

The Examiner.

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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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No. 51.

Colonial Legislature.

LEGISLATIVE COUNCIL.

MONDAY, April 13.

The Bill for the extension of the powers of the Surrogate Court was read a second time.

His Honor the PRESIDENT had, on the previous day, omitted to state that the Bill did not deprive the Court of Chancery of any jurisdiction it at present possessed; it merely gave a concurrent jurisdiction to the Surrogate Court in the matters to which it had reference. He would state the fees proposed by the Bill, were respectively—for the Judge, on the order for swearing the appraisers, 5s.; for the Commissioner, on administering the oath, 3s.

On the clause authorising the Surrogate to order the Boards of Guardians to be put in suit, His Honor the President remarked, that the only object was to save expense, as by the present mode of application to the Court of Chancery, £25 or £30 were spent; whereas the change to be effected by the Bill would reduce the amount to about £5. He would further advise the addition of a clause, similar to that in the Chancery Court, making a registered deed *prima facie* evidence of the correctness of the previous proceedings.

Bill agreed to with amendments.

The Bill, in amendment of the Land Purchase Bill, was read a second time and agreed to.

Hon. Mr. Palmer, from the House of Assembly, requested a conference on the License Bill.

Hon. Col. Swabey and Mr. Craswell were appointed a Committee to manage the Conference. Hon. Col. Swabey reported that they had delivered the suggestions of the Committee.

Hon. Col. Swabey reported the address, requesting His Excellency to forward the address to Her Majesty, on the subject of the Cape Race Lighthouse.

The address was agreed to.

The Revenue Bill was recommitted, and agreed to with one or two unimportant verbal suggestions.

Hon. Attorney General and Mr. Forgan were appointed a Committee to conduct the conference on the suggestions.

Hon. Col. Swabey moved the second reading of the Loan Bill.

Hon. Mr. BAGNALL considered the motion premature. There had not been time for the investigation of the accounts of the Worrell Estate. He moved that the consideration of the Bill be deferred till to-morrow.

His Honor the PRESIDENT said, that unless their honors were unanimous in bringing on the Bill to-day, it must be deferred till to-morrow, as that was the time for which it was made the order of the day.

Hon. Mr. DINGWELL had no desire to treat any of their honors unfairly; but from the state of the public business, he thought the postponement of the discussion might lay the Council open to the charge of delaying the progress of legislation.

Hon. Mr. BAGNALL, rather than be the sole obstacle to the despatch of business, would waive his objection.

Hon. COL SWABEY.—Disclaiming any wish to delay your honors by any unnecessary observations, I must ask your indulgence if, on the present occasion, I shall occupy your attention for a short time, as the Bill now before us has so direct a connection with the office I hold, that it will be expected that I should avail myself of this opportunity to make those explanations which my official position enables me to offer. It will not be necessary for me to review the various features of the land question has assumed during a number of years. We all know how the minds of the tenantry were abused, and false hopes excited by the idea, that the lands would be escheated, on account of the non-compliance on the part of the proprietors with all the provisions contained in the original grants. A Bill, similar to the Land Purchase Bill, was introduced into the Legislature some years since; it contemplated the purchase of the landlords' interest, but it differed from the Land Purchase Bill, inasmuch as it rendered the sale of the land compulsory on the part of the proprietors. Such a principle could not be sustained for a moment, and were a Bill embodying such an idea introduced into this House, I for one would oppose it to the last. The matter remained in abeyance for some time, till the system of government was changed, and the present party succeeded to power. They adopted part of the old Bill, but omitted the objectionable compulsory clause; and, in the Land Purchase Bill carried by them, left the sale of lands, as it ought to be, perfectly a voluntary act. That Bill, however, limits the operation of the Government to £30,000, at one time an amount, your honors will agree with me in considering, totally inadequate to meet the requirements of the case, which demand ample means to do away with the existing causes of complaint and irritation, more particularly when we see that proprietors are willing to dispose of their lands to the Government. A joint address of both branches of the Legislature was passed last session, praying that Her Majesty's Government would guarantee a loan of an amount sufficient to buy all the claims of the large proprietors—£100,000 sterling were considered sufficient for the purpose. The correspondence which has taken place on the subject, and which has been laid before your honors, will show that the Imperial Government generously acceded to our request; and the Secretary of State for the Colonies sent out the draft of a bill to give effect to the wishes of the Government. That Bill is now before your honors for discussion. I do not need to argue that, by going into the English money market, with our credit endorsed by the Imperial Government, we shall pay less interest than we would have to pay on money borrowed here, supposing that the required amount could be obtained here, which is not the case. Here we should have to pay, at the very least, five per cent.; while, on the London Stock Exchange, the money could be obtained for less than four. The Bill, however, assumed four per cent. as the probable rate, and therefore restricted the interest to that amount. I will now, your honors, allude briefly to the Worrell Estate, about which I may state that a good deal of misapprehension exists. My own opinion is, that if the whole amount paid for the Worrell Estate were lost, that fact ought not to militate against the passage of this Bill. But, your honors, I have no fear of any loss being ultimately sustained by the Government on account of the Worrell Estate; but, if it were otherwise, I do not think it likely that any other property in the Island was so embarrassed—so surrounded with obstructions to its speedy disposal to the tenantry. No less than 50,000 acres were not mapped; yet I am expected to know all about them—to define every location—to open roads, &c. As an instance of the unjust censure to which I have been exposed, I may mention that it is no unusual thing to find on some of the plans a party's name inscribed as the holder of fifty acres; he will deny the correctness of the plan; asserting that the position of his land is not truly delineated on the plan—that it goes further back or extends in a different direction. In such a case as that, how can the officer at the head of the department decide the proper location until the land has been surveyed? If it be true, as has been said, that the Worrell Estate will be a losing concern, I will ask if Lot 11 is to be placed in the same category? In the case of Lot 11 the state of the property was entirely different from that in which the Worrell Estate was handed over to the Government. It is easy to ascertain any particulars

connected with that property, because the whole property had been managed in a systematic and business-like manner; besides the tenantry had not been preached to by escheators, and advised not to come in and attach to the Government. The tenantry generally find it their interest to agree to the terms of the Government, notwithstanding they may have been deluded by the vain hope of escheat. The other day Mr. Cox, of Morrell, brought into my office a most confined escheator, who applied to purchase his land from the Government. A change had come over the spirit of his dream; for Mr. Cox said to me that he was convinced the man must buy his land. I repeat, your honors, that even at a loss, it is desirable that the leasehold tenures should be done away with; and should loss occur from the Worrell Estate, the most that can be said would be that we had made a bad bargain on the first occasion, and that we should make better ones in future. If I am deserving of censure on account of the Worrell Estate, I am in common justice entitled to credit in the matter of Lot 11. I repudiate the censure, and I claim not the credit. I will now read the abstract of the accounts connected with the Worrell Estate alluded to by his Honor Mr. Bagnall.

Hon. Mr. BAGNALL.—The abstract does not agree in all respects with the detailed accounts.

Hon. COL SWABEY.—The House of Assembly after careful examination, found that they corresponded, and the abstract on your honors' table shows that there have been sold 26,155 acres—there remain unsold 44,985 acres—making a total of 71,130 acres, exclusive of Lot 63. The amount paid over to the Treasurer, besides expenses, is £3692 14s 4d. The bonds and interest may be estimated at £14,000. This I consider a moderate computation, as they might fairly be considered to amount to £1500 or £1600. The balance due on instalments may, at first sight, be considered large, but it must be borne in mind that the greater proportion of them were only due in December last, out of £18,000, the price to be paid for the estate, there remain but £5470 5s. 9d. to be realized from us less than 44,985 acres of land still the property of the Government. A much greater quantity of land would have been sold ere this had the estate been properly mapped out, throughout the whole management of the estate since it has become the property of the Government, I have carefully guarded against forming too high estimates of its value. Last year the Surveyor General and myself in our representation to the Legislature allowed 12,000 acres as the amount to be deducted for swamps, but I have good reason to believe that there are not more than 6000 acres to come under that denomination. And even that is not altogether worthless, for I may mention that at Cable Head there is a regular line of swamps, which was not included in the lease given to the tenants on that tract. This swamp would not be intrinsically worth a shilling an acre, yet parties are glad to come in and buy such portions of it as run past their respective holdings. Estimating that there remain in the hands of the Government 44,000 acres, this quantity, at the price of five shillings an acre, would fetch £11,000, but his Honor Mr. Dingwell has given us ten shillings an acre for land, a great portion of which was wilderness.

The Hon. Mr. DINGWELL did not wish to interrupt his Honor, Col. Swabey, but could not help expressing his satisfaction that the swamp land was being disposed of. He had been under the impression that it would remain on hand a long time.

Hon. COL SWABEY resumed.—On Lot 42 there were several old escheators who at first declared they would not avail themselves of the land purchase bill, but they now come in and pay ten shillings an acre, while some of them whose farms from on roads, give 12s 6d. I may mention a fact to which my attention has been directed by his Honor Mr. Dingwell, with reference to the swamps. A part of Lot 40 is intersected by the Marie River, the banks of which are swamps but parties living on both sides of the streams are desirous of purchasing the approaches to the river, in fact they are anxious to get them for several reasons. The purchase of a portion of swamp, causes a reduction on the average rate per acre of the whole lot bought by one individual, besides the people require access to the river for watering their cattle, and many other purposes. In short they find they cannot do without the swamp. Since the close of the fiscal year 1838 has been received. This amount is not all composed of instalments, some parties having paid the full amount of their purchase money; without giving a detailed statement of the exact amount sold since the accounts were made out, it is probable that £1200 worth has been disposed of between that time and the present. In contrast to the state in which the Government found the Worrell Estate, I have already called your honors' notice to Lot 11, the resale of which has not been hampered with the mass of difficulties which surrounded the former. And I may mention that the other day His Excellency the Lieutenant Governor came into my office, with a printed prospectus of Government lands for sale in Canada; this paper contained the particulars of sale, the situation of the lands, the number of acres, and to short all that was requisite to form the judgment of the applicant for a lot, and to enable the officer of the Crown Land department to give every useful information. Under such a state of affairs it becomes a matter of comparative ease to manage such an office but whoever may be placed in my situation is expected by the public to know all about the various leases, rents, situation of particular lots, in fact to possess a knowledge of the details of the whole of the Worrell Estate, without the means of ascertaining them.

Returning again for a moment to Lot 11, I will state that the returns laid upon your honors' table exhibit but a small proportion of what has been done in the affairs of that property. Up to February last the amount paid into the Treasury was £463 11s. representing £1075 3s. 10d. the gross amount for lands sold up to that time, but since then £ have been received on account of purchases to the amount of £1007 3s. 9d. the price of 2156 acres subsequently sold. Now the original price of the lot was £2550; there remains of that amount to be provided £485, and how is this sum to be raised? Why your honors, we have on hand 9202 acres, which at five shillings an acre will realize £2600. The people, sensible of the boon conferred on them by the Government, are anxious to buy, but of course they will not until roads are opened out through the property. With reference to the bonds which were handed over to the Government on its purchasing the Worrell Estate, I will observe that their nominal amount is £7000, representing liabilities to the extent of £3500 and your honors will agree with me in thinking that the estimated receipts from that source, namely £1400, is a very moderate one. In any future purchases the Government will not experience similar difficulty. They will have had the experience of the past to guide them, and the affairs of the property in the Island will not be found in so complicated and confused a state. It will be high time to complain when the public are called upon to make up a deficiency. Up to the present not a shilling has been asked for such a purpose, nor do I think ever will be.

Hon. Mr. CRASWELL would ask what is due for the Worrell Estate to the vendors?

Hon. COLONEL SWABEY.—That question cannot be answered until existing differences between them and the Government are arranged. I repeat, however, my opinion that no loss will be sustained; but I fully concur in the opinion of the Hon. the Speaker of the House of Assembly, as expressed in his report to the Government before the purchase, that even the loss of £2,000 or £3,000 would be amply compensated by the allaying of the pernicious agitation which had so long distracted the country. The question for your honors' decision on this Bill is, whether it is desirable to settle the minds of the people by any feasible means. For myself, I have no hesitation in saying, that the present Government can rest their reputation on the Land Purchase Bill and the present one as securely, as Lord John Russell's reputation is based on the Reform Bill.

The Hon. ATTORNEY GENERAL, after seconding Hon. Colonel Swabey's motion, and giving some calculations which the reporter did not catch, explained—that the Bill authorised the borrowing of £100,000 sterling—not, however, at one time, but in such sums as may from time to time be required. For this purpose an agent would be required in London, whose duty it would be to negotiate the debentures and transmit the proceeds. The maximum rate of interest to be paid on the debentures was four per cent. The Lieutenant Governor for the time being would grant warrants for the amounts required from time to time, as lands might be offered to the Government. The Bill also provided for the establishment of a sinking fund at five per cent., to be applied to the redemption of the debentures, and to be invested in securities at home, subject to the approval of the Imperial Government. Purchasers of land from the Government would have ten years within which to avail themselves of the provisions of the Bill, thus giving them ample time. All monies received for lands purchased under the Bill, and re-sold to individuals, were to be carried to the credit of the debentures, and any deficiency would be charged on the general revenue. The provisions of the Bill were similar to those which had received the Imperial sanction in the cases of the Islands of Trinidad and Jamaica.

His Honor the PRESIDENT, from calculations he had made, was of opinion, that in ten years time the Government would have a surplus from the Worrell Estate, after deducting the expenses and land tax. He did not therefore consider that the property was as bad a bargain as had been represented. He considered that his Honor Col. Swabey had been very unjustly assailed. Any one having the interest of the Colony at heart should support the Bill, as being the only feasible means of quieting the minds of the people, and elevating their character and social position. If this Bill would have that effect, if it would substitute harmony for discord, then it became the duty of the Legislature to give it its approval. The tillers of the soil would then take an interest, of a permanent and abiding nature, in the prosperity of the country. An oppressive landlord was a curse, but a greedy agent did even more injury than an oppressive landlord. Another consideration which should weigh in favor of the passage of the Bill, was to be found in the generous manner in which the Imperial Government had lent the sanction of its high name and reputation to the credit of the Colony. Having asked such sanction and having obtained it, we should not now hesitate to avail ourselves of it. As had been observed by the Hon. Attorney General, the details of the Bill were the same as those of a similar nature; and it was only an act of common prudence, on the part of the British Government, to provide against loss to itself, on account of having liberally endorsed our credit, and studded to the world that our finances are in a satisfactory condition.

Hon. COLONEL SWABEY had omitted to observe, that some of their honors might labor under the impression that, under the Bill, the working expenses would be greatly increased; but he would remind them that the increase of operations would rateably diminish the official expenses.

Hon. Mr. CRASWELL was happy to hear that the Worrell Estate was likely to cost the general revenue nothing, and that all the hue-and-cry to the contrary was without foundation.

Hon. Mr. DINGWELL would give his hearty support to the Bill, as he believed it to be the only practicable means of remedying the deplorable state of things which had so long existed, with reference to the lands on the Island. He fully concurred in what had fallen from his Honor the President, as to the important benefits likely to accrue to the country from the Bill, and that it should receive the support of every one desirous of advancing the prosperity of the Colony. He was not, however, very sanguine as to any surplus being derived from the Worrell Estate. He would be satisfied if it paid for itself, and he believed, that if well managed, it would do so.

Hon. Mr. BAGNALL would not say that hon. members of the Government stated that they did not believe, but he considered that they were deceiving themselves. He certainly could not find anything to warrant the statements he had heard with reference to his Honor, Col. Swabey's assertion, that the expenses would not be increased. He could not agree with him in that opinion; his Honor had often complained that he was overworked, and if that were the case, it would be necessary to provide additional assistance, at a necessary increase of expense; and as the operations extended, the costs of the department must be proportionately augmented. Notwithstanding this, he had always been in favour of the Land Purchase Bill, and was truly happy to find that the Imperial Government had given the guarantee we had requested. His Honor, Col. Swabey, had always laid great stress on the absence of a plan of the Worrell Estate. Now, he (Hon. Mr. B.) could not suppose that a Surveyor had been receiving a salary for 23 years, and that up to the present time he had made no plan of the property, more of which, his Honor had stated, would have been sold, had it been surveyed.

Hon. COL SWABEY.—More surveyors are required.

Hon. Mr. BAGNALL—I consider that the Government are re-selling the lands at too low a price. The charge for the most eligible is 12s 6d an acre; that quality has been all taken up, and none but land of an inferior value remains on hand. I hope that in disposing of future purchases, the Government will be more particular in adjusting the relative prices of the lands. The Land Purchase Bill was not intended to impose a burden on any but those who became purchasers of land from the Government, and I think still, that if the Worrell Estate were judiciously worked, the country would not incur a loss on account of it. It seems probable that in the case of Lot 11 a saving may be effected, which will have the effect of proportionately relieving the Worrell Estate. I am not opposed to the Loan Bill, but am desirous that the lands should be valued properly.

Hon. COL SWABEY was sorry to trouble their honors again, but the observation which had been made by his Honor, Mr. Bagnall, with reference to the Surveyor General, called for explanation. That officer's salary was £250 a year, an amount less than he would realize from private business. He had to travel at a considerable expense, with a horse and carriage. He bore cheerful testimony to the Surveyor General's zeal and efficiency, which had been of great benefit to the public service. He would say one word on the subject of opening up of roads through the Government lands. The cost of them should, in fairness, be transferred from the debit to the credit side of the account, as their benefits were not confined to the settlers on the particular properties through which they passed, but were participated in by the public generally. Roads through properties differently circumstanced were provided for from the general revenue.

Hon. Mr. BAGNALL said that proprietors did not charge for opening roads for settlements.

Hon. Mr. DINGWELL thought that his Honor, Mr. Bagnall, would not have reflected on the Surveyor General, if he had considered the little time he had had to do what was required in addition to what had been done.

Hon. Mr. BAGNALL.—Then if his Honor is right, the Government should employ another Surveyor in addition.

Hon. Mr. AIDOUIS agreed with Hon. Mr. Bagnall, that if the Surveyor General could not do the work as rapidly as the requirement of the public service demanded, a competent staff should be provided, if for no other reason than the saving of the Land Tax by the resale of the lands to private individuals.

The question was then taken and the motion was carried, Hon. Mr. Forgan voting against it.

Hon. Col. Treasurer brought up a message from the House of Assembly, to the effect, that the House had agreed to the conference requested on the suggestions to the Revenue Bill. Hons. Attorney General and Mr. Dingwell were appointed to manage the conference on the part of the Council.

After which the Bill was recommitted, and the suggestions having been withdrawn, was agreed to.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 1, 1857.

AFTERNOON SITTING.

THE LOAN BILL.

(Continued.)

Hon. Mr. PALMER.—It is a most remarkable circumstance that there is not a member of this side of the house can rise, but he is assailed directly with having some sinister or improper motives. We have heard from one or two principal members of the house, particularly from the Hon. Col. Secretary, that he was of opinion we did not want the accounts investigated. They jumped into our minds and gave our motives at large. There is no use to rise on this side of the house; we ought not to be listened to; we are all intriguers, and the people who sent us here are fools or rogues. Those are the arguments that are used by members on the other side of the house; but I trust there are some portion of the public left to believe that we are here for some purpose—that we have some duty to discharge to others in the part we are taking, and that it is not improbable that some members on the other side of the house may be as likely to be actuated by improper motives as those on this side. If we were to examine into the matter, each hon. member might be found to have had his own motive for advocating this measure; contriving to secure an electoral district for themselves, for instance, would be no motive at all, sir; while they danced and held office, the people would have to pay the piper. I voted against this Bill, because I believe it to be a piece of class legislation; I voted against it, because it is extending benefit to the few at the expense of the many. I look upon it—and every member in this house knows himself—that the day will never arrive when all the tenantry will participate in the benefits of this Bill. Do they intend to say that one proprietor will come in after another, and surrender up his estate for five or six shillings per acre? Will they tell me, that if the proprietors do not, that they will pass another Bill, as hinted by hon. Mr. Lord, that they will compel them to do it? Will they tell me that there is one member who supposes that such a Bill would be passed by the Government at Home? Will they tell me that the proprietors, now, just as their lands have become profitable to them, will sell them at the pithy sum named? I think not. Fifteen years ago or so when the business of agriculture was and had been for many years previously greatly depressed for want of a market, and often still more by the failure of the crops; when there was little or no money in circulation; when the farmer was obliged to sell his pork at two pence halfpenny and his flour at three halfpence per pound; his potatoes at ninepence and his oats at fivepence per bushel; and the rest of his produce proportionally low, and this for only half cash; a time when his rent was truly a burthen to him, and his arrears yearly increasing; when his landlord received little or nothing from him; that was a time when the proprietors, each and all of them, perhaps, might have been induced to sell their estates, and might gladly have accepted five or six shillings per acre for the best of their lands; but that time, I am happy to say, has passed away, and the condition of the farmer has now fortunately become, in a measure as prosperous as it was then disastrous; the great increase of money in circulation, the great demand that has arisen for our agricultural produce, the additional markets which free trade has opened to us, have raised the price of the farmer's commodities one hundred per cent at least on an average above what they formerly were, and have contributed to render him independent of his landlord, and to care but little for him. With such an increase in the products of the land, and which year after year proves to us is becoming permanent, the value of the land itself must necessarily have risen in the same proportion. Is it likely then, sir, that those proprietors who now receive their rents regularly would listen to proposals of five or six shillings an acre for the purchase of their lands? Ask those proprietors, the Cunards, Montgomeries, Todds, Fannings, Stewarts, Sullivans, Macdonalds, Winsloes, Haythornes, &c., if they are willing to sell their lands at five, six, ten, or even twenty shillings per acre, and my opinion is they would quickly say "no." The probability is, if this Bill go into operation, that no more than half a dozen Lots will ever be purchased; then what will this Colony have to thank the house for? Some five or six Townships purchased for the benefit of a few of the tenantry—and those too, it may be presumed, of the most undeserving class—who might thereby become freeholders. The amount of it is this, sir, for about one-eighth of the whole Island—and what proportion does that bear to the population of the Colony, who will not participate in the benefits of this Bill?—the numbers would stand at about nine to one. Then, sir, are we justified in passing this piece of class legislation, in taxing the industrious and deserving many, for the unindustrial and undeserving few? No, sir. Take a measure, I care not whether it come from the Hon. Col. Secretary or from Mr. Cooper, by which the whole people of the Island will be benefited, if they are to be taxed for its support, and I will go with it; but I do not like to put my hands into the pockets of seven-eighths of the people in order to pay for a benefit to be conferred on the other eighth. Then, too, we are accused of manoeuvring and intrigue. But, sir, there is one item in those accounts that I will comment upon before I sit down. Where are those arrears of rent that were due? I have heard from very good authority that there were upwards of £6000 of arrears of rent