

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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Provincial Parliament.

HOUSE OF ASSEMBLY.

5th May, 1859.

THE LAND QUESTION.

(Concluded.)

Hon. Mr. LONGWORTH would not detain the Committee for any length of time after the morning debate, but he must express his surprise at the course now pursued by the hon. the Leader of the late Government, who, after 16 or 17 years' persistent opposition to the hon. member, Mr. Cooper, had within the last few months changed his views, and now followed in that member's footsteps. There could be no sound argument for such a change of opinion, for if the position he had so long maintained were based on grounds satisfactory to his mind, there had been no alteration in the facts to induce such a change. It had been caused by the critical vibration of the political scales, and he had adopted it as affording the only chance of retaining the reins which he found were rapidly slipping from his grasp. It had been well known that he had always opposed escheat, for the good and sufficient reason, that he considered the advocacy of it prejudicial to the best interests of the Island. With reference to the arrears of the quit rents, they had been settled when the Land Tax Bill was passed, but the successful revival of the claim would effect the total ruin of the Island tenantry, who would be called upon to pay the proportions due from the respective holdings. The only question that could arise, would be as to the revival of the quit rents after the expiration of that Bill, until which time they must be in abeyance. The hon. gentleman had taken his case from the hon. member, Mr. Sinclair, who had conjured up a grievance from the language of the resolution. Words expressive of humility are invariably used in addresses similar to the one proposed to be adopted, and which is not to the proprietors but to the Sovereign. The hon. member had assigned no reason for the appointment of more than one person as Commissioner. The object sought to be obtained was the appointment of a competent person, whose duty it would be to obtain all the information he could, and report the same, with his opinions to Her Majesty's Government. It appeared to be the only feasible project for settling this question. Was the country at present in a position more favorable to the attainment of escheat now than it was years ago, when the breach of the conditions of the grants was still recent? The House should act on the suggestion of the Colonial Minister, the adoption of which would at least manifest their desire to adopt any practicable scheme for allaying the constantly recurring agitation of this question. He approved of the observations of the Hon. Mr. Thornton that it was impossible to expect to find disinterested parties as Commissioners from the inhabitants of the Island; and the hon. mover of the resolutions had very properly expressed the wish that the party to be selected should be chosen from abroad. A party chosen from such source would be most likely to exercise his judgment on the information he might obtain, unbiassed by the prejudiced views of interested persons. The arguments of the opposition had failed to induce his disapproval of the resolutions, especially when he considered that the Legislature had recognized the titles of the landlords by several acts.

Mr. SINCLAIR—Hon. members seemed to take a pleasure in misunderstanding or misrepresenting him. His objection had not been to the phrase "humble address," but to the principle of soliciting a negotiation with a view to induce the proprietors to grant such remission of arrears, and grant such terms of purchase as they might please to accept.

Mr. HOWAT—The hon. member, Mr. Coles, had objected to the resolutions, that they were not compulsory. He would ask him if the Land Purchase Bill, introduced by him as Leader of the late Government, was of such a character? The resolution prays for the appointment of a Commissioner to decide between landlord and tenant, and was so far from the commencement of a Court of Enquiry in a moderate form. It had been reported that some hon. members on his side of the House had pledged themselves to go for a Court of Enquiry. The plan proposed would be a Court of Enquiry between landlords, having good titles, and their tenants. He for one had stated in his canvass, that escheat, on the grounds of non-compliance with the conditions of the original grants, was impracticable, and as to the quit rents it would be a long while ere they could be realized. He had agreed to support a Court of Enquiry in the cases of lots of which there were no grants to be found. As allusions had been made to promises of candidates, he would refer to the observations made by the hon. member, Mr. Coles, at Tryon. There he stated that all escheators were Liberals, and all Liberals escheators. Now, what was the effect of an escheat? Was it not a declaration that the property of the land was in the crown, instead of the proprietors? But the principle involved in the Loan Bill and in the Land Purchase Bill implied that the land was in the proprietors, and not in the crown. Escheat meant that the land was our own. The bills he alluded to, introduced by the hon. member himself, admitted that they were somebody's else, and though now coming out as an escheator, the hon. member when in power had ridiculed the hon. member, Mr. Cooper, for his advocacy of escheat, and denounced him as not being a sound Liberal on that account. The hon. member was for any thing or everything as might best suit his own purposes.

Mr. MONTGOMERY—The land question had been agitated for a long time, and he thought it would continue to be so until the position of the tenants should have been improved. Before he came to the House, he thought a Court of Enquiry could be obtained, but now he believed that the time for it had nearly if not absolutely passed. The most advantageous time for ascertaining what lands belonged to the people was at the period of the passage of the Civil List Bill, but the late Government had failed to avail themselves of the opportunity which then presented itself. He would support the resolutions before the Committee.

Hon. Mr. WHELAN had read the preamble and resolutions in the morning, and although he had been at first inclined to go with the spirit of them, yet more mature consideration had led him to the conclusion that it was his duty to oppose them *in toto*. As to the preamble, it contained not only unwarmed reflections on his side of the House, but statements positively untrue. It referred to delusive hopes and measures inducing discontent and disunion, &c. True it was that difference of opinion had been caused by the agitation of escheat, the reserves, and the other measures that had been introduced by the Liberal party, but what important question had not produced the same effects? The Committee had heard great stress laid upon the despatch which told Sir A. Bannerman that his Government should not interfere with the rights of the proprietors, but often had the walls of the Political Alliance, echoed to the eloquent champions of the Political Alliance, as they declared that no respect was to be paid to despatches which did not meet the views of the people. But now when they have got a despatch in accordance with their own wishes, the country was to be told that they must not think of moving in any manner indicative of a difference of opinion from that contained in a despatch. He then characterized, as emphatically and positively untrue, the statement that the subject of escheat and quit rents had always led the tenantry into trouble. Cases of individual suffering might have occurred years ago, when parties had been led to believe that they would hold their lands free of rent, but he denied and challenged the traducers of the people to the proof that the invariable consequence of the agitation had led to the result alleged. As to the resolutions, with reference to the first, he thought it simply absurd.

The House might ask Her Majesty to appoint a Commissioner. This Commissioner might be a disinterested person. But what could he do. He might read the records of our legislation on the subject. He would probably fall in with the members of the Government, of whom there were no fewer than seven in the House, and what advice would they be likely to give him? What the bias they would seek to give his mind? Would any one imagine that a Commissioner, obtaining his information from the members of Government here, could possibly give an impartial report on his return to England? The present Colonial Minister is favorable to the proprietors. There was every reason to believe that he was surrounded by them, and that the despatches on the Reserves and Loan Bills had been suggested by them. Independently of the influence which the members of the Island Government might exercise over his mind, and however disinterested he might be supposed to be, up to the time of his appointment, there was little doubt but that he would be found nothing more or less than a proprietary agent. It was unreasonable to suppose that any one person could be found competent to the proper discharge of the duties to be devolved upon him. Suppose a very improbable case, that a party came out unbiassed on either side of the question—that interested parties did not imbue his mind with their partial views—in what time could the most competent person get through the task before him? Not in one, two, three, four or five years. The scheme was a mockery and a delusion—it was in effect telling the tenants that the Government had no desire to settle the question—that they but intended

"To keep the word of promise to the ear,
And break it to the hope."

It appeared, that unless the tenant agreed to the report of this Unitarian Commissioner, he could not be entitled to a remission of arrears, and as to the rate at which he was to be allowed to buy out the freehold interest, it was felt as undefined, as the amount of remission of arrears. Where everything was so vague and uncertain, he could see nothing to encourage the tenant to hope that the adoption of the resolutions would materially improve his condition. He was to have the option of purchasing. Would it be said by any hon. member that he has not that option at present? They had frequently heard the hon. member, Mr. Douse, say that he was in the habit of giving leases to tenants, with the right of purchasing at fixed prices. Most of the leases in the Island had covenants of that nature. As to characterising the measures of the late Government as deceptive and delusive, the supporters of these resolutions had better appropriate such terms to the present scheme. As to the great boon afforded by allowing the tenants to pay by instalments, the clause recommending that was of a piece with all the rest. The landlords, under the present system, would doubtless be glad to receive the purchase monies of their lands in that way; and Mr. Douse would be glad to see Lord Selkirk's or his own tenants adopt that course, as affording gratifying evidence of thrift. As to the statement from the rent of the interest on the amount of the instalments, surely any man was entitled to interest on money which he had advanced; and any one having money lying by him, could readily invest it at a rate of interest far exceeding that to be allowed him by his landlord. Besides this, the tenant was to be allowed the privilege of obtaining the deed when he had paid the full amount of the purchase money, and not before! A great boon truly! These model resolutions embody such an exhibition of paternal love that the tenantry might be expected to throw up their caps in honor of their benevolent patron, who had consented to give them their deeds when they had paid for their lands to the uttermost farthing! As to the anticipated result of the gradual conversion of the tenants into freeholders, he thought the chance would be gradual enough. It would probably occupy the time for which most leases were now given, namely, 999 years (laughter.) He would now offer a resolution in amendment, based upon common sense, and having no connection with the Circumlocution Office, in which the hon. mover of the resolutions was qualified to hold a high situation. He had heard the Hon. Mr. Longworth express his astonishment that the Quit Rent question had been dragged into the discussion, but the resolutions refer to that among other matters, and when it was sought to cast reflections on the inhabitants of the Colony, it was but fair and reasonable that a counter statement should be submitted.

WHEREAS certain despatches from former Secretaries of State for the Colonies, and printed in the Journals of the House of Assembly of this Island, clearly show that the Crown never relinquished, in favour of the assumed Proprietors of Township Lands in Prince Edward Island, its claim to the arrears of Quit Rents, or to the control of the Fishery Reserves, and by the Civil List Bill passed in 1851 ceded to this Colony its interest in those Quit Rents and Reserves.

RESOLVED, therefore, that measures should be adopted to recover from the Proprietors of Township Lands the amount of Quit Rents of which they have been long in arrears, so soon as the present Act authorising an assessment upon such shall expire—the money being requisite for the encouragement of education and for the general improvement of the Colony; and that other measures should be resorted to, to put in force the right which this Colony has legally acquired to lease or otherwise dispose of the Fishery Reserves for the benefit of the people of this Island.

The Hon. Mr. Whelan continued—As to the right of the House to deal with the Fishery Reserves and the Quit Rents as the property of the people, it was clear that they had been transferred to them by the Civil List Bill, and although he had frequently had the benefit of the advice of the three legal gentlemen opposite, to the effect that the preamble to that Bill had nothing to do with the enacting portion, yet, presumptuous as it might appear in him to differ from such high authorities, he had not been convinced, and had consequently studied a little law himself, and he found from no less authority than that of Dwaris on Statutes, that it was a guide and instruction by which to ascertain the meaning of the Act itself. (The hon. member here read the authority, amid some good humoured interruptions from Hon. Mr. Haviland.) Having read one resolution in amendment of that part of the preamble which stigmatised the course pursued by the minority on the questions of Escheat, the Quit Rents and the Fishery Reserves, he would now propose another on the subject of the Land Tenures:

WHEREAS the Government and Legislature of this Island have, for several years past, shown a disposition to settle by amicable means, the long agitated question with respect to the tenures of land in this Island; and as an earnest of that disposition, a Bill was passed in 1853—which received the sanction of the Imperial Government—to purchase the estates of the land claimants at certain fixed rates, under the operation of which two valuable estates were purchased and sold in small tracts to the settlers thereon, by means of which their material prosperity has been much advanced; and the Legislature of this Colony subsequently passed a Bill to raise a Loan by Imperial guarantee, so that greater effect might be given to the principles of the Purchase Bill, and which measure was strongly recommended by the Right Hon. Henry Labouchere and the Right Hon. Lord Stanley, lately Secretaries of State for the Colonies. But the Loan Bill having been disallowed—by means of private intrigue and gross misrepresentation, as the Committee believe—and it being inexpedient to effect any further purchases of Township lands in the absence of such a measure, this House regret that they perceive no other method of effecting a settlement of the question of the Land tenures that will prove satisfactory to the people of this Island than by resorting to their undoubted constitutional right of demanding an investigation into the original titles of the assumed Land Proprietors.

Resolved, therefore, that a notice be presented to Her Majesty, praying that she may be graciously pleased to authorise the establishment of a Court of Enquiry, to investigate the claims of individuals holding Township lands in this Island, in

virtue of Crown Grants, the conditions upon which they were made not having been complied with."

This amendment contained nothing but a plain statement of matters of fact, in stating that the scheme of purchase by the local Government had been carried as far as was practicable in the circumstances of the Island, and notwithstanding the assertions to the contrary, it would be found that no loss would ultimately accrue from the action of the late Government in that direction.

After some conversational debate on the subject of the affairs of the Worrell Estate and the history of the Quit Rent claims, with the nature and most of the particulars of which the public are already acquainted, and in which Hons. Messrs. Whelan, Palmer, Coles and Haviland took part—

Mr. OWEN proceeded to state, that he differed from the Hon. Mr. Whelan in the view he took of the resolutions which he considered as affording the prospect of far greater benefit to the tenantry than the Land Purchase Bill, the accounts connected with the operation of which showed that the receipts last year amounted only to some £700, while the vendors of the Worrell Estate claimed as still due them some £6000 or £7000. That was as though a man could be considered doing a safe business who should purchase a couple of thousand pounds' worth of goods, and only receive enough to pay his shop expenses. He lived near one portion of that Estate, and knew that the best lands had been purchased, and a great proportion of those remaining unsold was of a very inferior quality. The only way to get rid of it, was by having it properly classified, and selling it at a low price. It was not to be supposed that the young men of the Island would remain here, and purchase land at a high rate, when they could get lands of good quality in the neighbouring Colonies and the United States at five shillings an acre. Escheat was utterly impracticable, any measure having that for its object would have to be sent for approval to the Privy Council, and would not receive the assent of that body. He believed that the land holders generally were disposed to sell their lands. One whose property was situated in the district which he represented had offered to dispose of the best of it for 10s. per acre. Several parties settled on the Worrell Estate had refused to attend to the Government, because, as they said, they were unable to pay the instalments of the purchase money. He did not view the resolutions in the same light as the hon. member, Mr. Sinclair—for at present the tenants were bound to pay them their rents, and were not allowed to dispute their titles. He would fain see freeholders supersede tenants, and he thought the adoption of the resolutions would conduce to the change.

Hon. Col. GRAY, after objecting to the amount of irrelevant matter which had been introduced into the debate, and the repeated readings of the same despatches, the only effect of which was a waste of time—stated that the resolutions, having been so favorably received by hon. members, with some few exceptions, he would waive his right to the general reply. He would, however, say that the opposition to which he referred was to be expected, when the parties from whom it emanated had been endeavouring in vain for eight years to settle the questions which the resolutions would probably do in eight months.

Hon. Mr. COLES—Say nine.

Hon. Col. GRAY had not interrupted that hon. member, and thought he might have accorded him the same liberty of expressing his sentiments. However, he was not surprised at the interruption, for he had seen the criminal in the dock insult the judge who was pronouncing sentence upon him. He was sorry that the Hon. Mr. Thornton was not in his seat. That hon. member had suggested the extension of the benefits of the plan proposed in the resolutions to leases of 60 years, and he was willing to adopt his suggestion.

Mr. HOLMES approved of the resolutions, which he considered the best which had ever been brought under the consideration of the Legislature, and which were well calculated to have the desired effect of settling the land question. It had been stated, on the part of the Opposition, that the majority had been returned to the House bound to support the interests of the proprietor. In his own individual case, he could assert that no more gross misstatement had ever been made. He was elected freely. No pledge to the support of particular measures had been sent for him to sign, as had been the case with certain members of the Opposition, who had been required to bind themselves to the support of the Government of the day. He was as anxious as any one to relieve the tenantry from the burden of paying rent, but his desire for the attainment of that object would not lead him to the advocacy of measures which he knew would never be acceded to, or to make statements which he knew to be untrue, as had been done by some before the late elections, on the subjects of the Loan Bill, the Reserves, and the Quit Rents. It had been stated, and the statements had received credence among many of the people, that the Bill guaranteeing the Loan had passed—that so large an amount of Quit Rents would be realized that the proprietors would be induced to sell their lands at a very low figure. These assertions, so confidently put forth, had operated to a certain extent against the party with which he was connected. He had read a very significant editorial in the Examiner, in which the editor stated that he did not feel as much regret and disappointment at the loss of the Loan Bill as he would have experienced some time before. That statement virtually meant that the Opposition, having made use of the Bill for electioneering purposes, were not surprised at its defeat, because it had become no longer necessary to gull the tenantry into returning them to their seats in that House.

On motion of Hon. Mr. Whelan, seconded by Hon. Mr. Haviland, the right of purchase in terms of the resolutions was extended to leases for 40 years.

The divisions on the resolution and amendments have already been given to the public.

Hon. Messrs. Thornton and Wightman, and Mr. Conroy, were absent when the House divided.

W. M. Howe, Reporter.

Correspondence.

TO THE EDITOR OF THE EXAMINER.

SIR,—The Conservatives in this part of the country seem wonderfully amazed and disappointed at the system of class privilege and exclusion policy, followed by the present Government in the distribution of public offices. Their complaints are loud and general, their denunciations against their representatives deep and bitter, and their expressions of resentment fierce and strong. Now, to me the conduct of the Government brings neither wonder nor disappointment. It is nothing more than I expected. It only confirms the truth of which I was previously aware, that the ties of consanguinity or even of personal friendship, are generally stronger than the claims of party or public spirit—that men generally, even just and good men, will prefer the claims of a kinsman, however incompetent and undeserving that kinsman may be, to the claims of a stranger, even when backed by ability and superior merit. This is human nature, and whatever party may be in power, it will not fail to manifest itself. Conservatives expect too much from their representatives. They rested too much faith upon promises made on the hustings—promises which raised delusive hopes which it was not in human nature to see realized, and hence their disappointment. It is very silly to abuse Mr. Yeo for doing that which all parties in power have done before him, and will continue to do after him—that which the very men who are so loud in their censures of him would do had they the power. Mr. Yeo is a true son of the good old Anglican

Church, that profess to make the Holy Scriptures its chief rule of faith and conduct, and no doubt bases his actions upon the dictum of the Apostle Paul, that "if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel." Besides, Mr. Yeo is not the only member of the Government who sacrificed patriotism to considerations of private and family interests; then why should he be singled out as the butt of all the acrimonious and accumulated attacks of the Conservatives? Which of our public officials can boast that he owes his appointment more to his own personal merit than to the recommendation of some friend or relative in the Council? Providence, evidently designing to warn and instruct future administrations, by transmitting to them the present official list pure and unadorned, as an example of a vicious and corrupt family compact, snatched away the only individual amongst them who owed his appointment chiefly, if not solely, to his ability and deserts.

But even supposing that the influence exerted by Mr. Yeo in favor of his own relatives afforded the exception and the rule—that it stood on the records of the Council in all its enormity, solitary and conspicuous—is he alone responsible for the obnoxious appointments? Are his colleagues mere automatons, set in motion by him, and totally irresponsible for their own deeds? Before their friends can expect the public to acquit them of all blame in the matter, they should first for consistency's sake, as well as to show a laudable regard for the safety of the community, take these unfortunate and misguided men under their care and protection. Who will assert at this day that the responsibility of measures sanctioned by a whole Ministry can attach to an individual member of that Ministry? Thanks to the progress of enlightened Government, ever since the first regular Ministry was formed in England, about two and a half centuries ago, such a statement would be regarded by any British statesman as an absurdity, involving a contradiction of ideas, as well as a solecism in political language. In all British Ministries unity of sentiment and action is the first element and condition of their being. Without this essential quality they can no more exist as a Ministry than mere matter devoid of organization can possess animated existence. The only admissible evidence that a British Minister can give of his hostility to the proceedings of his colleagues, is his resignation. This is the only city of refuge provided for him to escape public censure, and if he fail in resorting to it, he is held responsible for all the proceedings of his colleagues, however strongly he may have expressed his disapprobation of them. This has always been the rule in England, and this is one respect at least in which all Colonial Governments should conform to their august prototype, and in which, indeed, they all affect to do so. These are facts with which every person, possessing a smattering knowledge of English history, or the British Constitution, must be acquainted, and yet they have been either overlooked or evaded by all who have yet written on the subject of the recent appointments.

On the subject of the appointment of Mr. Green, I have but few remarks to offer. Mr. Campbell's letter on the subject is able and somewhat pungent, but it is unfortunately too deeply tinged with that spirit of extreme vindictiveness which is said to be too characteristic of him. I believe with you, Mr. Editor, that Mr. Campbell's indignation is owing rather to his being disappointed of the office than to any liberties taken with his name in the newspapers. Unwilling to reveal the real feelings which agitated his breast, Mr. Campbell ascribes to himself a feeling which no person, reasoning from cause to effect, would have supposed to be the uppermost in his mind. Nor can I see how he can reconcile his affection of unqualified "contempt" at the "uncalled-for manner" in which his name was handled in the papers with the fact of its having elicited such an indignant letter from him. Had Mr. Campbell honestly avowed the disappointment he felt at being overlooked in the disposal of the office, which he could have done in perfect consistency with his professions of independence of the paltry emolument of that office, then very few would feel disposed to discuss the point with him, for every person must admit that both on the ground of ability and deserts he had the first claim to it. Nothing in fact can be more clearly illustrative of the selfishness and ingratitude of the present Government than that they should thus treat with cold neglect an old and faithful supporter who had stood unflinchingly by them through every change, who had ably fought for them while they were in the cold shades of opposition, and had exulted with them in the day of their triumph, and give the preference to an individual whose only recommendations seem to have been his official relations and his incapacity. I believe, however, that the unpopularity of the appointment is owing, not so much to Mr. Green's incapacity as to the general dislike entertained to his social character. Profound arrogance, lofty pretensions, the most offensive airs of superiority, are the distinguishing qualities in this young gentleman's character, and these are qualities which irresistibly call forth the hatred and disgust of the populace, especially when they are unsupported by high birth, high station, or shining abilities.

Keenly as Mr. Campbell must have felt the ingratitude of the Government, I am sure he could have been no less galled by the clumsy—the extremely silly defence of their conduct, published in the *Islander*. The Editor of the *Islander* regards the idea, that it was Mr. Yeo's influence which procured the offices for his sons-in-law as "simply absurd," without shewing why it should be regarded "absurd." Does he really imagine that any of his readers is gull enough to swallow such a statement? I for one must regard it as an insult to the understanding of the community. Alas! alas! "how are the mighty fallen!"

CONSERVATIVE.

Summerside, July 11, 1859.

TO THE EDITOR OF THE EXAMINER.

SIR,—Permit me, by medium of the *Examiner*, respectfully, to call the attention of the Mayor to a partial nuisance and improper application of the public way and pump at the lower end of Prince Street. The nuisance consists in an almost daily occupation of that part of the street by large casks scattered about the pump, and intended to receive water therefrom for ships' uses. In accomplishing that purpose much water is wasted, and thrown upon the street, until it has been guttered, ponded and generally mucked, to the annoyance and inconvenience of foot passengers—rendered obstructive and disagreeable to those who pass in vehicles for pleasure or otherwise; and further, is a cause of general complaint of the inhabitants of that vicinity.

Referring to the Law relating to Pumps and Wells, embodied in the Act of Incorporation, I find that no large