

The Examiner

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

EDWARD WHELAN]

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

[EDITOR AND PUBLISHER.

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CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, MARCH 15, 1858.

No. 36.

Colonial Legislature.

LEGISLATIVE COUNCIL.

TUESDAY, 23rd February.

Hon. Attorney General, by command, laid on the table copies of despatches from the Secretary of State for the Colonies, leaving to their operation several Acts passed during the last Session, and one stating the reasons which prevented the introduction into the Imperial Parliament of the Bill guaranteeing the proposed loan.

On motion of the Hon. the Attorney General, the Bill relating to the safe custody of offenders, &c., was committed, and agreed to, with an amendment authorizing Justices before whom parties may be brought, as being dangerous, to obtain the aid of physicians or surgeons' opinions as to the state of mind of such persons.

Hon. Attorney General reported from the committee on expiring laws.

WEDNESDAY, 24th February.

The Bill for safe custody of offenders, &c., was, on motion of the Hon. Attorney General, read third time and passed.

Hon. Col. Secretary, brought a message from the House of Assembly, announcing the appointment of a committee of good correspondence. On the part of the Council, Messrs. Aldous, Craswell and Attorney General, were appointed a committee on the same subject.

The following committees were appointed, viz:—
ROADS BRIDGES AND WHARVES.—Hons. Messrs. Aldous, Dingwall and Wright.
EDUCATION.—Hons. Col. Swabey, Messrs. Forgan and Aldous.

AGRICULTURE.—Hons. Mr. Craswell, Col. Swabey and Mr. Bagnall.

PAUPERS.—Hons. Messrs. Walker, Bagnall, and Forgan.
ON MISCELLANEOUS PETITIONS.—Hon. Attorney General and Hon. Mr. Forgan.

Hon. Mr. Aldous, presented a petition from certain inhabitants of Lot 12, praying aid towards the completion of a new line of roads; referred to committee on Roads, Bridges and Wharves. Also, from John Graham, Cascumpec, praying support. Referred to committee on paupers.

Hon. COL. SWABEY, would observe, that the subject of legislative aid to indigent individuals, had been frequently discussed in the Council, yet no positive line of action had been adopted. He could assure their Honors that there were in Charlottetown, an amount of misery and destitution, which they had very inadequate conception. He was acquainted with some instances of extreme poverty, from the want of the parties having been relieved by members of the family. He instanced the case of one poor man, who in a garret, with no fuel but that which casual passers-by threw, he was not in favor of legalizing a system of paupers, as he had seen sufficient of the practical workings of the poor laws in England to induce him to object to the adoption of a similar system here. He was strongly of opinion that a sum should be placed at the disposal of the Executive, the application of which to cases of necessity could be guarded against fraudulent misrepresentations of parties, which at present were of very frequent occurrence. Under the present depressed state of the commercial community, it was unreasonable to suppose that private benevolence could alleviate all the suffering and misery which existed in our midst, and it was unfair to tax the benevolent dispositions of charitable individuals to that extent.

Hon. Mr. ALDOUS, laid upon the table a summary of the accounts of the Commissioners of Public Lands. His Honor spoke to the following effect: In submitting this abstract, I wish to call your Honors' attention to one fact of a very gratifying nature connected with the business of the Public Land Office. I allude to the steadily progressive increase in the number of sales, which goes far to prove that the working of the Land Purchase Bill will not be attended with results so disastrous to the country as the opponents of the Government have so uncessantly asserted. During the last year, no less a quantity than 10,000 acres of land have been sold at an average price of nine shillings per acre; the receipts for the same period amount to £2000; and I am satisfied that, had it not been for the heavy outlay which the farmers had to incur in the purchase of supplies, at least £500 more would have been received. Yet, when it is considered that during a year of such unparalleled commercial depression, so large an amount as £2000 has been paid by farmers towards the purchase of freshhold properties, it cannot be doubted for an instant that the people generally are anxious and determined to avail themselves of the benefits offered to them by the Land Purchase Bill, the satisfactory working of which is clearly established by the statement before your Honors. That shows, with reference to the Worrell Estate, there are

Due on account sales, £14,226 10 0
Bonds, (amount really due, and acknowledged by the obligors themselves,) 775 7 1
Notes of hand for stampage, &c., 66 17 4

£15,068 14 5

Now this amount, deducted from £20,550, being the amount paid for the property, leaves a balance against it of £5,481 5s. 7d., to meet which we have 45,503½ acres; and this land at the low estimate of six shillings per acre would produce £13,620 19s. 6d. This, I think your Honors will agree with me in considering the best evidence of the satisfactory working of the Estate; and, although it was confidently stated last year that all the good lands had been sold, the fact that, since that time, 10,000 acres had been sold for £4,500, thus averaging nine shillings per acre affords the best refutation of the assertion which can be given. Even the much derided swamp land, which in the minds of the opponents of the Government never had, nor ever would have, an appreciable value, had in a great many instances, found ready purchasers, who were anxious to unite portions of it to the more valuable land of their farms. From all the information which my official relation to the property has enabled me to obtain, I see no reason to believe that the proportion of unproductive or unsalable land on the estate will be found to be of sufficient magnitude to render the final and speedy settlement a matter of the slightest difficulty or doubt; and the first return of prosperity to the business of the Island will increase the amount of sales in a ratio beyond the experience of former years. I may mention here that the Surveyor General has surveyed and staked out roads through the wilderness lands, which have been laid off in blocks of 50 acres, and there is no question that, when once these roads shall have been opened out, the lands will be

rapidly taken up. The numerous applications for land which have been received from parties resident in other districts, prove conclusively the general desire of the parties to become freeholders, on the favorable terms offered by the Government.

Hon. COL. SWABEY congratulated the Hon. Commissioner of Public Lands on the satisfactory character of the statement he had submitted. It was apparent, from that statement, that the balance against the Worrell Estate was but £5481 5s. 7d., to meet which there were no less than 45,000 acres of land. Under these circumstances, he would ask what could justify the outcry that had been got up against the management of the property? It was not expected that purchasers would pay the full amounts of their purchase money at once; and the Legislature acted on that view when they provided the periods of credit in the Land Purchase Bill.

His Honor the PRESIDENT.—The observations which have been made have had reference solely to the affairs of the Worrell Estate, and we all participate in the satisfaction which has been expressed at the state in which the property has been represented to be. But I will ask your Honors' attention to the general state of our finances, with a view of shewing that the Island is not so badly off in a financial point of view as has been represented, and as might appear from the classified accounts, as received from the Auditors. Those officers represent the balance against the Colony as being £29,870 4s. 4½d. This, however, is not the balance actually due, as it embraces the amount of £18,000 paid for the Worrell Estate, and £2000 or £3000 paid for Lot 11, while the Auditors have not given credit for the assets, which the accounts of the Land Office shew, amount to £15,002 1s. 1d.; that amount deducted from the alleged debt would leave £14,868 3s. 3½d., from which, if the amount of Treasury Notes not bearing interest, viz: £11,500, there would appear as the balance, bearing interest, but £3368 3s. 3½d. The Auditors were requested by the Government to examine the vouchers and securities in the Land Office, with a view of furnishing a proper credit and debit account of the business of that department. This they refused to do, and embodied their reason for such refusal in this note, at the bottom of one of the pages in the classified accounts:—

"The Auditors, since making up the above statement, have been directed by His Excellency the Lieutenant Governor in Council to place at the credit of the Colony the amount of balances appearing in the books of the Commissioner of Public Lands. On attending at that office, the Auditors find the larger portion of said balances unrepresented by any document, bond or agreement, or other security, and do not think the same should be credited by them as assets. The total amount of said balances is £15,002 1s. 1d."

Now, your Honors, the Government says that this amount is secured as safely as bonds in the Treasury; nay, more so, as the lands on which partial payments have been made still remained as security for the future instalments. It is easy to shew that the finances of the Island are not in so bad a condition as has been represented. Now, your Honors, although the Auditors represent the public debt as being £29,870 4s. 4½d., if from that amount there be deducted the value of the securities in the Land Office, £15,002 1s. 1d., the balance will be £14,868 3s. 3½d.; of this item the proportion of Treasury Notes not bearing interest is £11,500; so that the actual debt on which we are paying interest is £3368 3s. 3½d. But I ask your Honors' attention to the security the Government holds for the debt, including the Treasury Notes. It appears, from the statement of the Hon. Commissioner of Public Lands, that the Government own 45,000 acres of land, which, at the low estimate of six shillings per acre, would realize £13,500, thus reducing the actual debt to the trifling sum of £1868 3s. 3½d.; but it is not to be supposed that the future sales of the public estate will not realize a higher price than I have supposed, but I based my calculation on the lowest estimate, but I believe that it will realize more, after deducting all charges for management. A gratifying proof of the financial position and resources of the Colony is to be found in the public records, since the introduction of Responsible Government in the year 1851. At that time the Island was in debt to the amount of £28,579 11s. 0½d., and there were no public lands. In the first year of the system of Responsible Government the public debt had been reduced to £17,938 17s. 4½d.; in 1853 it amounted to but £8940 8s. 6d.; remained about the same in 1854; in the following year it amounted to £9893 5s. 8½d.; while it was in 1856 £13,101 18s. 1½d. Now, your Honors, this statement shows, when we consider the steadily increasing amounts of the annual appropriations for the periods to which I have referred, that under the system of Responsible Government, the public resources have been wisely administered; and when we contemplate the large sum paid for the Worrell Estate, and the legislative contribution to the Patriotic Fund, we can claim for the Government the credit of having reduced the public burdens to a mere trifle, and no reasonable man can doubt that the lands held by the Government will be sold and settled in a few years, without loss to the Treasury, and with great advantage to the people who have shewn so lively an appreciation of the benefits to arise from the Land Purchase Bill. In proof of our increased appropriations for the public services, I will only mention that in the year 1850, while the old party held the reins of power, and before the concession of Responsible Government, the appropriation for the road services was only £4266 12s. 9d.; for education but £2065 7s. 1½d. In 1852 the grant for roads was £5978 3s. 2d.; that for education £2351 14s. 10d.; while for the last year we disbursed for roads £9630 4s. 11½d.; and for education no less a sum than £13,982 0s. 9½d.

Hon. Mr. ALDOUS.—I desire to submit to your Honors a few observations relative to the statement of the Auditors, to which your attention has been drawn by his Honor the President. About the middle of last month, in an interview with one of those gentlemen, a conversation as to the auditing of the public accounts occurred; and it was agreed to audit the same at any time before the commencement of the Session. Upon the attendance at the Land Office of one of the Auditors, for the purpose of examining into the correctness of the accounts submitted, and which, I believe, afforded satisfaction, and proved to be correct, a question was submitted to me, whether the amount of balance due, as shown by the statement, was secured by deeds. I explained fully, and as I considered, satisfactorily, from the balances due in ledgers, that the amounts were fully secured by the fact that 25 per cent. having been paid by purchasers, and the Commissioner being enabled, by virtue of the Land Purchase Act, to re-enter and sell, in case of non-payment. There could be no question as to the value of the balances due on the public lands; and upon such representation, I made no doubt that the Government would receive credit for the amount. Really, your Honors, the conduct of those gentlemen is, to me, inexplicable. Do they consider the land on which £6000 have been

paid, will be relinquished? and if so, has it deteriorated so much in value that it is not worth 25 per cent. less than it was two years ago? But to prove that the purchasers are desirous of possessing their deeds of conveyance, I may mention that their issue the past year has doubled, and no objection is ever made to their receiving the same as soon as they are prepared. The balances now due on deeds issued is £4000. I trust your Honors will credit my statement, when I declare that, considering the sums paid, I consider the balances unsecured equally as valuable; and, I feel assured, more secure and *bona fide* assets could not be placed to the credit of the Government.

Correspondence.

TO THE EDITOR OF THE EXAMINER.

Sir,—Perhaps when the world has come to an end people of this Island, and particularly those engaged in legislation, will discover that there is not that intelligence amongst us which authorizes our contempt and neglect of those elementary laws on which, in all other the most primitive states in the world, the moral and social structure of society is based. I believe, as I have often had occasion to remark, that this is the only portion of Her Majesty's dominions where there can exist no territorial subdivisions supplied with proper officers on whom the execution of the laws and the people's rights and wishes included in the subdivision, devolves.

I am led to reiterate this statement by the course which the debate on the laws respecting bastardy unavoidably took. An evil was unanimously declared to exist, but no one could suggest a practical remedy, because there exists no machinery whatever on which to hang a remedial system. If magistrates are to be adjudicators in such cases, and they direct the payment of certain sums, in whose hands are the funds to be placed? How is the future outlay to be made, and what is to be done? Are private individuals to become trustees to these unfortunate? Or in what way is the amended law to be carried out? I confess it passes my understanding to point out what satisfactory arrangement can be made.

And then a great error seems to pervade the minds of all the speakers in this debate, namely: the intention of such a statute is not at all understood, and it is called a law to indemnify females in cases of seduction, when the real intent of all such enactments is to place the maintenance of the child when born, beyond accident. This is the policy of the laws of Great Britain, not to give a premium for the birth of natural children, as the expiring statute confessedly does. Cases of seduction are always to be met by civil actions. The father has been deprived of the child—the master of the servant whilst great cruelty and breach of faith are ingredients which, if they form part of the details of such cases, are taken into consideration in assessing damages.

If the new law were required for Charlottetown City alone, little difficulty could be met with in legislating. The form and period of application of the female would want to be defined and limited—the necessary proofs be pointed out, and the order of the Mayor's Court be applied either to the taking a sum of money in lieu of a bond, and charging the Corporation with the future maintenance of the child, or an order for weekly subsistence during its life, or till it reached a certain age. There would be no difficulty in this case, because there would be some Municipal Officer to whom the bond would be made, and to whom the expenditure might be entrusted. But how is all this to be effected in any other part of the Island? There lies the difficulty. And it originates in the anomalous condition of a country without parochial divisions and municipalities. Be it observed, I am not using the term "municipalities" in the sense of the bill printed and standing over since last year; but in the sense I used it some years ago when I introduced a parish bill, namely, in that of facilitating good government by establishing such a system as would meet this case, and fifty others, and placing the administration of local affairs in the hands, in a great degree, of the people themselves—an accession to their liberties and comforts to which their appreciation of natural rights does not seem to have as yet extended—it being true in this case, as in many others, that internal improvement is forever clogged by party manoeuvre.

My long acquaintance with the administration of these laws in England has probably given me, or ought to have given me, some insight into the subject of the neighbouring Colonial Statutes, *mutatis mutandis*. I consider something suitable might easily be framed out of the Nova Scotia precedents. But the main stumbling-block is the want of administrative parties. I should like to see suggestions on this point. At present it strikes me that the Deputy Prothonotaries in the Counties might be the holders of bonds, and fathers' parties to pay weekly allowances, or these duties might be performed by Small Debt Courts; but some existent and permanent tribunal it must be.

Ch. Town, March 9, 1858. WM. SWABEY.

(FOR THE EXAMINER.)

The *Protector* would fain impose on its readers the belief, that the Great Protestant Meeting held in Charlottetown on the 13th ult., was all that its most sanguine patrons could desire. If common report is true, it was quite a failure. The great majority of those present at it consisted, as I have been informed, of females and boys, the latter of whom negatived the resolutions proposed, and gave no trifling annoyance to the whole proceedings. The fact that only nine Ministers attended the meeting, is a sufficient proof that a division exists in the camp, notwithstanding the Rev. Mr. Fitzgerald's long-winded effusion of cant, endeavouring to convince his audience of the contrary. Agitation for the introduction of the Bible as a class book into the Academy, Normal School and Common Schools, was, it seems, the principal object of the meeting. The clerks of the *Protector* disclaim any intention on their part to infringe the rights of their Catholic fellow-subjects. If they are determined to introduce the Bible into our mixed schools, they evidently act contrary to their professions of religious liberty, for they are aware that Catholics, and many Protestants also, have strong objections to its introduction into such schools. Whether these objections are grounded on sound principles or not, is foreign to the question. That they are, is the firm and conscientious conviction of Catholics; and this alone should cause those reverend clerks to cease endeavouring to involve their just rights. If they wish to force Catholics to adopt their crude and illiberal ideas of education, this is what I call an attempt to domineer and persecute. Let them not imagine that Catholics will coolly allow them to turn the common schools into nests of proselytism. If, on the other hand, they want the Bible introduced into the schools, in

order to have their own children instructed in the principles of their religion, let them openly avow that they are determined to do away with our present system of education, and that they are resolved to have separate schools. Catholics will not be averse to this. Let the money allowed for the encouragement of education be divided among the different religious sects in proportion to their numbers, and I think then that all parties will be satisfied.

The orthodox admirers of Mr. Fitzgerald have been, I doubt not, greatly surprised and alarmed to learn that he warmly sympathizes with the Nestorians who blasphemously taught that Christ had two persons, and that he appears to consider as sound Protestants all the heretics that existed from the time of Simon Magus down to the time of Joe Smith, including, among others, the Noctonians, Novatians, Sabellians, Donatists, Meletians, Arians, Collathians, Macedonians, Eustachians, Photinians, Collyridians, Helvidians, Mossilians, Pelagians, Euticheans, Monothelites, Paulicians, Stadians, Flagellantes, Fraticelli, Sacramentarians, Ubiquitarians and Mormons. All these, if I am not greatly mistaken, founded their doctrine on the Bible. They exercised the right of private judgment in their interpretation of the Holy Scriptures; they hated popery (and those of them that still exist do hate it), even as much as the clerks of the *Protector*; and I would be very sorry to deny them the right of being styled right good Protestants, *a la* Protestantism.

Mr. Fitzgerald speaks largely of peace and the practice of charity. The idea he entertains of charity can be easily ascertained by reading a number of the *Protector*; for I consider that he sanctions all that appears in that journal. Since its first appearance it has not ceased to abuse and malign, in the most unbecoming language, Catholics, their doctrine and ministers. It has imputed to Catholics doctrines and designs that they abhor. To condescend to disprove these silly and malicious imputations, would be but degrading one's self to the level of the *Protector*.

The clerks of the *Protector* unsparingly accuse Catholics of ignorance and intolerance. They say that their whole system is founded on ignorance and superstition, and that it is the design of the Pope and the Catholic Hierarchy generally to enslave the human intellect—to degrade man to the level of the brute beast, in order to keep him under their spiritual dominion; and, again, almost with the same breath, these admirable logicians say that these same *papists* are persevering, and that they are endeavouring to get into their own hands the education of the youth of this Island as well as other places. If Catholics are showing them a good example by the establishing of seminaries, why do the *Protectorites* maliciously impute their so doing to sinister motives? If Catholics are desirous of raising the standard of education among their own body, and of dispelling ignorance, is this a reason why they should be accused, by certain bigots, of a deeply laid plot to subvert the constitution—to destroy the Bible—to undermine Protestantism—so monopolize the education of the young—to engrave into the mind damnable dogmas and pestiferous doctrines. If Catholics get ladies of a religious congregation to give a literary, moral and religious education to the females of their own communion, are those ladies, strangers as they are, merely because they are Sisters of a Catholic community, and have consecrated themselves to God for their own advancement in the ways of perfection, and for the benefit of society,—are they, I say, for these reasons, to be most shamefully abused and calumniated in the most uncharitable and unchristian manner by those calling themselves the Ministers of the Prince of Peace and Truth?

Notwithstanding all the violent abuse and calumny of the *Protector*, Catholics have conducted themselves with admirable forbearance, and I hope that will continue to do so for the future. In all their intercourse with Protestants, let them act with that Christian spirit with which they have heretofore acted. Let them not, as far as it lies in their power, allow the monster of religious discord to destroy the harmony and good feeling that now prevail among the inhabitants of this peaceful Isle. Let them remember that very few Protestants sympathize with the editors of the *Protector*, and that Protestants generally despise and abhor the nonsensical, unchristian and blasphemous effusions of that paper, as heartily as do Catholics themselves. Let them then, I say once more, continue to practise that christian forbearance which they have manifested during the past twelve months: if they do this, as I have every reason to hope they will, the *Protector* will soon strangle itself, and be counted among the things that were and are gone for ever.

As the clerks of the *Protector*, in their untiring zeal for the reading of the Scriptures, seem to have forgotten that duty themselves, I would beg leave to recall to their remembrance that there is a text of the Bible that says: "Thou shalt not bear false testimony against thy neighbour." I would strongly recommend them to meditate on this portion of Holy Scripture whenever they purpose to write anything for the *Protector*.

Queen's County, March 8, 1858. LECTOR.

MARCH 9th, 1858.

MY DEAR SIR,—Seeing that the *Protector* publishes weekly one of Kirwan's Letters to Bishop Hughes, I send you the enclosed, "KIRWAN UNMASKED," in the hope that you might be able to find space in the *Examiner* each week for one of the Bishop's Letters, which you will observe, has nothing to do with religious controversy, but with the material men himself. Yours, very truly, HON. E. WHELAN. D. B.

LETTER I.

TO KIRWAN,
ALIAS THE REVEREND NICHOLAS MURRAY, D. D.,
Of Elizabethtown, New Jersey.

DEAR SIR,—So long as you wore a mask, which no honest man need ever wear in a free country like this, I was excused, on your own admission, from any obligation to notice you. Now that you have cast it aside, I feel so longer bound to adhere to my first resolution.

Your letters purport to explain the reasons why you left the Roman Catholic Church and became a Presby. The object of mine will be to review those reasons. If I shall succeed in refuting them, and assigning others more in accordance with the facts of the case, I will not trouble myself with answering these in your second series under the head of reasons why you do not return. If the deserters from the American flag in the Mexican campaign, (among whom, I am sorry to say, were some Irishmen,) can justify themselves for having fled from the ranks of their country, the world will readily dispense with their reasons for not returning.—The enemy, no doubt, received them with that mingled feeling of joy at the treason, and contempt for the traitor, which, on the whole, is rather honorable than otherwise in the character of human nature—while the gallant army they had forsaken had the consolation to know that after their departure, it contained in each case at least one coward less than before. But friends and foes would take it as a matter of course that such persons would have good reasons for not returning.

The Catholic Church, however, has a mother's heart, and not a warrior's. If at any time, moved by the grace of God, you should knock at her gates, as a penitent, she would receive you as such, and rejoice at your restoration. Considering the importance which you attach to your going out from her communion, thirty years ago, never, never, to return, you must admit that she has borne your absence with great resignation; in fact, amidst the numerous defections from the faith which loneliness