

# 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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MOON'S PHASES.—MAY, 1856.

New Moon 4th day, 10h. 3m. morning. S. E.  
First Quarter 11th day, 4h. 6m. evening. S. E.  
Full Moon 19th day, 7h. 17m. evening. S. E.  
Last Quarter 26th day, 0h. 54m. morning. E.

## Colonial Legislature.

### HOUSE OF ASSEMBLY.

FRIDAY, March 28.

#### PETITIONS OF THE LAND PROPRIETORS AND AGENTS AGAINST THE RENT ROLL AND COMPENSATION BILLS.

(Debate continued from the Examiner of April 14.)

Hon. COL. SECRETARY.—If Mr. Labouchere and Sir George Grey were here they would at least have an opportunity of seeing Lord Selkirk's agent. As to the hon. member's remarks about the management of the Worrell Estate, his own experience in managing property has probably induced him to believe the opinion he has expressed. However, if the Government were selling that property on terms which suited the purchasers, what business had the hon. member to do with it? The warmth manifested by the hon. member and Mr. Yeo was natural, as they both represented proprietary interests.

Mr. DOUSE.—I ask the hon. Col. Secretary if he supposes I am so silly as to pay any attention to his nonsense about buying out the proprietors? £150,000, indeed, to be borrowed at a time when money is worth six per cent! It may do to gull the Frenchmen about Rustico, but I pay no attention to such trash.

Hon. Mr. WHELAN said.—The resolutions which I now hold in my hand I intended to have laid on the table as soon as the Hon. Col. Secretary had concluded his speech, so that hon. members would have something tangible to speak to; but I was prevented from doing this by Mr. Yeo's extreme anxiety to rush into debate, in defence of his friend Mr. Robert Bruce Stewart, whom he eulogised as being an honest though a mean man. Now, Mr. Stewart has not been unjustly assailed by the Hon. Col. Secretary. It is true that some personal peculiarities have been noticed, which might as well have been left in obscurity; but considering that Mr. Stewart has calumniated the country and the Legislature to a very great extent, he ought to be prepared to receive even harder knocks than those administered to him by the Colonial Secretary. The hon. member from Belfast (Mr. Douse) was also very impetuous in the expression of his opinions before time was allowed for submitting the resolutions which I hold in my hand. That gentleman seems to labour under the erroneous impression, as he very often does, that the House is about to make some furious attack upon the rights of property, and his eloquence and his indignation are employed to avert the calamity. I am sure there can be no objection on the part of any honorable gentleman to listen to the most eloquent displays on behalf of the rights of property. What I should be inclined to complain of is, that public character as well as property is not likely to have its advocates on the opposite side of the House. The honorable member has amused us with some little witticism about the Worrell estate which, he says, in allusion to a remark often made in this House, is only "self-sustaining" to those parties who are entrusted with its management. The honorable gentleman, no doubt, spoke from experience, and with a vivid recollection of his own proceedings in reference to the Selkirk property. If the Commissioner of Public Lands, who is the principal person engaged in the management of the Worrell property, benefited in his own person to nearly the same extent as the honorable member did while agent for the Selkirk estate, there might be some reason to throw out hints and innuendoes, and to suspect that he was not a model officer, so far as the public interests could be affected. While alluding to the hon. member from Belfast, I cannot help noticing a manifold inconsistency committed by that gentleman in his private capacity. As one of the petitioners, he states that the Government seek to purchase the Township lands of this Colony at one third of their value. Now it is notorious that the honorable gentleman himself went to England a short time since, and purchased from a proprietor there a very valuable estate in this Island at a less price than the Government would be disposed to give for it. The Government are prohibited from giving more than 7s. 6d. per acre for Township lands. The hon. member from Belfast says this is only one third of their value; yet if any person will take the trouble to go to the Registry office, it will be seen that the hon. gentleman himself has purchased Township lands at even less than what he says is one third of their value. With respect to the petitions and other documents now under the consideration of the Committee, it is quite unnecessary that I should trouble you with any lengthy observations, after the elaborate review which has been given of them by the Hon. Colonial Secretary. I am glad, indeed, to think that those petitions are about to be disposed of, for it appears to be a long time since they were first brought to the notice of the House. Hon. members are, however, aware of the fact, that the consideration of these petitions has been delayed solely on account of the absence, for some weeks past, of several members from both sides of the House. It has been often falsely alleged against the majority of this House and the party in power, that they have been and are in the interest of the proprietors. The calumny has been often refuted, but as the calumniators always pretend to have a great fondness for documentary evidence, it is to be hoped that they will be fully satisfied on that head, if they will only examine the array of petitions against the acts and proceedings of the majority. If the Government and the majority of this House had any desire to promote the exclusive interests of the proprietors, it is by no means likely that the latter would not only oppose the measures of the former, but would couple their opposition with the foulest abuse; and in noticing the opposition of the proprietors to the measures which they have been successful in defeating, I think it will be seen that the majority here have no very affectionate consideration for their good friends the proprietors. That the proprietors exercised a proper and constitutional right in petitioning against measures which affected their private interests, I do not for a moment dispute. That is the peculiar, and, perhaps, one of the best privileges of every British subject. The proprietors, it is said, should not therefore be censured for using this time-honoured privilege. I censure them merely for abusing it—not for using it;—they could have stated their case to the Colonial Office without bringing falsehood and misrepresentation to their aid—without resorting to gross libels upon the inhabitants of the country, and without traducing the character of the local Legislature, both individually and collectively. They allege, in justification of their conduct, that our measures have been of an arbitrary character; but they have said the same thing of every measure adopted by the Legislature of this Colony, affecting in the smallest

degree the interests of proprietors; aye, even some measures which did not affect proprietary interests have been denounced by them as arbitrary and oppressive—such as the Elective Franchise and Sheriff's Bills. They petitioned the Crown against these, as well as the Small Debt, the Education and the One-ninth Bills; but, happily for the Colony, the British Government did not consider their representations as worthy of a favorable consideration. As an excuse for opposing the Tenant Compensation Bill, it is stated in one of the petitions, that ejections seldom occur—that there have been only six cases of ejection in a period of four years; and that that is a triumphant proof of the lenity and indulgence of the proprietors. Now, Sir, if that statement be true it is an argument against the petitioners; for if there be no ejections, as a general thing, there can be no compensation, and hence there should be no antipathy to the Bill. But supposing there was only one case of ejection, even within a period of ten years, and that ejection was not followed by compensation to the tenant for any improvements he may have effected, I consider that an act of injustice was accomplished, and sufficient reason shown for the introduction of the Bill so strongly opposed by the petitioners. I am, however, disposed to give considerable latitude to the statement of the proprietors, that there have been only six cases of ejection in four years. There may be only six such cases on the records of the Supreme Court; but who can tell how many a case of hardship and oppression has occurred, approximating to ejection, of which the public could have no knowledge? How many a poor tenant has been driven to the verge of despair and ruin by the cruel exactions of his landlord, before the extreme measure of ejection was accomplished? It is only when more than usual obstinacy is manifested by the tenant that ejection is resorted to. If the unfortunate wretch will only quietly submit to be stripped, his ejection may be if not entirely abandoned, for a long time postponed. With these observations, I will, now read the resolutions I intend to propose. They cannot be agreed to this evening, as they contemplate an address to the Queen; honorable members will, therefore, have sufficient time to give them full consideration:—

Whereas by a Despatch from the Right Hon. Sir George Grey to the Lieutenant Governor of this Colony, dated 17th November, 1855—an extract of which is now before this Committee—His Excellency is informed that Her Majesty's Government could not advise the Queen to give her sanction to two measures passed by the Legislature of this Colony, namely, an Act to impose a rate or duty on the Rents Rolls of Proprietors of Township Lands, and an Act to secure Compensation to Tenants in cases of ejection,—on account of certain objections urged in memorials to Her Majesty the Queen, and to the Colonial Minister, by Proprietors and Agents for the management of lands in this Island; and whereas those objections, as can be clearly shewn, are, for the most part, based on misrepresentation, and have their origin in selfish motives and interested views on the part of the said Proprietors and Agents of land; and whereas the Right Hon. Sir George Grey himself, in commenting on the Tenant's Compensation Act, has clearly misapprehended the object of that measure, when he states "that its plain and direct tendency is to transfer property in land from the owner to the tenant"—the real object of the Act, on the contrary, being, to use the language of Sir George Grey himself, "to secure to the tenant the enjoyment and profit of his improvements, and to protect him against harsh and oppressive conduct at the hands of his landlord;" Resolved, that this Committee deeply regrets the disallowance of the Rent Roll and Tenants' Compensation Acts; that the objections urged against their passage in the memorials and petitions of the land proprietors referred to by Sir George Grey, are untenable, frivolous, and in part highly offensive to the Legislature and people of this Island, and this Committee regards the successful interference of the proprietors of land against the Acts referred to, as derogatory to the honor and independence of the Legislature of this Colony, in so far as its efforts are directed to promote the peace and prosperity of the people committed to its care.

Resolved, That while this Committee fully recognize the inalienable right of Petition, and would not deny its proper exercise to any class of Her Majesty's subjects, yet they cannot hesitate to enter their solemn protest against a most flagitious abuse of that ancient right, as is the case with respect to the petitions and memorials of the land proprietors and their agents, against Acts of the Legislature of this Colony; and that while it is perfectly constitutional and proper to memorialize the Sovereign against the final enactment of any law, it is a grave offence to misrepresent the conduct of the Legislative bodies in passing such law, and to libel the people with whose interests they are entrusted.

Whereas, amongst other passages of a similar character, in a letter signed "Robert Bruce Stewart," dated at Charlottetown, Prince Edward Island, May 19, 1855, and addressed to the Right Hon. Lord John Russell, the following extraordinary language is used in reference to the Tenants' Compensation Act, viz:—"The Act would have, and is intended to have, in connection with other Acts, the effect of depriving the landlord of every remedy other than the expensive one of an action at law in the Supreme Court of Judicature—the rent being no more than one shilling per acre per annum, the defendant being generally destitute alike of property and of principle, the jury being unavoidably composed of tenants, or persons interested for tenants, or hoping themselves to become freeholders without purchasing their land, and the sanctity of an oath being but little regarded when a proprietor is to be injured by its infraction. Under all these adverse influences or circumstances, the landlord has but little chance of benefiting by success, if he should gain his suit; direct intimidation and threats are then brought to bear against any person daring to take or treat with the landlord for taking the vacant farm—intimidation and threats of injury both to person and property;" Resolved, that the foregoing statements are untrue, both in inference and in fact; that the Compensation Act was not intended to have any such effect as that predicated of it; that the landlords' rights, under its operation, would be fully as well, if not better protected, than the tenants'; that the annual rent is, in very many cases, more than one shilling per acre; that the allusions to the character of defendants in cases of landlord and tenant, and to the composition of juries in the trial of such cases, are false, scandalous, malicious, and premeditated libels on the whole community, deserving as such the strongest reprobation; and that the statement with respect to threats and intimidation against person and property, being used by any portion of the community, is wholly unfounded,—threats and intimidation being unknown, unless perhaps, in one or two cases, where the title of the claimant of the land was deemed to be unquestionably fraudulent and spurious.

And whereas, in the before mentioned letter of the said

Robert Bruce Stewart, the following passage also occurs:—"I may also state that an Act was passed by the House of Assembly, during its recent session, requiring proprietors to put their titles upon record, before recovering rents from their tenants under lease, agreement or otherwise. \* \* \* The Legislative Council have not passed this Act, but it was brought forward as a government measure—as such it was passed by the House of Assembly, and it has been published as having been passed by the Legislative Council, so as to lead the country constituency to believe it to be the law of the land, and thus to be strengthened in their obstinate resistance to the landlord." And the following passage occurs in the concluding part of the said letter, viz:—"The two opposing parties who divide our little State, abusing each other under the name of tory and liberal; or, in Colonial phrase, 'snarler and snatcher,' differ solely upon the division of the spoil, and are, as it were, constantly bidding against each other for popularity, by promising their constituents, and, so far as they are able, performing their promise, to keep up an incessant and sweeping attack upon the rights of property and laws of justice;"—Resolved, that the statements with regard to the Registry Bill as being a government measure, and published as having passed the Legislative Council, are utterly untrue; and the imputation so flagrantly thrown out against political parties in the Colony generally, as being actuated by a desire to attack "the rights of property and the laws of justice," is an unwarrantable and malicious libel.

And Whereas in a Petition and Remonstrance of certain Proprietors and Agents of land in Princes Edward Island, to Her Majesty the Queen, dated 4th June, 1855, it is stated, amongst other things, that under the Land Purchase Bill lands are sought to be obtained for the government at one-third of their value; and in another petition and remonstrance from the land proprietors (many of them being the same parties who signed the previous petition), dated 19th June, 1855, addressed to Her Majesty the Queen, the following statement occurs, in reference to the Tenants' Compensation Act, viz:—"It is a specimen of class legislation, of the most odious kind, and can serve no other end than to reduce the value of real estate, already at a very low rate, as may be seen by the price paid by the government for the estate of Charles Worrell, Esquire;" and in a further petition of owners of land, dated 27th August, 1855, addressed to the late Right Hon. Sir William Molesworth, then Secretary of State for the Colonies, it is stated, in substance, that the Land Purchase Act was passed "to enable the local authorities to resell and dispose of the public lands to their numerous friends and adherents;"—Resolved, that the statements thus put forth by the proprietors and agents of land, are, in every respect, ungrounded; that the government has not sought to obtain land at one-third of its value; that only one estate has been purchased by the Government under the operation of the Land Purchase Act, and that was purchased at a price considerably higher than that for which the same land was obtained by a private individual a short time previous to the Government purchase; that one of the petitioners who complains of the action of the local authorities in this respect, has recently purchased a large and valuable tract of land in this Island for a price very considerably less than the maximum price in the Land Purchase Act; and that the purchase on his part was effected while the Tenants' Compensation and Rent Roll Bills were under the consideration of Her Majesty's Government,—thus shewing the inconsistency of the petitioner alluded to, when he affixed his name to one of the petitions, wherein it is untruly stated that one of the disallowed Bills, if passed into law, would have a tendency to "drive all monied men from the Island, as no one will be inclined, or can be expected to invest capital in the purchase of land;" and with respect to the assertion that the local authorities either did or ever attempted or sought to resell the public lands to their "numerous friends and adherents," it is wholly without foundation,—all persons in the Island without distinction, being at liberty to purchase from the government lands on the estate alluded to.

Resolved, That nothing has contributed so much to retard the prosperity of this Colony, to foster discontent and agitation, and, at times, seriously to imperil its peace, as the continuance of the leasehold tenure, and too often the absence of a conciliatory spirit towards the tenantry on the part of the owners of landed property; and while the Legislature of the Colony, actuated by a sincere desire to promote public harmony and prosperity, has directed their efforts towards the removal of the evils complained of, by passing such salutary measures as would tend to elevate the character and improve the condition of the great majority of the inhabitants of the Island, without injuring the rights, of property, or pressing unduly on any class, their exertions have been counteracted by an absentee proprietary body, wholly irresponsible to any authority, aided by resident Land Proprietors and Agents who invariably embrace the views of the absentees,—that while such a state of things is allowed to prevail, and while absentee landlords and others are allowed successfully to thwart the intentions of the Legislature, and thus despotically to wield the destinies of the Colony—it would be in vain to hope that the people of Prince Edward Island can attain to that measure of prosperity and contentment to which their intelligence, their industry, and their fidelity to the British Crown entitle them, in common with other of Her Majesty's subjects in the surrounding Provinces.

Resolved, That an humble Address be presented to Her Majesty the Queen, embracing the facts and views set forth in the preceding Resolutions, and praying that the Royal interference and clemency may be exercised, with the view of relieving the Colony from the anomalous position in which it is placed, from its being practically under the sway of a power so foreign to the constitution as that of a body of land proprietors, chiefly non-resident,—and that the Legislative Council be requested to join in the said Address.

Resolved, That an Address be presented to Her Majesty the Queen, praying that the Imperial Government will aid the local Administration in carrying out the recommendation of Her Majesty's present Colonial Minister, with respect to the further purchase of Township Lands in this Island, and that the Legislative Council be requested to join in the said Address.

Mr. WHELAN continued.—These resolutions appear lengthy, but they could not well be otherwise, as it was necessary to recite in the preambles the false statements of the petitioners, which it is our duty to expose and contradict. There can be no doubt that the petitioners have manifested much zeal, (though they have been wanting in discretion and decency), in making out a case for themselves at the Colonial Office. They would fain make the world believe that they are a very much injured class of Her Majesty's subjects—that all the taxation of the Colony is either forced upon them, or attempted to be forced in that direction, and that nearly every Bill which passes this House contemplates a direct on-

slaught on the interests of the much aggrieved proprietors. Now, Sir, it is quite needless for me to remind you, that the owners of land in this Colony are those who are the least taxed for the maintenance of its institutions. The only tax they have at present to pay is a small one for the support of education, levied on their unoccupied lands. It has been often affirmed, and justly so, that no description of property should be held so liable to taxation as real estate. In this country the principle must apply with peculiar force, because nearly the whole of the land of the Colony was granted away in a few days, to a few individuals, who, though they may have made some slight show of services to the Crown, conferred no benefits on the Colony; and it should be remembered that when a separate Government was established in this Island, at the request of the proprietors, they readily engaged to bear the expense of its civil establishment. That engagement, like their previous ones, they very easily managed to evade. It may indeed be said, that all, or nearly all the present owners of township lands are not justly chargeable with the payment of our civil list, as they are not the parties who entered into the agreement, and had given valuable considerations for their estates. This argument has no doubt considerable force, and it has often impressed itself upon my mind as conclusive against the measure of escheat, so long and fruitlessly agitated in this Island. But the changing of the landed property of the country from hand to hand cannot for a moment be held to give an exemption against taxation. It is not the proprietor but the land which is taxed; and if it were just and equitable to levy a rate upon it fifty years ago, it is equally so at the present time. Now, Sir, I contend that the rent roll tax would have been a just and equitable rate; and the defeat of that measure, as well as of the Tenant Compensation Bill, leaves the proprietors open to the severest animadversion. [Mr. Whelan then went on to say that he had already expressed his opinion, in the press, in strong terms, of the disallowance of the Bills under consideration—that his opinion had been quoted in a little pamphlet which he then held in his hand, and coupled with intemperate denunciations by the author of the pamphlet, which he (Mr. W.) or any one else might well afford to despise. He (Mr. W.) said he still adhered, most thoroughly, to every sentiment he had expressed in his capacity as a public journalist, and would readily repeat it as a member of the Legislature. He was then about to read an extract from the pamphlet, after making some allusions to the writer of it, when he was interrupted by two or three members in the minority, who said he was out of order. Mr. W. persisted that he was strictly in order, as the passage which he intended to read from the pamphlet had reference to the Rent Roll and Compensation Bills, which were incidentally the subject of that debate; but he said he had no doubt that those who interrupted him could not reply to his remarks, and perhaps he was attaching much more importance to the pamphlet than it really deserved. Acting on that presumption, he would throw the worthless thing away. Mr. W. then concluded with some general observations regarding the resolutions he had read—they were no doubt strong,—but the character of the petitions—the gross and malicious libels on the Colony contained in those petitions—and the systematic falsehood and misrepresentation by which the proprietors were enabled to mislead the Colonial Office, in a matter of great importance—called for a very strong expression of opinion on the part of that House; and if more forcible language could be suggested than that which he had adopted in the resolutions, without detracting from the dignity of the House, he would be happy to avail himself of it.]

Mr. COOPER.—I do not intend, Mr. Chairman, to occupy much of the time of the Committee. I shall merely state that I think the Government are in the position of a person who deviates from the truth. The first error makes other statements of a simple character necessary. Now, Sir, the lands were originally granted on certain conditions; those conditions have not been fulfilled. The right of the Government to try the titles is undoubted. In 1818 an inquiry office was held. The ministers have so far committed themselves, that the proprietors would have a claim for compensation, if their titles were bad. The ministers have no right to prevent the trial of the titles. I do not, however, object to the resolutions against the petitions, and I consider that as far as strong language goes, the resolutions are on a par with the petitions.

Hon. Mr. PALMER.—Mr. Chairman, I can see nothing which justifies what appears to be the object of the debate. I had supposed that we were to consider the various reasons which had influenced the Imperial Government in their action on the Rent Roll and Tenants' Compensation Bills. But, Sir, the Hon. Col. Secretary appears to have lost sight of that object in the fervor of his desire to manifest his personal feelings against individuals. Sir, personal allusions of a disparaging tendency ought not to come from him, of all men. He endeavoured to amuse the Committee by abusing Mr. Stewart, and holding him up to us in a ludicrous and contemptible light. Sir, I do not stand here as the defender of that gentleman, nor am I acquainted with his peculiar habits. The principal objection, however, appeared to be that he was not as free with his liquor as the Hon. Col. Secretary wished. Whether that be so, or not, the tenor of this discussion is derogatory to the dignity of this House. The Hon. Col. Secretary has adopted the same style of observation in his allusions to another of the petitioners, Mr. Pope. These remarks were followed by the Hon. Mr. Whelan, attempting to explain away the attacks of the Hon. Col. Secretary, and he admitted the right of the parties to petition, a truly liberal admission, but forsooth that right must be exercised in such a manner as not to offend the members of the Government, so that the whole discussion resolves into a question of forms. While the right to petition is not denied, and the only avowed objection is to the particular manner adopted, the parties who feel sore at the reflections on themselves as legislators shew themselves far worse than those whom they abuse. The Hon. Col. Secretary and Her Majesty's Printer descend to depths at least as low as the petitioners. Are they not to repel the vile attacks made upon them? And I ask, Mr. Chairman, if it is the province of a Legislature to occupy the public time, and delay the public service, in order to give expression to vindictive feelings against individuals? Sir, we should manifest a spirit above that. Were it not that it would take up too much time, I would investigate some of those gross charges preferred against individuals, and could easily expose their false and malicious nature. But, I shall content myself, by cautioning hon. members to beware of making charges such as we have heard to night, of land-jobbing, fleecing the country and the like. I would remind them, that the Government has been accused of land-jobbing, of creating fat offices to reward their own supporters. As the resolutions