

The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

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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Provincial Parliament.

HOUSE OF ASSEMBLY.

5th May, 1859.

THE LAND QUESTION.

(Continued.)

Hon. Mr. COLES was not present at the commencement of the debate, but had looked over the resolutions, which he considered virtually amounted to nothing. They contained merely recommendations, without the suggestion of any law to give those recommendations a practical effect. One proprietor might accept the terms, and another might refuse. As the resolutions were intended to supersede the rights of the people to the Fishery Reserves and Quit Rents, and to cancel future inquiry into the fulfilment of the conditions of the original grants, he should oppose them, at least until a Bill should be introduced making it compulsory on proprietors to accept the terms offered to them. The Quit Rents were invested in the Colony by the Civil List Bill, and it would be unjust to those who had paid to remit their arrears to others who had not. Let the proprietors pay what they owe to the Government, and let the Courts decide the amount. At the expiration of the Land Tax Bill thousands of pounds would be demandable for arrears of Quit Rents, and if the House chose to remit them, let them do so by Bill. As to the surprise expressed by the hon. member, Mr. Davies, that the late Government had not settled the Land Question, he could assure him that they had done all they could to effect that object. They had passed the Loan Bill at the suggestion of the British Government, and it was the minority, not the majority, of the late House which had kept up the agitation for a Court of Enquiry, by coaxing Mr. Cooper on in his endeavours to obtain it. By the resolutions the tenant would have to pay just what the proprietors might choose to demand. If a price were fixed, which, by law, the landlord should be compelled to accept, he would not object to support it, but would oppose a scheme which left the matter wholly optional with him. One proprietor, Mr. Bruce Stewart, had adopted the scale of the Land Purchase Bill, and found it advantageous. He trusted that the House would not consent to give away the Fishery Reserves. They were to be held by the Government in trust for the people, and no argument for their cession could be fairly drawn from the amount of rent to be derived from them, for their great value was to be estimated by the encouragement they would afford to the prosecution of the Fisheries; and the people were only beginning to find their importance. The term "deceptive schemes" in the preamble was improperly inserted. The House of Assembly, in former years, had been unanimous in its opinion of the necessity and justice of an Escheat, and the only difference of opinion arose from the fact that the hon. member, Mr. Cooper, wished to go behind the indulgence of 1816. The Land Purchase Bill did not merit the character of a deceptive measure; it had been characterised as just and wise. The late Government deserved credit for having obtained the transfer of the Quit Rents to the Colony, as by that transfer, at the expiration of the Land Tax Bill, the Government of the day would be in a position to claim large sums from proprietors. The suggested remission of arrears of rent, in the resolutions, could, of course, only refer to those tenants who were in debt to their landlord. Why should not the industrious man, who had paid up in full, be allowed equivalent advantages? He was surely entitled to the same consideration. However, as it was the pledged duty of the majority to clear the proprietors, he supposed they would do so. He, for one, however, would oppose the resolutions.

Hon. Mr. PALMER viewed the resolutions as in every way worthy of the grave consideration of the House. The questions they involved had frequently been subjects of discussion and legislation in the House, and of agitation throughout the country. So many and so various projects for their settlement had been started from time to time, and so thoroughly discussed, that it would be a waste of time to enter into the merits and demerits of the several schemes at this late day. In fact, the subject had been worn threadbare; and he put it to the Committee if it would not be wise and proper for them to adopt the spirit of the proposition contained in the despatch of the Colonial Minister. But few individuals of sound mind in that House, or outside, believed that Escheat would ever be conceded. True, it was a fertile theme for those who found it necessary to keep themselves prominently before the public eye. It was always of service to those who sought to gain or retain the favor of some constituencies, but no man of sense expects to see it conceded; the time for that had passed. The hon. member, Mr. Cooper, perhaps, might still cling to the hope or expectation that some Colonial Minister might, at some day in the remote future, consent to it; and he should leave him in the enjoyment of his anticipation, without going into an examination of the grounds of his faith. The hon. member, Mr. Thornton, had expressed his concurrence with the spirit and principle of the Resolutions, but had objected to the phraseology of the preamble. As he had agreed to the substance of the resolutions, he trusted that many would follow his example. The only objection to the substance of the resolutions urged by the hon. member was, that they contemplated the appointment of but one commissioner. That objection was really of but little weight, for the Colonial Minister spoke of an impartial Committee, and if the resolutions were agreed to by the House, it would be easy for the Minister to carry out their views by associating one or two more gentlemen in the Commission. The despatch informed the Government that the whole question of the land tenure had been engaging his attention, and now, by the manifestation of a conciliatory spirit, we show ourselves actuated by a desire to do what is reasonable, and to respect the rights of property, we would be supported by the Imperial Government in our endeavours to obtain a final and satisfactory settlement. It became the duty of the House now to say whether they would do so, or whether, by holding out to the people expectations which could never be realized, they would lose the substance by grasping at the shadow. Hon. members would consult the best interests of the tenantry by adopting the suggestions of the Colonial Minister. It was well known that various propositions had been tried and found ineffectual. The public accounts for the last few years show that the Land Purchase Bill has not justified the predictions of its friends, that it would be a self-sustaining measure; besides, its operation was not extended to the whole body of the tenantry; nor was it probable that any more estates would be purchased by the Government. One class of the community objected to be taxed for the benefit of another. The

Loan Bill had received its quietus, but if it had passed, and the money had been obtained under it, that objection would have been urged with as much or probably more force. He appealed to the House, if it would be wise to offer opposition to the plan suggested by the Colonial Minister—that plan was simple and practical,—it did not hold out the Utopian idea of free lands for nothing. By it, the Imperial Government were to appoint a disinterested party as Commissioner. There was no reason to doubt that they would be cautious in their selection, and would appoint the most competent person they could find. That gentleman would come to the Island—investigate the relative claims and equitable rights of landlord and tenant—make himself thoroughly master of the subject, and recommend what mutual arrangements he might think suitable. The terms of settlement would doubtless vary according to the various circumstances of the several Estates. It would not be likely that the proprietors would hesitate to accept the terms proposed. It had been objected to this scheme that the acceptance of the terms recommended was not made compulsory on them. They had had sufficient experience of the results of compulsory legislation on the rights of individuals. Proprietors would not be so blind to their own interests as to reject the suggestions of the Commissioner, sanctioned as they would be by the Colonial Minister, whose approval would be tantamount to the application of compulsion; for the proprietors would then understand that their properties would be left liable to our local legislation. The hon. member, Mr. Sinclair, had taken exception to the tone of the resolutions, as being too supplicatory—that in fact they should have contained demands of right. Had that gentleman been a member of the House as long as he (Hon. Mr. P.) his experience would have brought to his recollection many instances wherein the assumption of such an attitude had led to the loss of objects which would have been obtained had they been sought in a different mode, by the House confining itself within reasonable bounds, and basing its action on reasonable and moderate principles; and he repeated that hon. members would not be doing their duty to their constituents if they did not give their cordial assent to the propositions now before them. As to the hon. member, Mr. Cooper, he well knew that in 1837 an Act passed, confirming the titles to lands after 40 years possession, whether the owners were in the Island or not. As to the question of Escheat, it had been dragged into every discussion,—in the debate on the address—the Fishery Reserves—the Loan Bill; in fact, it was paraded on every possible occasion, until he was sure the House and country must be heartily sick of it. The hon. member, the leader of the late Government, had quoted, some evenings since, at considerable length, from his (Hon. Mr. P.'s) speech on the subject, in the year 1855;—had he given the whole speech he would have induced an impression very different from that which he sought to create on the occasion referred to. In the session of 1855, when that hon. member had at his back a majority strong enough and willing to carry any measure he might introduce, there was not a man on the floor of the House who made a more decided stand against Escheat. He (Hon. Mr. P.) had been, and was opposed to Escheat, but he believed that on the eve of elections that hon. member and his party had held out to the people the prospect of obtaining free lands through the medium of a Court of Escheat. When that gentleman came into power, he determined to test the sincerity of his professions, and he succeeded most thoroughly, for the hon. member, at great length, showed that Escheat was impracticable. He characterised the agitation as "hopeless," "mischievous," "a will of the wisp," &c. He said that the final answer had been given by the British Government—that it was an attempt to misguide the people for electioneering purposes, and that it ought to be put down, and used other language equally denunciatory. What opinions can be entertained of his sincerity when the same hon. member now says that Escheat must be had. What reliance can be placed in such advocacy? The present was the first occasion in which the British Government had held out the olive branch, in connection with the subject. They ask us to join in some reasonable and just proposal; and surely hon. members ought to bury party feelings on this question, and support the resolutions, the adoption of which he believed would result in substantial benefit to the people. Should the event be otherwise, we would still be in no worse position than before. It was in every way, therefore, desirable that the resolutions should be supported as generally as possible; and to attain that object, if the language of the preamble grated harshly on the ears of some hon. members, he would have no objection to modify it, to meet their wishes, so long as the spirit was retained.

Hon. Mr. COLES considered the resolutions as all nonsense, there being no guarantee that any practical result would follow their adoption or operation. When the hon. member for Charlottetown (Hon. Mr. Palmer) first rose, he stated that the proprietors could not be interfered with, but at the conclusion of his speech he stated that they could be coerced into the adoption of the recommendations of the Commissioner. His opinions had not been changed. He had opposed Escheat on the old ground of the breach of the conditions of the grants, and while there was a prospect of other feasible means of settlement; but the withdrawal of the Loan Bill—a measure recommended by the Colonial Minister—and the loss of the Fishery Reserves Bill, had brought up the question under very different aspects. The usurpation of the Reserves was in itself sufficient to involve the forfeiture of the grants. The House were not justified in delegating to any Commissioner, or set of Commissioners, the rights entrusted to them by the people. They had now a Government favorable to the proprietors; and the question could speedily be settled by a fair trial. While the Commissioner would require years to bring his investigations to a close, it could soon be arranged at a great saving of expense, by making him presiding officer in a Court of Escheat, where the sworn verdict of 12 honest men would decide the dispute, and any person feeling himself aggrieved by their decision could carry his case for final adjudication to England, where it would be finally disposed of by the tribunals of last resort. The hon. member for Charlottetown need not taunt him with his present advocacy of Escheat. He had steadily opposed it, as he before stated, and had induced his political friends reluctantly to support his views, in many instances against their own convictions. The constantly recurring changes in the person at the head of the Colonial Office was another objection to the adoption of the resolutions. The present Colonial Minister might be out of office to-morrow, and Mr. Labouchere might succeed him. In that case the latter gentleman would probably act on the principles he had suggested when formerly in office, and throw his predecessor's plans overboard. He would never consent to give up the disposal of the Quit Rents and Fishery Reserves to any Commissioner. The House was the body to which the people confided their management, and they should not abdicate their functions. With reference to the hon. member's allusion to the quotations from his speech in 1855, he could only say that it surprised him and his friends when they heard the hon. member deliver it. By that speech that hon. member had done more to promote Escheat than any one in the House. The truth was, that the opposition in the late House had supported Escheat in opposition to the then Government; but as their political position was now changed, they had altered their views with their altered circumstances. He was surprised and sorry that the people should send representatives who would not hesitate to hand over their dearest rights to some Commissioner, to be appointed

from England; for although it might be said he was to be disinterested and unconnected with the Island, the proprietors were ready at the Minister's elbow, and although that officer might mean to do what was right and impartial, it would be an easy thing for Sir Samuel Cunard, Lord Selkirk, or any other of them, to whisper into his ears a recommendation of some party whose appointment they might desire. Let the local Government, if they were determined to carry out this scheme, have a voice in the appointment, and let them be held accountable.

Hon. Mr. YEO thought the matter might be settled by two or three parties from the neighbouring Colonies.

Mr. DAVIES was at a loss to know what good could possibly arise from the further agitation of Escheat. The Crown had the right to grant the lands, and when Responsible Government was conceded, we were told that the titles of the proprietors could not be disturbed. The better course would be to throw ourselves on the good feelings of the proprietors, who would probably remit the arrears of rent, and offer favorable terms to the tenantry for the purchase of the freeholds. As to the Quit Rents, the Home Government in 1833 stated that they had given up their claim to them.

Hon. Mr. COLES—The despatch containing that statement referred to New Brunswick.

Mr. DAVIES—Well, in this Island the arrears were given up when the Land Tax Bill was passed.

Hon. Mr. COLES—No.

Hon. Mr. POPE had not expected honest or fair conduct from either of the hon. members, Mr. Coles or Mr. Cooper. The former stated that he had always opposed Escheat, yet his address to the electors last summer contained a reference to "circumstances" which had operated to incline him to support Escheat. The only circumstances to effect this change had emanated from the Colonial Office, when it was discovered that the financial statement sent to England differed so widely from the truth, that it represented the Colony as out of debt. He could see nothing in the resolutions which should elicit opposition; they virtually request the proprietors to make some concessions to the tenantry; if the request should not be complied with, no harm would have been done. Fault had been found with the preamble for its allusions to measures of the late Government, which were characterised as delusive and deceptive. On that account he supposed the resolutions would not receive the general support of the minority; but he considered they afforded the only means of obtaining anything. The hon. member, Mr. Coles, had objected to the resolutions, that there was nothing compulsory, nothing in the shape of a law, in connection with them. He well knew that compulsory legislation would be inoperative, that it never would be sanctioned; and he would ask, on what conditions had that hon. member taken office in 1851? [The hon. member here read some extracts from the celebrated despatch, styled the "bloody" despatch, in which Lord Grey, Colonial Minister at that time, recommended the local authorities to abandon the question of Escheat.]

Hon. Mr. COLES denied that he had accepted office on those conditions.

Hon. Mr. POPE—There was the despatch to speak for itself. Yet the hon. member, when out of office, asks for compulsory legislation with reference to the rights of the proprietors, while in power he strenuously opposed Escheat, to which he was now willing to accord his support. There was no more ridicule and abuse applied to the hon. member, Mr. Cooper, for his persistent advocacy of Escheat. One hon. member, Mr. Sinclair, had said that we had nothing to do with the proprietors—that we ought not to ask favors for the tenantry. In answer to that, he could tell him that the Home Government had repeatedly declared that the House should not interfere with their rights. Hostile legislation had effected nothing for the benefit of the people. The agitation of Escheat had been a curse to the country as long as he could recollect. It might suit the hon. member, Mr. Cooper,—it enabled him to go through the country and get money from the people, of which he could appropriate a portion to the cost of a steamer passage to England—to take up his abode in the fashionable locality of Wapping or Mile End, and return, having out of £300 expended about £10, and saved the remaining £290. What that hon. member's opinion of the merits of this agitation, might be readily inferred from the fact that, while he had been advising the poor tenants to refuse to pay their rents, he had not allowed his own to fall into arrear. Why did he recommend to others a course of action which he would not adopt in his own case? In conclusion, he gave his hearty support to the resolutions, which he fervently hoped would result in some practical benefit to the country, as he knew they were introduced with hope.

Mr. SINCLAIR—The Colonial Minister had recommended a reference to an impartial committee. If the resolution went to the appointment of such a tribunal, whose duty it would be to report to the Colonial Minister the result of their investigations, he would support them; but the very first resolution placed the House in a humiliating position. The House might as well petition the proprietors themselves in the first instance. The Colonial Minister stated that there were matters requiring settlement. That being admitted, he had no objection to refer those matters to arbitration, and to let the award be submitted to the Imperial Government. He approved of the plan suggested for the purchase of the freehold interests, but thought it preposterous for the House to place itself in the position of beggars. He was in favor of an impartial committee, but was opposed to the appointment of one individual, to negotiate with the proprietors, and ask them what they would be pleased to give or take.

Mr. COOPER had been attacked personally by the hon. member, Mr. POPE. He lever in his legislative capacity indulged in personal vituperation. He used arguments, and cited authorities in support of them.

Hon. Col. GRAY would remark that the hon. member, Mr. Sinclair's observation, that we had nothing to do with proprietors, was true in but a very limited sense, for however little we might have to do with them, they had a great deal to do with us. The law had invested them with rights, the strict exercise of which would be fraught with disaster, if not ruin, to many. We could only expect relief by appealing to considerations of equity.

Hon. Mr. POPE did not consider that the position assumed in the resolutions was in any degree humiliating. It was fully justified by the circumstances of the country. The proprietors could exact their rents, and the House, as representing those who owed them, should not be above asking for a remission. As to the idea of legislation hostile to the claims of the proprietors, the Home Government would not sanction anything of the kind, even if the House were unanimously in favor of it.

Hon. Mr. HAVILAND—The whole debate was but a repetition of what they had heard for years; but the new feature of most prominence was the fact that the opposition had become inoculated with a fondness for Escheat. Before the general election, when the political balance was turning, fear of the loss of power made an Escheator of the hon. leader of the late Government, who now sees the question from a different point of view from that from which for 16 years he gazed at it during which period he denounced it as impracticable, declared it useless, and finally decided by the British Government since 1840. But he thinks it prudent now to take another view, being no longer leader of the Government; and as no new facts can be adduced to justify this change, he must fain drag into light some will-of-the-wisp, some hobby to parade before the public, to induce them to repose in him once more a portion of that confidence which they had withdrawn. And so he had promised the country that he would, at some future day, pour into the Treasury some £200,000 of Quit Rents. He remembered the time when a member of the former House, Mr. Benjamin Davies, introduced a resolution on the subject, and submitted an estimate of what he considered due. On that occasion the hon. member laughed at him, and almost called him a madman. That hon. member had jumped Jim Crow in

a manner which would have done credit to the greatest political harlequin that ever existed. Unstable as water, he was one thing to-day and another to-morrow.

Hon. Mr. COLES warmly denied the statement. Hon. Mr. HAVILAND—The hon. member was ready enough to contradict him, but he could not put him down. He had not been able to do so when at the head of the Government, nor could he do so now. As to his assertion that there had been no prohibition of Escheat in 1851, at the time Responsible Government was conceded, he had been anticipated in his refutation of that statement by his hon. friend Mr. Pope producing the memorable "bloody despatch."

Hon. Mr. COLES had not taken office under that despatch.

Hon. Mr. HAVILAND—The British Government granted Responsible Government by that despatch, and any Government formed must have been constituted in accordance with the stipulations it embodied. With reference to the resolutions, he would first refer to the objection advanced by the hon. member, Mr. Sinclair, that they were couched in terms too humble. He did not think that gentleman had put the case fairly. The resolutions were to the purport, that an humble address be presented to Her Majesty, praying that she would be pleased to appoint a Commissioner. That was the proper and customary mode of addressing the Sovereign; and the House recommended the basis on which the report of the Commissioner would be founded. He was amused at the inconsistent nature of the objections which had been made to the resolutions. The hon. member, Mr. Coles, would not entrust the rights of the people to any Commissioner. Mr. Sinclair did not see the force of that objection—his confidence was abundant in any person who might be appointed; but he would not go, cap in hand, and endeavour to get a remission of arrears for the tenantry. Would he be more likely to induce the proprietors to make such remission, and to sell their lands at low prices, payable in small sums, if he quixotically essayed the achievement, sword in hand? If the suggestions contained in the resolutions should be fairly carried into operation, the present Government and House of Assembly would be found to have done more for the country than the opposition ever did.

Hon. Mr. COLES—It had been sought by the present Government to make it appear that their predecessors had done nothing for the benefit of the people, when the fact was, all the remedial measures which had been passed had emanated from, and been carried by them in the teeth of their political opponents. The Land Purchase Bill had had the effect of inducing the proprietors to lower the price of their lands—the One Ninth Bill had prevented them from receiving their rents in sterling instead of currency, and the purchase of the Worrell Estate had made, and would make more freeholders than would be the consequence of the resolutions. He denied that the late Government had seen the despatch of Earl Grey to Sir Alexander Bannerman when they took office, although the party whom they superseded had. When its production was moved for in the House, he knew nothing of its contents. Had the concession of Responsible Government been made in the terms of that despatch, it would have been referred to in the Civil List Bill. He had never sought to interfere with the rights of property—he had but asserted the vindication of the rights of the people of the Island. He had never ridiculed Mr. Benjamin Davies for his action on the subject of the arrears of Quit Rents. He had suggested the propriety of an address to the British Government, to know the amount which had been paid; and the reply was, that they had no accounts of such systems. The arrears of the Rents had not been given up. Had it been otherwise why was the late George R. Young employed to effect a settlement of the question? The Colonial Minister had stated that it would be unfair to discharge from their liabilities those who had paid nothing, and thus place them on the same footing with others who had made payments. It was humiliating for the Legislature to ask, as supplicants, for a remission of arrears of Rents,—let the tenants themselves make the request, and the Legislature could then recommend their application. As to the observations of the hon. member, Mr. POPE, as that gentleman always indulged in low scurrilous abuse, without adducing any arguments, he would not notice him. If nothing could be obtained from the proprietors, the matter had better be dropped at once. The only way was by trying for a Court of Escheat. He had no objection to the principle of the other resolutions, but was opposed to the begging character of the first. At the expiration of the Land Tax Bill, the question of the arrears of Quit Rents would come legitimately before them for settlement.

Hon. Mr. POPE would not lay claim to such debating qualities as the hon. member, not having sat in the House for 20 years, uttering untruths, and obstinately adhering to them. As to the reference to the Worrell Estate, he admitted that many who had previously been tenants were now freeholders, but they had been made so by taxation of the people from one end of the Island to the other. The whole amount of the price of that Estate would be sunk, and the consequence would be general taxation of the people for the benefit of a few individuals. On that account the Land Purchase Bill was justly entitled to the designation of a "deceptive" measure, for it had been confidently asserted that it would be self-sustaining. Now, the best of the land was gone, and the expenses exceeded the receipts by some £7000 or £8000. The hon. member had said that he had not seen "the bloody despatch" until it was laid before the House. It had probably been brought down by that gentleman himself, and why, when he had become acquainted with its contents, did he not at once resign? He held on to power under it as long as he could, and it was only when he found himself sinking that he grasped at Escheat, as a buoy which might possibly keep his head above water for four years more, but he had found out his mistake.

(To be Continued.)

W. M. HOWE, Reporter.

Correspondence.

THE PRINCETOWN ELECTION.

TO THE EDITOR OF THE EXAMINER.

(Concluded.)

Hon. Mr. Palmer says he had read the petition, but could not tell what were the allegations set forth; nor did the petitioners say that they had demanded a scrutiny. I pity Mr. Palmer's inability to comprehend that the petitioners alleged that in consequence of default of duty on the part of the Returning Officer, they were barred from entering on a scrutiny. But I think the gentleman is getting a little beside himself since he became invested with the honour of Leader of the Government. I presume that there are so many applicants to Government that he hardly knows whether his head or his heels are uppermost, for if the Tories generally are as covetous of office as a goodly number of them in this section of the Island, I pity Mr. Palmer or any person who has the disposal of patronage. He affirms that it was the duty of either candidate to demand that the qualifications of an adverse elector be recorded, and to see that it was done. I wish Mr. Palmer would inform us what section or clause of the act he bases his assertion on, for I find, by referring to the election law, part of the 26th section which reads, "and all the particulars of such claim to vote according to the circumstances of the case shall be taken down in the poll book, and shall be conclusive against such electors;" and in the 41st section, which defines the duties of Presiding Officers which reads: "and the Presiding Officer shall promptly put such questions to the electors as the candidate may require, and the Poll Clerk shall instantly put down in writing the purport of the answers given thereto, and read the same aloud." Also, in the 18th section: "Each Clerk shall take and subscribe the following oath: 'I, A. B., do swear that I will take this poll fairly and impartially, by