

Correspondence.

To the Editor of the Examiner.

SIR.—When I first sought legislative honors, it was for the purpose of having the tenantry settled in freehold, as they ought to have been at first. But the voice of the people had no weight until they obtained Responsible Government; and that appears to have been conceded with an understanding that the titles of the Townships were not to be enquired into. Therefore, the Executive have been restricted to relieving the tenantry in various ways, and purchasing the Land. But as that has brought great evils in its train, I did not see how it could answer the purpose, and therefore took the opportunity to replevy, and have the case tried at law, as the most certain way of having it decided. It will, no doubt, be expensive, and at my time of life a load of care. But the people can lighten the load at the ensuing election, by returning men who will favour an investigation of the titles. That the people may see and judge for themselves how far it is worthy of their attention, I send a copy of my statement of the case for publication to the Examiner, the Islander and People's Journal.

WM. COOPER.

To the Honorable Joseph Hensley, Attorney General, &c.

SIR.—The case where you are to defend me in an action against Mr. Haviland distraining for rent, is not to be considered as if it were for my interest alone. It is a case wherein the honor of the Crown and the rights of many thousands of the inhabitants of this Island are deeply involved. The defence will be a chain of circumstances to show that men of high rank in England, who had influence with the Colonial Minister, took up grants of the Townships of this Island, without the intention of performing the conditions, viz., of introducing and settling the lands with foreign Protestants, as their grants required; but formed a plot which would be more lucrative, viz: instead of foreign Protestants, to substitute British subjects, who could be made to pay their own way and give their labor for nothing, to reclaim wild land and pay rent for their own improvements; and the Colonial Ministers allowed the grantees to evade the performance of the conditions of their grants for the settlement with foreigners, and also to withhold their quit-rents, and assisted them to take advantage of British subjects.

The first step of the conspirators was to have the government of this Island separated from that of Nova Scotia, so as to have a Colonial government who would act with the conspirators, to mislead and constrain British subjects to become tenants. And the next step was to have courts of law who would be blind to the forfeiture of the land, and to the fraud and coercion practised to make British subjects tenants; but would open their eyes, and see clearly any lease obligation or attachment made by the tenants; and compel them to perform such obligations, and pay rent to defaulters who had evaded the obligations in their grants, and were holding over forfeited lands. Consequently, the purposes for which laws and government are established were reversed in this Island.

The conditions for the settlement of the grants required the grantees to introduce and settle foreign Protestants within ten years, in the proportion of one person to every two hundred acres. But a forfeiture is declared for non-settlement in the following words: "And if the said grantees shall not settle one-third of the said Lot or Township, in the proportion aforesaid, within four years from the date hereof, then the whole of the said Lot or Township shall become forfeited to His Majesty, his heirs and successors, and this grant shall be void and of non-effect." Now it must be evident the grants were not given for any pecuniary consideration. The conditions implied an outlay, in the first instance, to arrange with and introduce foreign Protestants. But still the intended settlement does not appear impracticable. It might have been so managed that the settlers would ultimately have paid principle and interest of all the expenses incurred. But the conditions of the grants having been confirmed by orders in council, and the forfeiture declared by the same authority, and as no foreign Protestants had been introduced and settled in the Island within the limited time, then the forfeiture declared for such default became a notice to British subjects who wanted land, that all the Township lands would be re-vested in the Crown. But the grantees having influence with the Colonial Minister, were allowed to hold over; and having the Colonial government to mislead immigrants who wanted land, and induce them to become tenants, as every tenant was a gain of a hundred pounds sterling, on an average, to the land-holders, and as they claimed the lands reserved in the Crown for fisheries, immigrants wanting land had either to atton to some land-holder or become a squatter, liable to be disturbed at any time. But it was the prevailing opinion that the delay of an escheat was only an omission of the Colonial Minister, which would be remedied by a change in the ministry; and that his successor would take notice of the omission, and revert the forfeited lands in the Crown; and the inhabitants expected to be settled according to the practice in other Colonies. Lord Glenelg admits in his despatch, in the year 1826, that such were the impressions of the tenants, brought to the notice of the Colonial Minister, as far back as the year 1787.

It appears, in a speech of Governor Fanning's to the House of Assembly, in the year 1802, that a petition to the home government, for an escheat of the forfeited lands, had been favourably received, and the prayer conceded; and an Act was passed by the Colonial Legislature, 2d April, 1802, for reverting the forfeited lands in the Crown; but in the year 1805, it appears by a series of resolutions come to by the House of Assembly, that the said Act was quashed after it received the royal assent! Therefore, the proceedings to escheat the forfeited lands could only have been a feint of the conspirators and government authorities, who had their objects in view, as the results will shew; for many of the grantees believing that the lands were to be escheated, disposed of their grants for trifling sums, to persons in the Island; and Governor Fanning had several Townships for his share of the sanction. By such proceedings, and the granting of Charlottetown Common to others, the leading men who had advocated for an escheat on behalf of the agricultural people, having obtained grants of land for themselves, went over to strengthen the power of the conspirators; and consequently mislead and constrain British subjects to become tenants. Governor Smith, finding that no opposition would be made any deception he might practise, which would strengthen the power of the land-holders, gave notice, in the year 1816, that it was the intention of the Crown to fix a scale for the future payment of quit-rent; and as no objections were made to the proposed alterations of the grants, it was proclaimed by the governor, in July, 1818, that he had received a communication from the Colonial Minister, that His Royal Highness the Prince Regent had altered the scale for the future payment of quit-rent, and released the grantees from their obligations of settling their grants with foreign Protestants; provided that, within ten years from December, 1816, the land shall have been settled with other persons, in the proportions specified in their original grants. Now compare this proclamation with authentic documents, to see the forgery; for instance, the conditions were fixed by orders in Council, attested by the great seal of Great Britain, and the grants attested by the great seal of this Island; but Governor Smith undertook to change the conditions by a proclamation, which is only a communication from the Colonial Minister, without an order in council or great seal to attest its authority; consequently, the governor assuming the authority of the Prince Regent, to such a proclamation, could only have been a plot between himself and the Colonial Minister, to which he could not affix the great seal of the Island, and therefore it is given under his seal at arms. But there were so many

persons interested in upholding the deception, that it passed as a law, and it would have been called rebellion to dispute such authority; consequently it served the purpose to constrain the agricultural inhabitants to submit to their oppressors; and it was only when I was informed by Lord Glenelg, in the year 1837, that such an indulgence to the grantees could not be acted upon, that I knew the proclamation must have been a counterfeit; but it shows the importance the government placed on the settlement with foreign Protestants, and that the forfeiture was depending upon it. When a governor could be induced to take upon himself the risk of clandestinely assuming the sovereign authority, to release grantees from such conditions for settlement, to enable them to claim a rent from British subjects, there must have been a temptation.

But although succeeding Colonial Ministers and Governors have not referred to Governor Smith's proclamation, they have acted upon the same principle. Lord John Russell, who must have known that the conditions of the grants were the act of the King in council, declares them to have been impracticable, and that any escheat at the present day, for the non-fulfilment of the conditions, would be an *unjust*. Which is as much as to say that the King in council imposed impracticable conditions to enable grantees to defraud British subjects. But his lordship must have known that the grantees, by the acceptance of the grants, admitted the conditions were practicable. But even if they had made the attempt to settle foreign Protestants, and had failed in doing so, that gave them no right to substitute British in lieu of foreign Protestants; for, as I understand the settlement intended by the grants, it is thus: British subjects have a right to receive their land from the Crown; but in a British Province, a foreigner could only hold land as a tenant to a British subject; consequently when the grantees failed to settle foreigners, British subjects had a right to have been settled by the Crown; therefore, it was unjust to substitute the one for the other—to treat British subjects, in the British dominions, as if they were foreigners; and where it is said that an escheat at the present day would be unjust. It is evident that it was far more unjust for grantees to conspire with Colonial Ministers and Governors, to make British subjects tenants, and blind them to pay rent for forfeited land; and the time of their bondage being prolonged by the servants of the Crown, assuming the authority of the Sovereign, to suspend the forfeiture, should not continue the bondage of the tenants, as that is punishing the tenants for the crimes of the authorities, and rewarding the authorities with the property of the tenant, to bestow on persons for holding over forfeited lands.

The Act to authorise the Colonial government to purchase the Township lands, and sell them to the tenants, could not have received the royal assent, if it had been made known to the Queen in council that it was intended to purchase from speculators, who had possessed themselves of lands which were forfeited. Therefore, the insertion in that Act of a provision that the titles shall be investigated, before the government make any purchase, must have been inserted to obtain the royal assent, by deceiving the Queen in council; for the Townships, called the Worrell Estates, have been purchased without investigating the titles, which gave room for speculators, who enhanced the price of land to government, to continue the practice, and consequently defrauded the inhabitants to a large amount; and the governor, in his speech at the close of the session of 1855, applauded members who sustained the government in that transaction. \* \* \*

The British pride themselves on their liberal institutions, and hold them up as examples to other nations; and when they freely gave twenty millions sterling for the emancipation of their slaves, it was a foul conspiracy to tax them three hundred thousand pounds sterling to uphold a Colonial government to enslave their fellow subjects in Prince Edward Island, to enable persons holding over forfeited lands to gain upwards of a million of pounds sterling by their labour; but as such bondage and oppression is contrary to the royal instructions, it must be contrary to law; but it is only to a court of law in Great Britain we can look for redress; and to prevent a recurrence of such abuse of authority, it is necessary the exposure should be made before the British public.

I am told that it is the practice in England that a tenant cannot dispute his landlord's title; and I understand our Supreme Court has followed that example. But there is no instance in England of the Crown refusing to take advantage of a forfeiture, when the persons holding over are depriving thousands of families of their property, and of their right to be settled like other subjects. If facilities had been afforded in our Supreme Court as would have been given in England to bring such a case into court for trial, there would have been no room for complaint at the present day. But where judgment is given against a tenant to pay rent to a person holding over forfeited lands, and neither the forfeiture nor the right of the tenant to have been protected and settled by the Crown is allowed to be investigated, then that court becomes an instrument of inequity to favour defaulters and oppress the tenants more and more.

It is my duty to state, that in cases where the interests of land-holders have been in question, the decisions have not given satisfaction. The present Judges of the Supreme Court, when they held the offices, the one of Attorney General and the other of Solicitor General for the Crown, were land agents at the same time for persons holding over large tracts of forfeited lands. Whether the holding of two such opposite offices at the same time should incapacitate them from adjudicating between persons holding over forfeited lands, and the tenant or occupant who reclaimed the land, remains a question, as there is no parallel case to refer to; but there is room for objections to their adjudicating on such cases.

Of the land under the lease which I handed to you, a great part is reserved in the Crown for fishery; it lays round the head of How Bay a distance of about seventy chains, besides five acres of salt marsh on Bay Fortune; and the rest of the Township is forfeited to the Crown. To rest the case on the Fishery Reserves would imply, in my opinion, that the land-holder had a title to the rest, which I dispute, and submit to trial, viz: that the Crown may resume the forfeited lands, to protect the inhabitants. It is necessary for me to comply with any form to atton to the Crown or to pay my rent into court; or to do any other thing to enable me to sustain the action, and claim the protection of the Crown. I am ready and willing to do so, on my receiving timely notice from you to that effect. On taking a review of the case, the following questions present themselves:

Will the mal-practices of public servants, which have been successfully prolonged for many years, in opposition to the royal authority, and to the humble petitions of the inhabitants, deprive the Crown of the power of resuming the forfeited lands, and protecting the tenantry from persons holding over such lands?

Will the execution of a lease by a tenant, to a person holding over forfeited lands, under the circumstances herein before stated, prevent the tenant from being evidence for the Crown, on behalf of himself and others, to sue for protection from the oppression of such land-holders?

For reasons already given, it is my duty to object to either of the present judges adjudicating on the case; and I consider it would be improper for the governor to appoint a judge to try a case on which he has given a decided opinion. There are few persons in this Island but are interested, more or less, in the land question; and many have expressed their opinion. Therefore, to obtain justice, the case ought to go to England for trial in the first instance, or to one of the neighbouring Colonies. But having given this brief outline of the case, and made my objections, I leave in your hands to do what is right in the premises, and remain respectfully,

Yours most obedient,  
Sailor's Hope, 4th May, 1858. WM. COOPER.

PUBLIC MEETING AT MURRAY HARBOUR ROAD.  
TO THE EDITOR OF THE EXAMINER.

SIR.—A public meeting was held at Murray Harbour Road, on Friday the 14th inst. You will remember, Mr. Editor, that the people of this Settlement previously signed the requisition in favor of Colonel Gray, and were determined to support him. The meeting having been duly organized, both Mr. Davies and Colonel Gray came forward and expressed their opinions relative to the steps they would pursue if returned to the Legislature. The people, owing to the spiritual influence of their ecclesiastical instructor, were wholly opposed to the enlightened political principles of Mr. Davies. However, after the meeting was over, it was evident that more than one half of the electors were decidedly in his favour. Some declared that they would again support Mr. Davies, although they had signed the requisition for Colonel Gray or any other Tory cat's-paw. Had it not been for the Bible question, neither the Colonel nor the Land Agent would stand any chance in this small neighbourhood; for several enlightened persons publicly declared that had they heard both sides of the question at first, the Tory candidates might whistle for votes. There was one peculiar characteristic connected with this meeting deserving of notice. This was the presence of the Reverend Alexander McKay, Presbyterian minister at Belfast. I have always considered a political meeting to be the last place in the world for a minister of the Gospel to attend. My goodness! what has the Protestant religion come to? Would any of the Roman Catholic clergy, whom they so much malign, resort and take prominent part in political meetings? Assuredly not. The reverend gentleman is so overcharged with bigotry and prejudice, so much influenced by party motives, that he must obtrude his presence at purely political meetings to give vent to his unwholesome emotions. This strange transaction is the topic of the day, and will be looked upon as a stain on the Protestant, but more especially on the Presbyterian escutcheon. Several of the Tory partisans attended this meeting, anticipating a triumphant victory; but stern fate sent them away disappointed and dejected. Everlastingly thine,  
May 20, 1858. AGRICOLA.

TO THE EDITOR OF THE EXAMINER.

SIR.—The unchristian endeavours of the editors of the Sanctified Press have, in some few instances, succeeded in arousing the bigotry of the ignorant class of both Catholics and Protestants, by their ineffectual attempts to force the Bible as a class-book into the public schools of this Island. If this zeal were employed for the benefit of religion, the intelligent portion of the community could duly appreciate their motives; but when only used for political purposes, in the vain attempt of securing the emoluments of office, its devotees merit the reprobation of the whole public. Thus to make religion the stepping-stone to political power, is a sad perversion of the use for which that sacred ordinance was and is intended. The perfect harmony which has hitherto existed in this Island between all classes and creeds, is an enviable position indeed; that which the mischievous editors of the *Protector* would wish to degrade us; and it is the bounden duty of every liberal-minded man, of whatever creed, to disabuse the minds of the ignorant from the intolerance instilled therein through the columns of that journal. On the eve of a general election an ostentatious display of pretended zeal for the Bible and a studied perversion of facts may serve the purposes of political charlatans; but when the motives by which these parties are actuated be so transparent, their effect will undoubtedly be frustrated. Thus all the efforts of the editorial corps of the *Protector* will be an effectual bar to the accomplishment of their real cherished hopes.  
Yours truly,  
Lot 45, May 14. A LOVER OF FAIR PLAY.

THE LOT 50 TEACHERS' UNION.

The monthly meeting of the "Union" took place at the Uigg Schoolhouse, according to appointment. D. McDonald being called to the chair, the members proceeded to business, which, when settled, the subject previously given out was taken up and well discussed, according to its merits, chiefly by D. McDonald, D. McLeod, J. H. Fletcher, John Beaton and K. McKenzie. Another subject was then given out for our next debate, should time permit, viz: "Which is the best system of Government, or under which has its subjects received the greatest amount of liberty and justice, a limited monarchy or a republic." The United States and Great Britain to be taken for example.

Resolved, That the next meeting be held at the Uigg School house on Saturday, the 5th of June.

The members then returned to their homes, hopefully awaiting the next meeting, when a full attendance is solicited.  
JAMES H. FLETCHER, Secretary.

Allberry Plains, May 3, 1858.

The Examiner.

CHARLOTTETOWN, P. E. I., MAY 21, 1858.

PROGRESS OF THE LIBERAL CAUSE IN KING'S COUNTY.

HAVING only returned on this, our day of publication, from a long journey through a large section of King's County, we can give but a very brief account of our electioneering movements, but it will be such as will convey, we trust, to our readers the impression upon our own mind that the popular cause was never more clearly and triumphantly in the ascendant in the first and second districts of King's County than it is at present. During the past week we have attended and addressed seven public meetings in the second district, at each and all of which the late members were received with many demonstrations of esteem and popular applause, and the desire was strongly expressed that they should be again returned for the district.

The first meeting was held on Tuesday morning last, at Maurice Kennefic's on the Pisquid or Cardigan Road, Lot 38. This is a new settlement, but it will send to the poll nearly 100 voters. The meeting was well attended, and was addressed by Mr. Whelan and by the Honorable Messrs. Coles, Wightman and Hensley, who were on their way to the third district of the County, for which the Attorney General has become a candidate in conjunction with the Hon. Mr. Thornton. At the conclusion of the several speeches, Messrs. Whelan and Dingwell were proposed as candidates for the representation of the district in the new House, and their nomination was unanimously concurred in—there not being one dissenting voice, and no other person being mentioned as a candidate.

The second meeting was held on the afternoon of Tuesday at the house of Mr. James McDonald, Savage Harbour Settlement, where J. B. Cox, Esq., was in attendance, and had himself proposed as a candidate. He stated that he was induced to offer, not for the purpose of opposing either of the late members, but owing to a belief which, he said, was entertained by many electors that Mr. Dingwell would not again come forward. Mr. Cox stated that if he were returned he would support the departmental system of Government, but refused to pledge himself to the support of any particular class of men in power.—Mr. Dingwell, in reply, observed, that he was indeed anxious to retire from public life, and stated that on several occasions; but rather than let his place be taken by one who was politically opposed to him, he was not unwilling to place himself again at the disposal of the electors, believing that he had discharged his duty towards them as faithfully as it was in his power to do; and if again returned, would pursue the same course. Mr. Whelan spoke at considerable length at this meeting, and again appeared to command the unanimous approval of the electors. A division having been taken on the nomination of Messrs. Cox and Dingwell, there was an overwhelming majority for the latter.

The third meeting was held on the following morning (Wednesday), at the house of Mr. William Hooper, Morell, and was far more numerously attended than the others. This is the section in which Mr. Cox, as opposed to Mr. Dingwell, will poll the largest number of his supporters. Those who attended the meeting were unanimous for Mr. Whelan—the division was between Mr. Cox and Mr. Dingwell. In the course of the speech delivered by Mr. Cox, he again declared his determination to support departmental government, and to the holding of offices by members of the Assembly, stating that he himself would take an office, if he could get one; and besides advocating the establishment of a Court of Escheat, he pledged himself to nothing else. Messrs. Whelan and Dingwell both spoke in defence of their principles, their party and the present Government; and on a division being called, Mr. Whelan was unanimously chosen as a candidate. On the division having been taken for Mr. Cox, there seemed to be about as many opposed to him as in favor of him, when Mr. Cox and his friends contended that the people did not understand the question, but that it would be decided in their favor on the election day. Mr. Dingwell's friends, on the other hand, were content to leave the issue to that day.

The fourth meeting was held at Mr. Sutherland's, Head of St. Peter's Bay, on the same afternoon. There were not more than half a dozen supporters for Mr. Cox at this meeting, and three of them accompanied him from Morell. The three candidates were nominated. Mr. Whelan's name was received in the same manner as at the preceding meetings,—and with the exception of the few referred to, Mr. Dingwell's nomination was cordially agreed to.

The fifth meeting was held at Mr. Archibald O'Hanley's, Cable Head, on the following morning, Thursday, about 11 o'clock. The attendance here was small, owing to the weather being fine, of which the people took advantage to get their crops in. Mr. Cox having requested the privilege of speaking first, which was granted to him, discoursed for about two hours and a half, advocating his claims to the confidence of the people, in that particular section of the district, on the ground of his having taken an active part, at an escheat meeting some years ago at St. Andrew's, in consequence of which, he said, he was persecuted and prosecuted by the present Government, and the fishery reserves on his farm sought to be taken from him. Mr. Whelan stated the facts of this case, and showed that as the Worrell Estate had been sold subject to the right of the Crown to the Fishery Reserves, the Government did no more than their duty when they sought to exercise the right entrusted to them, by securing for the benefit of the people so large a portion of the reserves as were monopolised by Mr. Cox. This gentleman appealed to the sympathy of the people—told them what he had suffered by advocating Escheat—said, that if returned, he, Mr. Davies, and others, would make a third party in the House, and carry out that measure—reminded the electors of his extensive mercantile transactions, the amount of money he had spent in shipbuilding, and the relief he had extended to poor people when distressed for the want of seed grain, &c. &c. Messrs. Dingwell and Whelan next addressed the meeting at considerable length, and the latter animadverted on Mr. Cox's inconsistency in professing regard for liberal principles, and declaring at the same time his determination to form a third party on the ruins of a Liberal Government. Messrs. Whelan and Dingwell were then proposed and seconded, and their nomination carried by a large majority—those in favour of Mr. Cox not exceeding four or five.

The sixth meeting was held at Birch Hill, Bay Fortune Road, at the house of Mr. William Larkin, on the evening of the same day (Thursday). On this road every voter, to a man, will poll for Mr. Whelan; and with, perhaps, half a dozen exceptions, for Mr. Dingwell as well. This was abundantly evident from the reception they received at the meeting in question. They were proposed and seconded—so was Mr. Cox; and although the people on the Fortune road entertain a high regard for Mr. Cox, on account of his extensive business transactions, they declared they had no fault to find with their late members, and would again return them. Mr. Cox having repeated at this meeting his intention to support, if elected, liberal principles and the departmental system of Government, he was asked by an elector if he would support the Government as it is now constituted. After a moment's hesitation, he replied that he would do so, since such appeared to be the desire of the people. Mr. Cox, several times after, in conversation with electors, and in public, expressed his entire willingness to go with the party in power in the advocacy of all their general measures. Indeed, this was the only course for him to take to secure support; but it will not avail with the majority of the electors, for Mr. Cox was distinctly told that he was rather late in coming out with an avowal of his new sentiments.

The seventh and last meeting was held at the Little Pond Sch. of House, Grand River, on Friday forenoon, the 21st instant, where there was a larger attendance than usual on such occasions. The two late members were unanimously received at this meeting, as the candidates at the ensuing election. Mr. Cox was, indeed, proposed and seconded; but his being put in nomination was merely done as an act of courtesy, he having requested it; and in complying with the request he was clearly told by his proposer and seconder that they did not intend to vote for him at the election.

Such is, as briefly as we can state in a hurried notice of this kind, a view of the progress of Liberal principles in the second District of King's County. We have stated all along that this District was certain to return two Liberals; and Mr. Cox having altered his tone, after attending four meetings, is convinced of the same fact as well as we are. If he had avowed his intention to support the present Government before the late meetings were held, he might have stood a better chance of his election. But Mr. Dingwell having been brought forward as a candidate of whom the District had experience, and who was found worthy of confidence, it is the duty of those who encouraged him to come forward to give him their unshinking support, which we are quite satisfied they will do.

We cannot conclude without expressing our gratification at the harmony and good feeling which characterised all the meetings in the second District of King's County, and the courtesy which was shown towards the opposing candidate and his friends, and which appeared to be warmly reciprocated by them. The meetings were highly creditable to the District, and to the cause they were intended to promote.

PUBLIC MEETINGS IN THE THIRD DISTRICT OF KING'S COUNTY.

The Honorable Attorney General, having tendered to His Excellency the Lieutenant Governor the resignation of his seat in the Legislative Council, and His Excellency having been pleased to accept the same, left Town on Tuesday last to meet the electors of the above District, for the purpose of explaining his views and of offering himself as a candidate for their suffrages at the ensuing election. He was accompanied by the Honorable Colonial Secretary and Mr. Wightman. The first meeting was held near Alley's mills, in the centre of the supporters of the Tory candidate, Mr. Thomas Owen; but notwithstanding that, so frightened were his friends, that the notices calling the meeting were removed as soon almost as they were put up, and Liberals in the immediate vicinity knew nothing of the meeting.