desire a conference with the Council, and therein to state that they had disagreed to the amendments made by the Council to the said Bill, and then to have returned the Bill to the Committee of the Council, to afford the Council an opportunity of considering whether they would adhere to their amendments, and if not, whether they would agree to the Bill in its original form, as sent up by the House of Assembly.

Resolved, That the course pursued by the House of Assembly in this matter, is not only wholly unparliamentary, but an infringement upon the rights and privileges of the Council, and goes to preclude the Council from ever venturing to make amendments to any Bill originating in the House of Assembly; and, if persisted in by the Assembly, must have the effect of obliging the Council either to agree to measures, the details of which might be highly objectionable, or to reject them altogether; when, by altering and amending such measures, they may be made beneficial to the Colony.

The following document was submitted to the House, on the passing of the Appropriation Bill:—

Whereas in the Appropriation Bill passed by the House of Assembly, and now before this House, the sum of £30 is voted to each Member of the House of Assembly, and £60 to the Speaker, for his pay during the present Session, independent of travelling expenses, and which sums will amount in the aggregate to between £700 and £800: And whereas in our opinion the system of permitting Members of the House of Assembly to appropriate to themselves so large a sum for their pay, is calculated to lower

the character and respectability of that body, by inducing unfit and unqualified persons, who may be actuated less by the desire of being useful to the country, than by the prospect of emolument, to obtain seats: And whereas we feel deeply sensible of the ill consequences attending the allowance of pay to the Members of the Assembly, especially on considering the fact that the respective Assemblies of the neighbouring Provinces of Nova Scotia and New Brunswick, each of which, with an infinitely greater amount of business to transact, met about the same time as the Assembly of this Island, and, having despatched that business, have been some weeks since prorogued: We cannot resist the conclusion, that the present Session, during which only Fourteen Bills have been passed, has been protracted far beyond what the business of the country required, and thereby not only does the appropriation to the Members themselves amount to a most unreasonable sum, but the other expenses attending the sitting of the House have been swelled to an enormous amount.

But because no notice has heretofore been given of an intention to object to the pay of the Members of the House of Assembly, and as the withholding any portion thereof without such notice might occasion inconvenience to some of them, we have been induced to give our assent to this item in the present Bill, at the same time expressing our strong disapprobation of the system; and our determination to resist so unnecessarily large an expenditure of the public money for the future.

CHARLES WORRELL,
DONALD MACDONALD,
WILLIAM MACINTOSH,
JOHN LIVETT,
P. S. MACNUTT,
JAMES H. PETERS,
JOHN M. HOLL.

The following Resolution has also passed:—

WHEREAS the House of Assembly have passed several Resolutions, one of which in particular, attributes improper and unworthy motives to this House, with regard to various parts of its proceedings this Session, and also, unjustly reflects upon individual members thereof; and it appearing that the House of Assembly, not content with circulating these misrepresentations in this Colony, intend, through the medium of some Agent of their own, selected by them for this purpose, in the House of Commons of Great Britain, to represent the said Resolutions, as containing a true statement of the Public affairs of this Colony. Therefore, Resolved, That a Committee be appointed to communicate the necessary facts, during the recess of this House, to Her Majesty's Principal Secretary of State for the Colonies, through His Excellency the Lieutenant Governor, and also to correspond with any member or members of the Imperial Parliament, in order that Her Majesty may be enabled to correct the said misrepresentations of the House of Assembly; said Committee to have power of access to the Records and Papers of this House, and to report their proceedings to this House in its next Session.

Ordered, That Mr. Brecken, Mr. Dalrymple and Mr. Holl be a Committee for the above purpose.

HOUSE OF ASSEMBLY.

SCHOOL BILL.

Mr. RAE objects to this Bill:—

1st. Because it does not effectually remedy one grievance of which Teachers had to complain, viz: that however fully they might satisfy those parents whose children were under their tuition, yet for the pittance of money to be drawn from the Government, they had to go through so many forms and so many difficulties, that many of them never applied for it;—and those who did, had, in time and expense together, an outlay equal to a considerable proportion of the amount thus drawn.

2nd. I object because the measure of authorising two thirds to assess the remaining third is not sufficiently guarded. A poor tenant who can scarcely clothe and feed his half dozen children, but has a horse and a cow, may be assessed equal to a man of equal family possessing a valuable freehold property.

3d. I object to it, because there is money provided for the members of the Board of Education.

4th. I object to it, because the majority of my constituents have said, that as to the office of Visitor requiring a salary of One Hundred Pounds, the country could not afford such an establishment. Little or no objection was made by them to the manner in which he performs the duty, and in this, so far as I have seen and heard—they agree; but they object to the office as one too expensive for this poor Colony.

5th. I object to this Bill because I received the clearest instructions from my constituents, to vote no more than Ten Pounds in aid of any one school, and this Bill provides more than that sum.

6. I object to it because in 1839, and 1840 the House published certain Reports of Educational Committees, recommending certain changes, and the Country was thus induced to believe that such was the settled opinion of the House, or at least that it in the main approved of said Report, and waited to learn if any part of the changes there recommended was disapproved of by the country, and that the majority of the constituency had no objection to these Reports, and believed that the new Bill would be in conformity therewith, and that said new Bill has, in many instances, gone diametrically opposite to said Reports.

7th. I object to this bill because, it must be evident that education will be forwarded by Teachers remaining stationary at one school, for such term of years as the pupils of said school may require to be taught. And this was not only recommended in the Reports alluded to, but is sanctioned by far higher authority; and there is no provision in this Act to encourage such system, nor to discourage both subscribers and Teachers from changes, originating in caprice, or a prospect of a trifling difference in salary.

8th. I maintain that, though through the inadvertence of the member who drew the printed Bill, two principal clauses were omitted, in transcribing the copy which was printed;—yet that these clauses might easily have been re-inserted, and thus the said printed Bill, would have been far more suitable to the constituency, and more beneficial to the Teachers, and more easily understood by all concerned, than the present one.

10th. I maintain that the allowances made to the Board and the Visitor, have no parallel in any of the neighbouring Colonies, and it seems, if not entirely inconsistent, yet very strange, that the smallest Colony in North America, crying out as to the oppression of the Claimants of townships, and the poverty consequent on that and other circumstances, should be able to pay for the most expensive educational system, and that this, coupled with other expensive appropriations and multiplication of offices must, in the minds of the impartial and intelligent among the British Senators, from whom chiefly we have hopes of obtaining relief, give an appearance of hollowness to the complaints of the Island.

11th. From anything I have yet seen, I believe His Excellency is as likely to patronize and forward education as any member of the Board, and chiefly on the plea of poverty, we refused his salary, and yet we go on increasing unnecessarily the expenditure of the country, and this in a way which will not benefit either pupils or Teachers.

12th. I object to this Bill because I see in it the beginning of a system which is to put one part of every Teacher's remuneration under the control of one individual Teacher, I refer to the Secretary of the Board, and we have seen it proposed in the public papers to give said Secretary a percentage for drawing the whole money voted for District Schools. Does that gentleman really look for an annual douceur, for every Teacher whose certificates he will annually have submitted to him. Will that seal be one of the formalities necessary to make these certificates regular, or is it only a benevolent plan to save these unfortunates from some one or two avaricious storekeepers, who may have charged a high brokerage?

These objections were offered after the house had been in Committee on the Bill, and are now repeated as the objections which Messrs. Lacheur and Rae have to the Bill.

FRIDAY, April 23.

Mr. Gorman, from the Committee of the whole House on the State of the Colony, reported the following Resolutions:

1. RESOLVED, That from the Report of the Special Committee, and Evidence reported by the same, it appears, that there are in a year, on an average of the last three years, only fifty-three days on which the Chief Justice is occupied on the Bench, taking into account all the Terms of the Supreme Court in the whole Colony, and only an average of four days occupied by him in hearing Counsel at Chambers, and only, in the whole of these three years, one hundred and fifteen decisions on Record causes, and ninety-two in other causes—say on Summary causes and Appeals: The natural conclusion appears to be, that the amount of time occupied and business transacted ought not to be considered as excessive for one individual of competent legal acquirements, and in the ordinary state of health.

2. RESOLVED, That taking the facts referred to in the former Resolution into account, it is inexpedient, at present, to make any provision for a salary for an Assistant Judge.

3. RESOLVED, That in case, on the evidence taken, before the Committee, and on the letter of the Chief Justice, the Imperial Government should, on his withdrawal, appoint another Chief Justice, it would be for the benefit of the Colony that said appointment should be conferred on some individual not a native of or long resident in this Colony, and still less one connected with the claimants of the Townships therein.

And the first of the said Resolutions being again read— Mr. Palmer moved, in amendment thereto, that all after the word "Resolved" be struck out, and the following inserted:— "That it is expedient that provision be made for a professional Assistant Judge at the earliest period which the finances of the country will admit of."

The House divided on the motion of amendment: Yeas, 15. Nays, 15.

The second Resolution was also agreed to on a similar division.

The third of the said Resolutions being again read, The House divided: Yeas, 15. Nays, Hon. J. S. Macdonald, Messrs. Hudson and Yeo.

So it was carried in the affirmative.

SATURDAY, April 24.

Mr. Gorman, from the Committee of the whole House on the State of the Colony, reported the following draught of a Petition to the House of Commons:—

To the Right Honourable and Honourable the Knights, Citizens and Burgesses of Great Britain and Ireland, in Parliament assembled.

The Petition of the House of Assembly of Prince Edward Island, most respectfully sheweth:—

That last year a Petition from the House of Assembly was presented to your honourable body, and it was understood, from the reports of the proceedings in Parliament, that the Colonial Minister had expressed himself determined, in one way or other, to redress the grievances complained of.

That the Lieutenant Governor of this Colony has laid before your Petitioners a Despatch, received from the Colonial Minister, stating, that although this question originates in motives of private interest, shared equally by landlords and tenants, it assumes, in effect, the character of a public question, and as such must be treated. It is Her Majesty's earnest desire to remove every just cause of complaint, in all parts of her dominions; Her Majesty has been, accordingly, pleased to desire me to enter into communication with the resident proprietors in this country, with a view to learn whether, by any further proposition on their part, means may be found to determine a question which has, for so long a period, agitated the Colony.

Your Petitioners crave leave to state, that from the oppressive policy long practised by those who style themselves proprietors, (but who are, in reality, only the holders of claims to the Townships of this Island, which claims were long since liable to forfeiture,) your Petitioners have no reason to expect that those individuals will voluntarily accept such amount of compensation for these claims as would be in proportion to the value of the land, or in the power of the Colony to make good.

The House of Assembly beg to state, that the history of the management pursued, in regard to these claims, is to be found at length in the Journals of the House of Assembly for 1833, 1834 and 1835, as well as in the Resolutions of the present House, and is concisely stated in the Report of the late Earl of Durham, and in the evidence thereunto appended—particularly the letter of His Excellency the present Lieutenant Governor of this Colony.

And as the measures proposed by this House, for the settlement of the Colony, have been rejected by the Legislative Council, and as, from the Resolutions passed this session by the House of Assembly, as well as in the sessions of 1839 and 1840, it will appear that there is no prospect of their agreeing; and from the whole facts of the case, it is evident that the proprietary constitution of the Colony, like that of Carolina, Pennsylvania, Maryland, and all other proprietary Colonies, cannot either operate beneficially, or amend any of the evils resulting from such constitution—and much less, the principal evil, which is, the thralldom of the cultivators—and therefore we most humbly crave your honourable body to amend that principal evil, the source of so many others.

Your Petitioners beg again this time to state, that if the population of this Island be put, in respect of the tenure of land, on an equal footing with the other Colonies, or on any footing so that they may live free from perpetual harassment, they believe the country will, for the sake of such boon, effectually secured, at present forego any of the well-founded complaints against the undue influence which the Legislative Council exercises, in regard to all other matters within the Colony—though, while such are alleged to be grievous in so many other Colonies, they are more especially galling and insulting in this.

Your Petitioners, with the view of putting your honour-