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Correspondence.

No. 7.

TO THE EDITOR OF THE COLONIAL HERALD.

SIR:—I commence this letter by considering, as the Fifth particular demanding investigation, the sayings and doings of last Session in regard to the privations and penury endured by our tenantry on account of the rent system.

I have already detailed their wants and sufferings. I am personally conversant with them. I have witnessed their severe and protracted toils. I know their scanty subsistence and clothing. I have passed nights in their comfortless cottages amid the inclemency of winter. I have seen gloom and anxiety dimming their countenances—premature decay reducing the father, care and sickness prostrating the mother. I have seen their children growing up in ignorance, clothed in rags—spectacles for the sympathy of the benevolent. And I have not seen the worst. I have never stood a witness to the tears and misery of a wretched family deprived of their last cow to pay an unjust rent. I have never marked the bursting and bitter agony of the brave pioneers of the trembling forest, as they have turned their departing look on their endeared home, from which they are driven by some merciless bailiff. But I know that such things have occurred. And I know that their unfeeling oppressors, feasting at their loaded boards, reposing on their down couches, rolling in their splendid carriages, moving amid dissipation and fashion, have no souls to pity their sufferings or relieve their wants.

But we must hear the statements of the enlightened majority on this point; for I am aware they differ with me; and the public must hear both, and judge between us. In their speeches, they certainly professed much "sympathy" for the poor tenantry, and acknowledged that "considerable distress" prevailed. But then their subsequent statements neutralized all these professions. They declared that the tenantry were able to pay a rent of one shilling sterling, per acre—that they had plenty, and were as well off as other classes of society—even merchants and tradesmen. Even the Speaker affirmed that the distress of the Colony was magnified *five hundred fold*, thus reducing it to the merest trifle, and that those who were complaining of their inability to pay their rents were idle and dishonest. And Mr. Douse said that the tenantry acknowledged to him, after he had been obliged to resort to rigorous measures with them, that they could have paid their rents, had they not listened to the deluding tales of demagogues, who taught them not to pay them; and he charged Sir C. A. Fitz Roy with falsehood in his statements on this head. These and similar statements were frequently reiterated by almost every member of the party; and were it necessary, they might be multiplied to almost any extent. But the above correct specimens are sufficient.

Need I ask the country whether these representations are correct? Is there a truthful man within its extremities who, though even personally uninterested, would not deny and oppose these assertions? Shall our representatives, then—who should feel and acknowledge the privations of the country, that they may assist in remedying them—thus misrepresent its state?—The tendency of such statements is, to weaken the claims of the people for the amelioration of their condition; and shall their guardians be found forward in effecting such an object? Are the proprietors too powerless in Britain to depreciate our grievances and exaggerate our prosperity, that they must have such efficient assistance? Alas! for our miserable state. Our own right arm is risen up against us, has seized the weapons of our enemies, and is attacking our most vital interests!

I am approaching the last division of my subject, but one which will require a more lengthened investigation than any previous one. I am to consider now, the measures of the Session for the relief of the country. Strange as it may appear, that persons holding the sentiments which I have shown the majority of last winter to have expressed, should seriously take any measures for the relief of sufferings so very considerable, and the redress of grievances so trifling, as well as incurable, as those of the inhabitants of this Island, according to their view—strange as this is, it is, nevertheless, a real anomaly presented by their proceedings. The existence of these measures, however, is not the only wonder concerning them—they are also perfect curiosities in themselves. And last, by any means, they might be lost, I wish you carefully to deposit them in the pages of your journal, for preservation.

1. The Squatters' Bill, so called, was the first, in order of time. It was introduced by Mr. Thornton. Its object was, to compel the landlords, either to give squatters of a certain period of settlement leases, or to compensate them for their improvements. The design of this Bill was, no doubt, a good one, and had it been carried into law in a proper shape, its tendency would, doubtless, have been beneficial. But the very character of it betrayed the lurking principle of the abandonment of Escheat, and the acknowledgment of the proprietors' titles. Whatever temporary or partial benefit would have arisen from it, therefore, it was an impolitic measure, as recognising principles which might afterwards prove hinderous to an equitable settlement of the grievances of the country. But, waving this consideration, it was imperfect in its object. It contemplated the relief of squatters alone; while the short leaseholders, of from 20 to 40 years, are in worse circumstances than they. The squatter, at whatever period he may be ejected, loses only his improvements. But the tenant, at the expiration of his lease, loses, along with these, almost or quite an equal amount in the rents he has paid. Another objection against this Bill is, that it established too high a rate of rent—one shilling sterling per acre—and compelled the settler either to submit to those terms, or forego any compensation for his labour. In short, framed as this Bill was, I am at a loss to perceive any real advantage which the country would have derived from its enactment; and I am not disposed to regret its rejection by the Council.

2. The next measure introduced, under the profession of relief to the tenantry, was a Bill to regulate Distresses for Rents. This Bill was passed into a law; and provides against selling property seized for rents between the months of December and June; and prevents the tenant, in case of such a deferred sale of attached cattle, from disposing of any of his provender. I am at a loss whether to attribute this Bill to the stupidity or the hypocrisy of the House. It certainly would seem, by its title, to have been intended for the benefit of the tenants. But I am half driven—from the persuasion that no sane person could have imagined that such a measure could be of good tendency—to believe that it was a bold manoeuvre, under the specious pretence of relieving the tenantry, to oppress them. Just look at the effects of the Act, and see if any other conclusion can be drawn, without great hesitation. Suppose cattle are seized in December, and the sale is postponed till the next June, will the increase in the prices which can be obtained at the latter period be equivalent to the fodder they have eaten during five or six months? Every person knows the contrary. A heavy loss would be sustained by such a plan. But suppose there were no loss in this way; the cattle are taken just at the moment when, after all the owner's care and trouble in wintering them, they are beginning to make

him some remuneration. Now, where is the wisdom, the humanity, or the justice of such a law? The Escheat measure was called "the abortion of a weak intellect." But if anything can be so denominated that is silly and monstrous, surely this may. That such abominable drugs should be imposed upon the country by political quacks, as a remedy for its sufferings, is one of its severest grievances.

3. The Resolutions on the State of the Colony must not be overlooked. Several were proposed during the Session, and one moved by Mr. Palmer was at length adopted. Mr. Cooper had previously moved one, deprecating the high cash rents and short leases, and proposing a reduction in the rents, and their payment in produce at lawful prices, and long leases. He had demonstrated the necessity of such a measure, from the circumstances of the country—the scarcity of money—the poverty of the people—the slow rate of settlement—the distrains which are practised—the superior terms in the neighbouring Colonies—the discontent and agitation which exists—and the danger of destroying the allegiance of the inhabitants, by denying them relief. But this Resolution was rejected by a large majority. The tenor of Mr. Palmer's Resolution was quite different from this; indeed, in some things, counter to it. It acknowledged that the rents were detrimental to the prosperity of the Island, and that the tenantry were in arrears. But it attributed their inability to pay cash to commercial distress and the failure of our accustomed markets—discouraged any hope of relief by enactment—and concluded with a recommendation to request Her Majesty to mediate with the proprietors for some partial alterations in the present system, as being all that was necessary to secure the welfare of the Colony. Nothing of the kind could have been more cautiously and smoothly worded. Not the very slightest allusion was made to proprietary fraud or severity; nothing said about high rents or short leases. "Commercial distress, bad markets, and other causes" (!) had caused all the hardship that existed. The Resolution was adroitly made to suit two parties, the proprietors and the tenants; it professed sympathy for the latter, but took care to give no offence to the former. It was a kind of opiate, intended to soothe the country into quiet and submission. This precious document was defended by harangues on the necessity of moderation—the evils of past extravagance—the absurdity of escheat—the great advantages to be derived from petitioning the proprietors for ameliorated terms—and the impossibility of effecting any improvement except with their consent. And though it was shown that past remonstrances had failed—that the history of the last sixty years proved, that nothing was to be expected from proprietary benevolence—that nothing but the fear of losing their lands would induce them to relax their rigor—that there was every reason to apprehend that they would impose on the Secretary for the Colonies, by promises never to be fulfilled, as they have already repeatedly done—that the Resolution proposed nothing more than the proprietors were already advertising to do, to take produce—that produce payments made in Charlottetown, at a low rate, after hauling from 40 to 100 miles, were even worse than cash rents—and that the Resolution did not even allude to many principal points in the grievances endured by the inhabitants; still, these arguments, although they confounded, could not convert those who supported this ridiculous measure. It was to be carried, and it mattered not what were the arguments brought against it. Weak or strong, they were alike contemned and disregarded.

The triumph obtained in carrying this Resolution against those of Mr. Rae and Mr. Cooper—in effectually strangling in the incipient stages, everything like honest exposure and independent remonstrance, was, no doubt, highly valued by this temperate and modest party. But it was the ignoble triumph of venality over honest independence and integrity; only calculated, by stimulating the party who obtained it, to further acts of rashness and folly, to conduct them the more certainly to ultimate contempt and defeat.

Yours, &c.

CURTIS.

Prince County, 1843.

TO THE EDITOR OF THE COLONIAL HERALD.

SIR:—In a letter recently addressed to a contemporary, I expressed my intention not to appear again in print, relative to the libel case—at least before the 11th January; but your notice of the proceedings in the Supreme Court seems to call for a few remarks.

That the Jury was composed of individuals incapable of appreciating reason without rant, I doubt not, may be true enough; but I am perfectly satisfied that no counsel under heaven could have induced that Jury to return a different verdict. In addition to all that has been said upon the subject, I have been informed that eyes and ears were applied to the jury-room door; and Mr. McKinlay, who feared he might compromise his oath by a verdict of guilty, was browbeaten into acquiescence by the unanswerable argument that he ought to be guided by the opinion of the rest, as it was notorious he did not understand the proceedings.

I perceived at a glance that the Governor had committed a most enormous error, to say the least of it, by the prosecution; and that as the selection of the Jury was in the hands of the Governor's party, such a one would be summoned as could be depended upon for returning a verdict of guilty; and that, were I to retain counsel, we might have eloquent little speeches on the niceties of common law, without affecting the result. I also saw that the prosecution involved a principle sacred as that for which Hampden and Sidney contended and died, and that I would have to throw my defence upon constitutional law, which a barrister would have neglected, but which, I knew well, must ultimately triumph. In a constitutional point of view, I consider it much in my favour that I should have been found guilty by a special jury; which facts are proving to have been less intelligent, and perhaps of more blunted moral perception, than any Jury that ever sat in Charlottetown. Some persons reckon it very hard that the Governor, Judge, Sheriff, Jury, should have their acts—be they what they may—discussed otherwise than in the language of unqualified praise; but the common-sense of the matter simply is, that their public conduct—like that of all other public functionaries—is public property, and very properly quite as obnoxious to public censure, as are the popular members of the House of Assembly, against whom every blockhead of the opposite party launches his ribaldry and folly with perfect impunity.

Believing that I was perfectly understood on the 2d inst., and my objections correctly noted by the Judge, the "disadvantage" under which you conceive I laboured, must have been in the matter, and not in the manner—a consideration that has been my principal inducement for writing this letter. As intimated above, I did not retain counsel; but it is known that the Hon. C. Young made appearance, and attended to some trifling details for me; and if the matter of my defence be bad, it might be supposed that gentleman would be, to a certain degree, responsible. It is only justice to Mr. Young, therefore, to state, that the little legal advice he was kind enough to tender me I unhesitatingly rejected—sound as I knew it to be—and that, by my defence good, bad or indifferent, it is exclusively my own. When I see my way clearly, I am as obstinate as a pig or a Lieutenant Governor.

In your usual style of commendation, you assert that the Judge was "forbearing" towards me—not a morsel of it. I said nothing to call for forbearance, agreeably to the English practice; but, as I shall always speak of men and things as I find them, I must needs say that the Judge was better than merely forbearing. He listened with great mildness and impartiality, and as much neutrality as if he had conned a lesson from the philosophical stoicism displayed by my friends, Messieurs the minority of the House of Assembly, at this daring attack on their privileges and the rights of their constituents.

That a strong and improper political bias pervaded the Court, at the time of trial, no one can doubt; nor is it to be wondered at, when we perceive that cause to operate even in the English Courts, and consider that political animosity burns with an intensity proportional to the inverse ratio of its sphere of action. Those, therefore, who hold up our officials as perfect beings, only display their ignorance of human nature. It is not in a small Colony, like this, that I would expect "the monstrous broth of pure perfection." Only look at the hot haste of the Jury to return a verdict of guilty. They had two points to determine by the evidence brought before them, agreeably to their oaths. Firstly, if the writing were a libel, malicious, seditious and scandalous; and, Secondly, if, being a libel, it had been published. A dictionary defines a libel to be a "defamatory satire;" but no evidence whatsoever was brought before the Jury that the writing which they were to try was a "defamatory satire," "scandalous," &c.; the Crown lawyers contenting themselves with telling the Jury what other stupid, or perhaps perjured, juries had done in some other cases by no means analogous. Then, as to publication, the Crown lawyers succeeded to admiration in proving that it had been suppressed; however, as I was found guilty of all, it may pass with any other absurdity. Juries should be very cautious, in the absence of all positive law on the subject, how they pin their consciences upon the sleeves of former juries, or declare truth to be a libel, which nothing but an extreme case will warrant, if that even will. This stupidity, servility, or wickedness in jurors upon libel trials is finely tested by Moore. The story is this:—

The devil, in search of his prey, prowled about London incog, in the disguise of a fine gentleman. He had some intention of getting elected to Parliament, but finding that Wilkes was there, he "would be d—d if he would sit in the same House with Johnny." After some time, an unlucky printer scented the old boy, by the "sulphurous hogo," I presume, and gave publicity to his discovery. The devil, perceiving in this a fine opportunity for nabbing twelve canting souls, had the printer indicted for libel. The poor fellow, low proved by Hoby* that the plaintiff had a cloven foot, and by Stultz, that he was provided with a tail. The defendant having thus proved his case, no doubt thought he was safe; but truth being a libel—

"The Jury—saints all, snug and rich,
And readers of virtuous Sunday papers—
Found for the plaintiff—on hearing which
The devil gave one of his loftiest capers.
"For Oh! it was nuts to the father of lies,
(As this wily fiend is named in the Bible.)
To find it settled by men so wise,
That the greater the truth, the worse the libel!"

Your obedient servant,

D. MACLEAN.

New London, 16th Nov., 1843.

P. S.—When the prosecution commenced, I was under the impression that it was partly office-hunting extraordinary, which late disclosures seem to confirm.

D. M.L.

* Hoby and Stultz are or were a noted shoemaker and tailor in London.

TO THE EDITOR OF THE COLONIAL HERALD.

SIR: In the Colonial Herald of Saturday last, Mr. M-Lean, when addressing the Supreme Court, on his motion for arrest of Judgment, is made to say—"The history of the affair I understand to be as follows: 'A Captain Swabey, it is said, carried the Resolution, or a copy of it, from the Islander Office to the Governor, who commanded the Attorney General unwillingly to commence a prosecution against that fellow, M-Lean.' Therefore, to get at the bottom of the affair, I wish to examine in Court the Attorney General, Captain Swabey, and Messrs. Ings and Irving of the Islander."

Now, Mr. M-Lean not having examined me in Court, is welcome to all I could have said in the witness-box, namely, that those whose account he seems to have adopted have told, as respects myself, a most groundless falsehood. I never exchanged a word with either Mr. Ings or Mr. Irving respecting the Government getting possession of the document in question, or any copy of it; that I have never, at any time, seen the Resolution, or a copy of it; and that, previously to the said Resolution, I never knew the substance or terms of the said Resolution, and, subsequently, only through the medium of the reports of the trial published in the different Newspapers, and in no other manner or sense whatever; nor do I know anything more of Mr. M-Lean's trial than the rest of the public. So much for *on dits* and malicious statements.

Your publication of the above will oblige,

Your obedient servant,

WILLIAM SWABEY.

Charlottetown, Nov. 21, 1843.

TO THE EDITOR OF THE COLONIAL HERALD.

SIR: "J's" flippant remarks on my letters respecting the Globe question are founded in error. I did not object to the "praiseworthy act of 'S' in endeavouring to unravel the mysterious business;" I only objected to his censure of the Clergy. My "logic" did not go to deny "that the communicants have an undoubted right to make any enquiries they please respecting matters interwoven with the best interests of the Church." I only contended that the burthen of responsibility should not be laid upon any who might be unwilling to acknowledge it, and without power legally to interfere.

Had I remained (as "J" expresses it) "in quietus," I should not have been enabled to offer for myself that justification to which my "verbose epistles" were directed. My intention was simply to disavow any share of responsibility in what he calls (ironically, I suppose from the Italics) this "honorable affair," and am quite unconscious of having merited this ebullition of coarse criticism from your correspondent's pen.

Hoping to be allowed for the future to remain "in quietus" (though some critics may think it rather a doubtful position!) on this subject,

I remain,

Sir,

Your obedt. servant,

C. LOYD.

Milton, Nov. 21, 1843.

CENTRAL ACADEMY.

To the Gentlemen composing the Duplication appointed to present an Address passed at a public meeting held in Charlottetown, 16th. 1843.

EMEN;
In furnishing you with the documents which I have at your disposal, being purely to put you in possession of facts relative to the affairs of the Academy, a lengthened review is rendered unnecessary. As their publication, however, has been in some measure disjointed, it may be necessary to collect the principal features of the whole correspondence, and endeavour to exhibit them at a glance to those who may not have particularly observed them as they were presented in detail.

My letters to the Hon the Chief Justice and to His Excellency Sir Charles A. Fitz Roy show the pupils suffering, and the Masters complaining, for want of systematic plan in the educational department of the Institution. They show that I anticipated all this from the beginning, and proposed a way of avoiding it, in correspondence with Sir John Harvey, in July, 1837. They shew the Trustees and Sir Charles A. Fitz Roy appreciating the representations of the Masters, and the Trustees engaging to furnish the remedy of their grievances. They show a Committee appointed by the Board to furnish a curriculum for the guidance of the Masters, and the Masters prohibited to introduce any books till that Committee should report. They represent that in these circumstances the Masters were deserted by the Trustees, without any reason being assigned. The meetings of Trustees were suspended, and the impression went abroad, that something was radically wrong with the Institution—while no charge of mismanagement or dereliction of duty was preferred against the Masters.

The reply of the four Trustees does not attempt to justify the "apathy and neglect of duty" charged upon them by Sir C. A. Fitz Roy, upon a perusal of my "substantially correct facts," except by stating, that they could not, in the course of fourteen months, get five of their number together to form a quorum for the dispatch of business. It displays the most zealous disposition to visit their own delinquencies upon the heads of the Masters, but can hit upon no better expedient for the purpose than "to charge them solely with laxity of discipline," which was traceable entirely to the want of books in the Institution. These books they undertook, in 1840, to furnish, agreeably to statute. The want of them, Captain Swabey says, "entirely impeded the efforts of the Masters," and "renders it impossible that the Masters can maintain a system." With respect to them, the Hon. Mr. Haviland writes—"A systematic and recognised course of education His Excellency (Sir H. V. Huntley) holds to be of the highest importance, both to the character of the Academy and the improvement of the scholars; but as the adoption of such a course lies with the Trustees, and not with the Masters, His Excellency cannot hold the Masters responsible for the want of it. And yet, while the efforts of the Masters were suspended upon the movements of the Trustees in the matter, they never met to consider it from May, 1840, till July, 1843! and whether it then occupied the attention of the Board, it is not easy to know. Indeed, there was only one meeting of the Board between those I have mentioned, and the proceedings at that one only tended more and more to hamper, and tie up the hands of the Masters.

Next notice the efforts of the Masters to obtain liberty to do themselves what all parties admit to be indispensable to success, but what the Trustees by "apathy and neglect of duty" refused to do. My letter to Sir C. A. Fitz Roy states—"Experience has proved that from the Trustees we cannot obtain the co-operation and support necessary, under existing circumstances, to render our efforts efficient," &c. "May I then be allowed to ask your Excellency, if they will 'free us from our trammels, and leave us to introduce a system for ourselves?' Will they let us take the charter as our 'guide, and form a scheme of instruction in accordance with its provisions?' Will they permit us to introduce books, and follow our own plans in such a way as to make the Institution as generally useful as we can?"

The four Trustees, in answer, say—"For ourselves, we are willing that the Masters should pursue that course of 'instruction which they may deem most advantageous to the 'progress of the pupils in their academical studies, free 'from their imaginary trammels.'" The Board, at the only meeting which they held between May, 1840, and July, 1843, read the letter from the four Trustees, which letter, when read, was unanimously "concurring in by the Board at this meeting."

The cry that there was something wrong with the Academy continued to be kept up, though gentlemen who had withdrawn their sons in some instances sent them back; the Hon. the Attorney General especially requesting that they might be taught as heretofore when at the Academy. Legislative interference was solicited, not from any representation that the existing constitution had proved itself defective—for it had never been fairly tried—but simply upon a Resolve, "That it is expedient and necessary that such change should 'be made in the Act of the General Assembly as to enable 'the Trustees and Governors to place the same under the 'care and control of one Master only,' &c.

The meetings of the Trustees were suspended—the half-yearly examinations of the pupils were in general disregarded; and what the Masters or the scholars were doing, none of the Trustees, except the Hon. Col. Lane, seemed either to know or care. The fact, indeed, that the Masters were allowed to do anything, seems to have been entirely forgotten; and when they were discovered by Capt. Swabey to have taken one step towards the introduction of system, under the authority of the Board, and had adopted a uniform Latin Grammar, a representation was made to His Excellency the Patron on the subject, and his interference was solicited, as Visitor of the Institution. In sending down a copy of Capt. Swabey's letter to the Masters, the Hon. the Colonial Secretary, who is himself a Trustee—who is one of the four who granted the indulgence to the Masters—who was present at the meeting when that indulgence was ratified by the Board—who, in the same communication, says, "His Excellency cannot hold the Masters responsible for the present want of system in the Academy"—yet presumes that we had been furnished with a system—that "the scholars have uniformly been accustomed to use a Grammar of known and acknowledged worth, and which is in general use in the mother country"—and then proceeds: "His Excellency therefore desires that you will furnish me, for his information, with your motives for making the change above alluded to, your authority for so doing, and a copy of the Latin Grammar you have taken upon yourselves to adopt in the Academy."

The reply of the Masters states that they "did not supersede a Grammar duly authorised by the Trustees." Such a Grammar they had never had, though that and other systematic books had been promised them as early as April, 1840. That reply furnished the motives and the authority which led to the adoption of the Grammar in question, and observed—"We shall be happy to afford to His Excellency the Visitor any further information relative to the course which we are pursuing that he may be pleased to require." No further information was sought for or required at the hands of the Masters. They had introduced other books, concerning which the four Trustees had said, "we sincerely