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EDWARD WHELAN]

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

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HOUSE OF ASSEMBLY.

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THE LAND QUESTION.

House in Committee on the despatches relating to the Land Question—Mr. John Yeo in the Chair.

Hon. Col. GRAY—Mr. Chairman, I now rise for the purpose of bringing under the notice of the hon. Committee the subject which, of all others, I consider to be the most important, and which urgently demands the co-operation of hon. members on both sides of this House to bring it to a speedy and final settlement. Sir, we have now before us two despatches from a Minister of State whose high private character, brilliant talents and profound knowledge of all that concerns the institutions of these Colonies, afford me the surest guarantee that never in the history of this Island was there a brighter prospect opened to us for a fair and equitable settlement of the land question. I will, with your permission, proceed to read those passages in the despatches of the Right Hon. the Secretary of State, which give me this assurance:—

[The hon. member then read several extracts from recent despatches of the Colonial Minister, which were referred to and quoted in the Address of the House of Assembly in answer to the Governor's Speech at the opening of the Session.]

Sir, here we find the Secretary of State himself coming forward and meeting us, as it were, half way, and yet, in the face of so much courtesy and condescension, we have those among us who resuscitate from the tomb in which I, and I firmly believe, almost all the people of this Island had supposed it to have been buried and forever set at rest, not only from lapse of time but also by the repeated decisions of the Home Government, a question, the agitation of which, at the present juncture, in the very teeth of these despatches, is not only extremely uncourteous to the Secretary of State individually, but is also a manifest insult to the majesty of the British Government, and which, if countenanced by this House, although I feel sure that such will not be the case, may produce results but little conducive to the prosperity of this Island, annexation to Nova Scotia or New Brunswick and the entire deprivation of our rights and privileges as a separate Government. But, Sir, I would ask, are we to leave ourselves open to the imputation that there are those among us who do not desire a settlement of the land question, but who would prefer keeping it open, regardless of the injury they may inflict upon a too credulous people, and who, by the agitation from time to time of one or more of its phases, would make it subservient to their own aims and selfish purposes. And, Sir, I can not help expressing my astonishment at the specious reasoning of the hon. member lately at the head of the Executive, to account for his present agitation of what he must well know is but a delusion, a mockery and a snare. However, we have now the Secretary of State himself inviting us to come forward, and I trust a considerable majority of this hon. House will agree with me, and not subject ourselves by complicity in such agitation to a deprivation of that kind consideration for the affairs and claims of the tenantry of the Island, which in these despatches we see the Right Hon. Secretary so plainly, although it may be, inferentially promising. Sir, I have therefore to propound, for the consideration of hon. members, certain Resolutions which I have drawn up without partiality, favour or affect, but which, I am convinced, will be found most conducive to the final settlement of this long vexed question—the fruitful source of much of the bickerings and heart-burnings which have for so many years distracted the people of this Island, and which will also give real relief to their present burdens, and designate the only way in which, by a persistent course of honest industry, every tenant in the Island may in a few years become a freeholder, and that without subjecting the people to the enormous taxation which the wild and reckless proposition of the hon. member in his Loan Bill would inevitably entail upon them, and their posterity. The Preamble and Resolutions are as follows:—

[The preamble and resolutions here referred to were published in the Examiner of the 6th June last.]

Sir, it is obvious that by this measure a tenant will have the power of becoming a freeholder by a gradual payment by instalments, without running the great risk which is now incurred by purchasing under the Land Purchase Act, by the provisions of which the Sheriff is empowered to come in and dispossess, and probably ruin the purchaser, who may not be prepared to pay the instalments as they become due to the Government. All this can be avoided—the farm itself will become a bank in which the tenant can invest his savings at good interest. Every incentive will thus be given to the industrious and hard-working man to provide for the gradual conversion of his leasehold into a freehold tenure. Whenever he shall find himself in possession of a few pounds, by paying an instalment, he at once reduces his annual rent, and as he finds year by year his burdens growing lighter, a double spur is given to his industry and energy; while, on the other hand, should any casualty occur, such as sickness, failure of crops, &c., as the time for payment of an instalment is left to his own option, he need suffer no uneasiness or apprehension, as it will not be in the power of any Sheriff to make him afraid. Sir, I implicitly rely on the support of hon. members in carrying this measure; and conscious of their wisdom, impartiality and deep sense of justice, I now entrust it to their judgment and decision.

Mr. COOPER—After giving a resume of the Land Question from the original grants—proceeded to show that no reliance was to be placed on despatches; for one Colonial Minister differed from another, and instanced the despatches then before the Committee, as widely different from those of the late Secretary of State, Lord Stanley; and the next incumbent of the Office might differ from both. It is a principle of human nature that they who endeavor to obtain money by false pretences, should use every exertion to effect their object. The British Government has admitted that they have inflicted grievous wrong upon the poor people of the Island, and the remedy ought to emanate from them. But now, after long continued spoliation, the taking some £25,000 or £30,000 a year from the industrious tenants, it is proposed by the resolutions to make the tenantry pay for the freeholds of their farms. He would support the Government in asking for a grant, but it would be most unfair to call upon the settlers to buy out the unjust claims of the proprietors. He had prepared an amendment which he would read.

Hon. Mr. HAVILAND was amused at the line of argument adopted by the hon. member, whose assertion that

the condition in the original grants of settlement by foreign Protestants was impracticable, went to confirm by inevitable inference the absolute property in the grantees freed from such limitation. His objection to the tenants purchasing the fee simple of their lands came truly with a bad grace from one of the champions of the Loan Bill. Had the £100,000 been obtained under that Bill, would not the tenants have had to repay it? Are not the settlers on the Worrell Estate supposed to pay for their lands? If not, what mean the advertisements in the Royal Gazette, notifying them to meet the Commissioner of Public Lands, and pay their instalments, under penalty of having their properties seized? By the resolutions before the Committee, the tenant can pay at whatever times he may choose, as his own convenience may dictate. They had been treated to the old story of Escheat, which had formed the burden of so many doleful songs. He would, however, remind the hon. member, that when he assented to the Loan Bill, he admitted the validity of the title of the proprietors.

Mr. COOPER was satisfied to support the Loan Bill, because he did not think repayment would ever be asked. It was necessary that no great cry should be raised about it in England, which would be the case if direct application were made to indemnify the proprietors from the Imperial Treasury. He was convinced we would never be called upon to repay the loan.

Hon. Mr. THORNTON approved of the spirit of the Resolutions, but objected to the long Preamble, which, although the hon. introducer said it had been framed in a spirit of conciliation, he considered it as casting reflections on members of former Houses of Assembly. In one respect the first Resolution differs from the suggestion in the despatches of the Colonial Minister, for the latter intimates the desirableness of having an impartial "Committee" to report upon the question. This Utopian idea could never be practically realized, for of whom in the Colony could such impartial tribunal be formed? The Resolution, however, advocates the appointment of a single Commission, thus resting the decision of the vital interests of the people of the Island in a single individual. It would, he considered, devolve too much power and interests of too great magnitude on the individual who might be selected; and if he were "unconnected with the Island or its affairs," as stated in the Resolution, he would require at least twelve months' attention to the subject before he could acquire the information necessary for the proper adjudication of the subject; and before the lapse of that period it might be that he would not be quite so "disinterested" as at the date of his appointment. The second resolution met his approval, for it had always been a principle of his public conduct, if he could not get all he wanted, to take what he could get, for the people. The remission of arrears of rent referred to in the resolutions was a highly proper suggestion. Those arrears cramped the energies of the tenants, and a liberal amount of relief from those burdens which pressed so heavily on many, coupled with the prospect of gradually purchasing the freehold estate of their farms, would operate as an incentive to increased industry and economy. One great cause of accumulation of arrears was the frequent occurrence of disastrous seasons between the years 1845 and 1851. As an agent himself, he knew the impossibility of many tenants, during the period referred to, paying their rents. In fact there were many cases in which the tenants absolutely required advances to enable them to put their crops into the ground. As to the sum to be paid at one time on account of the purchase of the lands, he considered £10 too high; £5 would, he thought, be preferable, as the smaller the sum the greater would be the inducement to appropriate it for such purposes. He could see no reason for applying the principle to leases of 100 years, and not extending it to those of shorter duration. There was no reason why the tenant, under a lease of 60 or 40 years, should not be placed on the same footing as any other.

Hon. Col. GRAY discharged a pleasing duty in expressing satisfaction at what had just fallen from the hon. member. His observations were of a character more complimentary than might have been expected, when it was considered how frequently, and to what extent the influence of party spirit enters into the discussion of political questions. The plan developed in the resolutions had occupied his thoughts for some time past. He could not, however, divest his mind of the opinion that the first part of the preamble was necessary. As to the laches of the proprietors, he would not enter into any discussion of that question at the present time, as his object was to conciliate all parties, and obtain harmonious action in the settlement of this troublesome question. He would only say, that in the management of an estate he would rather remit to a tenant, unable to pay, portions of his rent, than suffer an accumulation of arrears to depress his energies. As to the reference to the possible change in the office of Colonial Minister, which had been advanced by the hon. member, Mr. Cooper, that might take place, indeed it was probable that the present officer would come out to Canada as Governor General; but it was well known that the working staff of the department remained in their situations, and his successor would carry out his views. He considered the amount of £10 low enough as a partial payment. Any industrious young man can easily accumulate that sum. He had in his own service a respectable young man who had been with him about three years, and he had left in his (hon. Col. G.'s) hands some £80. The minimum of £10 could not be considered inapplicable to the circumstances of the people, when a farmer could get £30 or £40 for a horse. He had no objection to apply the benefits of the plan to leases of less than 100 years' duration. He had a decided objection to the granting of leases for short periods.

Hon. Mr. LONGWORTH congratulated the hon. member on the fact, that the solution of the Land Question had at length assumed a practical shape in the propositions before the Committee, which afforded a prospect of substantial benefit to the people at large. The hon. member, (Col. Gray) was entitled to the gratitude of the country for the mode which he had proposed to settle the matter. As his proposal savoured not of party, so it ought not to be regarded from a party point of view, but be considered on the broad basis of its own merits, and should meet the support of independent members on both sides of the House. He was gratified at the sensible and practical character of the remarks of the hon. member, Mr. Thornton, which afforded a pleasing contrast to the oft-repeated and visionary opinions of the hon. member, Mr. Cooper, at which, however, he was not surprised, as it was not to be wondered at that a person, cherishing and advocating peculiar opinions for thirty years or more, on this particular subject, almost to the exclusion of every other, should cling to his first love with ever increasing fondness. Notwithstanding, he could not but think that hon. member must see that the principle embodied in the Resolutions was eminently calculated to settle the minds of the people. All admitted that a grievance was inflicted by the original grants, but that grievance was not of our creation,—it had descended to us,—and unless we now endeavour to find some practical relief, would descend to our posterity. As his hon. friend (Hon. Mr. Haviland) had said, the conditions being impracticable, the grants became valid without condition; and the Crown having dispensed with the performance of the conditions, the proprietors held unconditionally, and do so to this day. Besides, our own legislation, as recorded in our Statute Books, recognized and confirmed the titles of the proprietors. The Land Tax Bill, the Land Purchase Bill, the Rent Roll Tax Bill, and the Loan Bill, all admitted the validity of the proprietary titles. About one-twelfth part of the Island had been purchased by the Government under the Land Purchase Bill, and that Act had received the support of the hon. member, although the

original grants of that property had the same conditions, on the non-fulfilment of which the hon. member relied as destructive of the proprietary titles. The remedies suggested by the Imperial Government were all conceived in a conciliatory spirit. He agreed with the hon. member, Mr. Thornton, that the suggestion of the Colonial Minister, recommending an impartial Committee, was impracticable, if it was to be composed of individuals connected with the Island. No unbiased tribunal could be here constituted; for parties would, of necessity, be influenced in favour of the proprietors, or their sympathies would be with the tenantry; and, therefore, the proposition in the resolutions, that the Commissioner should be unconnected with the Island or its affairs, met his hearty approval. Let a gentleman, selected from England or the neighbouring Colonies, travel over the Island, and make himself acquainted with the subject in all its phases—let him satisfy his mind as to the actual state of the people—he would not find any thing like a general disinclination to pay rent. In some districts he would undoubtedly find the tenants largely in arrears; and in such cases he would recommend liberal remissions, according to the circumstances of the respective cases. The preamble, though, perhaps, some hon. members might consider its language rather strong, he considered necessary, in referring to the previous schemes which had been attempted by different parties on this question. The first resolution had been objected to by the hon. member, Mr. Thornton, as limiting the Commission to one person. If more were added, the least number of Commissioners must be three, in order to provide for a majority in case of a difference of opinion. This addition would necessarily involve great additional expense, whether to be defrayed by ourselves, or from England, he knew not; but one competent person would, he thought, be quite sufficient. There was nothing in this resolution to call for opposition. Conciliation was the only true policy. The rights of the proprietors had been recognized for years; yet while he fully admitted those rights, it would be found to be impolitic for them to insist on receiving high prices for their lands. It would be more for their interest to sell at a moderate figure, and get rid of their lands as soon as possible, and with them all the annoyances of hostile legislation and onerous taxation; nor was it to be presumed that, in view of all the circumstances connected with the agitation of the question of the land tenures, and the general situation of the tenants, that any Commissioner would recommend a high rate. After reading and briefly expressing his approval of the 2nd and 3rd resolutions, the hon. member proceeded to say, with reference to the 4th, that he considered it conceived and framed in just appreciation of the difficulties under which many of the people laboured, and well calculated to remedy them. It provided for the payments, on account of the purchase, by instalments, at such times as suited the convenience of the tenantry,—thus providing against the misfortune of a failure of crops, or the contingencies to which illness or other causes might subject him who was bound to pay certain specified sums at fixed periods, whose failure in promptly meeting his engagements might be the cause of his ruin. By the adoption of this principle of the resolutions, the country would save the expenses incurred by the operation of the Land Purchase Bill, the poor man would be relieved from the heavy costs to which that Bill would subject him, and with which he had been threatened. There would be found no difficulty for an industrious man to save ten pounds towards the purchase of his farm; and he would soon feel a constantly increasing stimulus to do so; as after each payment he should find his annual rent diminished by the interest on the payments he had from time to time made. The hon. member who introduced these resolutions had stated that of three years wages his servant had left in his hands £80,—a gentleman near him had just informed him that he held £100 for one of his servants—the undrawn wages of a like period. Now, such people as those could pay for their farms at any moment. The hon. member, Mr. Cooper, had advocated the appropriation of a large sum for the general purchase of the proprietary interests, as was done in the emancipation of the negroes in the West Indies; but if such large sum were obtained, the repayment of it would fall upon the people of the Island, and would confer no boon on the public,—for the Government, getting possession of the lands, the settlers would be charged with the price, and would be under heavy responsibilities to pay their instalments at the times limited, as is now the case with those who have availed themselves of the Land Purchase Bill. In justification of his opinion, the hon. member stated, that though he had supported a measure pledging the faith of the Colony to repay the amount, he had no idea that we would be required to do so. Did that hon. member mean to state publicly, on the floors of that House, that his action in the matter was based upon an intention to practise a fraud upon the British Government? He was astonished at such an expression of opinion,—such conduct would be unjustifiable and disgraceful in a private individual; and he must say that, uttered in the halls of legislation by a representative of the people, it reflected no credit on him or the constituency which sent him there.

Mr. COOPER hoped he would be allowed to answer the hon. member who had referred to him, as though he were alone in the opinions he entertained on the subject of the Land Question; but those opinions had been entertained by men conspicuous for their talents and high social position. Escheat had been recommended in 1802, and some lands were actually escheated a few years after. In 1839, the late Lord Durham, who had been commissioned to investigate the cause of the agitation on this subject, and suggest a remedy, had reported favourably to the views entertained by him (Mr. Cooper). The idea had been instilled into the minds of many of the people that the day for Escheat had gone by, but Lord John Russell had, on one occasion, referred to the Escheat of a family Estate which had been the subject of litigation so long that one of the parties ruined the other. In brief, the inhabitants had been treated worse than pirates treat the victims of their rapacity—they had been swindled out of their birth-rights. He repeated his conviction that the proprietary influence had prevented the Loan, which otherwise would have been obtained, and the Island would never have been called on to repay it.

Hon. Mr. YEO considered the resolutions were based upon fair and just principles, and the hon. member who had introduced them could not be considered a land-jobber, and as such having any personal interest in keeping this question open. He had acted with a sole view to the interests of the tenants. As a proprietor himself (hon. Mr. Yeo), knew that it was an injury to the tenant to allow his rent to fall into arrears; but a great portion of the arrears commenced in the years 1835 and 1836, when the agitation, fostered by the hon. member, Mr. Cooper, had caused the ruin of many, who, acting on his suggestions, refused to pay their rents. That hon. member would be remembered as a curse to the country. He, for one, considered him the greatest curse that ever came into the Island, and no honest man could sanction the idea of that hon. member, that we should borrow money without intending or expecting to repay it.

Mr. DOUSE—in reply to the speech of the hon. member, Mr. Cooper—would only say that it was not worth while to listen to the greater part of it. He could have written it off before he heard it, so often had he heard the same ideas from that hon. member. But, with reference to his alleged motives for supporting the Loan Bill, he would say, if ever dishonesty existed, the hon. member, he considered, the very king of it. He was ashamed to listen to such sentiments—king of it. They might do well enough to delude some ignorant people at the East Point, but honest men of intelligence would recoil from such baseness. He held in his hand a paper in which that hon. member abused Messrs. Coles and WheLAN for not supporting Escheat. That question, he doubted not, would soon receive its quietus. The new Go-

vernor, who was expected to arrive shortly, would probably have instructions for his guidance on the subject. As an old agent, he might say that Lord Selkirk's tenantry had a right of purchase at prices defined in their leases; but few had availed themselves of the privilege—their minds having been unsettled by the pernicious agitation which had been excited and kept alive by factious demagogues, for their own selfish purposes. He would support the hon. Col. Gray in this attempt to settle the question. Strangers desirous of settling among us were induced by the agitation which had been so steadily kept up to believe that good titles could not be had, and consequently would not invest their capital in the Island. He could not find language to describe the injury which the hon. member, Mr. Cooper, had inflicted on the community. He had caused the ruin of many a family, and it was a matter of no rare occurrence to hear tenants in his (Mr. D.'s) office curse the day on which that hon. member first set foot on the Island. He was a wicked, cruel man, and ought to be ashamed of himself. For one he could not bear the name of Cooper—stunk in the nostrils of the tenantry.

Hon. Mr. THORNTON hoped the hon. member would not allow his feelings towards the hon. member, Mr. Cooper, to lead him to transgress the limits of parliamentary courtesy. Such language was improper, and should not be heard in the House.

Mr. COOPER was aware that the main object of the Government was to talk against him. But what they should do would be to refute the statements of his amendment, which, however they could not.

Mr. SINCLAIR was not inclined to support the resolutions, as embodying a reasonable plan for adjusting the future relations between landlord and tenant; yet, in saying this, he would not place himself in a false position. By the preamble we would appear as admitting that the agitation of the land question had been all wrong; and were we now to bow as beggars and ask the proprietors to remit some of the arrears, and give terms to the tenants as matter of favor and not of right? He agreed that it would be better for the tenantry to purchase from the proprietors than from the Government, but we should assert the rights of the people, and he was willing to leave the claims of both parties to the arbitration of disinterested persons. The British Government had admitted that there was something to be settled, and that admission placed the proprietary and the tenantry in an equal position before an arbitration having for its object an amicable settlement. He agreed with the resolutions, but objected to the preamble, as compromising our rights and positions as British freemen.

Mr. DAVIES considered the resolutions as suggesting the only practicable means of finally settling the question. The time at which the hon. member, Mr. Cooper, could have pressed his peculiar views was when Responsible Government was introduced, but then the late Government had opposed the establishment of Escheat. It consisted, within his own knowledge, that several parties came here for the purpose of settling in the Island, but declined to do so in view of the relations subsisting between landlord and tenant. The plan before the Committee was, in his opinion, the only feasible one. The price of purchase would be fixed, and it would not conduce to the interest of the proprietors to demand too high sums for their lands. As to the operation of the Land Purchase Bill, he did not think a farthing would be realized from it towards indemnifying the public for the price they had paid for the lands they had purchased under it; for it appeared that hitherto when the best of the land had been sold, the working expenses and interest on the cost had exceeded the proceeds. There was naturally a strong disinclination on the part of the people generally to be taxed for the purchase of free farms for the tenants. He trusted that the resolutions would pass unanimously, and to ensure such result the preamble might be altered to meet the views of those who agreed with the hon. member, Mr. Sinclair.

(To be Continued.)

W. M. HOWE, Reporter.

Correspondence.

TO THE EDITOR OF THE EXAMINER.

SIR,—I believe the people stand as much in need of sound information at the present time as ever they did. The speeches of Members of the House of Assembly, when reported on both sides of a question, will enable electors to judge how far their representatives express their wishes in the Legislature; and whether the votes are given for or against the interests of their constituents. But the land question, which occupied the attention of the House of Assembly last session, had three sides, and the speeches are only reported on two of them, that is, on the proprietary side and the liberal side, but on my side there is no speech reported. The land question affects in some degree every other question, for we cannot prosper as a people or have good government until that question is fairly settled. Therefore it appears necessary that I should furnish some articles to inform the people, and enable them to give their assistance to bring the land question to a settlement.

The proprietary side of the question was brought forward by the Hon. Col. Gray, who introduced a series of resolutions with a long preamble, the substance of which was to claim an absolute right over the land for the successors of the grantees, without any enquiry into, or investigation of, their titles, but to petition Her Majesty the Queen to appoint one or more persons to enquire, not into the titles, but into the existing relationship between landlord and tenant, and negotiate with the proprietors to forgive a part of the arrears of rent, and fix a price for the land, so that tenants who have paid up their rent may have the privilege to become freeholders by purchase, without infringing the rights of the landlords. Such terms may suit the views of the tenantry on the Selkirk Estates, but I thought it was the general opinion of the people before the election that the titles should be investigated, and therefore I did not expect that the country would have returned eighteen Members to declare that the successors of the grantees have an absolute right to the land, without enquiring into their titles.

The Liberal side.—When the Liberals took office, the Ministers were desirous that the land question should be settled, if possible, without an Escheat, but they did not keep faith with the Liberals. Governor Bannerman had a promise from Ministers, that if he could get the Colonial Legislature to agree to buy up the landlords' titles, and make a purchase to commence with, as far as the funds of the colony would allow, the Imperial Government would guarantee a loan to purchase the remainder, consequently the Liberals had to make the experiment; and the purchase of the Worrell Estate giving so little satisfaction, the Ministers declined to sanction the loan; and as we had then Responsible Government, the Liberals had all the blame. But those who know anything of the working of wheels within wheels, in the corrupt system of the land monopoly, must know that in a case of this nature the Liberals were ruled by the Ministers, and the Ministers were prejudiced against the tenantry by the proprietors, who are to blame for the whole. The Ministers having declined to supply funds, the Liberals were relieved from their pledge in a great measure; and as the arrears of Quit Rent and Crown Lands were