be afraid he would be obliged to rub up some of his mouldy brass farthings. If one man went out with the intention of honestly working upon the road, he was perhaps surrounded by half a dozen lazy fellows, who met for a frolic and laughed at the overseer. The present act, in its operation, was a tax upon industry. He was afraid, however, that it would not be possible always to raise money to pay the tax. It would, perhaps, in some degree, remedy the evil, to make overseers always swear to their returns. It was true the Commissioners had this power at present, but as it was not generally practiced, the having resourse to it in particular instances would appear invidious. He thought it might answer to cause both the Commissioners and the Overseers to swear to their statements. There were always many small repairs which a Commissioner could not remember; there was a rut here and a hole there, or a stick wanted in this or that bridge. With respect to such repairs they would have to leave the system as it was. The tax should certainly be levied by a graduated scale; and it should be made compulsory upon both Commissioners and Overseers to make their returns on oath. The Committee ought to have the benefit of every individual member's experience and suggestions. He thought it would be well if they could send in a rough draft of a new bill, which might be allowed to lie over till the next session.

Mr. THOMSON said, he certainly concurred in all that had been said about the necessity of amending the Statute Labour Act; and he thought that unless they could now bring in a bill to improve the manner of performing statute labour, they should have recourse to a Circular, couched in something like these words. Mr. Thomson here read nearly the following words:

"Sir; It having come to the knowledge of the House of Assembly that the Statute Labour, in several Districts, is imperfectly performed; the House request your particular attention to require that a sufficient portion of labour for the number of hands employed, be performed in your District.

"To —— ——, Commissioner of Roads, —— District."

This, he thought, would have a very good effect, until the present statute labour Act should be amended. In some settlements the statute labour was very fairly performed, but wherever there was a grog shop or a puncheon of rum in the neighbourhood, the performing of the labour was nothing but a drunken frolic. It would be well if the suggestion of the Hon. Mr. Pope were adopted, and that all returns of statute labour should be made on oath. He was certain it would have a very beneficial effect. Overseers should not pass the labour of two or three hours for a day's work. The fault, certainly, in some measure, rested with the Commissioners and Overseers; but it was necessary to admit that the present Act worked very unequally: for instance, a man with one team was required to perform as much labour as the owner of many teams.

Mr. DALZIEL was happy to have to state that there were no complaints made in his neighbourhood about the insufficiency of statute labour. He believed where the labour was not performed as it ought to be, the fault rested principally with the Commissioners and Overseers. In his neighbourhood he had sometimes known the people to give five or six hours extra to complete a job. Commissioners were in the habit of letting out a great deal of road for a little sum, and, in consequence, work was frequently passed when not half done.

Mr. YEO spoke in support of his motion. He did not see that it could, in any way, injure a poor man. It would have been a benefit to the country, had the practice he recommended been adopted twenty years ago. Under the present system, two hundred men, in some settlements, did not do the work of twenty men.

Mr. LE LACHEUR observed that the statute labour Act had long been considered to be what it ought not to be, and not bearing with any thing like equality upon the people; but he admitted that it was not so oppressive as it had formerly been. He had known poor men, with hungry bellies, compelled to travel twenty-four or twenty-six miles to work upon the roads, and obliged, when they returned, to go to work on bridges at home. There were many persons so circumstanced as not to be able to raise money. And, as the honourable member from Princetown had observed, the tax proposed would be a poll tax, the most objectionable of all taxes. Men (said Mr. Le Lacheur) are not all cunning alike. Property was generally acquired by superior cunning. Property might be denominated an accumulation of legal plunder. They who were possessed of the greatest share of it, ought to bear the greatest share of all public burthens. The poor should pay no more than their representatives conscientiously thought sufficient. Some persons could better afford to pay fifty pounds than others could do to pay fifty pence. Were they to adopt the Resolution, they would be passing a censure upon the people of the Colony: it would be declaring them too idle to work for their own convenience. The people believe that, in the British dominions, the slavery of blacks is abolished, but it seemed as if it were intended to make them feel that slavery among whites was still to be maintained.

Mr. MACINTOSH said, that in the way of perfecting the statute labour Act, it seemed honourable members knew not how to go ahead. The law respecting road making may be defective, but a great part of the good roads in the Island had been made by it. The impositions, however, practised upon the people, might cause them to neglect it. He knew not properly how to remedy the evil. The honourable member from Bedeque was more likely than any other gentleman in the house to tell how the present law operated upon the roads, and to suggest some practical enactment. It was well known that the present law operated unequally as respected property. Regard ought to be paid to the use a man made of a road, by what he was in the habit of driving upon it. A man owning two bullocks or two horses, should not be rated as high as the owner of ten or twelve horses.

(To be continued.)

THE

COLONIAL HERALD.

SATURDAY, MARCH 21, 1840.

Owing to the space occupied by the proceedings of the Legislature, and a pressure of other matter, we have been unavoidably compelled to postpone the insertion of several communications and to abbreviate others.

The only article of Foreign intelligence of much moment is a report, received through the medium of the American papers, of a collision having taken place in the China seas between two British men-of-war (the Volage and Hyacinth) and thirty Chinese war junks, in which three of the latter were sunk, and one blown up. Their loss in killed was said to be over three hundred, without any loss on the British side. Such at least is the report.

Since our last a writ has been issued for the election of a member for the Third Electoral District of Queen's County, including Belfast and Lots 49 and 50, in the room of Mr. Arbuckle, expelled. The candidates we have heard of are Mr. Young, Mr. Nelson, and Mr. Douse. The election will commence on Wednesday next.

The Report of the Committee on the Public Accounts will be found in our last page. It gives a concise view of the financial proceedings of the Colony for the past year.

A Bill has been introduced for placing the Colonial Secretary and Clerk of the Executive Council on a fixed salary, in place of the fees hitherto allowed. The amount of the salary has not yet been decided on.

On Thursday Mr. Rae introduced a Bill to exempt leaseholders and tenants from the payment of quit rents or land assessment, any agreement entered into by them to the contrary notwithstanding.

The House, the same day, went into Supply, when several sums for the ordinary services of the year were agreed to, without much discussion.

Yesterday, Mr. Le Lacheur, from the Committee to whom Lord John Russell's Despatch on the subject of Mr. Cooper's delegation to England was referred, reported a Bill to authorise the Crown to purchase the Lands and to regulate the settlement of the people of this Island, which was read the first time. No day has been yet fixed for the second reading. A motion for its being printed led to some discussion, but the motion was carried without a division, Mr. Palmer alone opposing it.

Some other bills were introduced in the course of the week, which we are prevented, by want of space, from more particularly noticing at present.

We have not heard of anything having been done in the Legislative Council with the Fishery Reserves Bill, sent up to them by the House of Assembly, further than that they have ordered it to be printed.

We have been requested to publish the following correspondence:—

Charlottetown Royalty, 17th March, 1840.

SIR; I observe in last week's *Gazette*, repeated in the *Herald* of Saturday, a report of one of your Speeches in the House of Assembly, which contains certain expressions, attributed to you, censuring my conduct, and charging me with a denial of justice, in postponing causes by hasty adjournments of the Courts.

I am too sensitive to the sacredness of my judicial character (which ought to be free from even the breath of suspicion), to allow any assertions prejudicial to it—though made under the protection of legislative privilege—to obtain a currency without carrying their refutation with them.

As, if your speech is correctly reported, your informant has wholly misled you, and induced you to give credit to what is not the fact—there never having been, on any occasion, any cause whatever postponed, nor decision delayed, from a premature adjournment of the Court—you will oblige me by communicating his name, in order that I may call upon him to substantiate his charge, or abide the consequences.

I am,
Sir, your obedient humble servant,
E. J. JARVIS.

The Honorable Joseph Pope.

Charlottetown, 17th March, 1840.

SIR; On a perusal of the report of my speech in the House of Assembly, on the subject of the County Courts, as reported in the *Gazette* of last week (which I had not read, nor even seen, until after I received your note of to-day, having been absent from town the whole of last week), I think it due to your Honor to state, that the report referred to is most incorrectly given, and I unequivocally deny having charged your Lordship with a "denial of justice, in postponing causes by hasty adjournments of the Court;" and I can assure you, that I never gave utterance to any expression, with a view of preferring such a charge, and sincerely regret that you should have so considered it, as my speech, even as reported, does not fairly warrant such a construction. I stated, as near as my recollection serves me, as follows:—"That the establishment of Courts in King's and Prince Counties had disappointed the expectations of the people, who, having made ample provision for the Chief Justice's travelling expenses, by adding £100 per annum, currency, to the sum of £700 sterling, paid him by the Home Government, had a right to expect that all causes tried in the County Courts should be finally decided therein; but the hasty manner in which the Court generally breaks up in Prince County, frequently leaving reserved points and law arguments, arising out of causes there, to be subsequently discussed and settled either at Charlottetown, or, perhaps, at Georgetown, where suitors cannot attend without loss and inconvenience, had given great and very general dissatisfaction to the inhabitants of that County; and he must say, that such a system did not reflect any credit on the parties concerned. At the same time, he could not concur with those who thought that justice could not be had in the Island, for he believed that the laws were as impartially administered here as in any part of the British dominions." These observations were made by me, in the discharge of a duty confided to me by those whom I represent; and while I disclaim being actuated by any desire "even to breathe a suspicion on your judicial character that would be prejudicial to it," as may fairly be inferred from my concluding observations, I beg to assure your Lordship, that I deem it quite unnecessary for me to shield myself under the protection of any legislative privilege whatever, in giving expression to what my constituents and myself believe to be a public grievance.

After the statement which I have given, I deem it unnecessary to name any particular person as my informant; the conclusion to which I have arrived being founded principally on my own observations of the manner in which the business of the Courts has hitherto been conducted, and in which opinion, I am satisfied I shall be borne out by the inhabitants of the County I represent.

I by no means hold myself responsible for the report of my speech, as given in the *Gazette*, or that repeated in the *Herald*, which I have not yet seen; but should your Lordship wish, I have no objection that your communication, together with this, should be published in both those papers.

I am, my Lord,
Your Honor's most obdt. servt.
JOSEPH POPE.

The Honorable
Chief Justice Jarvis, &c. &c. &c.

Charlottetown Royalty, 19th March, 1840.

SIR; I received your communication last evening, in answer to my note of the 17th instant; and I beg to assure you, that I feel quite satisfied with the explanation you have given of the matter which I referred to you. I could not suppose that, as a gentleman and a man of honor, you would volunteer any unfounded charge, and I therefore attributed the alleged expressions to either an incorrectness of the report, or to misinformation—and I am happy to learn, that the misconception originated in the former cause.

In my opinion, a wide difference exists between a charge that "the business of the Courts was left undone, and causes postponed, and decisions delayed, *merely for the purpose of hasty adjournments* of the Courts," and the complaint, that, *after trial had*, the law arguments were postponed to be heard elsewhere than in that particular County. The former infers not only a delay, but a denial of justice; which, surely, would be highly censurable in any Judge; the latter is a mere question of judgment and discretion, on which every one has a right to form and express his own opinion. I should be fastidious indeed, were I to censure any man for merely dissenting from my judgment, in any case whatever. On the contrary, so distrustful am I of my own infallibility, that (in the very *anomalous* situation in which I am placed in this Island, having no person of legal mind with whom to consult in cases of difficulty,) I should feel beholden to the man who should canvass my judicial acts, and point out my errors, where they exist. But, as my integrity of character is in my own keeping, I must stand excused, if I evince an extreme jealousy on every point that may have the slightest tendency to call it in question.

I am not here to discuss with you the question of deferring arguments after trial, to be heard in Charlottetown; but I would merely observe, that I think you labour under an erroneous impression in that respect. The County Courts were, undoubtedly, established, that jurors, witnesses and suitors might not be taken out of their Counties, at a distance from their homes. This end is completely answered by the trials being had there. The subsequent law arguments are, by particular order of the Court, to be had in Charlottetown, where the lawyers reside, and where they have their libraries for reference; nor could the arguments be had in the country without the greatest inconvenience and imperfect attainment of justice. In England, all law arguments, arising on causes tried throughout the whole kingdom, are heard and decided at Westminster Hall; in New Brunswick, they are heard and decided at Fredericton; and in Nova Scotia, at Halifax. Indeed, it is the case everywhere, and could not be, consistently, otherwise. I am, however, far from finding the slightest fault with you, for bringing forward this question, which, undoubtedly, in your view of the case, you considered a grievance, but in which, in my opinion, you are under considerable error.

I shall avail myself of the consent expressed in your last paragraph, and transmit this correspondence to the printers, for publication.

I remain,
Sir, your obedient humble servant,
E. J. JARVIS.

The Honorable Joseph Pope.

In our last, in the Report of the second reading of the Bill to enable Commissioners of Small Debt and Justices of the Peace to appoint Clerks, we had inadvertently made the Hon. Mr. Pope say "that, since his having become a member of the Executive, he had ceased to act as a Commissioner of Small Debts." What he said on that occasion was,—"that since he had the honor of a seat in the Executive Council, he had, in deference to the practice of other Members of that body, ceased to act as a Justice of the Peace, unless in cases of emergency; he therefore had no direct intrest in the fate of the Bill."

[COMMUNICATED.]

In consequence of the dismissal of Mr. Arbuckle from legislative trust, a Meeting of Electors, being residents of the Third District of Queen's County, took place at Pinette Cross-Roads this day, when Mr. John Fraser, having taken the Chair, the following Resolutions were adopted:—

Resolved, That this meeting deem it essential, at this crisis of Colonial embarrassment, to resort to every constitutional expedient, in order to procure the return to legislation of a Reformer, not only worthy of our confidence, but also a person of talent, competent to assist in the formation of such requisite enactments as will enable an oppressed people to obtain that justice they have so long and ardently sought.

Resolved, That notwithstanding the opposition we anticipate meeting with, from the rent-roll influence, we deem all such abortive, confiding in the foresight and in the independence of the Electors of this District generally.

Resolved, That this meeting deem Charles Young, Esquire, duly qualified to receive our suffrages at the Hustings, and we do hereby pledge ourselves to endeavour to return him as our Representative to the Legislature of this Colony.

By order of the meeting,
JOHN FRASER, Chairman.

Pinette, March 18th, 1840.

[COMMUNICATED.]

At a Meeting of a large number of the Electors of the Third District of Queen's County, held at the Cross Roads in Pinette, on Wednesday last, Charles Young, Esq. was requested to come forward, and offer himself as a candidate at the ensuing Election. Upon Mr. Young's name being announced, three loud cheers were shouted forth by the assembled crowd, and Mr. Young then addressed them to the following effect. It is not pretended to give here his whole address, as he spoke for nearly two hours, but merely its outlines.

He (Mr. Young) said, that he felt extremely gratified at the manner in which his name had been received, and he hoped that his conduct would be such as would ever meet with a similar mark of their approbation. In offering himself as a candidate for their suffrages, he felt that there were two things which might be deemed to militate against him—the first, that he was a *stranger* to them all; and the next, that he was a *lawyer*. But he considered that although he was a stranger, yet, on that account, he might be presumed to be less shackled by and perfectly free from proprietary influence, and to follow the natural impulses of his heart, by espousing that cause, which his late beloved and lamented father had done in Nova Scotia, "the cause of the people;" and that, although he belonged to a profession, the members of which, in this Island, were generally supposed to be hostile to the tenantry, yet, that as a lawyer he conceived that he might be useful to the majority of the house, whom he felt proud to say had confidence in him, in imparting to them a knowledge of the first principles of law, and of the noble and glorious constitution of Great Britain, whenever they should require it. It could not be denied that the proprietors had a legal advocate in the House of Assembly, who was ever ready to protect their interests, and who always spoke and voted against the tenantry; whereas the tenantry had none. And the majority of the house felt the want of one on their side who was acquainted with legal principles, and who would assist them in legislating for the benefit of the tenantry. It was at the request of that majority that he was induced to ask them now for their support. He said that, if he were returned, he would do his utmost to have the Fishery Reserves thrown open for the use and benefit of the public —that he would do all in his power to have the Loyalists redressed, in their most just claims—that he would exert himself to have the oppressed tenantry of this Island relieved from their heavy burdens, and carry out any principle of reform in the government of the Island that might be mooted for the general good. These would be his dearest objects to accomplish constitutionally, and he trusted in God, that they would soon be effected, and that an end would speedily be put to the agitation that necessarily exists, and will continue to exist in this Colony, until the condition of the injured tenant is ameliorated—until he possesses that interest in the soil which he ought to possess, and must have—and until he is relieved from that weight of oppression which he has hitherto borne, and is now sustaining. He said, that in two years time, there would be a general election, and if he were found not to have fulfilled his pledges, then made, the freeholders would have it in their power to reject him, should he again appear before them as a candidate, and he trusted that he would do so. All that he asked them was a trial, and if, on that trial, he disappointed their expectations and betrayed the important trust which they might place in his hands, then it would be in their power to say to him "Avaunt ye! Begone! you have been a faithless and unjust steward." But, if he knew himself at all, he would not believe that such would be the result of their connexion: he felt his principles too firmly fixed to waver—himself too fervently espoused in their cause to betray them—and that if they did him the honour to return him as their representative, he most firmly believed and sincerely hoped that they never would have cause to regret it.

During his address, Mr. Young was frequently interrupted by loud and continued cheering, and, at its conclusion, all came forward and unanimously promised him their support.

A Public Meeting was held this day, by the Electors of the Southern District of Queen's County, at this place, for the purpose of nominating a fit and proper person to be our representative at the ensuing Election, when Mr. John Costin, sen. having taken the Chair, supported by Mr. John Acorn, jun. it was *Resolved*, that Charles Young, Esq. be requested to come forward, and offer himself as a Candidate.

Mr. Young then rose, and addressed the meeting in a speech of some length, which was received with great approbation. After Mr. Young had delivered his address, it was then moved, that this meeting approves of Mr. Young's political sentiments, and that we will unanimously support him at the ensuing Election, and will do all in our power to further his return to the House of Assembly as one of our Representatives.

By order of the meeting,
JOHN COSTIN, sen., Chairman;
JOHN ACORN, jnn., Vice-Chairman.

Acorn's Mill, Lot 49, March 20th, 1840.

MR. EDITOR;

A single woman of property would like to know from the lawmakers of this Islaud, why she should be obliged to pay taxes, without having the liberty of voting for Representatives.

SUPREME COURT—KING'S COUNTY.

The Supreme Court opened at Georgetown on the 10th inst. The following sentences were passed:

The Queen, *vs.* John Kavanagh, for Larceny, in stealing a suit of clothes—117 lashes, 3 months' solitary imprisonment, and six months hard labour.

The Queen, *vs.* John Kavanagh, for Larceny, in stealing a silver watch—six months' solitary imprisonment, and nine months' hard labour.

The Queen, *vs.* Donald M'Donald (Hector). The Defendant submitted to an indictment charging him with assaulting Thomas Owen, Esq., as High Sheriff of King's County, in June, 1837, near East Point, and aiding in the rescue of a prisoner from him, who was in his custody, under a Bench Warrant.

Mr. Attorney General moved for Judgment on the 12th March inst., at Georgetown, and laid a statement of the facts before the Court.

Mr. Binns, sen. appeared for the Defendant.

Judgment—a fine of £5, and three months' imprisonment.

The Queen, *vs.* William Blackett, and eleven others—Indictment for a riot, and assault on the Sheriff—Bench Warrants issued.

The only civil case tried by the Jury was Thomas Curtis, *vs.* Wm. Mackay & Co., for breach of Charter Party—defence, that vessel was not seaworthy—Verdict for the Plaintiff, 30s.

Several record cases were referred, and several discontinued, in consequence of the Court not sitting in last July term.

Two appeals were heard, and several referred, or otherwise settled out of Court.

ASSAULT AND BATTERY COURT—QUEEN'S COUNTY.

On Thursday, the 12th inst., Francis Longworth and Donald Macdonald, Esquires, two of the Justices for the trial of Common Assaults and Batteries, met at the Court House, in Charlottetown, when the following cases were heard and determined:

The Queen, at the prosecution of *Patrick Sullivan*, of New London, *vs. Michael Coughlan* and *Michael Harrington*, of same place—the defendant, Harrington, convicted and fined 20s. with Costs—the fine and Costs paid in Court.

The Queen, at the prosecution of *Michael Coughlan*, and *Ellen Coughlan*, of New London, *vs. Patrick Sullivan*, of same place—the defendant convicted, fined 20s, with Costs, for an Assault on *Ellen Coughlan*—the fine and costs paid in Court.

The Queen, at the prosecution of *William Hayes*, of Lot 22, *vs. James Graham*, of same place—the defendant convicted, fined 10s, with costs—fine and costs paid in Court.

The Queen, at the prosecution of *Angus M'Fadyen*, *vs. James Collins*, of Charlottetown, and others—the defendant, Collins, convicted—fined twenty shillings, with costs, and in default of payment within one week, to be imprisoned six weeks.

The Fifteenth Annual Meeting of the Benevolent Irish Society was held at the Wellington Hotel, on the 10th inst., when the following members were chosen Office-bearers for the ensuing year:—

Francis Longworth, Esq., President (re-elected).
Doctor Conroy, Vice President.
Mr. Martin Dogherty, Assistant Vice do.
F. Longworth, jun., Esq., Treasurer.
Mr. Edward Kickham, Secretary.

Committee of Charity—Messrs. Dennis Reddin, William Fitzpatrick, James Kelly, Patrick Gaffney, Richard Walsh, Richard Ryan, Patrick Doyle.

The Princetown Bible and Missionary Society met at the Church there, on Tuesday the 10th current, when, after an appropriate sermon by the Rev. John Geddie, the Rev. John Keir, as President, took the chair. The Report was then read, and unanimously adopted. Owing to a pressure of other matter at the present moment, we have been compelled to defer the publication of this