

THE WESLEYAN ACADEMY.

A Case of Considerable Interest.

As announced in the DAILY GUARDIAN of December 17th, a point of considerable interest has arisen in connection with the Wesleyan School property in this city. By an Act of the Legislature of this Province, the trustees of the school property on Upper Prince Street, were some twenty years ago incorporated as a trust to hold and use said property as a Methodist school. The Superintendent, Minister of the Prince Street Methodist Church, was made chairman of the Board of Trustees, which office was handed down to his successors. It was required that all trustees should be adherents of the Methodist Church and a majority of them full members of said church. After some thirteen years from the erection of the school, all the members of the Board of Trustees were to be made by the quarterly official board of the Methodist Church referred to. The present school system of this province rendered it unnecessary to continue the school according to the first purpose. It has therefore been discontinued and the property disposed of.

The question now arises as to the duty of the trustees. What disposition should they make of the funds in their possession? Should they retain them to be used, if necessary, at some future time for the re-erecting of a school upon a somewhat similar basis to the one which has been discontinued? Or should they return to the original subscribers the amount of their subscriptions? The trustees are instructed through united legal counsel that subscribers have no claim either in law or equity upon the funds of the school, and also that the trustees are not at liberty to return money to subscribers without special legislation.

We understand that the Trustees are divided on the question whether or not the funds should be returned, but a majority think they should be retained, and devoted as far as possible to carrying out the original intention of the subscribers. The latter, however, do not see it in this light. They held a meeting Wednesday and we hear that they talk of continuing the matter in the courts. The following circular has been issued by the Board of Trustees: To the subscribers to the Wesleyan Methodist School of Charlottetown:— The trustees of the above institution beg to acknowledge the receipt of a memorial signed by many of the subscribers, asking the Board to obtain from the Legislature authority to distribute the funds now in their hands, arising from the sale of the school property to the City School Board.

They would respectfully present the following statement in reply. Being anxious to discharge faithfully the duties imposed upon them by the Act of Incorporation, and realizing the responsibilities of trusteeship, they determined to obtain the best possible legal advice on the important question involved in the future operation of the trust. A committee, consisting of Messrs. Heard, Johnson and Dawson, was appointed to draw up a memorandum for reference to counsel. The following is a copy:—

- Memo for Counsel's Opinion in Relation to the Act 32nd Vic., Cap. 26. 1st. Have the subscribers to the fund for the purchase of land and the building of the school (now that the property has been sold to the City School Board), a legal claim to a refund of their subscriptions, in law or equity? 2nd. If not, may the trustees refund, without incurring any risk or further responsibility? 3rd. In case of refund, what should the trustees do with the surplus, if any? 4th. In accordance with the Act, all the present Board have been nominated by the subscribers. After the first fifteen years, the nomination was vested in the Quarterly Board of the Methodist Church of Charlottetown. Can the subscribers have a legal claim to a refund of their subscriptions, give a form of receipts and release. On behalf of the Board, W. E. DAWSON, Secretary.

Charlottetown, 1st Nov., 1890. Opinion of Messrs. Davies and Peters. It was decided to consult Messrs. E. H. Davies and Fredk. Peters. The following is their reply: CHARLOTTETOWN, Nov. 3, 1890. The Trustees of the Wesleyan Methodist School of Charlottetown:—

GENTLEMEN,—We have received your Memo for Counsel's Opinion in relation to the Act 32 Vic., Cap. 26, and having carefully read and considered it proceed to answer your questions in order as follows:— 1st. We decidedly think not. The sale of the School Property to the City School Board has not dissolved your corporation, or rendered its objects impossible of fulfillment. The obligation to carry out the trusts of objects of the charter which the Trustees assumed when they accepted office, are as binding now as then. Our circumstances may now render the maintenance of such a Day School as the Trustees formerly maintained, unnecessary; but your charter gives the Trustees absolute control over the system of education, and the management of the School, as the Trustees for the time being may determine. New schools may be built and primary or higher education carried on, secular or religious. 2nd and 3rd. Questions are practically answered by our answer to the 1st question. 4th. We do not think the said Church has any claim on the surplus—i.e. refer to, or in fact to a distributing share of any part of the fund, but we do think it is sufficiently interested in your charter, and recognized by it, to give it a standing, entitling it to ask the Court to discharge the Trustees of their property carried out. The Trustees cannot dispose of the funds otherwise than in substantial accordance with the Trusts which we do not think a division of the funds amongst the subscribers would be. 5th. As we are of opinion that the Trustees cannot distribute the funds as suggested, or in fact apply them in any other way than as prescribed in their charter—except by the authority of the Local Legislature obtained for the purpose;—this question requires no answer; but undoubtedly the Trustees would be liable if they attempted to make the distribution, i.e. To all creditors of the Corporation, both legal and equitable. 2dly, to an information at the instance of the Attorney General; which information that officer would certainly lay, if

interested parties pressed him to do so. 6th. Our previous answers render any answer to this unnecessary. Generally, we would advise, that the Trustees have sufficient powers under the present charter, to carry on the Trusts; but if it is determined to refund the monies to subscribers, it can only be done under some scheme, submitted to, and approved of, by the Local Legislature. The interests appear to us so varied and conflicting, arising out of the deaths of original subscribers, and other causes, that the greatest possible care would be required in the preparation of the Statute, before you could hope it would receive the assent of the Legislature. Yours truly, L. H. DAVIES, FRED. PETERS.

Remarks of the Board. From the above it will be readily inferred that if all the parties interested in the Trusts, could be induced to consent to a refund of the subscriptions, as set forth in the memorial, it would not only be subversive of the original intentions of the subscribers, but would prove to be a great loss to this community in the future.

The difficulties in the way of refunding, owing to the conflicting claims of the heirs of the original donors, and the probable delays, costs of litigation, &c., would entail responsibilities on the Board and their successors, such as few men would be willing to encounter. That there is no reason for supposing the objects of the Trust cannot be carried out, in accordance with the terms of the charter. That the original subscribers by their own Act, assigned their interest in the Trust after the first 15 years, to the Quarterly Board of the Methodist Church of Charlottetown (taking effect in the year 1884). From that date, the Act prescribes, that all vacancies occurring in the Trust Board shall be filled by the said Church Court. The memorialists will doubtless conclude, that it is not only the imperative duty of the Corporation to carry out the purposes of the Act, but that there is no other course which they can safely and honorably follow. During the past 22 years the Board has endeavored to discharge its duties faithfully, and gratuitously; and while looking back on the past there is much cause for satisfaction at the benefits which have resulted to the whole community; there is also good reason to hope that the fund now at the disposal of the Board may be productive of still greater benefits to succeeding generations.

By order of the Board, Rev. JOHN HEARD, Chairman, W. E. DAWSON, Secretary. Charlottetown, Feb'y 28th, 1891.

Local and Other Items.

A GENTLEMAN declares that there are two things he gets more disgusted with the older he grows, viz, politics and winter. The Rev. Wm. Scott will preach in the Wesleyan Church, Carigan, on Sat. Sabbath, 8th March, forenoon and evening. A boy by the name of Ross, of Hunter River, cut his foot very badly, and was brought to town this morning when Dr. Kelly, who was engaged to bind up the injured limb, was obliged to take off some of the bone.

During the recent snowstorm when the wires were all down and Kingston, N. Y., had no outside connection by wire a stranger entered the Western Union telegraph office to send a telegram. He read the notice on the door: "No communication—wires all down." Then he went to the desk and wrote this communication to his wife: "Wires all down; cannot telegraph you as promised." Laying down a quarter, with a request to please "send that," he walked out. YESTERDAY forenoon, as Harry Horne and Charles Nash were driving up Green Street, and about to turn down Main Street, they collided with a horse and sleigh coming up the street. Mr. Nash was struck by the shaft and thrown out of the sleigh; the sleigh was overturned, becoming detached from the horse, and the driver, Mr. Kelly, succeeded in driving to the station, and Mr. Nash is doing as well as could be expected.

Food before Sleep.

Many persons, though not actually sick, keep below par in strength and general tone, and I am of the opinion that fasting during the long interval between supper and breakfast, and especially the complete emptiness of the stomach during sleep, adds greatly to the amount of emaciation, sleeplessness and general weakness we so often meet. Physiology teaches that in the body there is perpetual disintegration of tissue, and that the only way to keep the system in equilibrium is by a constant supply of nourishment. In those who are below par, if we would counteract their emaciation and lowered degree of vitality; and as bodily exercise is suspended during sleep, with wear and tear correspondingly diminished, while digestion, assimilation and nutritive activity continue as usual, the food furnished during this period adds more than is destroyed, and increased weight and improved general vigor is the result. All things except man are governed by instinct, and every being with a stomach, except man, eats before sleep, and even the human infant, guided by the same instinct, sucks frequently day and night, and if its stomach is empty for any prolonged period, it cries long and loud. Scientific American.

Middle aged people, when you were babies, Johnson's Anodyne Liniment was used very often.

TEAS!

New Season, 1890 & 1891. Our sixth through shipment from CHINA DIRECT. 1231 HALF CHESTS. Our own choice brands. H L M & Co. F X AND H I X. FIRST CROP SARYUNES. STEAMSHIP "GANXA". J. E. MORSE & CO. IMPORTERS, HALIFAX, N. S. Nov. 28, 90.

TELEGRAPHIC NEWS. WE ARE ON TOP!

BRUTAL MASSACRE!

Inhumanity of the Governor of Madagascar.

St. John, N. B., March 5.—Word has been received from Madagascar of a brutal massacre of 278 men women and children in the Province of Balanona. The populace presented a petition to the governor praying to be defended from cruelties and this was his answer. Many were put to frightful torture. Fifteen Years for Manslaughter. DOVER, N. H., March 5.—Charles Crossman was to-day sentenced to fifteen years imprisonment with hard labor for manslaughter.

A BISHOP'S LETTER!

Parnellites to be Excommunicated.

DELRIN, March 5.—Bishop Downson issued a letter to-day which amounts practically to excommunication of all who vote for Parnell. Dock Laborers Troubles Over. LONDON, March 5.—The Dock laborers troubles are about at an end. Some slight concessions have been made and the men will return to work. As Bad as Things on P. E. I. DENVER, Colorado, March 5.—The snow blockade still continues. At Denver, California, no mail has been received for seventeen days and business is paralyzed. Killed on A Crossing. PALMER, Mass, March 5.—Patrick Costello was killed here this morning on the Boston and Albany Railroad crossing as he was driving across the track.

Postmaster Dead.

St. John, March 5.—Edward Willis, Postmaster of St. John, and at one time a member of the Executive Council died to-day. He was a prominent Orangeman and a Freeman.

Telephone Company of P. E. Island.

THE Annual Meeting of the Shareholders of this Company will be held at the Office of M. G. De G. McLeod, Charlottetown, on Wednesday, the 13th day of March, at 12 o'clock, p. m. for the election of Directors and transaction of general business. BENJ. ROGERS, Secretary. Feb. 28, 21

1891 SPRING TRIP FROM LIVERPOOL

THE CLIPPER BARKENTINE HERMA 300 Tons Register. R. McDONALD, Commander, Will sail from Liverpool for Charlottetown, ABOUT THE 1st of APRIL, and will carry Freight at through rates to the different Railway points on the Island. For Freight apply in London to John Pittman & Sons, 7 Union Court, Old Broad St.; in Liverpool to Pittman Brothers, 51 South John Street, or here to the undersigned. PEAKE BROS. & CO. Feb. 28—21 w li

Cash Paid for Barley!

For a Few Hundred Bushels Delivered at our Store. AULD BROS. Feb. 28—21 w li D. A. MCKINNON, LAWYER, GEORGETOWN, P. E. I. Claims collected in Canada and United States. Money to Loan.

W.C. TURNER, QUEEN STREET, CHARLOTTETOWN, P. E. ISLAND.

TRYON CLOTH DEPOT. CALL and see our New Patterns in Cloth. TURNED OUT the best that have ever been turned out in Home-made Goods. WOOL Taken in exchange for CLOTH. CARDING done on short notice. W. C. TURNER, Agent Tryon Woollen Mills. Jan. 7. Pressed Hay For Sale, BEST QUALITY. JOHN NEWSON, Ch'town, Feb. 23, 1 m. CASH PAID FOR WHEAT AT ROLLER MILLS. GEO. E. FULL. Feb. 20—eod & w li pat. K. D. C. What is it?

IT PAYS

To Employ us at any AUCTION, as we always realize the highest prices. We get all sales settled up without delay. Auctions conducted in any part of the Island. E. H. NORTON & CO., AUCTIONEERS. WANTED.—A Saddle Horse. Apply at this office. [mch5] Two Young Men can be accommodated with Board at Mrs. MILLER'S, 61 George Street. [mch5] 191 WRAPPING PAPER for sale at this office.—f

WE GOT THERE

WE STAY THERE

BY TRYING TO PLEASE OUR CUSTOMERS, AND GIVING THEM SATISFACTION. BY THE SAME MEANS. If you are not a Customer, now is a good time to begin dealing with us. We are beginning the season with a full stock of HOUSE FURNISHINGS, including Doors, Sashes, Mouldings, Spouting, Siding, Brackets, Stair Rail, Newel Posts, Balusters, etc., all well made, from latest patterns. MACHINE JOBBING a specialty. See our Goods and Prices before buying. A. DUCHEMIN & CO. Steam Navigation Co's. Wharf, February 17, 1891.

PUBLIC NOTICE.

IN future the Government Steamer "Stanley" will run during the winter months between Charlottetown and Pictou, while the ice will admit of their making a passage each day, commencing on the 1st December. If however the weather is so heavy that it keeps up daily communication between the island and mainland before the 1st December, the "Stanley" will continue to run as usual. When the "Stanley" cannot make return trips between Charlottetown and Pictou, she will then run between Pictou and Georgetown and make daily trips, if possible. When the ice becomes so heavy that she cannot make return daily trips, the last boat will carry the mails between Cape Traverse and Pictou, and will then return to Charlottetown on Tuesday, Thursday and Saturday mornings at the same hour. Notice of the arrival of Georgetown will be made public by the Agent of the Marine Department at Charlottetown, and also the hour of her intended departure from Georgetown. As soon as the "Stanley" begins making a return trip between the mainland and the island, she will then run between Pictou and Georgetown, and make daily trips, if possible. In the event of a heavy gale, a daily mail will be conveyed between the mainland and the island during the winter. The "Stanley" will continue to run until the 1st May in each year, and will continue longer than that, if the Company's boats are not able to keep up daily communication with the island. W. M. SMITH, Deputy Minister of Marine, Ottawa, 3rd February, 1891.

IMPORTANT NOTICE!

An unexpected event has made it absolutely necessary for us to raise a large sum of money. Payment is therefore requested of all accounts rendered up to the first of January. Our friends will please pay our collector on his first call or make payment at our office before March 1st. Old accounts if not paid will be placed for collection. Bargains Will be Given in Furniture for Cash. THIS BUSINESS ADMITS OF NO DELAY.

Mark Wright & Co., Ltd. ELECTION!

The writs are out, and so are Prowse Bros. New Hats and after making a careful and personal canvas of the best English, American and Canadian manufacture, feel sure that the best judges of NOBBY STYLE, GOOD QUALITY and LOW PRICE will elect them by a larger majority than ever, as the Champions of Nobby Styles and Low Prices. Buy your HATS early at the Wonderful Cheap Men's Store, and then send all your friends to see their immense stock. 136 & 144 Queen Street. Ch'town, Feb. 5.

NO ROOM FOR FURTHER ARGUMENT

JAMES PATON & CO'S, Choice Stock of Carpets, etc., are now offered at prices which makes us beyond question the best store in the City to buy your House Furnishings. 130 ROLLS CARPETS. To be sold out at once to make room for our Spring Stock, we offer our entire line of Carpets, all standard, Perfect Goods and Choice Designs at great reductions for CASH ONLY. HOUSEHOLD GOODS. Table Linens, Table Napkins, Towels, Sheeting, Pillow Cottons, Prints, Curtains, Window Blinds, etc., etc., at Lowest Prices. Prints in short lengths, best English makes, very cheap. WHITE EMBROIDERY very cheap. Large assortment of Black and Colored Dress Goods at lowest prices. Men's and Boys' Clothing at the lowest prices. JAS. PATON & CO., MARKET SQUARE. Charlottetown, Feb. 5, 1891—dy wky

BIG BARGAINS!

5 MILES Best Boys' Lace Boots (our make) \$2.85, now \$1.75. Child's Long Boots \$1.28, now 75c. Child's Lace Boots 25c. a Pair. Boys' Rubbers 65c., now 40c. Job Lot Men's Rubbers, 40c. Job Lot Women's Rubbers, 25c. Misses Lace Boots 88c., now 50c. Job Lot Women's Strong Boots, 65c. a pair. GUFF BROS., CHEAP BOOT STORE. Charlottetown, Feb. 22.