

# The Colonial Herald,

AND

## PRINCE EDWARD ISLAND ADVERTISER.

Vol. III.]

CHARLOTTETOWN, SATURDAY, MAY 2, 1840.

[No. 144.]

In the House of Assembly,

Monday, April 27th, 1840.

**ORDERED**, That the Printers of the *Colonial Herald* be directed to insert in the same Newspaper with the Petition to the House of Commons, the Resolutions reported last Saturday from the Committee on the State of the Colony, and the Address to the Queen; also, to forward to every member of the Committee of correspondence, Ten copies of said paper.

By order of the House,  
W. CULLEN, Clerk.

To the Right Honorable and Honorable the Knights, Citizens and Burgesses of Great Britain and Ireland, in Parliament assembled.

The Petition of the House of Assembly of Prince Edward Island; Most respectfully sheweth—

That since this Colony became a place of abode for British subjects, it has laboured under a grievance which has every year been increasing in magnitude, and results from the land having been granted to individuals in Townships of 20,000 acres. Along with many disadvantages, one principal evil flowed from the terms of these grants, and from the indulgence extended to the grantees, through their influence with men in power, and this was, that the majority of the agriculturists were kept under thralldom by the grantees and their assigns; and the chief means of their so doing was by the exaction of a rent, which bore so hard on the individual entering on the forest to clear it away, and then raise a living for his family, that he was plunged into debt, from which, in many instances, he was never able to get free, and which, at all times, was a most serious burden and discouragement.

Your Petitioners further submit, that at different times, since 1795, the Colony has applied for redress, by forwarding statements to the Colonial Department; and in 1802, a remedy was pointed out by the late Lord Hobart, viz. the establishment of a Court of Escheat; but this measure, which would have been efficient for removing the evils complained of, was defeated, through the ignorance of the mass of the people, in regard to the way in which such offer should have been made effectual, and through the misrepresentations of the grantees and their agents: That at different times since 1802, the matter has been moved in the House of Assembly; but as, since 1832, the exaction of rents has been more rigorous, the whole Colony has been in perpetual agitation, for which no remedy can be found, but the removal of the principal grievance. When your Petitioners make this statement, it behoves them to prove it, and without building on the various representations of the House of Assembly to the Colonial Department, supported by examinations, and all contained in the copies of the Journals of this House, transmitted to the Colonial Office—we crave leave to refer to an authority which, it is presumed, will not be disputed, viz.—the Report of the Right Honorable the Earl of Durham, and the evidence taken before the Commissioners who accompanied that nobleman.

Had a Court of Escheat been established then, the Grantees must have lost their claim to the land, and received a compensation for any outlay they had made; and the people of the Colony did not doubt that the Crown, when aware of the real state of the Island, would not, as landlord, have imposed on them inequitable conditions. During the past eight years, repeated applications for a Court of Escheat have been rejected by the Colonial Minister; and as a last measure for doing away with agitation, by alleviating this weighty grievance, your Petitioners have passed a Bill for purchasing, within ten years, the forfeited claims of the grantees of Townships and their representatives, at a price which is fully as high as the agriculturists, by their utmost exertions, can, within that time, make good, and higher than the average price of wilderness land in the neighbouring Colonies, and higher than the average price of such land in this Island, when valued by juries, or when exposed to public sale for non-payment of taxes, as appears from the returns in the Report by the Earl of Durham.

Your Petitioners submit, that the Surveyor General of this Island has valued the Crown Lands at 20s. per acre; but while your Petitioners cannot herein enter into all the circumstances which would prove his valuation as incorrect, they may briefly state, that it is refuted by the sales above referred to, and by the fact of his having been obliged to give to one Officer of the Army land bordering on the Town of Georgetown, at Ten Shillings per acre, as being, from its locality, double the value of the generality of Crown Lands in this Island.

As the Crown has the right to escheat all the Townships, your petitioners most earnestly request, that you will be pleased so far to exercise your constitutional influence with Her Majesty's Ministers, that they may be led to give instructions to His Excellency the Lieutenant Governor, that it is the determination of the Crown to recommend to His Excellency the Bill, a copy of which has been forwarded to the Colonial Office, and to which your Petitioners beg to refer you; or else to compel the Grantees or their Assigns to demand only such price as the Report by the Earl of Durham shall warrant, or such rents as shall correspond thereto, at fifteen years' purchase.

Your Petitioners submit, that the above are the only real remedies for the grievance herein complained of, for the penal tax proposed by the Earl of Durham will not relieve those who are at present under rent, and who comprise three-fourths of the population.

Your Petitioners further submit, that this, like other Colonies, has suffered great disadvantages from the opposition of the Council to reforms proposed by the Assembly; but that, in this respect, we have suffered what no other Colony has suffered for the last hundred years; for the Council, composed chiefly of the heirs and representatives and agents of the Grantees, has not only opposed these reforms, but has done the country the far greater evil of endeavouring to frustrate that amelioration, in regard to the tenure of land, which the circumstances of the country imperiously require.

May it therefore please your Honourable House to take measures for the removal of the heavy grievances affecting

the agricultural interest in this Colony in regard to the tenure of land.

And your Petitioners, &c.

Resolutions reported from the Committee of the whole House, on the State of the Colony—April 25th.

1. **RESOLVED**, That it is the opinion of this Committee, that in every British Colony where the right to Legislate by their representatives has been attained, when the Legislative Council and the Representative body remain at issue for a series of years, on the most important subjects, such difference is most prejudicial to the Colony.

2. **RESOLVED**, That it is the opinion of this Committee, that on many occasions, in past times, and more especially for the last eight years, the majority of the House of Assembly, on different occasions, have represented the injustice done to the Agriculturists, by the Grantees of Townships, and that in every instance, except in 1803, their representations have been opposed by a majority of the Council.

3. **RESOLVED**, That the change which in 1839 was made in the construction of the Legislative Council, has been productive of additional evil; and that, as no prosperity nor peace can be expected in this Island till an amelioration on the tenure of Land be effected, and no House of Assembly, elected by the unbiased suffrages of the people, can refrain from endeavouring to effect that most important object; so whoever looks to the individuals composing the Council, must see that on this important subject the majority of them have an interest contrary to and subversive of the general interests of the inhabitants of the Colony, by their being proprietors, land agents, connections of such land agents, or persons, in the opinion of this Committee, warmly biased in favour of the proprietors, and that the House of Assembly cannot, in consequence thereof, have any confidence in the Legislative Council, so long as it shall remain so constructed.

4. **RESOLVED**, That the people of this Island can have no confidence in the Executive Government of this Colony, so long as the agents of proprietors are appointed to fill the principal offices therein, such as the Colonial Secretary, Treasurer, Surveyor General, and Attorney General (all of whom possess, besides, a large family influence in the Executive Council,) and also such as the Solicitor General, because it is well known that land agents derive the greatest personal benefit from the large proprietary grants, and in consequence thereof, it is naturally the interest of the Executive Council, by its unfortunate construction, to misrepresent to the home Government, and even to the absentee proprietors, the true state of this Colony, and thereby prevent an equitable settlement of the

5. **RESOLVED**, That taking into consideration the facts stated in the four previous Resolutions, and the Despatch by Lord John Russell, as to the responsibility of public officers, this Committee cannot avoid drawing the conclusion, that many of the Members of the Executive and Legislative Councils should, by the Government, be requested to vacate their seats in these Councils.

6. **RESOLVED**, That the original constitution of this Colony was, like that of other proprietary Colonies, radically defective, inasmuch as it planned that emigrants would cultivate the forest and establish all the ordinary requisites of civilized man, and at the same time be held subservient, both in respect to the tenure of land, and in respect to the levying and appropriating of the Revenue raised from themselves, to a few, whose sole aim has been to make the powers given them by government over the soil, a source of emolument and of a political influence, sufficient to sway all matters in the Colony: That these conflicting interests never have been made cordially cooperative in any other proprietary Colony, and cannot here be made so to be, unless the Imperial Government will curtail both the demands and political influence of the claimants of Townships; and that unless the Imperial Government so interfere, the House of Assembly must consult their constituents as to the propriety of being annexed to one of the adjacent Colonies, as the inhabitants will never agree to submit their property and political rights to the will of the proprietors and their agents.

7. **RESOLVED**, That an Address be presented to Her Majesty, embodying the facts contained in the six previous Resolutions; also, an Address to His Excellency the Lieutenant Governor, requesting him to forward the same, along with a copy of the Bill passed this Session for the settlement of the Inhabitants.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Address of the House of Assembly of Prince Edward Island,

Most Gracious Sovereign;

We the Representatives of your Majesty's dutiful and loyal subjects of Prince Edward Island, in Colonial Parliament now assembled, humbly submit, for your Royal consideration, the copy of a Bill intitled "An Act to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act, intitled 'An Act for levying an Assessment on all Lands in this Island,'" which Bill was passed by your Petitioners during the present Session of the House of Assembly, by a large majority, but which has been rejected by the Legislative Council of this Colony. That your Petitioners regret to aver, that the Inhabitants of this Island are most discontented with their present position, and are in a state of high excitement and agitation, owing to the oppression of those from whom they have leased their lands; and your Petitioners feel convinced that such discontent and agitation will never cease to exist, until some measure be adopted that will ameliorate the condition of the people. Your Petitioners are confident, that if such a principle as that contained in the said Bill were adopted and carried into execution, it would tend wholly to suppress discontent and agitation, and to make the Inhabitants of this Island satisfied, peaceable and happy; but your Petitioners are apprehensive that such a measure can never be adopted in this Island, while the Executive and Legislative Councils are constructed as they now are, in consequence of the preponderance therein of those persons who are deeply interested and warmly espoused in behalf of the Grantees of Townships in this Island, or their Assigns—which Grantees, however, still hold their lands, although they have not fulfilled the conditions contained in their Original Grants. Your Petitioners have felt themselves, therefore, most reluctantly compelled to adopt and pass the Resolutions, copies of which are herewith transmitted to your Majesty—which plainly indicate, that in all questions relating to Land in this

Colony, your Petitioners have no confidence whatever in the upper branch of this Legislature, from its present construction.

Your Petitioners do not deem it necessary to enter into an elaborate detail of the origin and continuation of the grievances that unfortunately exist in this Island, nor of the many questions regarding Land that are at issue between the Legislative Branches, as the former have frequently been brought to the notice of your Majesty's Ministers, and as the latter must necessarily exist while the Councils remain constructed as they are at present.

Your Petitioners, therefore, most humbly implore your Majesty to take the Premises, with the said Bill and Resolutions, into your favourable consideration, and to adopt such measures as will cause Your Majesty's Loyal but oppressed subjects to be contented and happy.

And your Petitioners respectfully and earnestly pray, that your Majesty would be graciously pleased, should your Majesty see fit, to give instructions to His Excellency the Lieut. Governor of this Island, that, for the peace and prosperity of the Inhabitants thereof, Your Majesty would recommend the adoption of such a principle, or of a similar measure as that contained in the said Bill; and that Your Majesty would be further graciously pleased to direct His Excellency the Lieut. Governor to carry out, to its fullest extent, the principles of Responsibility of public officers, as contained in your Majesty's Secretary of State's (Lord John Russell's) Circular Despatch of 16th October last, as to the Executive Councilors, and also to remodel the Legislative Council, by removing some of those who are opposed to the wishes of the majority of the People, and selecting those in whom the People of this Island and their Representatives had confidence, and with whom your Petitioners could co-operate for the general good.

And as in duty bound your Petitioners will ever pray for your Majesty's sacred person.

LEGISLATIVE COUNCIL CHAMBER,

Wednesday, April 29, 1840.

ON motion, Ordered, that the following Resolutions be once printed in both Newspapers published in Charlottetown.

CHARLES DESBRISAY, D. C. C.

WHEREAS the House of Assembly, on Saturday the 25th of April, instant, passed certain Resolutions, reflecting upon the proceedings of the Legislative Council, and upon the Executive Government of this Island; and whereas the inference to be drawn from the Second of the said Resolutions goes to charge the Legislative Council with opposing, in every instance—particularly within the last eight years—the just representations of a majority of the House of Assembly:

Therefore Resolved, that such charge is utterly unfounded in fact, as, upon reference to the Journals of both Houses, it will appear, that upon every occasion in which the true interests of the Colony could be advanced with an honest and conscientious regard to the sacred rights of property, the Council have given the fullest effect in their power to the wishes of the House of Assembly; and in no one instance, of any moment, have the Council opposed the views of the House of Assembly, until the last Session, when the Legislative Council refused their assent to the Bill, intitled "An Act to regulate the forfeiture of the Lands, and the Settlement of the Inhabitants of this Island," which exhibited so flagrant a disregard of all Private rights, and such an undisguised attempt unjustly to deprive individuals of their property, that the Council were bound, by every principle of law and equity, and by common honesty, to give the said Bill—subsequently designated by the Right Honorable Lord John Russell, Her Majesty's Secretary of State for the Colonies, in his Despatch animous and unqualified refusal.

Resolved, That the prosperity of a country is best promoted by an equal representation of its various interests in both branches of the Legislature, and the Legislative Council unequivocally deny that any undue preponderance of any particular interest exists in its present construction. Of the ten individuals composing the Legislative Council, two only are Proprietors, and a third is Agent for a Proprietor owning less than one Township of Land in this Colony—the remaining seven are wholly unconnected with Proprietors, and have a far greater interest and stake in the Colony than is possessed by the whole of the majority of the House of Assembly, who voted for the said Resolutions.

Resolved, That it is a matter of notoriety, gathered from the Public Prints and other sources, that the said majority of the House of Assembly have attained their present position in that House, by deluding the Tenantry of this Colony into a belief, that, if elected as their Representatives, they would relieve them from the payment of Rents, and obtain for them Grants from the Crown, confirming them in their several possessions; and that this system of delusion has been practiced by the leaders of the said majority, for several years past, whereby the Tenantry have been encouraged to withhold the payment of their Rents, until, in numerous instances, they have incurred arrears which their utmost exertions never can enable them to discharge; and the leaders of the said majority, now finding that they cannot carry out their delusive promises, attempt to relieve themselves from the just odium of their Constituents, by representing the Legislative Council and the Executive Government as inimical to the interests of the People, an imputation no less unjust than untrue, the sympathies of both the Legislative Council and the Executive Government having been invariably evinced in favour of the true interests of the People of this Colony, at the same time that they have endeavoured to awaken the Tenantry to the ruin which must inevitably follow their fatal delusion.

Resolved, That the proceedings of the Legislative Council and the Executive Government, upon all those measures which have so fatally agitated the minds of the Tenantry in this Colony, for several years past, have been in accordance with the views and determinations of the Imperial Government, repeatedly avowed through Her Majesty's Principal Secretaries of State for the Colonies; and this House entertains no apprehension of the result of the appeal made by the House of Assembly to the Crown, in which their motives and conduct are so unjustly arraigned.

Resolved, That this House relies with confidence upon the good sense and unprejudiced opinions of the People, to appreciate the motives which have actuated the Council in their votes upon all questions affecting their interests, when they shall calmly contrast them with the extreme views exemplified in the proceedings of the said majority of the House of Assembly.

**REVIVAL AT DUNFERMLINE.**—This place, last week, has been the scene of one of the most surprising events which Dunfermline ever witnessed, and had we not been on the spot and witnessed it, we might have been somewhat sceptical as to its truth. It had been announced from the different pulpits in the town, and by handbills, that a protracted meeting for the revival of religion would take place in Queen Ann street Chapel every night during the last week, and in the Maygate Chapel a prayer-meeting would be held every morning during that time. On the first two days large and respectable audiences attended, but on the succeeding days so great an impression had been made, that Queen Ann-street Church was crowded to excess, and on Friday evening it was necessary to open another church for the crowds who could not find admittance. St. Andrew's Church was also substituted for the Maygate Chapel, for the numbers who attended the morning service were also so great that the latter place could not contain them. The greatest excitement prevails. Many have been brought seriously to think of the state of their souls—many reclaimed from the ways of sin; and the ministers have had full employment in conversing with those who are awakened; and these good men have every reason to say, that the spirit is working in the midst of the inhabitants of this town. The meetings are still continuing. This morning (Monday) the numbers are still continuing to increase.—*Stirling Observer.*