

and the land question was to be settled as recommended in the despatch—an equitable arrangement.

But the most popular view in the Island at that time had never given any hopes of an election to their constituents, and they had learned all the old despatches, which were in favor of the usurers and against the tenants, and if Sir Alexander would give them the offices, they could go much further to put down an estate than the usurers themselves. They would buy the land from the usurers at a price that they might gain, but should lose nothing, and sell it again to the people at prices which would keep them indebted to the Government, and then they would have the power of Government and landed over the people, with every long and stick of Newwood at their disposal; and what with their sub-agents, surveyors and wood rangers, they could govern the people and keep themselves in office. And it is left for me to show that such negotiations are contrary to the meaning of the last despatch—contrary to the Law now on the Statute-book—and contrary to the orders of the Queen in Council. Earl Grey admits that the land question is unsettled; and the settlement of that question affected the political and social well-being of the community. It was not the One-fourth, nor the Currency, nor the Tenants' Compensation for Improvements; no, nor the Land Tax for Free Education; neither was it the opening of the ports for Free Trade, or the extension of the Elective Franchise, that affected the community. It was the landed tenures,—and to find out what Earl Grey meant by the landed tenures, Sir Alexander was instructed to refer to the papers of the ten years' agitation, all of which related to the forfeiture of the lands; and it would have looked much better if Governor Daly had informed himself of such matters, and not to have exposed his ignorance about the "validity of the titles to landed property in this Island."

Earl Grey says the rights of parties cannot be altered but by an equitable arrangement. We will agree to that; but then we will demand and insist that their rights, if they have any rights, shall be ascertained by an investigation of their titles; and if they have no rights, we have a right to make them refund their ill-gotten gain, especially since the time they had warning from Earl Grey. Earl Grey says that some satisfactory arrangement should now take place. This was said four years ago, and you have a right to demand of the Government why this arrangement has not been made; it was due three years ago.

If Sir Alexander were to be put upon his trial for disobeying his instructions, let us suppose how he would defend his conduct. He could prove that he passed the Purchase Bill, which was to investigate the titles of land; and if upon such investigation they were proved to be forfeited, take the land by escheat, instead of purchasing land from usurers; and the same Act provides for settling the tenantry in freehold at a low price for their land; the freeholders, being already settled, cannot be disturbed. Landlords who did not choose to make an offer of their lands to Government, knew that the Government would no longer defend them to recover rents, and Courts are open for any person who may feel themselves aggrieved to appeal, and it was in my power to appoint a Court of Escheat and Forfeitures at any time when required; but if the representatives of the people were opposed to such proceedings, that is a matter between them and their constituents.

Ministers and Governors deceive and defraud people with impunity, because the people have seldom the means and power to bring them to trial; but they must not, on pain of death, deceive the sovereign, who is the fountain of justice and honor, which must be kept pure. Therefore, an Act to purchase and pay money for lands for the Colonial Government, which are presumed to be forfeited, could not receive the Royal Assent without a clause for the full investigation of the titles. But as the object appears to have been to deceive the Sovereign and the subject at the same time, according to a precedent laid down by Governor Fanning, to destroy the Act after it had received the Royal Assent, the following words were introduced in the Purchase Bill, viz: "That it shall be the duty of such Commissioners of Public Lands to investigate, or cause to be investigated, the titles of such lands, and he shall make a report of the result of such examination and investigation to Government." Those words are sufficient, for the honor of the Crown, to receive the Royal Assent.

But it appears to have been kept so secret, that it might be nibbled and quibbled away by those who intended it should not be acted upon; cunning people are frequently found out by the actions of their confidants. Men who would sell their constituents to usurers were unlikely to pay regard to an oath of secrecy; no man would have purchased forfeited titles to land, with an Act before him for the investigation of titles, unless he had an assurance from Government that such an investigation was not to be acted upon. Worrel could not know that. He had given up his estate to trustees for his debts. But Joseph Pope knew the secrets of the Council; he was there to plan and prepare the Bill; and in the House of Assembly to pass it through; that body, and by his son took an advantage to forestall the Government, and bought the Worrel estate for £500; and many of the tenants being in arrears for rent, their bonds and warrants were demanded under a threat of being ejected; and Pope being thus fortified with a double power over the tenants, threatened to put the bonds and warrants in force, unless the Government would give him a bribe of about £13,000 over and above what was allowed to Worrel. There must have been danger of a disclosure when Pope could threaten and bully the Government out of £13,000 to conceal it, or rather than investigate the titles.

If the tenantry upon the Worrel estate had been willing to pay a price for their land to discharge the debt of Worrel's, was it fair that they should pay £13,000 to bribe Pope to conceal the treachery of the people's representatives; and the tenantry are told, unless they return to Government they are to be turned over to the tender mercies of Pope and his partners. Is this the equitable arrangement recommended by Earl Grey, which ought to have been in operation three years ago; are these the sweets Governor Daly promises from the Purchase Bill, if you will refrain from agitation?

That you may have some idea of what is constitutional and unconstitutional, that is, right and wrong:—

The titles of Townships mean the grants, and when they have become void and of no effect, if they are bought and sold fifty times, that makes the titles no better,—they are void still. The last purchaser is bound by the conditions the same as the first grantee.

The Crown can give an indulgence where a grant is made to one party, and no other party interested or injured by such indulgence. But the grants of this Island being made to a grantee in behalf of other persons, the Crown cannot give an indulgence to one subject to deprive other subjects of their rights; the Crown is bound to protect, and not injure the meanness of its subjects. Sixty years' possession of lands is held to be good against the Crown; but sixty or a hundred years for one class of subjects to oppress another class of subjects, gives no right to continue the oppression. If complaints had been made as early as they could be made, the length of time the oppression is continued is an aggravation of the offence. The people cannot lose their rights if they continue to agitate and demand them; and when the oppressor continues the oppression, after due warning, it is not sufficient then to be let alone; the oppressed have a right to satisfaction.

The Attorney General and Commissioner of Public Lands were Members of the Council, and they, being a secret tribunal, had no power to investigate the titles of lands they were to purchase for the public. If the titles of the Worrel

estate had undergone an investigation, they ought to be fit to stand any investigation by a jury in any case. But the Attorney General admits, that he made no investigation of the titles of the Worrel estate; his report as to title is as follows:—

"The conditions of settlement in all the grants are the usual conditions, and being known to the Government, I have deemed it unnecessary to advert to them in the foregoing abstract."

Earl Grey has said that the tenure of land affects the well-being of the people more than anything else, and the grants declare the forfeiture; and the Act for the purchase of the land requires the titles to be investigated; but as the Government knew all that, it was unnecessary to advert to it. To enable you to judge for yourselves in such matters, I insert below the thirtieth section of the Royal Instructions. It is not a deceitful despatch from Downing Street in favor of usurers; it is Her Majesty the Queen's instructions from her court at Windsor to the Governors of her Colonies, and is as follows:—"It being of the greatest importance to our service and the welfare of our plantations, that justice be every where speedily and duly administered, and that all disorders, delays and other undue practices in the administration thereof be effectually prevented: We do particularly require you to take especial care that at all courts where you are authorised to preside, justice be impartially administered; and that in all courts established within our said Island of Prince Edward, judges and other persons therein concerned, do likewise perform their several duties without delay or partiality." Such are Her Majesty's instructions to her Governor. Then we must bear in mind that the grants of this Island were made in like manner by an order of the King in Council, and were not intended to make British subjects tenants, but for a different class of persons; and as such persons were not introduced or settled, the lands are declared to be forfeited, and the grants to be void and of no effect. Then, again, the Purchase Bill for the investigation of such titles, received Her Majesty's confirmation by an order in Council about a year and a-half ago, and Earl Grey's despatch, from which I have quoted, is only about four years old, while the despatches which the Colonial Secretary read, to invalidate the Act, and the Royal Authority above, is from ten to twenty years old. He gives up all that we have gained by Responsible Government, and returns back to former times, and upon the authority of such despatches, and in violation of the Law and Royal Instructions, has taken upwards of £20,000 of the public money to satisfy Pope and other persons for land, without an investigation of title, or proof that they had any right to receive it; and the tenantry upon the Worrel estate have to attend and engage to pay their shares of that money, with interest, or they will be turned over again to Pope and his party; and so it may come to your turn next to be treated in the same manner. I proposed a resolution to the House of Assembly, on behalf of the tenantry, that a court of competent jurisdiction be appointed to investigate the titles according to the true intent and meaning of the Purchase Bill; but a majority of the members, including the members of the Government, who brought in and agreed to that Act two years ago, voted against that part of the Act going into operation. The Governor signifies in his speech that a court for the investigation of the titles of land is a Court of Escheat; consequently, as Her Majesty the Queen has been graciously pleased to authorise an investigation of the titles of land, a Court of Escheat ought to be established, that is, provided we are under the government of the Queen (G)—for, when a Government can set Acts and Royal Instructions aside, and plead old despatches in favor of usurers for so doing, it is difficult to know whose authority we are under.

The Governor has expressed his approval of the vote of the majority of the House of Assembly, opposing the Act for the investigation of titles to lands going into operation. It might suit the character of the captain of a banditti to praise his gang for a successful robbery of £30,000—a year's rent from the hard-earned property of the tenantry; but I expected a different speech from one who is said to represent our gracious motherly Queen; and strange as it may appear, and create more confusion as to whose authority our Government are under, although they had a majority, and voted against an Act in favor of despatches, they did not attempt to repeal or amend the Act, nor to enact the despatches into law.

You must understand that the purchase of the Worrel estate relates to every tenant in the Island; and as the House of Assembly have voted in such a manner that the Government may purchase other estates without an investigation of the titles, and unless the people themselves declare their objections in time, it will remain a precedent hereafter. Read what Junius says on such matters:—

"Both liberty and property are precarious, unless the possessors have sense and spirit enough to defend them. Let me exhort and conjure you never to suffer an invasion of your political constitution to pass by without a determined persevering resistance. One precedent creates another. They soon accumulate and constitute law."

I have pointed out what is authorised by Law and the Royal Authority, and that the Governor, and more especially the Leader of the Government, have declared in favor of the old despatches to support the pretensions of usurers in opposition to Law and the Royal Authority; and if you are satisfied in your minds that our Liberal Government are still under the power of traitors in England, and usurers here, or that they intend to be landlords themselves, and divide the spoil, and that you have a sincere desire to be under the Laws and maternal Government of Her Majesty the Queen, it will be necessary to meet and consult how that object can be best effected, and with as little delay as possible—for you have no encouragement to plant or sow while usurers can come upon you and take the increase. We are entitled to have a Government who will carry out the laws and Her Majesty's gracious intentions, and we ought not to remain a disgrace to the great empire of which we are a part, through the avarice of traitors and usurers, and the pusillanimity of the inhabitants to submit to their oppression.

I believe my constituents patronize all the newspapers, and I have sent a copy of this to all the publishers, in hopes that my endeavors to serve your interests may meet your approbation.

And I remain, with great respect,
Your faithful Representative,
WILLIAM COOPER.

Charlottetown, May 12, 1855.

P. S. People from the country have put the following questions to me:—

1st Q. What is intended by the Bill for proprietors to put their titles upon record?

2d Q. If proprietors' titles are forfeited, will not the titles of freeholders who purchased land from them be forfeited in like manner?

1st A. The Bill for proprietors to put their titles upon record was lost in the Council. There are six Townships that have no grants recorded, and the Bill might have given relief to the tenantry upon them.

2d A. The grantees of Townships were to settle 100 persons, and grant or sell to them 10,000 acres of the Township or forfeit the grant. If he settled 10, and gave up 1,000 acres to them for their settlement, it is good; but the grant is forfeited, because he kept 19,000 acres to himself, and kept 90 persons in bondage to clear that land and pay him rent for their improvements; and therefore it is necessary for the Government to take the land to settle those people.

If the lands had been settled as required, the Government would have been under the influence of independent free-

holders, lest they should lose their title, proprietors against the tenants, and have Government, contrary to the political unity.

WILLIAM COOPER.

Colonial Legislature.

THE MAINE LIQUOR BILL.

WEDNESDAY, April 4.

(Continued from our last.)

Mr. LAIRD.—Mr. Chairman, the hon. member for Charlottetown has certainly made an able and eloquent speech, and I do not dispute his assertions; but his resolution will not, in my opinion, cure the evil. The remedy he proposes falls short of the disease. I do not intend to make a speech—but I will move a short resolution. It is unnecessary for me to go through the able appeal the hon. member has made, but I will move this resolution:—

Resolved, That no spirituous liquors be manufactured, imported, or sold in this Island, after

Now, Sir, this is coming to the point, and all who want to put a stop to the use of intoxicating liquors should vote for it. Now, if a man choose, he may import a punchon, and then send it about to his friends. My resolution will put a stop to it altogether. I have been of the same opinion for the last fifteen years. I joined the temperance body, and continued with them three or four years—but I found a good many hypocrites among them, a good many who would dance before Saul and David (laughter.) And I say, Mr. Chairman, that no honest advocate for total prohibition can oppose this resolution; they who do so and profess to desire the suppression of liquor, are hypocrites.

Hon. Mr. MOONEY.—Mr. Chairman, the resolution proposed by the hon. member, as an amendment, comes pretty near my own views on the subject—but it had better be put as a rider to the Bill.

Mr. COOPER.—I have listened, Mr. Chairman, very attentively to the hon. member for Charlottetown, who has certainly made a very forcible appeal on behalf of the petitioners. No man doubts his sincerity in advocating the course he has been urged to adopt,—and I entirely agree with him as to the extent of the evils arising from the traffic in liquor. I know nothing more injurious, but while I say that, I must also state that the situation of the Island renders it impossible to prevent the importation of it. On our shores a boat can land at almost any place; and I would ask what would be the expense of guarding our coasts, so as to prevent the illegal importation? How could you prevent American fishermen smuggling spirits? They would do so in spite of any means you might adopt! If a law should pass, preventing the importation, you will only encourage smuggling. The best means for the Sons of Temperance to adopt, to extend their principles, is to call meetings, and instill into the minds of the people a conviction of the evils of the present system, and that the total suppression of the traffic is the only remedy. Before the law asked for could be effective, the minds of the people should be satisfied as to the propriety and necessity of it. At present, the country is not ripe for the law—and China affords a striking instance of the effects of a law which the general opinion of the community does not approve. There the importation of opium was prohibited. What was the consequence? There was but one port open at the time, now there are five. It is perfectly futile, Mr. Chairman, to say that this country can prevent the importation of liquors as long as the people are disposed to use them. I cheerfully give credit to those individuals who have procured the signatures to the petition, and who have impressed the minds of the people in favor of their views; and I would be the last man to discourage them in their endeavours to impress a conviction of the existing evils on the minds of all. I have always been opposed to intemperance—but I cannot believe that we can stop the importation of liquors, and if we pass a law to that effect, we will soon experience that the cure is worse than the disease. I will move a resolution as an amendment, which I hope will be adopted. The hon. member concluded by reading a resolution, eulogising the efforts that had been made by the advocates of prohibition in extending their principles, but stating that the insular position of the Colony rendered it impossible to prevent importation, and recommending a grant towards disseminating their views.

Hon. Mr. WHELAN.—I regret, Mr. Chairman, that I was not in the House when the hon. member for Charlottetown opened this discussion. Not having heard his arguments, I cannot of course reply to them; but the principles involved in the resolution which he has submitted, I shall take leave to consider and controvert. But I will first turn to the resolution submitted by my hon. friend from the first district of King's County (Mr. Cooper). I cannot subscribe to all the propositions it contains; and the conclusion on which it is based is, in my opinion, wholly inadmissible. I will not dispute the justice of the encomium passed upon the Sons of Temperance for their efforts to abate the evils resulting from the immoderate use of spirituous liquors, but I cannot believe that either the Sons of Temperance represent the majority of the people of this Island, or that the names subscribed to the petition now before us are those of a majority of our population. That our shores are easy of access, and therefore present great facilities for carrying on a contraband trade in liquor after the prohibitory law would go into operation, is another reason assigned by my hon. friend in his resolution for opposing the measure. That is a mere quibble, unworthy of my hon. friend, who usually takes a candid and straightforward view of public questions, and can only have been thought of as an excuse for giving the question under consideration the "go by." We all know that smuggling would prevail to a great extent, if the Maine Law were put in force; but this might be checked by an efficient preventive force, if we were disposed to give the law a trial. Smuggling now prevails to a very considerable extent, but that circumstance affords no reason for our removing the excessive duties from the merchandise imported here. I shall offer no such reasons as those advanced by my hon. friend in opposition to the enactment of a prohibitory liquor law for this Island. I will take my stand in opposition to the measure on a higher and broader ground. But I will first give one moment's attention to the resolution submitted by the hon. member for Charlottetown (Mr. Palmer). It appears to be a copy of that which was before the Assembly last year. I shall directly meet it with the following amendment, if my hon. friend from the first district of King's County will withdraw his resolution, as I feel assured he will, when he perceives that the one I am about to read goes more directly to the point:—

Resolved, That it is inexpedient to prohibit by Law the importation or sale of spirituous liquors, inasmuch as such prohibition would be a serious infringement of the private and inalienable rights of individuals and society at large,—would entail an excessive loss to the revenue, to meet which no provision has been indicated, and further, inasmuch as there is no evidence before the committee that a majority of the inhabitants of this Island desire a prohibition of the sale, manufacture or importation of spirituous liquors; nor have this committee any sufficient reason to believe that Prohibitory Liquor Laws have been productive of any material advantage in those parts of the United States wherein it has been attempted to put them in practice,—no part of Her Majesty's dominions having yet untried the example of the United States in this respect.

If we carry out the resolution proposed by the hon. member for Charlottetown, we perpetrate an invasion of the rights of individuals and of society at large. The argument used in support of such an invasion is, that the drinking usages of

society are productive of grievous evils, and that moral means have been found to be inadequate to check them—that they have not had the effect of turning inebriates from the error of their ways, and that therefore a prohibitory law must be passed. I will ask the hon. member for Charlottetown if, in supporting such an argument, he means to say that because a fraction, and a very small fraction of the community call for or will not refrain from an immoderate indulgence in spirituous liquors, therefore we are to pass a law placing not that class alone, but the whole community, the majority of whom are men of strictly temperate habits, on the same footing? The majority of the people of the Island are not drunkards, nor are the majority of mankind; and I for one will not consent by vote of mine to put the two classes on a level—to place the sober and respectable man in the same position as the worthless drunkard. There is one point in this matter worthy of consideration, namely the loss of the revenue, which would be the result of prohibiting the importation of liquors. The public accounts show that last year we received from that source nearly £12,000. The friends of the proposed law may philanthropically exclaim,—"What is the revenue in comparison with the public morals? Why trouble our heads about pounds, shillings and pence, when virtue and sobriety are at stake?" This is all very fine for simulated patriotism—it is an excellent theme for declamation. But in grappling with a question like this, we don't want declamation—we want facts. The traffic in liquors is as legitimate as the traffic in any thing else—it is nearly as ancient as the traffic in any thing else—it is as universal as any branch of trade ever followed; and the oldest, most enlightened, most civilized, and most moral countries of the universe, permit it to be carried on, and to make it the source of a large revenue. For the followers of Neal Dow to say that the trade is demoralizing in the aggregate, does not prove it so. These people conduct their arguments upon false premises; it is not the trade that is at fault—it is the frailty of those who cannot subdue their vicious propensities—and who often, from being great drunkards, become for a time great temperance orators,—and because they, and many others like them, think there is a probability of relapsing into their old habits, they would fain fasten the door of the hotel and public house against sober people as well as against themselves. "Abolish the traffic in liquor," say the enthusiastic followers of Neal Dow, "because its continuance leads to drunkenness." What if it does—drunkenness carries with it its own punishment, and cannot legally or constitutionally be noticed by the governing power, unless it interferes with the rights of others. We have no more authority, and should have no more authority, to punish the drunkard than we have to punish the glutton, unless either or both invade some acknowledged right or privilege of the others in the community. Drunkenness per se is not a crime—it is a vice, and only a comparatively small portion of mankind are degraded by that vice. Are we then justified in seeking to restrain all mankind, because a small portion of them happen to be the slaves of that vice? If we thus carry our notions of moral reform into the domestic circles, and prescribe what a man shall drink, we may go further, and establish our dictum as to what he shall eat, in order that he may avoid gluttony or what we may consider unwholesome food; or establish our canon as to the cut and quality of the clothes he may wear, in order that he may avoid the vices of vanity and extravagance. But to return to the financial view of the question, the more reasonable and the more thinking advocates of the prohibitory liquor law should be prepared, before coming before the Legislature, to point out some feasible means by which the deficiency in the revenue is to be made good. One idea is, that the closing of the shops and the places where liquor is sold would have the effect of calling habits of industry into more active operation, and that consequently we should, if not directly, at least indirectly, experience an increase of revenue. The probability of such a result, and the degree of credit to which the assertion is entitled, are, however, mere matters of opinion, and the men who press such line of argument should at least be prepared with facts and figures to prove the correctness of their opinions. Nothing of the kind has been attempted, although the question has now been debated several Sessions. The only dictum in proof of this view of the question is, that if the people do use intoxicating liquors, they will consume more tea, tobacco and other dutiable articles, and that consequently there will be no ultimate loss to the revenue. I want something better than mere conjecture to convince me that this would be the case—to convince me, in short, that people do not now use as much tea, tobacco and other dutiable articles as they would require under any circumstances. I now, Mr. Chairman, advert to another argument that has been used in favor of the cause of the petitioners, namely, that the size of the petition, that is, the number of signatures, shews it is the wish of the people to prohibit the use of, and traffic in, liquors. Now, Sir, I say that there is no evidence before the committee to warrant such an opinion. This argument I have heard before, but no sane man can honestly say that the petition is expressive of the will of the majority of the people. I assert, Sir, that it bears the signatures of hundreds of persons who really have no will or opinion of their own on this or any other matter—it has been signed, for example, by young boys and girls, who put their names down for the sake of the novelty of signing a petition to go before an august body like this, or because their friends or acquaintances asked them to do so, and they could not well refuse compliance with a request that occasioned neither trouble nor expense. The petition is also signed by men engaged in the importation and sale of liquors,—and when I see that, I ask, do they desire a law prohibiting the very business in which they are engaged, and by which they have made, and continue to make their living?

Mr. CLARKE.—Yes.

Hon. Mr. WHELAN.—The hon. member says, "yes." I ask for the grounds on which he answers me so positively. Why then, Sir, if the parties who are engaged in the liquor traffic were sincere in putting their names to the petition now before the Committee, they must regard that traffic as an immoral and pernicious one, and should abandon it, without waiting for the Legislature to prohibit its continuance. But when they affect to say that such is the character of their trade, and still pursue it, it is quite reasonable for me, or any one else, to conclude, that in signing the petition they have acted with the utmost hypocrisy and duplicity. To shew the way in which many signatures are obtained, I will mention an interview which I had, even this very day, with an intelligent person from the country. I was asked by him when I considered the petition would come up for discussion. As I ascertained that he was not in favor of the law, though he had signed the petition, I naturally asked him to account for the evident inconsistency of his conduct. I said, "why did you sign the petition for the law, if you do not wish it to pass?" He replied—"Oh, in truth, I was so pestered for my name that I was glad to sign it, to get rid of the importunities by which I was beset." That, Mr. Chairman, is far from being a solitary case. There are several instances within my own knowledge in which parties have been fairly bothered into putting their names to the petition, not that they desired the law, but because they acted under the influence of an amiable desire to gratify the parties who applied to them, and also that they might relieve themselves from most importunate solicitations. And, Mr. Chairman, I understand that the petition now before us purports to be signed by children; ay, Sir, it bears the names even of infants who cannot write.

Mr. CLARKE.—How can they sign it if they cannot write? (Laughter.)

Hon. Mr. WHELAN.—I did not say they wrote their own