# 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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## Colonial Legislature.

THURSDAY, March 29.

### COURT OF ESCHEAT.

*(Continued from Examiner of April 23.)*

Hon. Mr. WHELAN.—Are these petitions from your own constituency?

Mr. LAIRD, whether these are or are not, I can tell the Hon. Member I would not take advantage of the lee side of the bush as he did. (Roars of Laughter)

Hon. Mr. MOONEY.—I agree, Mr. Chairman, with the Hon. Member Mr Laird, that when responsible Government was granted, expectations were formed that in all matters the people were to have the control of their own affairs, and I have always thought that the extension of the franchise gave the people power to bring down the highest from their proud position, and that a seat in this house was the greatest honor that could be conferred on any man. It is for the people to say whether any Hon. Member has been unfaithful to his trust or not, and the argument drawn by the Hon. Member, Mr. Montgomery, from the hand bill he has spoken of, comes with a bad grace from him. I can answer for myself, that I never gave any pledge to my constituents, except the general one that if elected, I would do the best I could for their interests. But the reason for the attacks that have been made upon the Government this evening, it is clear enough, proceed from the disappointed expectations of certain gentlemen, who have been kept out of office longer than they expected, and we all know that hope long deferred becometh sour. Now, forsooth, they argue that Members are in a pretty fix. That they cannot be faithful to their constituents, and all because some handbill which nobody owns appeared before the last election. Now, Mr. Chairman, let us take a retrospective glance at some of those to whom these allusions have reference, and I will begin with the Hon. Col. Secretary. He repudiated the idea of escheat in 1843, and from that time to the present I declare I have never heard him express an opinion in favour of it, but he has always advocated the policy of turning leaseholders into freeholders, on the principles of the Land Purchase Bill. Take the Hon. Member, Mr. Whelan, I have known him long, and have been a subscriber to his paper, and I never knew him in conversation or in his journal support escheat. The Hon. Col. Treasurer in 1847 stated that he would support the interests of the tenantry as far as fixing the amount of rent they were to pay as sterling money and securing to them long leases, but that he would never go for escheat. I know that the Hon. Member, Mr. Wightman, never was an escheator; and not to mention others, I will only name the Hon. Mr. Speaker, who was always opposed to escheat. Now, Mr. Chairman, when such men as those, whose opinions on this subject, are well known, have been from time to time returned to this House, why harp about their having held out false hopes to the people? By the by, there is the Hon. Member for Belfast, Mr. Douse, he, I believe, can get in in spite of the electors. (Laughter.) And I must not forget Mr. Yeo, and the Hon. Members for Charlottetown Now, does not the fact of their having seats here prove that this agitation is useless? I would be willing to go for escheat, if I thought it could be obtained, but I am satisfied that it cannot be. The Hon. Member, Mr. Cooper, has charged the Government with having omitted to investigate the titles to the Morrell Estate before they purchased it I can tell him that the Hon. Attorney General was six days in my office, inspecting the titles, and I said to myself that I would not care about being the Attorney General if Mr. Pope had much land to sell. It is true that the Hon. Member, Mr. Montgomery, comes out as an escheator, but he knows that no good will result from agitating the question. I am not in the habit of acting in that manner. I am ready and willing to resign the office I hold, and vacate my seat in this House, whenever my constituents call upon me to do so, and go back to Flinty Glen and follow the plough. Thank God, I have never been upbraided by my constituents for a single vote I have ever given since I became a Member of this House, and I am prepared to answer for my vote on this occasion, and if they censure me for it, it will be the first for which I have been blamed. I recollect, Mr. Chairman, when Responsible Government was being introduced, the Hon. Member for Charlottetown, Hon. Mr. Longworth, stated that there ought to be a distinct understanding that the land question was to be considered as settled then and forever. His colleague, the Hon. Mr. Palmer, can not vote for escheat, he is so very consistent. But the Hon. Members, Mr Longworth and Mr. Montgomery though they come out as escheators to night, could and did impose a tax on the poor tenantry, of six pence on every 100 acres, to buy Sir Donald Campbell with £500, while the rich men of Charlottetown, Princetown, and Georgetown, were exempted from the tax. I shall not Mr. Chairman, at this late hour, detain the Committee any longer, but before I sit down I must wish the Hon. Member, Mr. Cooper, much joy of his new allies and supporters.

Hon. Mr. LONGWORTH, I am not at all surprised, Mr. Chairman, at the tenor of the remarks which we have just heard. I knew, before this debate commenced, that we should find Members of the Government and their supporters scratching each other—(Laughter). I do not think that two years ago the Hon. Member who has just sat down would have opposed the establishment of a Court of Escheat—but now times are changed with him; he is bound hand and foot to the Government. It is no longer Robert Mooney but £200 a year that votes,—we have had an abundance of old despatches read to night, and the Hon Member Mr. Whelan, has taken as authority to control our action to night, one nearly 20 years old. He may find it convenient to consider that conclsive on us now, but if the introduction of Responsible Government were the question, I doubt whether so antiquated a document would have equal weight with him. I deny, Mr. Chairman, that Lord Grey gave gave us Responsible Government; it was obtained by the Act of this House, in settling the civil list Bill—That Hon. Member says that I never previously supported a Court of Escheat,—I defy him to shew where I ever opposed it—as I have said before, it was never asked for. Several years since a Bill passed, regulating the proceedings of a Court of Escheat, and I cannot see the alleged injustice in asking and obtaining such an institution, which the other Colonies have long had. Why then should not the Island have one also? As to the resolutions stated to have been carried at Morell, I do not see what they have to do with this question, but when the Hon. Member rises in his place and states that they were passed by a majority, I am inclined to doubt his assertion. It is true I speak from hearsay, but of course it suited the purpose of the Hon. Member to arrange about them with the Chairman when he got him into his Sleigh, and then to represent them as the opinions of the majority.

Hon. Col. SECRETARY,—Mr. Chairman, I am surprised that the Hon. Member will persist in the assertion that he never voted against Escheat, when his name is recorded in the journals on the division which I read before and which I will read again.

The Hon. Col. Secretary read the division alluded to.

I will just remark on the statement made by the Hon. Member, Mr. McIntosh, that it would take £400,000 to settle the people as Freeholders. Why Sir, if the Lands were escheated, the people would still have to pay for them, and the Lands which were escheated some years ago were not sold to purchasers at a lower price than that at which the Morell Estate is offered. About one third of the Island is now free, and it will not cost more than £250,000 or £260,000 to make it all free. It can be purchased at a reasonable rate, as measures are in progress which will have the effect of inducing the proprietors to sell at a low price.

Mr. COOPER.—I can inform the Honorable Member for the second district of King's County, that I received by post a series of resolutions come to by his constituents, at a public meeting upon Township 42. The resolutions are any thing but complimentary to him, for his report of the proceedings of the meeting at the Head of St. Peter's Bay. In the note addressed to me, I was requested to hand them to Mr. Ings for publication, but as I had not been in communication with the publisher of the Islander, I advised with my colleague as to the propriety of sending them to an opposition journal. We had not decided when two of the men, who had been at the meeting and agreed to the resolutions, came into Town, and the resolutions were given up to them to be published where they pleased. The Members of the Government exult greatly in the Minister's dispatches, as if they were the laws of the land. Those dispatches were sent here to deceive the people, but it is time that they were better informed. I own that I was deceived with the indulgence of 1816, until I went to England on the present question. In my interview with Lord Glenelg he said it would be hard to take the land from persons who had held it so long. I pointed out the indulgence of 1816, to show that the Tenantry ought to be settled in freehold at ten years after the indulgence was given. He evaded the question, until it was repeatedly pressed upon his attention, when he said they could not act upon it. Now, there is an indulgence sent to the colony—a Minister's dispatch to change the conditions of the grants to all appearance, but it could not be acted upon; consequently, it was for no other purpose but to deceive and defraud the people, and the rest of the despatches have been to renew and uphold the deception. But although Minsters deceive the people, they must not deceive the Queen, or advise the Sovereign to pass an unjust Law. Therefore a clause to investigate the titles had to be inserted in the Purchase Bill, and to show with what care the Sovereign is advised and saved from committing wrong, I shall read the proceedings of giving the Royal assent to the Purchase Bill.

"*At the Court at Windsor,*
"24th day of October, 1853.

PRESENT:

"The Queen's Most Excellent Majesty;
"His Royal Highness Prince Albert;

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| "Lord President, | Earl of Clarendon, |
| Lord Steward, | Lord John Russell, |
| Duke of Newcastle, | Sir James Graham, Bt., |
| Duke of Wellington, | Mr. Chancellor of the Ex- |
| Marquis of Abercorn, | chequer. |

"WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April last, pass three Acts, which have been transmitted, entitled as follows, viz:—

"No. 888.—An Act for the Purchase of Lands on behalf of the Government of Prince Edward Island, and to regulate the sale and management thereof, and for other purposes therein mentioned

"And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty's special confirmation, Her Majesty was thereupon this day pleased, by and with the advice of her Privy Council, to declare her special confirmation of the said Act; and the same is hereby specially confirmed, ratified and finally enacted accordingly: whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

"WM. L. BATHURST."

Such is the guarded and solemn course adopted for giving the Royal assent to a Law, and before any land can be purchased under that Act the fifth section requires.—

"The Commissioner of public lands shall investigate or cause to be investigated the title to such lands, and he shall make a report of the result of such examination and investigation to the Government."

Now I shall read the report of what has been called an investigation of the titles of the Worrel Estates:

"The original grants of the Townships contain the reservations (except 66) of Fishery Reserves, (the soil in the Crown) but a good deal of the land fronting on the reserves, is in the hands of Freeholders.

"The vendor has agreed to allow 600 acres to the Government, as the amount of Fishery Reserves estimated to exist in front of the lands tendered.

"The conditions of settlement in all the grants are the usual conditions, and being known to the Government, I have deemed it unnecessary to advert to them in the foregoing abstract."

According to this report there appears to have been an investigation of the tranfers from one party to another, but no investigation of the titles; and to purchase land without an investigation of the titles is illegal; therefore, instead of purchasing the Worrel Estate according to the Act, the Government purchase forfeited land, and shelter themselves with Ministers' despatches, and by what one man said and what another party did years ago. Although I have asked for a Court and a trial of the proprietors titles, I have never said the land should be Escheated, without any compensation. I never was opposed to an equitable adjustment between Landlord and Tenant. If the Worrel Estate had been forfeited on a trial of titles, and if it had been shown that Worrel had an equitable claim to 3s an acre, there is no ground to show that a forestaller was entitled to 3s an acre more.—£13,000 for a job for which the people must pay, because the titles were not investigated according to law. Therefore I say the titles of the land must be investigated by a Court and Jury, and the Government must have the Escheat in the one hand, and the compensation in the other, before they can make a purchase of the land that will satify the people, and settle the Tenantry. If the people had been offered the land at from 3s to 1s 6d an acre, according to quality and situation, as they expected from the purchase bill, it would not have been in my power (if I had been so inclined) to get up an agitation. [Here] the Hon. Mr. Lord spoke of the arrears of quit rent. I am thankful the Hon. Member has put me in mind of the large amount of arrears of Quit rent due to this colony, and I ask the members of the Government how much they deducted from the price of the Worrel Estate for the large amount of Quit rent due from those Estates.

After a few unimportant remarks the Committee divided on the amendment proposed by the Hon. Mr. Whelan, as follows:—

*Ayes*—Hon. Col. Secretary, Hon. Col. Treasurer, Hons. Messrs. Palmer, Whelan, Lord, Mooney, Wightman, the Speaker, Messrs. Dingwell, McDonald, Muirhead, Clark, Perry and Munro.—14.

*Nays*—Messrs. Cooper, McIntosh, Laird, Hons. Messrs. Longworth and Montgomery.—5.

After the Speaker had resumed the Chair, Mr. Haviland, who had occupied the Chair of the Committee, rose in his place and addressed the House to the following effect:—

Mr Speaker, having occupied the chair of the Committee, now for seven hours, and listened to no less than fifty speeches, I feel it my duty to express my opinion on the question, as it is one on which I should not like to give a silent vote,—more especially as I have been twitted by Members of the Government with having changed my opinions with reference to Escheat, and it has been insinuated that I have become an Escheator, influenced by the prospect of obtaining the seals of office. This idea appears to have had its origin in the support I gave the Hon. Member Mr. Cooper, the other day, on his motion, for the consideration of the petitions being taken up by the House in Committee on the state of the Colony. I supported the motion for that Committee, as being a more solemn and important tribunal, and therefore more appropriate to the decision of such a question as the present. But Sir, in doing so, I did not change my opinions on the subject. They are the same I have always maintained, and I fear not to express them. Escheat has never been mooted since I have had a seat in this House till to-night; and I have listened with all the attention I could apply to the speeches on both sides, and nothing that I have heard to-night has induced me to alter my previously conceived opinions. I have always thought, that the time had gone by in which it was desirable to establish a Court of Escheat, and I believe such Court, if established and in operation to-morrow, would be a perfect Pandora's box to the Island. Suppose, Sir, that it was established, and the original grants should be pronounced invalid, and the lands consequently forfeited, whom would such decision principally affect? Not the original proprietors, of whom perhaps there are not three at present in existence. But the hundreds and thousands of small freeholders who have honestly expended their time, money, and labor, on their properties, would be the sufferers. For if the original titles were declared bad, all claims under them must fall with them. Consider for one moment the confusion which would ensure from such a state of affairs. Sorry as I am to differ with some Hon. Members with whom I generally act, it is right that I should plainly and candidly give utterance to my opinions, and not "keep the word of promise to the ear and break it to the hope." How much soever I may be twitted by Members as to my being anxious to obtain office, I can truly say, that I never have, and, I trust, never shall, sacrifice what I honestly believe to be for the good of the Country, for the prospect of obtaining any office, and on this question I will say, that any Government supporting escheat would bring upon the country mischiefs such as we have never known, and such as I hope we never may know. I do not intend to occupy more of the time of the House, as my object in addressing it was merely to let the public know my opinion on the subject of Escheat.

On the Hon. Mr. WHELAN's resolution being reported, Mr. Cooper moved his in amendment, which was lost on the following division:

AYES.—Hon. Mr. Montgomery, Messrs. M'Intosh, Cooper and Laird,—4.

NAYS.—Hon. Col. Secretary, Hon. Col. Treasurer, Hons. Messrs. Wightman, Lord, Palmer, Mooney, Longworth and Whelan. Messrs. Perry, Haviland, Muirhead, Clarke, Haviland, M'Donald, Dingwell, Munro.

Hon. Mr. Longworth's motion was then put and lost on the same division with the exception that he voted with the ayes.

The Hon. Mr. WHELAN's resolution then passed, the Hons. Messrs Montgomery and Longworth, and Messrs. Laird M'Intosh, and Mr. Cooper voting against it.

## Gleanings from late Papers.

### THE RUSSIAN SECRET POLICE.

The secret police of Russia is apparently organized to detect plots against the sovereign, but through its agency a most terrific system of espionage is established in all circles. A sub-delegate of the grand master, without any other mark than the livery of the secret police, if he presents himself on the darkest night before a fortress of the frontier, or the place, governor or noble, must be admitted — the nuptial chamber or the bed of death are not exempt from his visits. He can arrest any one without assigning the least reason. The family and friends of the delinquent are obliged to keep strict silence on the subject, and when he returns, if he does return, they say, "he has been absent on business in the country." Often he is himself ignorant of the cause of his banishment, as the following case will illustrate:—A lady, still living—was stepping out of her carriage in her ball dress when she was arrested; her destination was Siberia. When she arrived there, she was lodged in a hut which contained two separate rooms each leading to a court some feet square, surrounded by a wall which admitted only the light from the sky. A sentinel stood always on guard without; her jailor laid down her food without speaking. When she had been two years thus immured, the court door opened, and a second prisoner was thrust in. He was a noble looking Pole, who had long inhabited a neighbouring cell, and whom they displaced to make room for another. In this chamber, or rather den, she remained twelve years with her unhappy companion. One morning her door was opened, and a voice called her number, which was the usual mode of accosting her on the few occasions when she was spoken to. She went out; the door was shut before she could take leave of her companion. She was led to a vessel which was in readiness, made again a pilgrimage of many months, and one night found herself at St. Petersburg in the beaureau of the grand master of police. From a little closet was now taken the ball dress of which the functionaries had dismantled her on the night of her exile. The ornaments were gone, but except those nothing was missing — not a ribbon or a flower. They even restored her withered boquet, in which successive generations of spiders had lived and died. She was then set at liberty; but never learned the cause of her punishment or her pardon. When asked if she had not sought to enlighten herself on the subject, she replied, "I have not been so long in Siberia without having learned discretion." "And what said they to your appearance?" "Nothing."

### AFFAIRS IN IRELAND.

DUBLIN, March 23, 1855.

The new Irish government bids fair for popularity,—that is with those who really constitute the Irish public.—and who really desire the prosperity of Ireland. But already are marshalled against it the extreme factions. At the 72nd Anniversary of "The Benevolent Society of St. Patrick," held in London on the 17th, the Earl of Eglinton, who presided, and who was Lord Lieutenant under the Derby Administration, declared that in appointing Lord Carlisle "Her Majesty's Ministers had done their duty to Ireland." At this meeting Mr. Horsman, the new Secretary, spoke as follows:—

"During the long period of twenty years for which I have now enjoyed a seat in Parliament, I have seen many changes occur with respect to Ireland. At the outset of my public life I remember that Ireland was a country disturbed by political agitation, and I now see, from one end of that Island to the other, that country remarkable for its tranquility and peace—(cheers.) At the time I have mentioned I remember that Ireland was torn by religious dissensions; now religious war is at an end, and we see nothing like religious contentions in the country. Formerly the population of Ireland was miserable and poor, and starving; but latterly we have seen the population well employed and the miseries which resulted from the former redundancy of its population altogether disappear (hear.) But the change which I think has been the greatest and most important of all is that which public opinion has brought about in Ireland, where you find that the ministers of England, to whatever party they may belong, acknowledge this great responsibility, that in dealing with a generous but sensitive people it is their duty in the selection of a viceroy to act upon the principle which guided the Earl of Derby, and which has been followed by Lord Palmerston, that of selecting a nobleman for the office not merely on account of his high position, and of his great character and abilities, but one who, combining firmness with moderation, can show that while he is a party man, and acknowledges party ties, can at the same time repudiate its asperbities and bitterness — (cheers) — a man who, while combining firmness with moderation, possesses at the same time those conciliatory qualities which, while they confirm the attachment of friends, will not deprive him of the respect and admiration of political foes— (renewed cheers.) Who, as an Englishman, is so ignorant as not to know that in the worst, the poorest, and the most troubled times of Ireland, she contributed largely to the greatness, to the honour, and to the renown of England?—(loud cheers). When was the time when our Senate was not inspired by her orators? When was our literature not enriched by her poets, and when were our armies not led to victory by her noble generals?—(great cheering.) Who does not know that the brightest page of British history is only the record of Irish valor!—(hear, hear, hear, and cheers.) And in these days he must be a bold and bad man indeed, who, going to Ireland as its governor and viceroy, and remembering its history, its adversity, and its calamities, does not trace them to their real cause, and who, knowing how political turbulence has retarded its advancement, and how religious bitterness has prevented its prosperity, does not feel that in these days a great opportunity is open to him, and that his first duty is to devote every energy, every effort, every thought and every hope to promoting the advancement of the nation whose resources are at present too imperfectly developed, and whose character has been too frequently misunderstood?—(loud cheers.) Whatever may be the party differences which exist between public men—and differences there always must be—still, in this one point at least they will agree, that at least as regards Ireland, their first duty is, laying aside party differences, to do all that in them lies to make that country one of prosperity, tranquility and peace—(cheers)."

There is litte doubt but the fair and impartial administration, which the English government intend, and the Irish government mean to carry out, will meet the cordial support of the great body of the Irish people, Roman Catholic and Protestant clergy and laity.

### LATER FROM CALIFORNIA.

NEW YORK, April 15.

The steamship Northern Light arrived at this port this afternoon, bringing dates from San Francisco up to the 24th ult., about 50 cabin passengers, and $170,000 in specie.

The Nicaragua steamship company have discovered a very valuable coal mine about 26 miles from San Juan Del Norte, and within about one mile of the coast.

The rains have ceased, and the weather had become unusually hot for the season of the year. The miners were generally doing well, though owing to the great scarcity of coin with which to purchase the dust, little gold was coming forward.

The Kern River has disappointed expectations, and many were returning disgusted and discouraged.

A large invoice of cigars, worth $80,000, which has been smuggled across the Isthmus, were recently seized at San Francisco.

A prohibitory liquor law would, it was confidently expected, pass the Legislature during the present session.

A lump of gold weighing 187 ounces, and worth $3366, was recently found by a miner in Trinity county.

HOSTILE ATTITUDE OF THE AMERICAN GOVERNMENT TOWARDS CUBA.—President Pierce appears determined to bring about a rupture with the United States and Spain, if we may credit the leading journals. The ostensible cause is the stoppage of American vessels approaching Cuba, for the purpose of ascertaining their real character, and thus defeat the designs of the fillibustering party in the Union, whose attempts to revolutionize the island have been so open and unceasing. The president considers the examining of American vessels in the same light as that of the search, and is determined to prevent it, if he can. For this purpose, he has sent out Com. McCauley with a force to capture the Spanish war steamer guarding the Cuba coast. The New York *Commercial Advertiser* therefore concludes that it is tolerably certain the President is determined to involve the country in a war with Spain. The editor justifies the course pursued by the Spanish authorities, and considers it just what any power deserving to be recognized as a sovereign nation would do in a like condition of things. It is not exercising the right of search, which we all know is a very different thing; but simply exercising a police right, to prevent a piratical vessel landing armed men upon the coast, under color of a friendly flag. When at amity with a nation, whatever its form of government, we ought to be prompt and generous in submitting to half an hour's halt, in a vessel's voyage, to enable the nation to protect herself against piratical invaders.

So great is the feeling occasioned by this high-handed act of the President, that business has been sensibly affected by it, and stocks were tumbling down at the prospect of a Spanish war. The papers generally, however, argue that Franklin Pierce is not so foolish to go to war without any adequate means to carry it on. In the first place, he has no provocation, and if he had, he should take care to provide an army and navy before commencing hostilities. But he has done neither; and it is on this account that the people do not believe there will be hostilities. The Boston Atlas concludes an article on this subject as follows:—

"The country will not permit a war, declared without cause, and carried on, as such a war would be, without success or ability. The safety of the nation is in the imbecility of the Cabinet. If it invokes the devil of war, it will be the first to run from the demon of its own calling. If its blunders create the necessity for new diplomacy, it will take refuge, with perfect joy, in the paper contests of protocols. The big talk of the Union cannot build frigates or enrol armies. A Secretary of War without any troops is a harmless creature, and so is a President without any brains."—*New Brunswicker.*

The very high price of provisions in this and all other markets, and the risk of a general famine, if the causes which have produced the present scarcity are allowed to continue to operate, well deserve the serious consideration of all thinking men. The cause of the scarcity and dearness of the articles usually produced in this Province, such as oats, potatoes, butcher's meat, butter, &c., is, undoubtedly, that farmers have neglected their farms, and spent their time and energies in lumbering and trading, and their sons, and those who before did the farm labour, have gone to the towns to become shopkeepers, shipbuilders or millmen.

To such an extent has this been the case, that during the last two years, scarcely a bushel of oats, a carcase of beef or a firkin of butter, of the produce of the Province, has been to be had, while ships and deals are now unsaleable in the English markets.

We suppose that some such preference for trading and manufacturing to farmers in other countries has contributed, more or less, to produce a similar state of things. Be that as it may, we observe that in Europe it is considered that the crops of last year will all be consumed by the time of next harvest, and in the United States there will certainly be no surplus this summer for export. Already in the large cities