I am in possession of it under lease since July last. There is a building on the corner known as Purdy's warehouse. There was a breastwork erected there by my directions, it was about 250 feet south of the factory. At the western extremity it comes into the bank. A portion of the first erection was torn down. I did not see it at all. I never received any intimations before it was torn down, nor had any notice served upon me. The first thing I knew was that it was torn down. I was in Charlottetown at the time. I thought it was desirable to erect a breastwork. I took my foreman, Mr. McDonald out on the ice, and instructed him to be particular in keeping within course of the line of Pownal Street, so that the poles would be still west of Pownal Street line, and there I left the matter with him to finish. I saw it after it was commenced at the west, but never saw the eastern part. On the second March one of my men came in and said that the breastwork was torn down. The men were working at it, but had not yet completed it. I did not see the ground-work of the eastern end of it. I told the men to be particular to keep within the line, so that there might be room for driving the piles at the eastern extension. Thomas Flynn—nor any persons gave me the slighest notice that I was trespassing on the Street. The distance that I ordered the men to keep from the wharf was, I think about 10 feet. After it was pulled down, I walked over to see what was left. Five of the men were summoned to the Police Court I think on Tuesday; to appear there on Friday at 11 o'clock. After it was torn down, I instructed my men to rebuild it as fast as possible—as since we were to have a fight, we might as well fight it out to the end. Pownal Wharf is not straight—that is, it is not at right angles to Water Street, neither is it parellel with Pownal Street. It has gradually encroached westward. A portion was done last year. I understand it was done under the supervision of Mr. Douglas, city surveyor. The wharf has swerved the last 20 years a little more to the westward each year. I instructed my Attorney, and a communication took place between him and the Corporation. I do not remember that they took any notice of it. I then commenced an action in chancery to prevent them from again demolishing the breastwork. The width now between the west side of the wharf and the east side of the breastwork is about 8 feet at the top, and 7 feet at the bottom.

Mr. E. Palmer here interrupted by saying, we do not know who owns the wharf whether the City or the Crown, but this is a public prosecution.

I told Mr. Douglas what I would take for a water Lot—say 200 feet from the factory. The factory is a steam factory, for the manufacture of barrels &c. I am taxed on £12,000 for the mill, and the tax for the water Lot is included in it I think. I was present when Merry was examined in the Court below, and heard him give his evidence. I thought I was occupying my own property—and think so still—and when I had more time it was my intention—and is my intention—to commence an action against the City, to cause them to remove the western part of Pownal Street Wharf. I have notified them to that effect. I heard Merry state yesterday that he measured the distance, but he did not make the same statement that he made the time before in the Mayor's Court. He said that he measured the distance, and when asked, he put it at 3, 4, or 5 feet — a small distance— and when asked if he would put it at 6 feet, he said he would not. They were to measure from the east side of the mill to the west side of the wharf, a distance of 28 feet. Then after that he went down and measured from the end of the wharf to the out end of the breastwork.

Cross-examined by Mr. E. Palmer. I first came here on the 29th May, 1860. I know nothing about the property before I came here. There might be the right of-way there for the last thousand years for ought I know. I bought the property from Mr. Evans, and he got it from Mr. Purdy, and Mr. Purdy got it from the Ordnance. I had no notice of the work being pulled down, until it was pulled down. I know that I had given directions to build again. It was built up and pulled down before I knew it. I was busy in my office. I said to the men to leave about 16 feet space. The reason I said so, was because I thought that side of the Wharf was within the western extremity of Pownal Street. I was not at all careful of what was left, so long as I did not trespass on the line of Pownal Street. It was the city's lookout if they exceeded the line of Pownal Street westward with their wharf, they would be going into the gap. Merry was asked in the Mayor's Court if he would swear if there was 6 feet between the wharf and the breastwork and he said that he would not. Mr. Hodgson asked him the question. The question had reference to the obstruction before it was pulled down. He said that he measured the distance from the west side of Pownal Wharf, but that he did not measure the gap. He said that he had inches stamped upon a pole. He positively refused to answer when the question was put, will you swear that the gap was 6 feet wide—he said I will not. If he knew that it was 3½ feet. I do not see why he should hesitate to swear that it was 6 feet. I do not know that I ever saw any one come ashore there in summer, I think I saw a lighter come up once. I have seen the salt water up there. I am sure that it was salt water from the best possible evidence, for I have tasted it. I believe in water, and I may add, Mr. Palmer, for your information that I am trying to get some fresh water by digging near the springs down there. At the very corner of the mills there is something between 2 and 4 feet of water.

(To be Continued.)

The Washington Treaty.

THE FULL TEXT OF THE OFFICIAL DOCUMENT.

THE FISHERIES.

ART. 18. It is agreed by the high contracting parties that in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking curing and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, *in common with subjects of Her* Britannic Majesty, the liberty for the term of years mentioned in article 33 of the treaty, to take fish of every kind except shell fish on the sea coast and shores and in the bays, harbors and creeks of the provinces of Quebec, Nova Scotia, New Brunswick and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts, and shores, and islands and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish: Provided, That in so doing they do not interfere with the rights of private property, or with the British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose. It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers, and the mouth of rivers are here by reserved exclusively for British fishermen.

ART. 19. It is agreed by the high contracting parties that British subjects shall have in common with the citizens of the United States, the liberty for the term of years mentioned in article 33 of this treaty, to take fish of every kind except shell fish, on the eastern sea coast and shores of the United States north of the 39th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors and creeks of the said seacoasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon said coasts of the United States and the islands aforesaid, for the purpose of drying their nets and curing their fish; Provided, That in so doing they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of said coasts in their occupancy for the same purpose, it is understood that the above mentioned liberty applies solely to the sea fishery and that the salmon and shad fisheries and all other fisheries in rivers and mouths of rivers are hereby reserved exclusively for fishermen of the United States.

ART. 20. It is agreed that the places designated by the Commissioners, appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and of the United States, as places reserved from the common right of fishing under that treaty, shall be marked as in like manner reversed from the common right of fishing under the preceeding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty, as to the common right of fishing not therein designated or reserved, it is agreed that a commission shall be appointed to designate such place, and shall be constituted in the same manner, and have the some powers, duties and authorities as the Commissioners appointed under said first article of the treaty of the 5th of June, 1851.

ART. 21. It is agreed that for the term of years mentioned in article 33 of this treaty, that fish oil and fish of all kinds, "except fish of the inland lakes and of the rains falling into them, and except fish preserved in oil, being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island," shall be admitted into each country respectfully, free of duty.

ART 22. Inasmuch as it is asserted by the Government of her Britannic Majesty that the privileges accorded to the citizens of the United States under article 18 of this treaty are of a greater value than those accorded by articles 19 and 21 of this treaty to the subjects of Her Britannic Majesty and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard the the privileges given by the United States to the subjects of Her Britannic Majesty, as stated in articles 19 and 21 of this treaty, *the amount, if any, of compensation* which in their opinion ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under article 18 of his treaty. Any sum of money which the Commissioners may so award shall be paid by the United States Government in a gross sum within twelve months after such award shall have been given.

ART. 23. The Commissioners referred to in the preceeding article shall be appointed in the following manner that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President and Her Britannic Majesty conjointly, and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the Commissioner shall be named by the representative at London of his Majesty the Emperor of Austria and King of Hungary. In case of the death, absence or incapacity of any Commissioner, and in the event of any Commissioner omitting or ceasing to act, the vacany shall be filled in manner hereinbefore provided for making the original appointment; the period of three months in case of such substitution being calculated from date of the happening of the vacancy. The Commissioners named shall meet in the City of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall before proceeding to any business, make and subscribe to a solemn declaration that they will impartially and carefully examine and decide matters referred to them to the best of their judgment and according to justice and equity, and such declaration shall be entered upon the record of their proceedings. Each of the high contracting powers shall also name one person to attend the Commission as its agent to represent it generally in all matters connected with the Commission.

ART. 24. The proceedings shall be conducted in such order as the Commissioners appointed under articles 22 and 23 of this treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe. If, in the case submitted to the Commissioners, either party shall have specified or alluded to any report, in its own exclusive possession, without annexing a copy shall be bound, if the other party think proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the commissioners, to produce the originals or certified copies of any papers adduced, as evidence, giving, in each instance, such reasonable notice as the commissioners shall require. The case on either side shall be closed within a period of six months from the date of the organization of the commission, and the commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the commissioners under the circumstances contemplated in article 23 of this treaty.

ART. 25. The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them. Each of the high contracting parties shall pay its own commissioner and agent or counsel; all other expenses shall be defrayed by the two Governments in equal portions.

THE INTERNAL NAVIGATION QUESTION.

ART. 26. The navigation of the River St. Lawrence, ascending and descending, from the 45th parallel of north latitude, where it ceases to form the boundary between the two countries, from, to and into the sea, shall forever remain free and open, for the purposes of commerce, to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation. The navigation of the rivers Fucan, Porcupine and Stikine ascending and decending, from, to and into the sea, shall ever remain free and open, for the purpose of commerce, to the citizens of the United States, subject to any laws and regulations of either country within its territory, not inconsistent with such privilege of free navigation.

ART. 27. The Government of Her Britannic Majesty engages to urge, upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the Dominion, and further engage to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

ART. 28. The navigation of Lake Michigan shall also, for the term of years mentioned in article 33 of this treaty, be free and open for the purpose of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon, not inconsistent with such privilege of free navigation.

ART. 29. It is agreed that for the term of years mentioned in article 33 of this treaty, goods, wares, or merchandize arrived at the ports of New York, Boston, and Portland, and any other ports of the United States, which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty possessions in North America, may be entered at the proper Custom House and conveyed in transit without the payment of duties through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenues, as the Government of the United States may from time to time prescribe; and under like rules, regulations and conditions goods, wares, or merchandize may be conveyed in transit, without the payment of duties from said possessions, through the territory of the United States for export from the said ports of the United States. It is further agreed that for the like period, goods wares, or merchandise, arriving at any ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper Custom House and conveyed in transit without the payment of duties, through the said possessions under such rules, regulations and conditions for the protection of the revenue, as the Government of the said possessions may from time to time prescribe; and under like rules regulations, and conditions, goods, wares, or merchandise, may be conveyed in transit without payment of duties from the United States through said possessions to other places in the United States, or for export from ports in the said possessions.

ART. 30. It is agreed, for the term of years mentioned in art. 33 of this treaty, that subjects of Her Britannic Majesty may carry, in British vessels, without payment of duties, goods, wares or merchandize from one port or place within the territory of the United States, upon the St Lawrence, the Great Lakes, and the rivers connecting the same to another port or place within the territory of the United States as aforesaid, provided that a portion of such transportation is made through the Dominion of Canada by land carriage, or in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States, Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares or merchandize, from one port or place within the possessions of Her Britannic Majesty in North America to another port or place within the said possessions, provided that a portion of such transportation is made through the territory of the United States by land carriage, and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty. The Government of the United States further engages not to impose any export duties on goods, wares or merchandize carried under this article through the territory of the United States, and Her Britannic Majesty's Government engages to urge the Parliament of the Dominion of Canada, and the Legislatures of the other Colonies, not to impose any export duties on goods, wares or merchandize carried under this article. And the Government of the United States may in case such export duties are imposed by the Dominion of Canada, suspend during the period that such duties are imposed, the right of carrying, granted under this article in favor of the subjects of Her Britannic Majesty. The Government of the United States may also suspend the right of carrying, granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in said Dominion, on terms of equality with the inhabitants of the Dominion, as provided in article 27.

ART. 21. The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export or other duty shall be levied on lumber or timber of any kind, cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea—when the same is shipped to the United States from the Province of New Brunswick; and in case any such export or other duty continues to be levied after the expiratoin of one year from the date of the exchange of the ratifications of this treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under article 30 of this treaty, for such period as such export duty may be levied.

NEWFOUNDLAND:

ART. 32. It is further agreed that the provisions and stipulations of articles 18 to 25 of this treaty, inclusive, shall extend to the Colony of Newfoundland so far as they are applicable; but if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, this article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

DURATION OF TREATY.

ART. 33. The foregoing articles, 18 and 25 inclusive, and article 30, of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward Island, on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years, the date at which they may cease to operate, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the same period of ten years, or any time thereafter.

THE BOUNDARY QUESTION.

ART. 34. Whereas it is stipulated by Article 1 of the treaty concluded at Washington on the 15th June, 1846, between the United States of America and England, that the line of boundary between the territory of the United States and that of Her Britannic Majesty, from the point of the 49th parallel of north latitude up to what it had already been ascertained should be continued westward along the said parallell of latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly along the middle of said channel and of Fuca Strait to the Pacific ocean; and whereas the Commissioners appointed by the two high contracting parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same, and whereas the Government of her Britannic Majesty claims that such boundary line should under the terms of the treaty above recitified be run through the Rosario Straits, and the Government of the United States claims that it should be run through the canal de Haro, it is agreed that the respective claims of the Government of Her Britannic Majesty and the Government of the United States shall be submitted to arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above mentioned article of said treaty, shall decide thereupon, finally and without appeal, which of these claims is most in accordance with the through interpretation of the treaty of June 15th, 1846.

ART. 35. The award of His Majesty the Emperor of Germany, shall be considered as absolutely final and conclusive, and full effect shall be given to such award without any objection, evasion for delay whatsoever. Such decision shall be given in writing and dated. It shall be in whatsoever form his Majesty may choose to adopt. It shall be delivered to the representatives and other public agents of the United States and of Great Britain, respectively, who may be actually at Berlin, and shall be considered as operative from the date of the delivery thereof.

ART. 36. The written or printed case of each of the two parties, accompained by the evidence offered in support of same, shall be laid before His Majesty, the Emperor of Germany, within six months from the date of the exchange of the ratification of this treaty, and a copy of such case and evidence shall be communicated by each party to the other through their respective representatives at Berlin. The high contracting powers may include, in the evidence to be considered by the arbitrator, such documents, official correspondence, and other official or public statements bearing on the subject of the reference, as they may consider necessary to the support of their respective cases. After the written or printed case shall have been communicated by each party to the other, each party shall have the power of drawing and laying before the arbitrator, and also be mutually communicated in the same manner as aforesaid by each party to the other, within six months from the date of laying the first statement of the case before the arbitrator.

ART. 37. If in the case submitted to the arbitrator, either party shall specify or allude to any report or document in its own exclusive possession, without annexing a copy such party shall be bound, if the other party thinks proper to apply for it to furnish that party with a copy thereof, and either party may call upon the other, through the arbitrator, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the arbitrator may reqnire, and if the arbitrator should deem further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either party, and shall be at liberty to hear one counsel or agent for each party in relation to any matter, and at such time and in such manner as he may think fit.

ART, 38. The representatives or other public agents of the United States and great Britain at Berlin, respectively, shall be considered as the agents of their respective Governments to conduct their cases before the arbitrator, who shall be requested to address all communications and give all his notices to such representatives or other public agents, who shall represent their respective Governments generally in all matters connected with the arbitration.

ART. 39. It shall be competent to the arbitrator to proceed in the said arbitration and all matters relating thereto, as soon and when he shall see fit, either in person or by a person or persons named by him for that purpose, either in the presence or absence of either or both agents, and either orally or by written discussion, or otherwise.

ART. 40. The arbitrator may, if he think fit, appoint a secretary or clerk for the purposes of the proposed arbitration, at such rates of remuneration as he shall think proper. This and all other expenses of and connected with said arbitration, shall be provided for as hereinafter stipulated.

ART. 41. The arbitrator shall be requested to deliver his award, in writing, as early as convenient after the whole case on each side shall be laid before him, and deliver one copy thereof to each of the said agents.

ART. 42. The treaty shall be duly ratified by the President of the United States of America, and by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged either at Washington or at London, within six months from the date thereof, or earlier if possible. In faith whereof we, the respective plenipotentiaries, have signed this treaty and hereunto affixed our seals.

Done in duplicate at Washington, the 8th day of May, in the year of our Lord 1871.

The Examiner.

Charlottetown, May 29, 1871.

THE TREATY.

We give to-day that portion of the Treaty that more immediately concerns Prince Edward Island. Our rejection of the parts of the Treaty relating to ourselves will not affect, we presume, the Treaty so far as relates to the settlement of the Alabama claims. So far then, the consideration of making sacrifices for the sake of peace, and to carry out the designs of the Empire, should have nothing to do with our action in accepting or rejecting the articles that refer to our fisheries. Even if it had, we do not know that we should be called upon to suffer the loss of our rights and privileges. It seems to us that the Lion of Britain has become wondrous tame, when he goes down on his marrow bones for the Alabama claims, whilst not a word is said of the wrongs and injuries inflicted upon us by the Fenian raids. We believe that the United States Government are more responsible for the raids of the Fenians than is the Government of Great Britain for the damages inflicted by the Alabama. As the *Montreal Gazette* says:—"We can scarcely wonder when the honor of the Empire was draggled in the mud, that Canadian interests received but scant consideration," much less should we wonder that the interests of this Island have not been looked after. The only advantage that we see from the Treaty for us, is the privilege of sending Fish duty free to the American market. But, if the Americans are allowed to have free access to our fisheries for the ensuing ten years, we will have no fish after that period to send there, or, indeed, for home consumption. It is well known that fish are becoming scarcer every year, and if the American plan is permitted to be pursued, in trawling from Cape North to St. Paul's Island, the larger species of fish, such as codfish, will not find their way into the Gulf of St. Lawrence. The American fishermen intercept the fish in that place, and by the Treaty will have the power to completely shut us off from catching round our shore a single codfish. It will not be so bad so far as the mackerel is concerned, but our fishermen can not compete with the Americans, and will not be able for yeaas to do so. The so-called advantage offered to us to reciprocate, by permitting us to fish in American waters as far as the 39th parallel is simply ridiculous, and will never be tested by our fishmen.

The Treaty will not be of any great service to our fishermen, and it offers nothing to our farming interests. If we hold on to our fisheries for some time longer, and the three mile limit is enforced, we can get far better terms from the Americans than are provided for in the Treaty. By accepting the Treaty, we give up all, and have nothing further to give to induce the American people to renew the old reciprocity Treaty. Unless the money compensation is very great, and unless the Commission to settle the amount is a mixone, with representatives of this Island to have their word in the matter, we trust the Treaty will be rejected by our Legislature.

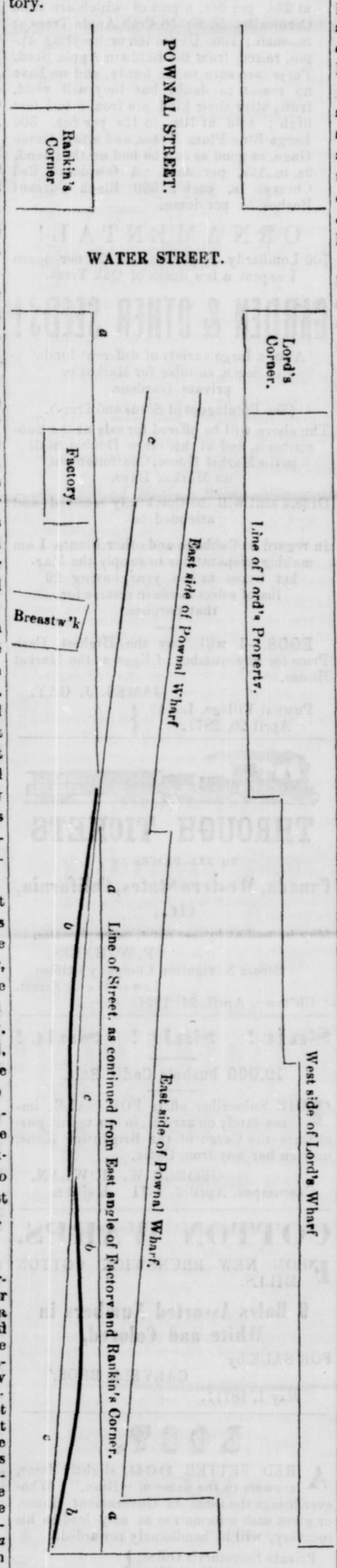
[From Charlottetown Herald.]

The Treaty embraces three widely different subjects, bearing no relation whatever to each other. These are: the Alabama claims, the San Juan boundary-line, and the Fishery question, to which might be added as cognates, the navigation of Canadian waters and the lumber duties of New Brunswick. With the two first, we conceive we have nothing to do. They are not only distinct in themselves and independent of each other but they are also separate from the latter which affects the Colonies alone, and requires to be dealt with differently. It is not to be supposed that the Commissioners intended nor does the Treaty contemplate, that those Articles relating to the settlement of the *Alabama* claims and the adjustment of the San Juan boundary-line, were to be submitted to the Colonial Legislatures, either for their ratification, amendment, or rejection. The idea is absurd. It is equally ridiculous to suppose that either the amendment or rejection, on our part, of the Articles by which it is proposed to settle the Fishery question, will in any way affect the decision arrived at by Great Britain and the United States upon the other questions contained in the Treaty. From a perusal of its full text, we have come to the conclusion that the Legislatures of the Dominion, of this Island and Newfoundland, will only have to deal with those subjects which are purely Colonial. This is satisfactory, inasmuch as it guarantees us complete freedom of action in dealing with the Fishery question."

THE POWNAL WHARF.

THE Trial recently held before the Supreme Court the conclusion of which we cannot give until next week, should be read by every one who takes an interest in the City affairs. Pownal Street Wharf was built in the year 1844, and was constructed so as to adjoin the Ordnance water Lot, which had been granted by Governor Smith to the Earl Mulgrave, for the Ordnance department. It was built then in a straight line, and was intended to leave no space between it and the Ordnance property for ingress or egress. The wharf, from time to time, was either built or driven over upon the Ordnance line, and at the time the Ordnance transferred the property to Mr. Purdy, they made an exception to the part of their land whereon the Pownal Street Wharf had over-reached, in favor of the City. It appears to us, therefore, that the land upon which the wharf stood at the time of the transfer belongs to the city and that we have a clear right to retain it. Moreover, in retaining it we do no wrong, because Mr. Purdy knew what he was purchasing, and we presume that the present owner of the late Purdy Estate, in that part of the city, had also a knowledge of the fact before getting it into his possession.

So far the City is right but it is alleged that the present west line of Pownal Street wharf is not the same as it was when the Ordnance made the transfer to Mr. Purdy, and gave the place on which the wharf extended to the city; that, in fact, since a period no more remote than 1868 the line of the wharf has been further extended westward several feet. If this can be proved, then it is evident that Mr. Carvell can hold the city authorities responsible for trespass and damages, and cause them to remove it. But it is said that this can not be proven; that there is no evidence of the west side of the wharf being further out since 1868 than formerly. Those who assert this did not, of course, hear the testimony of Mr. Henry Cundall, which was not disputed, and which does not materially differ from the evidence of another skilful surveyor, Mr. John Ball. Mr. Cundall surveyed the wharf in April, 1871, and on the 24th of August 1868. That our readers may clearly understand the whole matter for themselves, we give the result of Mr. Cundall's survey of the wharf and the localities referred to. His plan is on a scale of 30 feet to an inch. We give it accurately, on a scale of 90 feet to the inch. The line *a a a* shows the west line of Pownal Street, as extended from Rankin's Corner and the Steam Factory. The line *b b b* shows the west side of the wharf, as it was in 1851. The line *c c c* shows its present position, and the encroachments which have been made since 1868. The other parts of the plan are self-explanatory.



Now, it will be observed that there is an open space between the west side, at the beginning or foot of the wharf and the Steam Factory, through which space some persons occasionally passed during the winter season, and up to which a lighter now and then floated in summer. The immediate cause of the existing dispute arises from the fact that Mr. Carvell, in improving his property and extending the breastwoak southward cuts off the entrance from the ice or water, in that direction. The City authorities call the breastwork an obstruction or nuisance, and claim that the public have a right of way over the property which Mr. Carvell says he owns. In law this is called an easement, and it is claimed that the use of it for a number of years, and the public benefit give the public a right to it, which the owner forfeits. Now we agree with the opinion that the right of a private individual should give way, when the public good absolutely demands it. But we hope the doctrines of the Communists, who are deluging unhappy France in blood, will never prevail here. To say that the property of private persons shall be taken for public uses without their being fully compensated, would be to advocate the spoliation of the rights of property. If these horrible doctrines were to be acted upon, the very basis of everything worth living for would be destroyed. We need scarcely remind our readers that in the Railway Act passed last Session, provision was made for a Board of sworn Appraisers who will make good any damage which the running of the Railroad will cause through private property. The rights of property have always been held sacred in all well-organised societies, and deservedly so. But in this instance, the passage to and from the City at the west end of Pownal Street has been obstructed by those who built the wharf, which should have been kept in a straight line, and not in a zigzag kind of way. It is true that for many years past, some persons went to and from the ice in that direction; but Mr. Purdy never acknowledged their right to do so. He was never interfered with for using the south part of his property up to the very extreme eastern limit of his line. On one occasion he put a boom across his own line and fastened it to the wharf. This he had no right to do, and consequently had to take it away. Now, besides all this, the passage way has not, of late years especially, been used to any considerable extent. The bank going up is steep, and the ice being generally full of spring holes, is even still more dangerous. It is no great inconvenience, therefore, to the public if they can not go in that direction—that is if left as it was. By the improvements which he is making, the facilities for passing that way will be greatly improved. Since the Hillsboro' Mills have commenced operations, there have been more loads of lumber hauled there in one year, than during all the time previously. Every load of lumber brought there has been purchased and the highest cash price paid for it, and it is to make the facilities more easy for the public to bring their lumber there, and for the absolute necessities of the Mills that the breastwork has been erected. The action of the City authorities in tearing this down, without the slightest notice, is most astounding, and requires some explanation, which we hope they will be able to give. Suppose it were very desirable to have a passage to and from the ice in that part of the City, it is very easy to clear away the one a ready provided, which would be far more suitable and safer. We mean the one at the east side, between the wharf and Mr. Lord's property.

Enough has been written to show that as we intimated last week no more lawsuits in reference to this matter are desirable. The result of the recent trial should teach the City Fathers a wholesome lesson of caution about running more risks of law expenses, which the citizens are not in a humor just now to meet.

We want a water supply; we want better sidewalks; we even want better security for our lives and property. We are assured that the most loathesome things are allowed to lay on some of the streets, sending out sickening effluvia, whilst contagious disease is stalking about at our City doors. Here is work enough for the Corporation, not to speak of the herculean task before them,—to place the City credit in good standing. We do not intend to say anything censorious against the City Corporation, because we know theirs is a thankless office, but we may intimate that it might be prudent for some of the City Council to give up their notion of having another lawsuit. We have heard that they intend to send to St. John for Mr. Samuel Thompson; and they imagine that with him and a jury the result will be different. We heard Mr Palmer and his assisting Counsel conduct the case, and they did so with zeal as well as ability. We know something of the New Brunswick Bar and we have yet to learn that we need go abroad for legal talent. To do so is certainly a slight upon our own Bar, if not an insult. Judge Hensley, with the care and calmness for which he is distinguished, gave the decision against the City authorities, not on technical law points, but upon the merits of the case. His judgment was coincided in by the venerable Chief Justice, and as a jury are a most invariably influenced, especially in cases involving law points, by the Judge's charge, therefore it appears to us that, to bring the case up again, would be like appealing from Cæsar to Cæser. But suppose the City authorities gained the suit if tried again, what advantage would that be to the City or the public? If Mr. Carvell extends his breastwork, or wharf on the Water Lot which is indisputably his the west side of Pownal Wharf will never bring in £10 a year for shipping purposes. The wharf has been a loss all along to the city. Last year some money was laid out on the extreme end of it,—the City Fathers could hardly be expected to see that the work was properly done, and in the spring the ice swept it away. It would be better to have all the City wharves let out to the highest bidder for a term of years. We trust the Pownal Street Wharf disputes will be settled by compromise, or arbitration, so that the wharf will be a source of revenue in future to the City, instead of being a constant bill of expense, as it has hitherto been.

HON. MR. DUNCAN AND HIS CONSTITUENTS.

During the week the relation which Mr. Duncan stands in with his constituents has been pretty freely canvassed. It is said that the main spring of his support of the Railway Bill, was a promise of the Chairmanship of the Railway Commissioners. For this statement we do not vouch; but it is now well known that he is trying the political pulse of his constituents as to his chances of re-eleotion, should he accept a Commissionership. The position of Mr. Duncan, as we understand it, was this: He said, I know you are opposed to the Railway—I am opposed to it myself; but, as there are 16 members of the Lower House in favor of it, I might as well go with them, and stay in the Government, and get you a share of the Government patronage. What do you say? Some of them answered: If that's so, oppose it all you can; but stay in the Government. He did not put the matter in that way at Pownal, but he says he did at Wood Islands, Belfast, and other places where he received the most political support. If there should be any doubt as to this, the report of the meeting in Wood Islands, in this day's paper, will set them aside. As to the chances of his success in other parts of the district, we have not yet positive information. The feeling of the people in Pownal, and of a great many in Vernon River, is intense against the action he took, but it may not be so in the other places where he hitherto received the greatest number of votes. If he succeeds in making a majority of the district believe that he carried out their wishes, we must come to the conclusion that they are willing to have the Railroad, provided they have a representative in the Government and a share of the fat of the land, Mr. Duncan must be congratulated on having an easily managed constituency, and they on having a most pliable and good-natured representative; for, to our amazement, we heard him declare at Vernon River meeting, that he did not allow himself to have an opinion on the subject. As to whether a constituency that would be satisfied with a member for carrying out a measure opposed to their wishes, because he procured for them some small advantages, should be held up as a high example of political honor and virtue, that is another question, and one that deserves some little attention. In the meantime we wait with some interest, to know whether or not Mr. Duncan will receive sufficient encouragement from the meetings which he is now holding, to induce him to accept office, and run another election. If he does, then the *Patriot* and the Anti-Railway party will be able to try their strength on their most likely ground to succeed. It will be a struggle of Goliah against Goliah, and it can not be a drawn battle, but political death, to the defeated.

ABANDONED CHILD.—On Saturday morning last, a child about 15 months old was abandoned by its mother and left at the door-steps of J. H Fletcher, Esq., Editor of the *Argus*, who resides at the head of Prince Street. The screams of the child aroused the inmates, and the morning being cold and raining, it was found to be in a perishing state. The child was at once charitably taken care of by Mr. Fletcher's family. During the day he notified the Police authorities, and in a short time the mother of the child was discovered, although not yet apprehended.

It appears that on the previous day, the unfortunate woman Miss Hannah McKinnon of Rocky Point, wandered about the City striving to get some one to take care of the child. She said, to those to whom she told her sad story, that about fifteen months ago, she sued the father of her illigitimate child, who lives at the same place,—in the Police Court for damages. She recovered £35. It was paid week by week, and so long as the money lasted, her father allowed her and the child to live at home. But when the last shilling was expended, he cruelly drove her from his door. She came to town and walked about all day trying to get some one to take the infant and rear it. To some she offered to pay for its board, as soon as she could get a place, and earn some wages. But no one could be found to take the child of the poor outcast, and very probably unable to obtain shelter, she went into the barn at the rear of Mr. Fletcher's residence, and slept there all night—as the straws on the child's clothes indicated. Being a stranger in the city, she very likely, at daybreak, left the child to be taken charge of, by the tender mercies of the world, and fled to some part of the country. As Mr. Fletcher is not as overburthened with this worlds wealth, as some of our richer citizens; it is to be hoped that some well-disposed person will take the child, which is a fine healthy boy, and provide for it. The Police have shewn that they knew their duty in this matter, and have faithfully prrformed it; and to Mr. Fletcher and family for the trouble and care they have charitably evinced, we cannot speak too highly. Should there not be some provision made for cases such as the above, by our public authorities? We think so, because we must expect that the horrible consequences of such shameful sins will now and then reveal themselves.

Since writing the above we have learned that Mr Roderick McKinnon, the Father of Miss McKinnon has called upon Mr. Fletcher, and has made affadavit to the truth of the foregoing facts—with the exception of the girl's statement—that he drove her from his house. He has taken the child, and intends to provide a home for it.

THE QUEEN'S BIRTHDAY was not as well observed on Wednesday last as we have hitherto seen it, or as it should have been. Most of the stores were opened during the day, and very few turned out to see the display of the Volunteers on Government grounds. The two companies of Artillery, under command of Captain Artemas Lord, fired a salute of twenty-one guns, and the Prince of Wales, Irish, Prince Edward, and Royalty Rifle Companies, under command of Major Hensley, discharged a *feu de joie* in honor of the day. The Volunteers were inspected by His Honor Governor Robinson, accompanied by Adjutant General Gray, and Aides de camp Lieut. Col. John Longworth, and Lieut. Col R R. Hodgson. The Battalion went through a few movements, and the Commander in Chief called up the officers and told them that the companies being reduced from 50 to 40 men, would enable them to maintain their respective companies with greater efficiency. A Levee was held at Government House shortly after, at which many of our most prominent citizens attended.

RATHER SMALL.—John Flinn Esq., one of the N. S. newly elected members made a great speech recently before some Halifax Firemen. He sought to prejudice them against the *Express*, because that paper unwittingly neglected to give a notice of a Sleigh Drive, which the Company had at some previous time. John Flinn Esq., must consider the firemen of Halifax a wonderfully easily duped lot of *green-horns*, if he thought they would swallow such stuff as that, or else he must be hugely unacquainted with the 'getting out' of a newspaper. It is to be hoped he will be able to get out of the false position in which he has placed himself by unwarrantably attacking the press, and that he will learn discretion, when next he speaks of the fourth estate.

IN St. DUNSTAN'S CATHEDRAL on yesterday, His Lordship Bishop McIntyre administered the Sacrament of Confirmation to about Three hundred and fifty persons. The greater number were young persons, under the tuition of the Sisters of the Convent Schools and the Christian Brothers Schools. They were remarkable for the healthy appearance which they presented, and the good order which they preserved. The most affecting sight amongst all the little army was a blind Indian boy, led up to the altar by a brother aborigine. It was one of those rare circumstances which sometimes occur in real life to give a subject for the *chef d œuvre* of the poet or the painter.

The efforts of the *Patriot* and *Progress* to make something out of the estimate of the probable cost of the Island Railway, which we published last week, are melancholy exhibitions of the state of mind they must be in, to prove that the Government have corrupt motives in view concerning the Railroad. When the 19th July comes round, and it is found that everything has been done on the square, what will the *Patriot* and *Progress* do then.

The *Islander* is coming right again on the Railroad Question. In the last no. it says: "There will be no scarcity of contractors willing to undertake its construction in terms of the Railway Act in return for a price to be paid in debentures at par."