The Examiner.

Charlottetown, March. 29, 1875.

THE RAILWAY CORRESPONDENCE.

OFFICIAL Correspondence relating to the transfer and opening of our Railway was laid on the table of the House of Assembly on Wednesday last. It comprises letters from the contractors and their agent, Mr. Gregory, to the Local Government; from the Chief Engineer, Mr. Boyd, to the Local Government; from Mr. Owen to Mr. Swinyard, and from Mr. Swinyard to Mr. Owen. It may be divided into three parts:

1. That which relates to the proposed opening of the section of Railway between Summerside and Charlottetown.

2. That which relates to Mr. Swinyard's objections to accepting the Railway, on the part of the Dominion Government.

3. That which relates to the opening of the line in the early part of last winter.

On the 25th of May, 1874, the Hon. Mr. Owen, learning that Mr. Schreiber had arrived on the Island, addressed to him a letter in which he asked whether or not the Contractors would agree to hand over the portion of the Road between Charlottetown and Summerside, when completed, and whether or not that section of the line would be completed so that it might be made available for traffic by the first of July, ensuing. To this request Mr. Schreiber replied that the section in question would be in a condition for traffic "in ample time to enable the Government to make the necessary preparation for opening the Road for traffic on the first of July"; that the contractors were not, however, prepared to transfer it unconditionally, as it was for them an absolute and positive necessity to reserve the right of running construction trains, of passing on Government trains their employees and freight free of charge; and that they were prepared to give up to the Government 2 engines, 8 platform cars, 48 box cars, 7 first-class passenger cars, 6 second-class passenger cars, and five postal cars. This letter having been referred to Mr. Boyd, that gentleman reported that it should be distinctly understood that the contractors' trains, when on the part of the line open for traffic, were to be completely under the control of the Government superintendent; and that at least three engines, so as to have a spare one in case of accident, and twenty platform cars for the transport of timber, were wanted. These requirements were reported to the contractors. On their part, Mr. Gregory replied that to place the construction cars under the complete control of the Government superintendent, would operate greatly to their hinderance and loss; and that, in consequence of the Government failing for a period of fourteen months to put them in possession of the ground required for building in Charlottetown, so delaying the importation and construction of Railway stock, they feared it would be impossible for them to finish the line according to contract if they gave up the number of platform-cars demanded by Mr. Boyd. Mr. Gregory continued:—

"While most anxious to meet the wishes of the Government, yet we most respectfully beg to suggest, that the true interests of the people of the Island, taken as a whole, seem likely to be better served, if the opening of any portion of the railway for traffic be delayed, until the whole line is completed, an end which will thus be earlier accomplished by greater facilities in Rolling Stock being available in construction.

"An adjustment of these matters rests solely between the Lieutenant Governor and Council and the Contractors, who are the two parties to the contract, and as some questions regarding the effect of certain delays which the Contractors have, in time past, sustained, will probably, at some time, require to be discussed and disposed of, we would *most respectfully deprecate any action on the part of the Government, which would tend to complicate matters, or which would seem to invite interference, or dictation, or even the appearance of any such from any third party.*

"The Contractors, at all times, court the fullest inspection and investigation into their works by the Government and Government departments, or by any parties whom the Government may, from time to time, think fit to appoint, but they hold that they would be treated with doubtful courtesy, were the Government, in dealing with any third party, to be so premature as to cause the manner, whether satisfactory or unsatisfactory, in which the contractors were fulfilling their works, to be the subject of official report to any other body, or of newspaper remarks, through invitation or countenance of the Government."

To this letter W. C. DesBrisay, Esq., Assistant Clerk of the Executive Council, replied that—

"In view of the incomplete state of the whole line, and the limited amount of rolling stock which the contractors would be enabled to deliver, as also the probability of the opening of the central section seriously endangering the finishing of the Eastern and Western sections at the time stated in the Contract, the Government have come to the conclusion that it would not conduce to the public interest, at the present, to accept from the Contractors the portion of the Railway between Charlottetown and Summerside, on the terms proposed by them."

This letter closed the correspondence respecting the opening of the section between Summerside and Charlottetown. We will endeavor to review the correspondence relating to the other points mentioned, in our next issue.

"THE LAND PURCHASE ACT, 1874."

IT is but right that the Tenants of this Island should know how the proprietors regard the "Land Purchase Act 1874." A considerable portion of our space, this week, is therefore taken up in the reproduction of their "protests." These are amusing as well as instructive. If strong words make a strong position the proprietors are, certainly, invincible.

As we predicted, they have not neglected to make a point of the fact that the Legislative Council refused to pass a Bill which would have enabled the Government to purchase their lands at a higher price than seven shillings and six pence per acre. We trust they will not this year have the same just ground of complaint. We trust that this year their Honors will see matter in a different light. If their Honors had but listened to the voice of reason last year, the tenants on the estates of Messrs. and Misses Cundall at least might now possess the fee simple of their farms.

The despatches sent to Lord Dufferin by the Lieutenant Governor and the Attorney General are both able documents. They present the case from the tenants' standpoint in a very forcible manner. In them the history of the Land Question of this Island, from first to last, is reviewed; and with them, documents were enclosed, by means of which His Excellency could make himself acquainted with all the details of the Question. The correspondence shows that the Government were true to the interests of the people of this Province.

THE PROPRIETORS' PROTESTS.

(COPY.)

To His Excellency the Right Honorable Sir Frederick Temple, Baronet, Earl Dufferin, &c., &c., Governor General of the Dominion of Canada, &c., &c.

The humble Petition and Memorial of the undersigned, William Cundall, Eliza Mary Cundall, Louisa Montgomery and Henry Jones Cundall, of Prince Edward Island.

Respectfully sheweth,—

That in the last Session of the General Assembly of the Province of Prince Edward Island, an Act was passed by the two Branches of the Legislature, and reserved for the sanction of your Excellency, intituled "The Land Purchase Act, 1874," to the object and provisions of which Act Your Excellency's memorialists would respectfully request particular attention, involving as it does the transfer of nearly, if not quite one-fourth part of the whole area of the Province by an "official functionary" necessarily unacquainted with the descriptions, boundaries, areas, and other details of the respective properties, even without the concurrence or consent of the undoubted owners, and in some instances in contravention of their expressed desire, such mode of transfer virtually amounting to confiscation.

Your Memorialists beg to observe that no British subject can under the British Constitution be deprived of his property against his will, unless it be for purposes falling within the right of "eminent domain," to which every man when he acquires property knows it must be subject.

In the present Act the Legislature are attempting to take the private property of one person and give or sell it, which is the same thing in principle to another, which is, beyond doubt, unconstitutional and void.

Your Memorialists, are the owners or proprietors of the Eastern moiety of Lot or Township Number Twenty, (20) which Estate was allotted by His late Majesty, King George III., on the 27th August, 1767, in the General Partition of the Province into Lots or Townships to their ancestor Thomas Basset, then Captain, afterwards Lieutenant Colonel in the Corps of Royal Engineers, for his long military service, and has never been alienated, but remains in your Memorialists to this day by direct descent.

The whole of the said Estate (with the exception of a few hundred acres which have been sold to Tenants in actual possession) is held by Tenants on leases for long terms, varying from 200 years to 999 years, at a very low rental, (mostly 18 cents per acre) some of the Leases dating back from the year 1798, a large number from the year 1816, the whole of the remainder of the Estate (with a very small exception) was leased in the year 1842.

With Your Excellency's permission, your Memorialists would respectfully beg to point out a few portions of the Act in question bearing more particularly on your Memorialists.

The assertion in the preamble that there is no reasonable hope of the Proprietors voluntarily selling their lands to the Government at moderate prices, is thoroughly incorrect, inasmuch as one of your Memorialists, William Cundall, is voluntarily bound by a Local Statute 17 Vic. Cap. 2 (a copy of which is hereunto annexed) along with several other owners of tenanted lands, to sell, within the period of ten years from the time of passing said Statute, to his Tenants the fee simple of their respective holdings at a fixed rate viz., at fifteen years purchase of the annual rent, by the acceptance of which Statute he (as well as other parties bound thereby) considered that it was to be construed to be a final settlement of the long agitated and vexed question connected with the tenure of the lands referred to, and that after the expiration of the ten years, no attempts would be made to compel him to sell at any price; and on this consideration, he, your Memorialist, abandoned arrears of rent which might have been collected, equivalent to at least three years rental, and inasmuch as an offer has been within the last three months already made by the said William Cundall to sell his remaining lands to the Local Government at the same rate, if said offer be accepted within the said period of ten yaars, and inasmuch as offers have been severally made by the others of your Memorialists to sell at a price which as capital would realize at six per centum per annum an interest equivalent to the present rental.

The limitations in the first and second sections of the Act in question, whereby it is declared that five hundred (500) acres of land shall be the *maximum* of tenanted lands to be held by any one individual landlord, either in his own right or as Trustee for an indefinite number of other persons, is certainly inconsistent with British custom and Law, and is only paralleled by the agrarian Law of the ancient Romans.

The Seventeenth and Twenty-fifth Sections of the Act in question enact a compulsory inquisitorial scrutiny into the private business and resources of individuals, manifestly unnecessary and oppressive inasmuch as a valuation founded on the receipts of an Estate as a basis of calculation, would punish the lenient landlord for the indulgence he had previously shown to his poorer tenants, and reward the strict, urgent, and oppresive one, for his prompt collection of rents.

The nineteenth section of the Act in question enabling the Court to proceed *exparte* on the non appearance of the Proprietor, appears to bear hard on the dissentient party.

The twenty-third and twenty-fourth sections of the Act in question, appear to contradict each other, the former allowing what the latter disallows.

The twenty-ninth section of the Act in question appointing a "Public Trustee" to make conveyance of Proprietors' land without their concurrence or approval, is legislation, as your Memorialists believe, unheard and unattempted in any country.

The forty-first section of the Act in question, rendering valid the appraisement made by the Commissioners, and refusing any appeal to Courts of Law or Equity, is singularly hard and oppressive, as well as unusual in matters of litigation of such magnitude.

The prohibition in the forty-fourth section of the Act in question preventing the right of action or distraint for arrears of rent, is an interference with the covenants or contracts between landlord and tenant entirely unconstitutional and an invasion of private rights.

Your Memorialists have only touched upon a few points of the Act in question. Many more might be commented upon, but they trust that the foregoing will be sufficient to convince Your Excellency of the unconstitutional and almost revolutionary character of the measure.

Your Memorialists would take the liberty to remark that the highest price now allowed by the Statutes of this Island to be paid for the interest of Proprietors, is seven shillings and sixpence of the former currency of this Island, per acre, equivalent to five shillings sterling, or one dollar and twenty-two cents of the currency of the Dominion, and that a Bill to allow a larger price to be placed at the disposal of the Government for such purchases as would be voluntarily effected, was refused by the Legislative Council at the late Session, showing evidently that there is no desire in that branch of the Legislature to have a just and equitable settlement of the Land Question.

Your Memorialists would also refer to the fact that on the two adjoining Townships, Numbers Twenty-one (21) and Nineteen (19), appraisements have been made during the last year for damage done to lands (both wilderness and cleared) by reasons of the portions required for Railway track and Stations, and that the average compensation allowed on the said Townships has been at the rate of eighty-four (84) dollars per acre more than twenty-four times as much as the price demanded by your Memorialists, all of which facts can be verefied.

Your Memorialists, in addition to the foregoing observations would quote the words of the Land Commissioners (Honorable J. H. Gray, at present Judge in British Columbia; Honorable Joseph Howe, late President of the Privy Council, and afterward Governor of Nova Scotia; and the Hon. J. W. Ritchie, now Judge in Nova Scotia;) in their Report of 18th July, 1861, as to a mode of arbitration nearly identical with the one under review, they say, "The objections to this course are that no application of general principles, no uniformity, would govern the decisions. The men selected would be as various as the localities, many of them, it is reasonable to assume, would hardly possess the necessary qualifications for an enlightened judgment. Some of them might be zealous partizans, and even if an umpire could in all cases be selected who was not, the decisions would be as eccentric as the views and tempers of the parties engaged were diverse and irreconcilable, or their skill in argument or negotiation was fairly balanced."

In conclusion, your Memorialists fear that there is too good reason to believe that the Act in question has been passed by the Legislature more "to disguise the want of practical statesmanship than to increase the prosperity of this Province or promote the contentment and happiness of its people."

Your Memorialists, therefore, respectfully pray that Your Excellency will be pleased to disallow the said "Land Purchase Act, 1874."

And as in duty bound will ever pray.

(Signed) WM. CUNDALL,
" E. M. CUNDALL,
" LOUISA MONTGOMERY,
By her Trustee
" H. J. CUNDALL,
" H. J. CUNDALL.

Charlottetown, P. E. I., May 1874.

(COPY.)

To His Excellency the Right Honorable Sir Frederick Temple, Baronet, Earl Dufferin, &c., &c., Governor General of the Dominion of Canada:

The humble Petition and Memorial of Henry Jones Cundall, of Charlottetown, in Prince Edward Island, Guardian of Alice Winsloe, Amy Winsloe, Isabel Winsloe and Arthur Winsloe, infant children of the late Alfred Winsloe, Esquire, and Committee for John Winsloe, Esquire, formerly of the said Island, at present of Halifax, Nova Scotia, humbly sheweth:

That an Act was passed during the late Session of the Local Legislature intituled "The Land Purchase Act, 1874," and reserved for your Excellency's sanction, the object of which is to transfer to the Local Government without the consent of the owners the lands of all persons holding upwards of 500 acres in this Province, the only exception being that by actual use and occupation a Proprietor may hold 1000 acres of untenanted lands.

The small possessions and sole dependence of the poor, the fatherless and the widow, are arbitrarily dealt with by this sweeping and unconstitutional measure in the same manner as the large properties of the comparatively wealthy and independent.

As the attempted injustice of the Act in question will be fully exposed and set before your Excellency by others, your memorialist will merely refer to the points peculiar to the cases of those whom he represents, and the very great hardship and trouble which they would be liable to should the Act in question receive your Excellency's consent.

The wards of your memorialist are orphans (the youngest and eldest being of the respective ages of 11 and 18 years) and entirely dependent for their support and education upon the rents derived from their small estates.

The gross annual rental of each amounts to about $350, at which it remains for 80 or 100 years from the date of the lease, after which, many years hence, the rents rise. This amount even when fully paid up, is barely sufficient to meet the ordinary expenses of living and education.

Owing to circumstances beyond the control of your memorialist, there are not now, nor will be, any funds in hand to meet the present necessities of his wards before next autumn, and any event which would delay the payment of the rents beyond that time, would entail the greatest privation and hardship upon those for whom your memorialist prays.

Their only means of support would be taken away; their relations in this country are few, and, like themselves, dependent upon a small annual rental, would be unable to assist them, and the children being too young and inexperienced to earn their daily bread, would either be reduced to actual starvation, or dependent upon the private charity of persons upon whom they have no claims—a wretched state of things which your memorialist contends the Government of any country has no right to impose upon any portion of its people without good cause.

Such a delay of payments and lamentable consequences will inevitably ensue should the Act in question come into operation.

The Tenantry would take Your Excellency's assent to the Bill as the signal to withhold all moneys due for rent: months, at least,—perhaps years—would elapse before all the legal and other complications comprehended in the Act could be complied with, and the wards of your memorialist derive any benefit from the price awarded to them for the compulsory transfer of their lands.

Their condition, meanwhile, would be truly humiliating and disastrous, brought about, not by any fault or crime of their own, (save that inheriting ancestral acres) by the Act of a Legislature whose office should be rather to protect than to oppress the fatherless.

Your memorialist, moreover, firmly believes that the future income of his wards would be so materially reduced by the change of property, as to be utterly inadequate for their support.

The above remarks apply generally to the case of John Winsloe, Esquire, formerly of this Province, but for many years an inmate of the Provincial Lunatic Hospital, near Halifax, Nova Seotia, who has two children both under age, himself and one of the children being altogether dependent for their maintenance and support upon the receipts of his yearly rents; and further, in his case, the most valuable portion of his property consists of a farm of about one hundred and seventy acres, centrally situated for business, on which he formerly resided for several years amongst his tenants, but was compelled to leave through ill health. This farm has been let for a short term of years only, so that in the event of the owner or his children being able or desirous to occupy it again, there should be no obstacle

Your memorialist cannot perceive any provision in the Act in question whereby this property may be preserved for the use of Mr. Winsloe or his children, if he or they desire it; but, rather on the contrary, that it would be included with the lands tenanted for long terms, and treated as any other part of the estate which would in effect be confiscation.

The owner and former occupant would thus be deprived of the commonest rights of a British subject—that of a fireside and a home on his own property—a cruelty and absurdity which your memorialist cannot believe Your Excellency will sanction under the specious pretence of justice and equity.

Your memorialist, therefore, prays Your Excellency will be pleased to withhold your assent from "The Land Purchase Act, 1874."

And, as in duty bound, will ever pray,

(Signed) H. J. CUNDALL
Guardian of
Alice Winsloe, Amy Winsloe, Isabel Winsloe and Arthur Winsloe, and Committee for John Winsloe, Esquire.

To the Right Honorable Her Majesty's Principal Secretary of State for the Colonies:

We the undersigned Proprietors of land in Prince Edward Island in the Dominion of Canada, have learned with surprise that an Act, a Draft Copy of which is appended, is now before the Legislature of that Island. We respectfully invite your Lordship's attention to this subject, and submit that the proposed Act is subversive of the rights of property, that it will prove most ruinous to all who own land in that Colony, and that it will be a dangerous precedent to establish as a mode of allaying popular agitation. It should be borne in mind that there is nothing whatever to distinguish us from landowners in other portions of the Empire. In no other Colony can land be obtained on such favorable terms as in Prince Edward Island where the rent per acre, after a lapse of some years, rises only to Ten pence sterling, per acre, and where the Leases are in most cases for 999 years.

Fourteen years ago, at the urgent instance of the British Government, a large number of the Prince Edward Island Landowners consented to their rights to the decision of a Royal Commission with a view to putting an end to the various questions that had arisen in that Colony. The result of that Commission was a Declaration that not a single case of harsh treatment had been proved by the Tenants. The Proprietors were urged to consent to a remission of the large amount of rent which they had too indulgently allowed to accumulate. In the hope that by such concessions some security could be thenceforth ensured to them, the Proprietors assented to the remission, and, also, in some instances to an equally serious surrender of their rights in other respects. But the concessions proved unavailing, and became only the stepping stones for fresh agressions. A Tenants' Compensation Act for Ireland having been passed by the late Government, they send it as a boon to Prince Edward Island politicians who only too readily adopted such an acceptable measure of confiscation. By it the Tenants were able to demand liberal compensation for their outlay upon property held by them while the unfortunate Landlord was precluded, by his ill-timed generosity, from using as a set off to such claims the large arrears of rent which had been so unwisely surrendered.

It might have been hoped that this Act would have been the last of the long series of oppressive laws that have been passed to harrass the owners of land in that country. But the result proves that this is not the case. Though settlers on Prince Edward Island can secure abundance of land, either freehold or leasehold, on singularly favorable terms a further Act is now in contemplation to deprive the proprietors of their lands. One of the inducements to adopt such legislation is the offer of the Dominion Government to assist the Island Government to buy the lands of the proprietors as a reward for the adoption of Confederation by the people of Prince Edward Island.

We respectfully submit that the proposed Act is without a precedent in the history of legislation. But even if it were called for, and constitutional ss respects its objects, the mode of procedure adopted by it would prove inevitably most ruinous and harrassing to the owners of property in that Island.

The Government, which is practically irresponsible, as it cannot be sued in a Court of Law, can hold this Act for years over the unfortunate proprietor, who cannot force on the proceedings when once commenced, nor obtain compensation nor costs when such proceedings have been abandoned. Nor is there any basis provided for valuing the property, so that if a refractory Tenant has paid nothing for years there is every reason to believe that the Government will avail thomselves of the Landlord's misfortune, and will pay him only an equivalent for what he had been actually receiving from the Tenant, who will get the land at the lowest possible figure, payable on the easiest possible terms.

Apart from these and many other equally serious objections to the form of the Act we respectfully submit that the Act itself is simply an outrage against modern civilization, and cannot fail to be utilized in England and Ireland by agitators as a precedent for abolishing leasehold Tenures, and for preventing any proprietor from owning more than 500 acres of land.

We beg to draw your Lordship's attention to the singular grounds on which this Act of Confiscation is based. The first is that the leasehold Tenures of the Island have long been a subject of contention, and have proved seriously detrimental to the prosperity of that Province, and to the contentment and happinessof the people.

We beg to submit that this statement is clearly unfounded, that the cause of the agitation on the Island has been the existence of demagogues there; and that the Land Commission of 1860, clearly established the fact that those Townships where leasehold Tenures existed were far more prosperous than those whose occupants held in fee simple, while the remarkable increase in the wealth and population of the whole Island since 1860 proves that it has enjoyed a measure of prosperity which has been equalled in few portions of the British Empire.

One of the other two grounds alleged is that it is very desirable to convert leasehold tenures into freehold estates. This is equally applicable to every part of the Empire, and could be urged with peculiar force in the vicinity of Westminster Hall.

There is one more ground for despoiling us of our property, and that is that there is "no reasonable hope of certain proprietors voluntarily selling their Township lands to the Government at moderate prices."

We beg to suggest that even if this state of things does exist in Prince Edward Island, an unwillingness to sell property at a price below its value must exist in every free country where a man's property is secured by law against arbitrary confiscation by the Government.

The conclusion arrived at from these remarkable premises is even more astounding, viz: that because some proprietors do not wish to sell to the Government at moderate prices, and it is desirable to convert leasehold tenures into freehold, therefere any person owning over 1000 acres can be forced to sell to the Government by appraisement, so that the Act applies to all lands whether held on leasehold or on freehold, and practically amounts to this that no one shall own over 1000 acres of land.

We have learned, too, that even this is regarded as too large an amount of liberality to extend to the owners of property, the Opposition having endeavored to amend the Act by preventing any one from owning over 500 acres of land.

In conclusion, we respectfully urge that we have acted most liberally and fairly to our Tenants, who hold their lands on more favorable terms than are to be found in any other part of the Empire—that we have made most liberal sacrifices of large arrears for the sake of peace—that year after year we have been incessantly harrassed by a Legislature elected by the tenants and their friends, and that there is no shadow of excuse for such exceptional legislation against us, unless Her Majesty's Government are prepared to sanction that principle which is the corner stone of Communism—that property is a crime against society.

We therefore pray that the Royal assent may be withheld from this Act, and feel assured that, as British subjects, we can now very safely leave a measure based on such socialist principles to the wisdom and justice of Her Majesty's Government.

We have, &c.,

(Signed) MELVILLE,
C. GEORGINA FANE,
C. SULLIVAN,
G. GRAHAM MONTGOMERY,
W. STEWART,
For self & sister,
M. FANNING,
B. H. CUMBERLAND, LT. COL.
M. W. CUMBERLAND,
JOHN MACDONALD.

[COPY]

5 UPPER BROOK STREET.
June 19th, 1874.

My Lord,

I am informed, that the Act called Land Purchase Act, of Prince Edward Island, the object of which is to confiscate the Estates of the Proprietors of land in the Island, has been passed by the Local Legislature, and has been sent to Your Excellency.

I enclose a copy of the Memorial that was signed by the Proprietors, now in England, when we received a draft copy of the Act as it was first proposed by the Government

I have received a copy of the Act as it has been passed, rendered by some amendments, still more injurious to the Proprietors than it was at first, and I now write to your Excellency, to protest against this Act which, in injustice and tyranny, has no parallel in the Legislation of any country that has a respectable Government.

I entreat that the assent of Her Majesty may not be given to this Act, for which there is no precedent in the annals of our Country or any of its Colonies.

This Act is a violation of the first principles of English liberty and of rights that have been held sacred ever since the great charter that is held to be the foundation of the liberty of Englishmen, secured to every individual of the nation, the free enjoyment of his life, his liberty, and his property.

It empowers the Government, to seize, when it pleases, the landed property of any one who is possessed of more than 500 acres, to summon him to a Court of Inquisition, where he is to be examined on oath as to the extent and amount of his property, to inflict upon him, fine and imprisonment, and any other punishment that the Supreme Court may please to inflict, if he does not appear before the court, or being there, if he does not give information in answer to any enquiry they may chose to make, and produce any paper or document they may wish to have in order to enable them to get possession of his property, and obtain full power over it.

There is no law in any part of the British Dominions prohibiting a man from owning more than 500 or 1000 acres of land, and rendering the possession punishable by the confiscation of it. There is no such law in the United States where there are large estates still held by the descendants and representatives of those to whom grants of land were made when they were British Colonies, and by the descendants or representatives of the Dutch, French and Spanish land owners in the States, that were not originally colonies of England. There is no such law in any civilized country.

I protest against this Act as one of spoliation and tyranny that could emanate only from a communistic and socialist assembly.

It is called Land Purchase, but on looking over the clauses, Your Excellency will see that it is confiscation, and only in name purchase.

I request Your Excellency to observe the clause 44, that abolishes the payment of rent throughout the Island, to any proprietor, after the passing of the Act, except for the present and accruing year, releasing the tenant from any payment of rent to the proprietor except for these two years, whilst by clause 30, all arrears of rent due by the tenant to the proprietor are secured to the government.

The preamble of the Act states that it is desirable to convert leasehold tenure into freehold.

The assertion is made, but no proof or reason given. Experience in all ages of the world has shewn that it has often been found convenient to a man to pay an anual rent rather than pay the value of property for absolute possession. The assertion, therefore, that it would be desirable to a community, that Leasehold tenure should be abolished, is untrue. The Act, however, is false to its preamble.

It does not convert one acre of leasehold land into freehold. It only empowers the Government of the Island to seize the land of every proprietor, who is owner of more than 500 acres, and to become a great Land Jobbing Company.

As regards the tenants in Prince Edward Island, they do not usually wish to purchase the freehold of their farms. The rent which they pay for the land is so low, and the length of the lease generally 999 years, gives them so completely the fixity and security of freehold, that they do not usually wish to purchase the freehold. On many of the Estates they can purchase if they please, and they can also purchase land that is still wilderness.

They generally prefer taking a lease. I have not heard that my tenants wish to purchase the freehold of their farms, but I have often application for leases.

The Tenants are not the persons who are to be benefitted by the Act called Land Purchase, but the men possessed of money who are anxious to lend it to tenants at the high interest which can be obtained for money in the Island. The land is mortgaged to them, and eventually becomes theirs.

The memorial that I enclose states objections to the Act which I will not trouble Your Excellency by repeating. There is not a clause in the Act that does not breath confiscation, injustice, and tyranny.

Your Excellency will read these clauses, and I feel convinced that the assent of Her Majesty cannot be given to this Act, which is revolting to every British feeling of right and justice, and is a violation of the spirit and the letter of the law on which the liberty of Englishmen is founded.

I have &c.,
[Signed] C. GEORGINA FANE.

His Excellency
The Earl of Dufferin,
Governor General of the
Dominion of Canada.

To the Right Honorable, the Earl of Dufferin, Governor General of the Dominion of Canada.

The Memorial and Petition of the undersigned Proprietors of Township lands in the Province of Prince Edward Island,

Most respectfully sheweth:

That during the recent Session of the Local Legislature of this Province, a Bill was introduced by the Local Government, to be entitled "The Land Purchase Act. 1874.'

That after undergoing various amendments, said Bill was passed by both branches of the Local Legislature, and was reserved by His Honor, the Administrator of the Local Government, for Your Lordship's assent.

That said Bill, if it should become law by receiving Your Lordship's assent, would be a great and unprecedented infringement of the rights of private property in general, and of the rights of your Memorialists, and others, the holders of Township lands in this Province in particular, which rights have always been held sacred under the British Constitution, and in the possession of which rights they have been confirmed by many express declarations of the Imperial Government through the hands of the various Secretaries of State for the Colonies, for the time being.

That, whereas, the preamble of said Bill declares that 'The leasehold tenures have long been a subjcet of contention, and have proved seriously deteremental to the prosperity of this Province.'

Your Memorialists would beg leave most distinctly to deny that such has been the case, although they are willing to allow that the contention itself, kept up as it has been by political agitators, has been detrimental to that prosperity; and they would further submit that every cause of contention on the part of the tenantry, short of or except the compulsory conversion of their Leaseholds into Freeholds, has been already removed by special legislation for that purpose; in proof of which we would refer Your Lordship to the annexed schedule of Acts and clauses of Acts.

That, whereas the preamble to said Bill further recites that "Whereas it appears from correspondence which has recently taken place between the Government of this Province and certain proprietors, that there is no reasonable hope of the latter voluntarily selling their Township lands to the Government at moderate prices." Your Memorialists would beg leave to submit that they and others, as proprietors of Township lands, in this Province, having in some cases inherited those lands, and in other cases having bought those lands from the decendants of the original Grantees, and having further been frequently guaranteed in the possession of those lands, by many positive declarations of the Imperial Government, have not considered themselves in any way bound to offer those lands on sale to the Government of this Province, and they would further submit that whereas, the proposition for the purchase of those lands, if the Local Government consider such a purchase necessary as a matter of public policy, should come from the Government, that said Government is not in a position to make any such proposition, as they are, and were at the time such correspondence took place, restricted by law from giving more than seven shillings and six pence, late Island currency, or one dollar and twenty-two cents of the present currency per acre; although the Government had previously expended some forty-thousand pounds, late Island currency, in the purchase of land at a higher rate, and for some of which land they paid three dollars and twenty-four cents per acre.

Your memorialists would further submit, that should the fact of contention between landlord and tenant be considered a sufficient justification for compelling a proprietor to sell his leased land to Government, there can be no justification for compelling him to sell his unleased land.

Your memorialists would further submit that, if it be considered necessary, as a matter of public policy that the leased lands of your memorialists and others should be taken from them and vested in the Local Government for the purpose of being resold to the tenantry, then the amount of injury to be done to the proprietors, in thus depriving them of their private property against their will, should be assessed or valued by disinterested parties, who, in making such valuation, should be bound by no restrictions, except those of justice and equity; and whose award should, like all other awards, be liable to be rectified or set aside by the Supreme Court or Court of Chancery. And your memorialists would submit that the attempt on the part of the Government of this Province, in Section XXIV of this Bill, to take the proprietors' lands from them against their will, without giving them any compensation for compulsory disturbance; and the attempt in Section XXV of said Bill, to instruct the Commissioners, to be appointed under this Act, as to the manner in which they shall proceed, and the matters which they shall or shall not take into consideration, as adding to or lessening the value of the proprietors' interest in his land, is monstrous and unprecedented. And your memorialists would submit that whereas instructions might very properly be given to the counsel employed by the Government to plead their case before the Commissioners, that to attempt to prejudice the case of the proprietors by means of instructions to the Commissioners themselves, is as unfair as it is injudicial.

Your memorialists would further submit that whereas parties voluntarily consenting to arbitration, have hitherto been held incapable of ousting the jurisdiction of the Courts of Law and Equity by any articles of arbitration, and all awards under such arbitration have been held to be liable to be set aside for various reasons in the discretion of said Courts; and whereas the rights of your memorialists and others, as being sought to be made parties to the arbitration clauses of this Bill against their will, should have been most jealously guarded; that Section XLI of said Bill would have the effect of taking the award of said arbitrators out of the jurisdiction of all Courts either of Law or Equity, with the exception of errors in the award, which, when pointed out by the Supreme Conrt, are to be corrected by the arbitrators themselves, if they see fit to do so.

Your memorialists would further submit that whereas large amounts of money would be required for carrying out the provisions of this Bill, no provision has been made, by either the Local or Dominion Legislature, for placing at the immediate disposal of the Local Government any amount or amounts of money for that purpose.

Your memorialists further submit that the first clause of section XLIV. of said Bill would, if enacted, be a direct Act of wrong in taking from a proprietor, without any compensation whatever, those just rights in the possession of which every British subject has been hitherto guaranteed; and is so totally at variance with every principle of equity or justice, and is such a direct manifestation of the spirit in which the Bill was framed, as should lead to the closest and most adverse scrutiny of its other enactments.

It would appear hardly necessary for your Memorialists to mention any further objection to the above clause of the Bill; but it may be stated that to take action for the recovery of the accruing or ensuing year's rent, is already illegal, as it is not yet due; and that to take action for the past year's rent (if that be what is intended to be alone permitted) without, at the same time including in the action all arrears that may be due, would, by common law and practice, be to forfeit the right to recover any such arrears in future.

Your memorialists would further submit that the fact of the last clause of section XLIV interfering with actions now pending in the Supreme Court of this Province, is unparalleled and unprecedented in the history of British legislation; and that the two clauses, taken together, could only be exceeded by an enactment to compel a proprietor to hand back to a tenant any rent he had ever received from him, which, although it would be an injury and hardship to the proprietor, would be only putting the honest and industrious, or fortunate tenant, who had paid up, on the same or as good a footing as the dishonest, lazy or unfortunate tenant who has fallen into arrear.

Your memorialists submit that taking the last mentioned section No. XLIV. in connection with the latter part of clause B of the XXVth section of this Bill, the intention of the whole Bill is to take from the proprietors the right to recover any arrears that may be due to them, without any compensation; as clause B says the Arbitrators shall take into consideration, in estimating the value of those arrears, the probability of their being recovered, while section XLIV. says it shall be unlawful to collect them.

Your memorialists further submit that it is unfair, and more especially to non-resident proprietors, that whereas by the VIth section of the Bill sixty days are allowed to a proprietor in which to appoint a Commissioner in his own behalf, the time allowed for appointing a successor, should one be required, is limited by section XII. to twenty days, and by section XIII to ten days.

Your memorialists most respectfully pray that for the reasons above set forth, and because the "Land Purchase Act" against which they urge those reasons is, *prima facie*, an act of extreme class Legislation, of the worst kind, to the exclusive prejudice and injury of your memorialists and others and holders of township lands in this Province. Your Lordship's assent may be refused to the Bill entituled "The Land Purchase Act, 1874."

And your memorialists, as in duty bound, will ever pray &c.

(Signed) ROBERT BRUCE STEWART,
Proprietor
of Lots or Townships Nos. 7, 10, 12, 30 and part of Lots or Townships Nos. 27, 46 and 47.

(Signed) JOHN A. McDONELL,
Proprietor of part of Township No. 35.

(Signed) JAMES F. MONTGOMERY,
Proprietor of part of Township No. 34.

(Signed) JAMES P. DOUSE,
Proprietor of part of Township No. 31.

(Signed) MARGARET STEWART,
Proprietor of part of Township No. 18.

Lady Georgina Fane to the Earl of Carnarvon.

(COPY.)

5 Upper Brook Street.
November 25 1874.

My Lord,

I thank your Lordship for the letter which, by your desire, was written to me by Mr. Herbert on the 5th November, and for your courteous expression of regret that inconvenience should have been caused by the fact that an Act confiscating the property of the owners of land in Prince Edward Island has been held suspended over them for some months.

I trust, however, that your Lordship will excuse me if I express the extreme astonishment I felt on hearing that Lord Dufferin could find any difficulty in coming to the conclusion that this Act, which is a violation of every principle of English Law and common justice, should be at once rejected.

The more the clauses of the Act are considered, the more monstrous it appears. At one fell swoop every owner of land in the Colony, except the few who may happen to have 1000 acres in their own occupation, is dispossessed of his property, which is transferred to his tenants and to the Government.

There is no exaggeration in calling this an Act of confiscation. It is treatment that never yet has been inflicted on the unoffending owner of land in a peaceful province. We have heard of wholesale confiscation of land in former times in our country, in Ireland, and in other countries, but it has always been under the pretence that the expelled owners were traitors, and had been engaged in rebellion. No Eastern Despot that was ever heard of, is reported to have seized the land of all the proprietors in one of the provinces under his dominion and transferred the possession and right of it to himself and the tenants of the plundered proprietors except they had done something to offend him.

The machinery provided by the Act, for the so called purchase, is undisguised robbery. The Act renders the Estate valueless to the proprietor, by taking from him all right to demand rent except for two years.

The arrears are swept away, or, rather, transferred to the Government. The proprietor, at the end of the present and next year, is deprived of all power to enforce payment of rent. What price would an Arbitrator place on the Estate but two years purchase and for wilderness land nothing as it pays nothing now to the proprietor, and under the Act he has no right to retain 500 acres or one acre of this land. The only privilege left to a proprietor is that of paying the land tax on his wilderness land, a heavy tax that he has paid for years.

Is it possible that there can be in the mind of an English Statesman any difficulty in coming to a decision on such an Act? The difficulty cannot be in the mind of Lord Dufferin. It must be elsewhere, and an explanation may be found in the events of last year.

When the Delegates, one of whom was Mr. James Pope, returned from Canada to Prince Edward Island, they announced to the people of Prince Edward Island that the Government of Canada had promised to pass an Act compelling the proprietors to sell their Estates. I was at that time, with other proprietors, petitioning Lord Kimberley, then Her Majesty's Colonial Minister, against the Tenants' Compensation Act an unjust and tyrannical Act, for which there was not in Prince Edward Island the shadow of an excuse.

I had related to him facts within my own experience that proved the truth of my assertion, that the proprietors in the Island were in need of protection, and not the tenants, many of whom are wealthy men; some are members of the House of Assembly, and some (as Mr. James Pope who, himself, had been a tenant of mine) are members of the Government.

I informed Lord Kimberley of the statements made by Mr. James Pope and the other Delegates, and entreated that Her Majesty's Government would not throw us helpless into the power of persons who avowed their intention to rob us.

I petitioned for myself and the other proprietors, that Her Majesty's Government in transferring us to the Dominion of Canada would give us some protection against a Local Legislature, the members of which are personally interested in passing Acts framed for the purpose of robbing us of our property.

His Lordship was pleased to disregard our petitions, and within three months afterwards the Local Legislature passed an Act that will at once confiscate our property, and against which we have no defence except (as we hope) the firmness and justice of Lord Dufferin, in refusing to give to it the assent of Her Majesty.

In the autumn of last year, when the Legislature of Prince Edward Island were endeavoring to obtain from the Government of Her Majesty the Royal Assent to the Tenants' Compensation Act, which must necessarily lessen the value of land throughout the Island, and will render some estates valueless to the owners, it had obtained from the Government of Canada a sum of money for the purpose of assisting it in the purchase of land

The Government of the Island asserted that it intended to buy, as it often has, land which the owners have been willing to sell. Of course it was convenient to lessen the value of property preparatory to purchasing it. They obtained the Act to lessen its value, having previously obtained the money. It appears now that they were at the same time negotiating with some members of the Government of Canada, or with persons who have influence in Canada, for the Act which has now passed through the Local Legislature of Prince Edward Island, which is to confiscate and enable them to obtain possession of the lands of almost every proprietor in the Island.

The transaction is in truth, a disgraceful job, I can find no gentler word to describe it. It is impossible that your Lordship or Lord Dufferin should sanction such a transaction and give the assent of Her Majesty to it, whoever the persons may be in Canada, who favor it, and according to the statement of Mr. J. Pope and the Delegates, there were persons who promised them their assistance. Lord Dufferin as the representative of Her Majesty, can surely refuse to give the Royal assent to an Act that is contrary to all the principles of English Law.

Under this Act, the proprietors of land in Prince Edward Island who have not in any way offended against the Laws of the country, are plundered of their property, (which is done effectually by taking from them all power to obtain payment of rent), and in addition, are to be summoned before the Court appointed to carry out the Confiscation, where they may be insulted, fined, imprisoned and sentenced to any other punishment the Supreme Court may think proper to inflict, if they do not answer every question relating to their property, and give up all papers, documents, title deeds, letters, and whatever the Court may please to demand. No peaceful subjects of Her Majesty, in any part of the world, are subjected to such tyranny.

I sent to Lord Dufferin a petition from myself against this Act, with the Memorial of the proprietors who were in England.

We have never heard if he received it. He has been engaged in important business and perhaps has not attended much to this.

I therefore entreat of Your Lordship to read over the several clauses of this Act, and to call the attention of His Lordship to the iniquity and tyranny of it, in the hope that he will at once make it known that the assent of Her Majesty will not be given.

I have &c.,
(Signed.) C. GEORGINA FANE.