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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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CHARLOTTETOWN, PRINCE EDWARD ISLAND, MONDAY, MARCH 16, 1857.

No. 36.

Original Poetry.

A SONG. To —

When I look into thy face, love,
So youthful, mild and fair,
And see each varied grace, love,
That blends so sweetly there—
No tongue could e'er reveal, love,
Nor poet's line declare,
The lofty pride I feel, love,
To own a gem so rare.

This world is cold and drear, love,
And loving hearts are few;
E'en those we hold most dear, love,
Are oft most faithless too—
Oh! then how rich a prize, love,
Thy guileless heart must be;
No treasure 'neath the skies, love,
Is half so dear to me.

New Glasgow, March 10, 1857.

J. McL.

Colonial Legislature.

HOUSE OF ASSEMBLY.

MONDAY, March 2.

AFTERNOON SITTING.

ADDRESS IN ANSWER TO THE GOVERNOR'S SPEECH.

(Continued.)

Hon. Mr. MOONEY compared the conduct of the hon. member, who had just resumed his seat, to an Irish piper trying to play two tunes at once. He was not disposed to go against his Tory colleague, and still was not prepared to say the proposed measure was severe and cruel. That hon. member's colleague (Hon. T. H. Haviland) who had been elected by the Obstructives of Princetown, said, if he had been here last Session, he would have opposed that measure; but that hon. member no doubt thought, that he could more effectually obstruct the measures of the House, by being away in England, and using his influence at the Colonial Office. Now, however, since he had failed in that opposition, he had come out here, and appeared in the House as the leader of the Obstructives. Was it not strange that a change had come over these men? but they might still be called "Obstructives." When Responsible Government was established in the Colony, the hon. member (Mr. Yeo) said, it would ruin the country; and he had never ceased harping on that word "ruination," from that day to this. He had also given him (Hon. Mr. Mooney) a bit about the Monaghans; but from all that he could learn that hon. gentleman should not speak so lightly of them. For his part he had always thought it an honor to be in the company of that hon. gentleman, since he heard of his connection with the Monaghans; and both in height and build he resembled them very much. As many of his (Hon. Mr. Mooney's) countrymen were in the habit of going to England to reap the harvest, and being well fed on the roast beef of Old England and the strong ale, and, proverbially speaking, fond of the ladies, some of the little Monaghans had shaken hands with his mother; hence the friendship they had for the hon. member. Whatever that gentleman might say of them, they were very clever men. It might be all very good for hon. members to rise up there and say, that the Government wanted to ruin the country, and to ruin the people; but where was the hope for the people—the people who were laboring to reclaim the forest, to clear fields, to plough them up, and to build good fences? There was none, if it did not arise from that House—there was no relief for them, unless it was afforded by the protectors of the rights of the people. The hon. member (Mr. Palmer) said, we must protect the freeholders; of course, with the protection of the Tories, whatever might be the nature of it. Last year, they had been just where they were this day. There was just one redeeming quality in the speech of the hon. member for Princetown, (Mr. Montgomery); and that was, that he did not come out so fierce as he had done before. However, he (Hon. Mr. Mooney) did not see that much had been gained by the long speeches made by the Opposition. Talk indeed; but that talk was throwing chaff into the eyes of the public. A man might be in the Assembly hall, and hear the hon. member (Mr. Palmer) say, that £6,000 a year would be required to pay the interest for the proposed loan, and he might get hold of that statement, and leaving, before any explanation was offered regarding it, he might go all the way to the East Point, and communicate such information respecting the proceedings of the Government. But if any of the Government party went to the country, they would be believed in preference to that hon. gentleman. He was surprised that the minority came out in that manner. If they were opposed to the measure, let them say so; but if they said that the Government wished to extort the money from the people; such was not his intention, nor was such the intention of any hon. member.

Hon. Mr. MONTGOMERY said, the hon. member was very ready in attributing motives to hon. members; but he had heard motives attributed to that hon. gentleman, that the reason he would not support a measure for a Court of Inquiry was, because he had become possessed of landed property himself. He thought it would be much to the credit of that hon. member, as well as others, if they did not manifest so much hostility when measures were passing through the House. He need not say that he intended to oppose the loan; and he had a right to rise and make any objections to that measure, without having motives attributed to him.

Mr. DINGWELL said there had been a long contest about these words "general satisfaction." It might appear that there was an argument set up by the minority of the House, that freeholders were afraid they would be taxed in order to buy property for leaseholders. He believed, however, that the measure would give "general satisfaction" to the freeholders in preference to the leaseholders in general. The freeholders, generally speaking, had large families and were anxious to make them freeholders; and when land came into the market at a fair price, they were the first to step in and seize the opportunity; whereas the poor leaseholders could not pay their instalments, and consequently could not purchase land.

Mr. COOPER.—In reference to the "general satisfaction" mentioned, said it was only a matter of opinion. As far as he had been able to learn from the country they would be willing to support the measure. He believed it would never come upon the freeholders of the Island to have to pay for the loan; and that the very object of the Government, with regard to the measure was, that it should not distress the country; while he was of opinion that it would both pay the interest and principal, and that the Home Government would rather give up a portion of the money than that the scheme should distress the country.

Hon. Mr. WHELAN—I am gratified, Mr. Chairman, to hear the declaration just made by the hon. member for the first district of King's County (Mr. Cooper), because there are certain parties who expected to see him vote against that paragraph of the address under consideration, and thereby set himself in opposition to the contemplated Loan. But the course he has concluded to take upon this important question is highly creditable to his judgment, as I am confident it will be acceptable to his constituents. I shall not trouble the committee with many observations on the subject of the paragraph under discussion, but with the few I may offer I shall confine myself to

the subject, from which most of the honorable members who have preceded me have thought proper to digress. We have had a long discussion on the principles, and even the details of the Loan Bill, as if that measure were actually before us; and some hon. members, of an imaginative turn of mind, have presented us with a very gloomy picture of the disastrous results of such a Bill. I could not help noticing the peculiar, and, without intending any offence, I might say—the artful and designing manner in which the hon. member for Princetown—(Hon. T. H. Haviland)—introduced his amendment to the notice of the committee. The amendment itself is ingeniously drawn up, although it contains no expression of opinion; but it is so framed as to lead its supporters on the other side to expect that two or three members on this side cannot help voting for it, and by that means give to the minority all the moral advantage of a very little triumph over the Government. The hon. member from Princetown said, that if he had been in his place last session he would have voted against the address to the Queen on the subject of the Loan, and yet he now asks this House to join him in thanking His Excellency for the information he has given to us, that the subject of the Loan has met with the favorable consideration of the British Government! We are asked to evince our delight at the receipt of what he considers bad news—to thank the Government for a favour which he thinks is no favor at all! But, Sir, I think I perceive the design of the hon. member in alluding, in his amendment, so pointedly to the address of last Session. Three members who usually support the views of the majority voted against that address, and perhaps it is hoped that direct reference to it may renew their aversion, and induce them to oppose the subject of it in every shape. The hon. member did not fail to remind us that the address was opposed last session by the gentleman to whom I allude, and whom he eulogised as zealous advocates of the tenantry of this Island. The hon. member from Princetown presents himself in an entirely new character on this occasion. He eulogises the public career of three members of the majority, on account of their long attachment to the interests of the tenantry. I must, then, suppose that he is sincere in his admiration, and can only express surprise that he himself so long opposed the policy and principles of the gentleman to whom he has referred. [The hon. member then read the paragraph under discussion in the original draft, and the amendment proposed. He then continued.] Now, Sir, I can see nothing in the paragraph of the address, as proposed by the committee, to which any hon. member should make the least objection. It merely expresses our thankfulness that the British Government intends to aid us in our endeavours to change tenants on this Island into happy and contented freeholders. Surely, if there is anything for which we ought to be thankful, it is for that. And we say, moreover, that the means by which we expect to bring about this desirable result, "cannot fail to afford general satisfaction." This is an expression which seems to give the greatest offence to hon. members in the opposition. They jump to the conclusion, without seeing a Bill or measure of any kind before the House, that "the means" which the Government intend to propose, will not "give general satisfaction." How can they know? Surely, it will be time enough to discuss that point when we get the Loan Bill, with all its details, before us. I am inclined to think that there is no subject upon which we have ever yet legislated calculated to give more "general satisfaction," than the purchase of proprietary estates, with the view of abolishing the leasehold tenure; and I can see no other "means" of doing that than by borrowing money under the Imperial guarantee; and when that guarantee is freely offered to us, I think we have good reason to be thankful. It is absurd for any hon. member to object to the expression—that the measure in view by the Government "is such as cannot fail to afford general satisfaction." Why, the Government—did not only the Government, but the minority—even individual members, acting without reference to party ties—will say the same thing of every measure brought into the House; they will, each and all, declare, that such and such a measure "cannot fail to afford general satisfaction." It is quite edifying to notice how anxious some honorable gentlemen are to secure the interests of the tenantry! What if they did oppose escheat at a time when it was practicable? What if they did oppose every measure since adopted by the Legislature, to ameliorate the condition of the tenantry? Is it not patriotic now to save the unfortunate tenantry from the sad condition to which the Government is disposed to hurry them—that of becoming freeholders? And who are the alarmists? Who are they who indulge in such dismal forebodings regarding the prosperity of the country under the extended operations of the Land Purchase Bill? Who are they who tell us that tenants and freeholders will be alike ruined by the increase of our public debt? Why, they are the very persons who have a direct personal interest in keeping up the present very unsatisfactory state of things—Land Proprietors, Agents and Speculators. It is the interest of proprietors—at least such of them as do derive pecuniary advantages from the possession of estates in this country—to keep the Government from making extensive purchases, because the Government will resell the actual settlers at a lower rate than they are willing to do—because if they do not compete with the Government in the sale and transfer of property, there will be discontent on the part of the tenantry, a growing hatred of the leasehold tenure—and perhaps, a disposition manifested to increase the taxation on wilderness land, as a punishment to proprietors who will not sell. It is easy to perceive how extensively the Agents would lose by the Government's becoming possessed of property now entrusted to their management; and the speculators would miss brilliant chances of making rapid fortunes if the Government should be permitted to leave them no estates on which to speculate. The hon. member for the first district of Prince County (Mr. Yeo) appears to be more disturbed than any of his brethren in the agency of land, at the awful prospect in store for them. Influenced by his own fears, he represents the country as in a state of great excitement on this subject. Three-fourths of the people of the whole Island, he says, are decidedly opposed to the scheme of Government Land Purchase, until they are satisfied that the purchase of the Worrell Estate has not been a ruinous transaction. Now, Sir, I must tell the hon. member that I do not believe his statement as to the popular discontent. I do not think that there is one district in the Island—not even the district represented by the hon. member himself—where the people are dissatisfied with the policy of the Government on the land question. In my own district, I know the people are too well pleased to offer the slightest objection to that policy. If, in the other districts, an agitation prevailed, such as the hon. member says does prevail, surely we might expect some indication of it before now, in the form of petitions. If the country is so fearfully disturbed, why has not even one district spoken out against the Government's persistence in their present policy? One might suppose, on listening to the hon. member for the first district of Prince County, that he would enforce his opposition to this policy by producing pockets full of petitions against it; but there is not one, even from his section of the country, and I doubt very much if he could succeed in getting up a petition in accordance with his own views on this subject, notwithstanding the great influence he possesses generally in the district represented by him. The Land Purchase Bill has now been on our Statute Book for several years, and the Government have purchased, and are daily receiving, in accordance with its provisions, one of the most valuable estates in the country. If it be such a very bad measure, as we are told it is, why has not the country petitioned for its repeal? When the hon. member for the first district of Prince County will condescend to answer that question, we may be inclined to listen to his representations about popular discontent in reference to the working of that Bill. The hon. and learned member for Charlottetown, in supporting the amendment of his hon. friend from Princetown, cautions hon. members against voting for the paragraph in the

Address before you, Sir, because, he says, it contains a pledge to support the Loan Bill. Now, if I understand anything of the meaning of words, I must entirely differ with the hon. and learned member. There is not a syllable about the Loan Bill in the whole paragraph. I was on the Committee who prepared the Address in answer to His Excellency's Speech, and if there was any one paragraph to which I objected more than another, it was the very one under consideration, because it does give no pledge—no opinion of any kind,—because it is so indefinite that it can hardly be said to mean anything. The argument against the intended Loan which the hon. and learned member for Charlottetown sought to deduce from his calculations, can be of no weight whatever, until he convinces us that his calculations are correct. He sets down a very large sum for interest, and says that such will be the first charge on the revenues of the Colony. Now, it has been already shown by my hon. friend the Colonial Secretary, that the interest, supposing the whole amount of the Loan were taken up, would not amount to more than half the sum set down by the hon. member for Charlottetown. But whoever dreamt that the Government would be so rash as to take up the whole £150,000 at once, unless there were estates to exchange for it immediately? We know that many proprietors will not be willing to sell at the prices which the Government will be authorised to pay—that they will hold on to their estates, to squeeze as much as they possibly can out of them, until taxation, or other causes, drive them to a reluctant transfer. This being the case, the Government will, of course, only take up so much of the Loan as may be required when about to effect the purchase of any particular estate, as, for example, the purchase of the Selkirk property, which is about to come into the market; and the interest of the money invested in such a purchase would be no great burthen to the country. Besides, it is not to be supposed that the land will remain on the hands of the Government, but will be resold to actual settlers with all possible dispatch; and provision will be thus made for the payment of both principal and interest. We have been told that the Government purchase of the Worrell Estate has proved a very bad speculation, and that we ought not to encourage such another. Now, I deny that the purchase in question has been attended with any evil results. It has given the greatest satisfaction to the people settled on that Estate, most of whom have now become freeholders; and this result has been obtained without entailing a single farthing of additional taxation. It is no doubt true enough that considerable expense has been incurred in managing the transfer of that extensive property, but it is not just or fair for hon. members to make the bold assertion that a large amount of money will be sunk in the transaction, or that extravagance has been committed by the Government, when the accounts of the Estate are not yet before the House; and if they were, I am satisfied they would not warrant such an assertion. If it can be shown that fraud or mismanagement has been permitted or countenanced by the Government, they, the Government, are here to answer for it, and to be punished, if necessary, by the loss of office, by the House expressing its want of confidence in them. I have no doubt the minority will be only too glad to discover the smallest instance of fraud; but reason, common sense and justice, alike tell us we should wait for this discovery to be made, before we condemn the Government, or set our faces against a further purchase of proprietary estates. At all events, it will be quite time enough to enter on the merits of this question, when the Loan Bill shall come before us. What we have now to consider is, whether we shall answer His Excellency's Speech in the manner proposed by the special Committee, or whether we shall adopt the amendment drawn up by the hon. member from Princetown, for reasons best known to himself. I shall most certainly vote against that amendment.

Mr. HEATH HAVILAND.—It is rather amusing, Mr. Chairman, to hear the hon. member who spoke last night, that all that has been said was beside the question. But I take it to be that because the great champion of escheat had taken up the subject, that escheat was to be no more agitated. I do not wonder at it, for it was well said long ago that "the men of yesterday are not the men of to-day," and we have several proofs of it; yet I have never, since I was in this House, thought that the great champion of escheat, who stood forth as such since that time to this moment, and who scouted the rights of proprietors as if they had no titles—I never expected to see him come forward in less than twelve months, and hear him publicly announce that escheat was no more to be agitated. How long this may last, I know not. I cannot support that paragraph of the address, especially that part of it relating to a pledge. I thought from an hon. member having so much to do with the address, that there would be a pledge in it, but I will say that I will wash my hands from it, and will not have the least to do with giving my sanction to this measure. It is said, it will be a boon to the tenantry—every person will admit that—but let us see how it is to be done. This measure is a premium upon idleness—a tax upon industry. Another question as to the loan—it is not merely the interest of the loan that would be a tax upon the country; but the taxes now paid on land, would be lost, and of course the amount lost, would have to be paid out of the general revenue. At this stage of the proceedings, it is too much for the House to expect to discuss the contemplated measure.

Mr. COOPER wished to answer the hon. member for Georgetown, as his remarks were intended to apply to him. Although he supported the Government to purchase the land, and sell it to the tenants, yet he was still of opinion that the land was forfeited; but when the people did not see that as he did, they would not be likely to support him in what they did not understand. If he could not get an escheat, he endeavored to obtain for them the next best terms he could, to enable them to purchase a freehold title. For such reasons, he thought it better to accept the proposed measure, than set out, and keep up an agitation from year to year, if the people did not believe him. With regard to the Land Purchase Bill, the first Bill was different from this one; for the British Minister was for buying up the land from the proprietors, if they would be willing to pay a certain sum to the tenantry for what they had paid up. The address was such, in his opinion, as to give satisfaction to the country.

Mr. LAIRD said, they had had the land question very well explained; and he would only say a few words on the subject under discussion. He thought the paragraph of the address would have been very good, if those who prepared it, had not inserted the words, "cannot fail to afford general satisfaction." He had doubts about its giving "general satisfaction;" for not any of his constituents with whom he had conversed on the subject approved of the measure. If those who prepared the address, had said, "we hope it will afford general satisfaction," he would have approved of the paragraph; but as they would not likely change it, he would vote for the amendment. The majority need not expect hon. members to vote against their consciences. He might be deceived, but he did think the measure would "afford general satisfaction;" and therefore he would not vote against his conscience.

Mr. MACINTOSH said, before the question was put, he wished to say a word or two on the subject. He thought it was plain that he had not been at all times favorable to the loan; but that he had not succeeded in obtaining escheat, and at present he was rather favorable to the proposed loan. Still he was not very favorable to it, and if it was not from necessity, he would be almost afraid to support it; but he was also afraid to oppose it; for if it would be the means of benefiting the people, he would support it. When he saw that, if they did not agree with the Government on that measure it might be lost, he would say of two evils, choose the least. If he saw a desire on the part of the proprietors to give the people time to procure a freehold property of their own, he would not be so much opposed to them; but he felt strongly opposed to those whom he saw manifesting no desire to give the people free land, when they had a good opportunity. He did not think

there would have been any discussion on that part of His Excellency's Speech, until the Bill was brought before the House. Tho' he would vote for the paragraph in question, he would not support the Bill, unless it were what he thought it should be. He therefore supported the paragraph as it was.

Hon. COL. SECRETARY wished to say one word on what fell from his hon. colleague. He did not like to allow him to state, that all his constituents were opposed to the measure in question; for he must say that all that hon. member's constituents whom he (Hon. Col. Secretary) had met did not agree with that hon. gentleman in his opinion that the measure would not "afford general satisfaction." He would also remark that last session his hon. colleague voted against the Government, because they would not put one word into the address; but if he had broken up the Government, would that have given "general satisfaction"? He hoped that his hon. colleague would not vote against the measure, because he could not get one word changed. As to the hon. member for Georgetown being surprised that Mr. Cooper was abandoning the agitation of escheat, that hon. member (Mr. Cooper) might also turn round and say, he was surprised that the minority should have become advocates for the establishment of a Court of Escheat. The hon. member Mr. Cooper had once introduced a measure of this kind into the House, but since he had failed to obtain what he desired, he had a right to fall back on another measure similar to it. [The hon. member here read an extract from the Bill referred to, introduced by Mr. Cooper.] That bill made provision for calling upon the Home Government to purchase the rights of the proprietors; but it also provided, when the tenants had purchased their land that they should pay for it again. As the hon. member had not confidence, at that time, in the Island Government, he made provision in the Bill for applying to the Home Government to purchase the land; but since the introduction of Responsible Government, he had confidence that the Island Government would make a better bargain with the proprietors than the Home Government would have made. If now the hon. member fell back on his old principle of purchase, when he felt satisfied that the extreme measure of escheat could not be obtained, he (Hon. Col. Secretary) did not think the hon. member should be accused of changing his views.

The Committee then divided on Hon. T. H. Haviland's amendment, as follows:—

Yeas—Hons. T. H. Haviland, Palmer, Longworth and Montgomery, Messrs. Yeo, Heath Haviland and Laird—7.

Nays—Mr. Macdonald, Hons. Whelan, Col. Secretary, Col. Treasurer, Wightman and Mooney, Messrs. Clark, Cooper, Macintosh, Muirhead, Munro and Dingwell—12.

So the amendment was lost.

Mr. LAIRD then moved to amend the said paragraph of the Address by striking out the words "cannot fail to" in the fourth line, and inserting in lieu thereof the words, "we hope will."

The motion being put on the amendment, it was negatived on the same division as the previous one. R. LAIRD, Rep.

On the reading of the 4th paragraph, which read thus—

"It is gratifying to learn that the revenue is in a satisfactory condition, as that is a sure indication of the increasing prosperity of the Colony."

Hon. T. H. HAVILAND.—I do not think the present state of the revenue warrants the conclusion that it is increasing in prosperity. I deny that it is increasing in prosperity, and would ask for proofs of that assertion. The paragraph goes on to say the revenue is in a satisfactory condition, and there it stops—without a single argument for such a conclusion. I therefore move that the latter part of the paragraph be struck out.

Hon. Mr. WHELAN.—The latter part of the paragraph is necessary to the first. His Excellency says, the revenue is in a satisfactory condition, and we merely respond that we are pleased to hear it. If the revenue is satisfactory, and we have the Governor's word that it is, there can be no grounds for objection. But the measure will come up before the House by and by, and the hon. gentleman will have an opportunity to agree to it or not.

Hon. T. H. HAVILAND.—Admitting what the hon. gentleman says—which still involves a doubt—can it be said to be indicative of increasing prosperity?

Hon. the SPEAKER.—I think the Address is merely an echo to the Governor's Speech, and therefore move that the word "increased" be struck out, and the word "general" substituted.

The amendment was then agreed to without a division. The remaining paragraphs were successively read and agreed to.

The House then resumed.

Hon. T. H. Haviland presented his amendment to the second paragraph of the Address, and it was negatived on a division the same as it was before, with the exception that Mr. Clark, instead of the Speaker, voted against it.

Hon. Mr. Palmer then moved to amend the said second paragraph of the reported Address, by striking out the following words thereof:—"by such means as cannot fail to afford general satisfaction."

The amendment was negatived on the same division as the former.

The Address, as amended, was then agreed to by the House and ordered to be engrossed, and is as follows:—

To His Excellency Sir Dominick Daly, Knight, Lieutenant Governor and Commander-in-Chief, in and over Her Majesty's Island Prince Edward, and the Territories thereto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's faithful subjects, the House of Assembly of Prince Edward Island, respectfully thank Your Excellency for the Speech with which you have been pleased to open the present Session.

It is with pleasure we receive the information that Her Majesty's Government have come to the determination to aid our endeavours to convert the Leasehold into Freehold tenures, by such means as cannot fail to afford general satisfaction. The sooner that desirable object can be effected, the more it will encourage the Tenants to reclaim their Lands and improve their homesteads, which is a sure sign of a prosperous country and a contented people. When the Despatches on this subject shall be laid before us, as well as the measures which Your Excellency's Government have in contemplation, in order to secure to the inhabitants the fruits of their labour and industry, they shall receive from us the most deliberate consideration; and we trust it will be found that we duly appreciate the paternal solicitude of Her Majesty's Government, in connection with so important a matter.

It is gratifying to learn that the Revenue is in a satisfactory condition, as that is a sure indication of the general prosperity of the Colony.

Your Excellency may rely upon our giving a careful attention to the Accounts for the past year, as well as to the Estimates for the current one; and we will cheerfully make adequate provision for the maintenance of the public service.

We are well aware that the establishment of Municipalities throughout the Island would be an extension of the principles of self-government, and would afford to the people among whom