

The Colonial Herald,

AND
PRINCE EDWARD ISLAND ADVERTISER.

Vol. III.]

CHARLOTTETOWN, SATURDAY, APRIL 25, 1840.

[No. 143.]

TEMPERANCE ESSAY.

AT a General Meeting of the Charlottetown Temperance Society, held on the 6th April inst. it was unanimously—
RESOLVED, That a Committee be appointed, to provide a fund, and make the necessary arrangements for offering a Prize for the best Essay upon the subject of the Traffic in Ardent Spirits, as bearing upon the civil, political, domestic, moral and physical interests of this Colony—such Essay to be the production of a member of a Temperance Society.
In conformity with the above Resolution, the Committee beg leave to acquaint the Friends of Temperance, that Subscription Lists for the purpose of raising a Fund for the object mentioned in the said Resolution, are now lying for signature at the Stores of Mr. Peake, Mr. C. Welsh, and Mr. T. Desbrisay, Queen Street; at Mr. John Bovyer's, Richmond Street; Mr. George Beer's, King's Square, and at the Colonial Herald Printing Office.

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 CONGOUR 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.

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.

Oct. 29th 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.

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 Partnership heretofore subsisting between the Subscribers, under the Firm of *Parkin & Pleadwell*, carrying on business in Charlottetown and at Crapaud, 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 Crapaud, 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.

AURELIAN.

THE THOROUGH-BRED HORSE AURELIAN will stand for the season, commencing 1st May, at the Government House Stables. Terms, Two Pounds, and Five Shillings to the Groom—to be paid at the time.

AURELIAN was imported from England last year by His Excellency the Lieutenant Governor, is a chestnut Horse, six years old, by Oppidan, dam by Pioneer, grand dam by Stavely, &c. &c. Oppidan was got by Reubens, out of Dorina, by Gohanna, &c.

N. B.—Mares not proving in foal last year, will be served on payment of the Groom's fee only.

The Aurelian Produce Cup, to be given by His Excellency, will be run for in September, 1843.
See advertisement of last year.

CANADIAN HORSE.

THE Celebrated CANADIAN HORSE will stand for the ensuing season at the following places, viz:—At Charlottetown, on Saturday, the 2d May; on Monday, the 4th, at the Subscriber's, Elliot River; on Tuesday and Wednesday, the 5th and 6th, at Mr. Tod's, Sable; on Thursday and Friday, the 7th and 8th, at John Bell's, Cape Traverse; on Saturday and Monday, the 9th and 11th, at Thomas Robins', Bedeque; on Tuesday and Wednesday, the 12th and 13th, at Mr. Townsends', Travellers' Rest; and on Thursday and Friday, the 14th and 15th, at William W. Lord's, Tryon. To return to the above places every fortnight.

JOHN HYDE.

Elliot River, April 7, 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 1st April. Hours of attendance—6, a. m.; 12 noon, and 6 p. m. Terms, Two Pounds. Groom, Five Shillings.

Wm. CRANSTON

PROSPECTUS OF THE SCOTTISH PATRIOT,

A WEEKLY JOURNAL,

Devoted to the Dissemination of Scottish Intelligence and Literature throughout the United States and Canada.

A PAPER devoted to the dissemination of national intelligence must necessarily look for support from those interested, by nativity or descent; but, as a record of the passing events of any country cannot fail, if carefully prepared, occasionally to interest and instruct the general reader, it is hoped our journal may meet with a favourable reception from this class—while the former, to be without it, would signify a degree of indifference happily inconsistent with that *Amor Patria*, so proverbially the characteristic of our countrymen.

Emigration from Scotland has been so continuous during the last forty years, as to have given rise to a very numerous and important class of the population of these communities; one which we cannot for a moment doubt, are as universally desirous of possessing, as they are capable of sustaining, a journal devoted to their national sympathies—an independent medium of communication with their native land; now the more desirable, as Steam navigation offers opportunities so frequent, regular, and speedy, of acquiring a knowledge of passing events—ere time robs them of their interest.

In this country, where the French, German, and English population sustain their respective papers—the publication of such a periodical is a debt we really owe to the honour of the Scottish nation and character; and the subscriber, chiefly influenced by this conviction, in preparing so desirable an object for his countrymen, feels their patriotism will be his protection, while his anxiety will be to present matter at all times pure and unexceptionable, and worthy the high reputation of his country.

The SCOTTISH PATRIOT will appear on Saturday the 20th February, neatly printed from new type, on fine paper, imperial quarto size, and will present a weekly retrospect of Scottish and general intelligence—a digest of Scottish literature—notice of new publications—gleanings from Scottish divines—discoveries in science—progress in the arts—Scottish Songs—poetry, &c., and, as frequently as possible, Scottish music, arranged for the piano forte and voice. Its matter shall be carefully selected, that it may be pure, interesting, and instructive—worthy the family circle—a parlour miscellany of Scottish intelligence and literature. No journal of this character has as yet been presented to our countrymen on this continent; and it will be our anxious duty to make it in every way worthy their cordial support.

Terms of Subscription—In all cases payable in advance—Yearly \$3.50; half yearly \$2.00; quarterly \$1.00. Orders from Agents must be forwarded immediately.—Terms, \$6 per hundred.

Our friends will please receive, and forward to us subscriptions and names of those wishing to become subscribers. City subscribers, 2s. 6d. per month, on delivery. To prevent misunderstandings, no order will be fulfilled until payment is forwarded. The journal will be forwarded to city subscribers every Saturday morning, and by the earliest mails to those in the country, Canada, &c.

As no better circulating medium amongst a certain class can be afforded, than through the pages of the Scottish Patriot, advertisers will find it their interest

to send their Papers and Communications (post paid) to be addressed to
75, White Street New York.

A file of the Paper can be seen at Mr. P. Macgowan's, the Agent, at Charlottetown.

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.

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 LUMBERERS.

ALL Persons found trespassing upon any of the Estates of the Right Honourable 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 Honourable William Townshend, deceased, if they wish to avoid law and law costs.

CHARLES WORRELL,
Mortgagee in possession.

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.

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*.

Copy of a Despatch from Lord John Russell to the Right Honourable C. Poulett Thomson, Governor General of British North America.

DOWNING STREET, 14th Oct. 1839.

Sir; It appears from Sir George Arthur's despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called "Responsible Government." I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses upon this subject. I cannot better commence this Despatch than by a reference to the Resolutions of both Houses of Parliament, of the 23rd April and 9th May, in the year 1837.

The Assembly of Lower Canada having repeatedly pressed this point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the Secretary of State, but expressly called for the opinion of Parliament on the subject. The Crown and the two Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and if at all encouraged, would prove the cause of embarrassment and danger.

The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is indisputed, but is never exercised without advice. Hence, the exercise only is questioned, and, however the use of the authority may be condemned, the authority itself remains untouched.

This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy and disturbed the peace of the country.

But if we seek to apply such a practice to a Colony, we shall at once find ourselves at fault. The power for which a Minister is responsible in England, is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the Executive Councillor of a Colony is in a situation totally different. The Governor, under whom he serves, receives his orders from the Crown of England. But can the Colonial Council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers for the same functions, and with superior authority.

It may happen, therefore, that the Governor receives at one and the same time instructions from the Queen and advice from his Executive Council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his Council, he is no longer a subordinate officer, but an independent sovereign.

There are some cases in which the force of these objections is so manifest, that those who at first make no distinction between the constitution of the United Kingdom and that of the Colonies, admit their strength. I allude to the questions of foreign war and international relations, whether of trade or diplomacy. It is now said that internal government is alone intended.

honour of the Crown or the faith of Parliament, or the safety of the state, are so seriously involved, that it would not be possible for Her in that very Province where the Ministry in a Colony.

During the time when a large majority of the Assembly of Lower Canada followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the Province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say it would have been impossible for any Minister to support, in the Parliament of the United Kingdom, the measures which a Ministry, headed by M. Papineau, would have imposed upon the Governor of Lower Canada. British officers punished for doing their duty—British emigrants defrauded of their property—British merchants discouraged in their lawful pursuits, would have loudly appealed to Parliament against the Canadian Ministry, and would have demanded protection.

Let us suppose the Assembly as then constituted to have been sitting when Sir John Colborne suspended two of the Judges. Would any Councillor possessing the confidence of the Assembly have made himself responsible for such an act? And yet the very safety of the province depended on its adoption. Nay, the very orders of which your Excellency is yourself the bearer, respecting Messrs. Bedard and Panet, would never be adopted or put in execution by a Ministry depending for existence on a majority led by M. Papineau.

Nor can any one take upon himself to say that such cases will not again occur. The principle once sanctioned, no one can say how soon its application might be dangerous, or even dishonourable, while all will agree that to recall the power thus conceded would be impossible.

While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of Colonial Government recommended by Lord Durham, as I understand them. The Queen's Government have no desire to thwart the Representative Assemblies of British North America in the measure of reform and improvement. They have no wish to make those Provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the Colonies advantages similar to those which talent and character employed in the public service obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns. In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown and the unity of the Empire, I am at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America as the security for permanent dominion.

It is necessary for this purpose that no official misconduct should be screened by her Majesty's Representatives in the Provinces; and that no private interests should be allowed to compete with the general good. Your Excellency is fully in possession of this subject; and you must be aware that there is no surer way of earning the approbation of the Queen than by maintaining the harmony of the Executive with the Legislative authorities.

While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power, is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may be well imitated. The Sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse, to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelvemonth. So in a Colony: the Governor thwarting every legitimate proposition of the Assembly, and the Assembly continually recurring to its power of refusing and supplies, can but disturb all political relations, embarrass trade, and retard the prosperity of the people. Each must exercise a wise moderation.—The Governor must only oppose the wishes of the Assembly, where the honour of the Crown, or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverend attachment to the authority of Great Britain.

I have, &c. (Signed) J. RUSSELL.