

their seats under the present tenure, it could not be expected that any harmony could exist between them. One party would say that they represented the voice of the country, while the others were merely the exponents of their own individual opinions. The Bill provided for the election of twelve members, as soon as it should have received the Royal assent. Of these, who were to be elected by the respective counties generally, and not from electoral districts, six were to be chosen for Queen's, and three from Prince and King's Counties respectively. [Hon. Mr. Thornton—Hear!] He supposed that the hon. member intended to oppose the appointment on the ground that Queen's had double the number of members assigned to either of the counties, but the objection would not be found to have much weight, if it were remembered that Queen's County was more than double either of the others in population and value of agricultural produce. Besides, the Bill would give to King's and Prince Counties a larger representation in the Council than they at present possessed, for they have but two for each. The qualification for electors was the same as that for electing members of the House, and the mode for conducting the elections was similar in principle to that which was in force with reference to the same body. As it was necessary that a Legislative Councillor should be a man possessed of property in the Island, the Bill proposed to fix the qualification of a candidate at the sum of £700, in either freehold or leasehold property. He was not wedded to that or any other particular amount, but would not consent to reduce it below £500. The seat of any Councillor would be vacated by his becoming a defaulter or bankrupt, or divesting himself of his property qualification. The Crown would have no power to dissolve the Council. (Hear, hear!) Hon. members might cry *hear!* but what would be the use of an upper branch of the Legislature if it were not a body interposed between the Crown on one hand, and the people on the other? and if the Government of the day had the power of dissolving the Council, the intimation of the probable exercise of such prerogative might seriously affect the conduct of members. Such result had often been experienced in the lower branches of the Legislature in different countries. In conclusion, he would merely say, that the Bill provided for the election of their President by the members of the Council, and that the minimum age of a Candidate for a seat was 30 years. He then moved the Bill to Committee.

Hon. Mr. McAULAY rose to second the motion. He did not claim the paternity of the Bill, but he thought he stood towards it in the relation of a grandfather. For some nine years since, he had advocated the principle of the measure. At that time he foresaw that events would render the adoption of some such change in the constitution necessary; yet his bantling, for which he felt all a parent's fondness, was allowed to perish still-born; but although the body had been consigned to the tomb, the spirit which had animated it still survived. The bread which he had then cast upon the waters had now returned after many days,—the seed which he had sown had taken root, and flourished in many places; and he was happy to think that its fruits would soon be realized by the inhabitants of this Island. A few years since the introduction of such a measure would have been characterised as an audacious assumption of authority, which could only be exercised by the Imperial Government, in which was vested the exclusive rights to make, modify, or abrogate the political institutions of the Colonies. A century ago, in the then Colony of Massachusetts, inhabited by men of our own kith and kin, a nominated Council was found not to work satisfactorily, and the British Government allowed the people to elect those whom they wished to legislate for them. An upper chamber, nominated by the Crown, was necessary in newly settled countries; but when in the lapse of time, they had advanced in population, wealth and intelligence, such a body was as ill adapted to their circumstances as would be the garments of the child to the habiliments of the full grown man. Our gracious Queen, the worthy head of a noble empire, wished her people to be governed in accordance with their own opinions legitimately expressed. The people of the Island had expressed their opinion on this subject in most emphatic terms, and it was for that House to give practical effect to their wishes. It had been said that the Legislative Council was analogous to the House of Lords. If any resemblance existed, he was unable to trace the features of similarity. That body had grown up as a separate branch of the Imperial Parliament, from an age so remote that its inception could be but dimly traced. Its origin might be dated from the time of William Rufus, whose sword-girt barons were entertained by their monarch at the festive season of Christmas. This association of men of equal rank gradually united them as a collective body in the state, and their power and weight went on increasing until the tyranny of John drove them to the assertion of their own rights, and those of their more humble countrymen. Thus it was that the despotic power had been checked by the aristocratic and popular influences, which form the basis of the British Constitution. We ought to be proud to copy, as nearly as our circumstances will permit, the institutions of the mother country; and the substitution of an elective for a nominated Council would be an approximation to the Imperial system. He would ask those who characterised the proposed change as being alien to the spirit and practice of the British Constitution, if the Parliamentary Peers of Scotland and Ireland were not elected? To the argument that the elective principle, as applied to Legislative Councils, had not been adopted in Nova Scotia or New Brunswick, he would answer, that he utterly repudiated the idea of blindly following the example of any Colony. We should be guided by our own sense of what we considered most adapted to our situation, and if the hereditary nobles of Scotland and Ireland were content with the election to legislative functions, surely the great men of Prince Edward Island need not feel their dignity offended by the adoption of the same principle. There could be no prospect of harmonious action between the House and Council under the present system. As the interests of the people are affected by the action of those who make the laws affecting themselves and their properties, it was but right that they should have the choice of saying who shall make such laws, and the right to govern themselves having been conceded, it was absurd to say that they should not alter the present constitution of the Council, if they so willed it.

(To be continued.)

Correspondence.

TO THE EDITOR OF THE EXAMINER.

The people frequently complain of the length of time it has taken to bring the land question to a settlement; but they forget that it was the Ministers, who are appointed and paid to guard our rights, who allowed a powerful party to hold over forfeited land, on purpose that they should receive a rent and gain an improved estate by the labor and means of a working man, who were easily deceived and enslaved; and it is to Ministers we have to look for redress; and we know that the Ministers have screened one another, until Lord Stanley stated the case before the Imperial Parliament. But the people have lost the settlement they were seeking more than once, when it was almost within their reach, by changing to the proprietary party—men who cannot do right for the tonantry at this time, without admitting with Lord Stanley that all they had done formerly was wrong, and if I point out some of the errors which have been committed, it is with the view that such errors may be avoided for the time to come. Application for an escheat of the forfeited lands, for the purpose of settling the inhabitants in freehold, originated as

far back as the year 1787; and it was not until the year 1802, a period of 15 years, that a despatch arrived from Lord Hobart to the Lieut. Governor, "to signify His Majesty's pleasure that the Government of this Island should be prepared to purchase without loss of time, *WIKEN CIRCUMSTANCES SHOULD RENDER ADVISABLE*, the requisite and legal steps for effectually re-vesting in His Majesty such lands as might be liable to be escheated and forfeited to His Majesty, either for non-improvement, non-payment of the Quit Rents, or non-performance of any of the conditions of the grants thereof. *Wherefore in ready obedience and conformity to His Majesty's gracious pleasure, so as aforesaid signified, and for effectually promoting, encouraging, and advancing the settlement and prosperity of this Island,*" the Act to which the above is the preamble was passed the 2nd of April, 1803, and is intitled an "Act for effectually re-vesting in His Majesty, his heirs and successors, all such lands as are or may be liable to forfeiture within this Island." The words in italics convey the Royal assent, and being passed in obedience with His Majesty's pleasure, and the only suspending clause is that marked in small capitals, which says it is to be carried into operation when circumstances shall render it advisable. But this suspending is in opposition to the intention of the Act, which was to promote, encourage, and advance the settlement and prosperity of this Island. But the suspension not only produced the reverse, but served the purpose of the forfeited grants, and Chartered possession of the most of the tenantry being settled in freehold; but their representatives had entered into a conspiracy to keep them in bondage; and no man attempted to free, only riveted their chains; and no man attempted to expose the fraud, and support the rights of the people. But it might have been a dangerous task then as it is now, to take up such a cause; for Mr. Douse said to me, during the debate on the land question, and grinding his teeth with rage while he said so, that I was the greatest curse that ever came to the country; and instead of argument, the abuse heaped on me from the same side of the House would have done credit to a Billingsgate education.

The next agitation for an escheat was commenced by the people of Belfast, when Dr. McAulay represented them. He presented a petition to the House of Assembly, numerously signed, I think in the year 1823, praying for an escheat. The prayer of this petition was voted premature—too early to petition for an escheat. This was no doubt in consequence of the forged Indulgence of 1816, which would not expire until 1826, and the Doctor did not know that the Indulgence was a forgery, nor had he known that the Act passed in 1803 for an escheat was concealed until circumstances should render it advisable to put it in operation; thus men with the best intentions to serve their constituents were beset at every stage with the snares of a deep laid conspiracy to keep the inhabitants in bondage.

The agitation for an escheat was renewed in 1832, but a secret alliance was formed to thwart any escheat which would settle the tenantry; therefore the plot was to have a partial escheat. This was to be an escheat of a few townships which had no owner or tenants, so that each person in the secret should have a grant of land; and I was to have a grant of land if I would say nothing more about escheat; but as my object was to have the tenantry released and settled in freehold, for me to give up their rights for a grant of land would be taking a bribe, and the partial escheat was lost by my refusal; and the parties who had been eager for the partial escheat threw every opposition in the way of an escheat which would settle the tenantry. But I had never suspected that the Ministers were in the conspiracy to make British subjects tenants, contrary to the intention of the original grants, until Lord John Russell refused to see me at the Colonial Office. I then applied to Joseph Hume, M. P., who made himself acquainted with the state of our affairs, and offered to act as our agent in London. Then a petition to the Queen, and another to the Imperial Parliament, were sent by the House of Assembly to Mr. Hume, to submit the papers to the Colonial Minister in the first instance, and if he received a favourable answer, to send it to the Island, and if not to bring the matter before Parliament. The Minister asked for time, and when Mr. Hume went for an answer, he was told that there was to be a new election in the Island, and he could not give his answer until he was informed whether the new House would support the measures of the former House. The election of 1842 returned a majority in favour of the proprietors, and the ripened fruits of 10 years agitation were lost.

The House of Assembly had no power without Responsible Government, and it required from 1842 to 1851, nine years' agitation, before it was obtained, and then it was only conceded upon an understanding, that the land holders' claims were to be purchased. But the Ministers who encouraged the purchase, finding that if they were to buy up claims of persons who had been demanding rents wrongfully, the persons who had been compelled to pay rent wrongfully had a far better right to have their money refunded, and therefore Ministers who had promised the means could not obtain a grant from Parliament for such a purchase; and the Liberals, being disappointed of the means to purchase, made up their minds to go for escheat, and eight years were lost in attempting to settle the land question by purchase. But purchase had been the cry of the people for years, and the Liberals gave it a fair trial.

When the Loan Bill was rejected, the Liberals were released from their pledge to purchase, and they published their intentions before the elections, that they would go for escheat; and Lord Stanley's speech was published before the last election, admitting in plain terms that the Imperial Government had done wrong when they allowed the proprietors to impose upon the inhabitants of this Colony; and yet strange to say, with such prospects of an immediate settlement, the electors returned a majority in favor of those proprietors who have always imposed upon them. Such an extraordinary case is worthy of an enquiry, to try and find out the cause.

The proprietary party knew well although the electors did not, that unless they gained the Government at the last election, the Liberals would settle the land question, and the proprietors would lose their power over this Island for ever. Then a secret alliance was formed, and means collected to employ fit persons to do the deceiving work—the *Islander*, their own organ, calling out corruption from week's end to week's end, and for a change in the constitution; but all the corruption was in itself, and no change was necessary. Then there was the *Protector*, demanding the right to read the Bible in schools where they had that right already. And the proprietary party, who would agree to anything but an investigation of titles, were ready to change the constitution to gain one party, and turn hypocrite to gain the other; and in this manner gained the Government by anticipation before the elections; and the proprietors in England, to meet their views, had gained the Colonial Minister, to send a despatch with proposals of an arbitration, and of course the proprietary party here were prepared to embrace any proposal which would amuse the people and prolong their power. And I shall next inquire upon what grounds they are acting.

Where a wrong has been committed by Ministers, allowing defaulters to hold over forfeited lands, on purpose that such defaulters should impose an annual rent on persons who reclaimed the land, and had a right to have received it from the crown; and when this oppression has been made known and complained of to the proper authorities, every act of the Minister to delay justice and continue the oppression, is an additional wrong. In this case the wrong is in demanding a rent without a right to do so, and not in the amount of the rent demanded, consequently where it is wrong to demand a pound, it is equally wrong on principle to demand a penny. It is said to be a maxim that the delay of the law shall do no man an injury, and as Lord Stanley admitted the wrong in presence of the Imperial Parliament, it is presumed that an injunction is imposed on the wrong doers that they shall not demand rents until the case is decided; because every demand of a rent, which was wrongfully imposed in the first instance, is an additional wrong, and becomes more aggravated when it has been so frequently complained of on the one side, and now admitted on the other. Now, for Sir Edward B. Lytton to propose an arbitration in a case of this nature, and the Hon. Col. Gray to approve of it, is as inconsistent with justice as it would be to arbitrate between a gang of robbers and the public, to know how much black mail would satisfy them at a time, so as to let the people live and work for more.

I promised in my last that I would endeavour to explain matters, to show why Lord Stanley's speech was in favour of the inhabitants, and the despatches in favor of the proprietors. Lord Stanley was asking Parliament for a grant of money to settle our land question, and consequently had to give reasons to show why a grant of money was required, which he did most effectually, and showed that it was in some degree to repair

a wrong which had been committed by an Act of the Government, and they were in justice bound to provide a remedy. The despatches on the land question are generally written at the desire of the proprietors, to favour their intentions, so that they may continue to recover rents with the apparent consent of the Government; but they are generally written in a way to have two or three meanings, that they may bear a construction to suit the proprietors without committing the Minister; and the Hon. Col. Gray found a meaning in the Minister; and Sir E. B. Lytton to suit his purposes, and he despached him so highly for his statesmanship, that 18 members voted a title to the proprietors who had no title before, so that in any negotiation it should not be questioned or intimated in any question before them. But to show the little value of a despatch on the land question, I shall cite the authority of the Hon. E. Palmer. The following is an extract from his speech on the escheat question, 1855:—"Sir, I do not think there is any weight in the argument, that because it (Court of Escheat) has been hitherto refused, that we should cease our exertions to obtain it. I shall never pay such servile respect to the despatch of a Colonial Minister, nor will I submit with blind and uncomplaining submission to the continuance of what I may consider to be a general grievance, merely because a Colonial Minister may choose to write a hurried despatch, disapproving of my views. One man is in office as Colonial Secretary to-day; God knows who may hold that office to-morrow. It is no principle to go on; and if there were a hundred despatches, from a hundred different Colonial Ministers, all condemning a Court of Escheat as being unconstitutional, I should give my vote for the Court, if I thought it a constitutional right."

It is admitted that the wishes of the people, properly expressed, is the law, and as the Act of 1803 for the escheat of forfeited lands is to be put into operation without loss of time, when circumstances shall render it advisable, it remains with the people to call it into operation.

WM. COOPER.

Sailor's Hope, June 7, 1859.

The Examiner.

CHARLOTTETOWN, P. E. I., JULY 26, 1859.

THE POLICY OF THE GOVERNMENT.

We will now resume the consideration of the policy of the Government with respect to the dismissals and appointments, as enunciated by the Colonial Secretary in the *Islander* of the 15th instant. The following extract, from which we have stripped much verbiage, grossly misrepresents public opinion for the purpose of screening the cupidity of our rulers, and shows what little practical benefit the country is to derive from their continuance in office:—

"The voice of the country is most unmistakably in favor of depriving of office every Snatcher whose removal can be effected * * * irrespective of his standing or position—from Col. Swabey * * * down to the petty Postmaster in the country. * * * The triumph obtained at the late Election was won over a party, the leaders and chief supporters of which are, for the most part, ignorant and thoroughly unprincipled men, who * * * were willing to destroy the very foundations of Society, provided they could but mount upon the wreck and secure to themselves offices and plunder. The men who took from the Judges of the land the appointment of Sheriffs, and vested it in themselves, whereby they were enabled, whenever they thought proper, to pollute the streams of justice, by packing juries with creatures as regardless of every thing but party obligations as were they themselves—* * * the men who acted on the principle that the display of ruffian propensities was a good ground for appointing their supporters Justices of the Peace, and who, by such appointments, degraded the Magistracy—are opponents with whom no compact should be made—in whom no confidence can be placed—to whose opinions no deference should be shown. And we tell the *Examiner* that the Government, in our humble opinion, will err if they hesitate to remove from office any obnoxious official—any rabid supporter of such opponents, by reason of the outcry against such removal which may be made by the opposition."

We do not hesitate to say that the first sentence of this extract contains a positive misstatement. "The voice of the country" sings a far different tune from that which the Secretary ascribes to it. We hear from every quarter—and a pile of letters on our table confirm the fact—that there is a shout of execration from the East Point to the West Cape at the venality and selfishness of the Executive in providing petty offices for their own families, to the prejudice of the public service, and the detriment of trust-worthy, inoffensive and much respected individuals. Take, for example, the dismissal of some light-house keepers. The person who was lately in charge of the light at the Block-house—where a vast amount of property depends upon the efficiency and care of the keeper—was dismissed to make room for a man who is notoriously ignorant of every thing, and especially of the duties of the office to which he has been appointed—whose only recommendation was, that he gave his vote for two members of the present Executive Council at their last election; while his predecessor was a most competent man—was always at his post—and kept himself aloof from politics by not voting for any candidate. Nearly the same remarks will apply to the late and present light-house keepers at Panmure Island. Changes of a similar character have been made in other parts of the country with similar results to the public interests.

With respect to the new road commissioners and new post office keepers, it was not the voice of this country, but that of a much warmer one, that had any thing to do with the appointment of some of them. As to their being persons of standing or character, there is not one of them a whit better than his neighbour whom he supplanted for the paltry consideration of a few pounds with the prospect of plunder—and whose only claim consisted in his having voted contrary to the person whom he superseded; while, in some instances, the new recipients of Government patronage enjoy unenviable distinction as the objects of universal detestation, and being more profoundly hated—now especially because they are envied—by their own political friends than by their opponents.

Our readers must admire the taste which prompted Mr. Secretary Pope to have recourse, in speaking of late appointments, to the word "Snatcher," which the former editor applied to individuals who betrayed an anxious desire for office. Without noticing the gang who have been pitchedforked into a little notoriety, by having succeeded in their intrigues to get one employment or another—who have been dying with grief and envy for the last eight years because they could not gratify the itching palm, they had for the public money, and many of whom now loiter, on Council days, with stealthy step and agitated countenance, about the precincts of the Colonial Building whenever it is expected that a new batch of officials will be turned out of the Executive oven—it is sufficient to point to Mr. Secretary Pope himself as the embodiment of the spirit of Snatcherism, which was never more conspicuous than when he made use of his brother's influence in the Council to "snatch" the Secretary's office from Mr. Hazzard. We recommend him, by all means, to get a new nick-name for his opponents, or at any rate, drop the word "Snatcher."

It has been always a favorite practice of our opponents to set down as extremely "ignorant" every person in the com-

munity save themselves, and by contrast to assume great intellectual superiority. Of all their assumptions, this is, perhaps, the most unfounded, and proves nothing so clearly as the empty conceit and vulgarity of the persons who use it. Why, there is not a man in their whole party conspicuous for great talents or acquirements—not one who could write an essay or a clever letter upon any subject beyond the capacity of a common school-boy; and if we set aside the little smattering of Law-Latin possessed by a few of them, just sufficient to misquote, which any stripling could easily pick up in a month—we find their education is no better than what hundreds of boys are now receiving in the free schools established by the Liberal Government. We are sure the Executive Council itself does not contain so many Admirable Crichtons, or such like prodigies of learning, as to induce their advocate in the Secretary's office to vaunt of their intelligence, and suggest to us a mental comparison between scores of hard-working labouring men, to be found in any settlement, and more than one of Her Majesty's Ministers in this Colony—the result of the comparison being decidedly in favour of the former. As regards other officials—and particularly Road Commissioners and Magistrates, who have lately received their *quid pro quo* for electioneering services—the stories we have heard of the ignorance of some of them is incredible. Like the barons of old they appear to despise the clerical skill which would enable them to indite their aristocratic names, though some of them are suspected to cherish a secret longing for the more modest attainment of making pot-hooks and hangers. The new Collector at Bedouque has excited the wonder and admiration of the refined circle in which he moves by shewing that he is positively able, unassisted, to make out a short permit or entry with not more than a dozen mistakes in the orthography.

Regarding the alteration in the law regulating the appointment of Sheriffs, referred to in the above extract, and the packing of juries, &c., we think the Colonial Secretary would have shewn some prudence and common sense if he had abstained from reference to the latter part of the subject. Under the old law, Judges of the Supreme Court, with whom the power rested, never nominated to the Shrievalty any but strong partisans on the Tory side, as the present Government have done lately; and the consequence was, that whenever a trial came on in the Court, having the least political bearing, the Jury box was crammed with the friends and political associates of the Sheriff, so that it was in vain to expect an impartial decision on any such case submitted to judicial investigation. We could point, if necessary, to a score of instances showing the gross injustice which had been done to Liberal suitors by partisan Sheriffs, but they will readily suggest themselves to the minds of many of our readers. They were so numerous, that in no country was the system of trial by jury so deserving of the censure pronounced on the trial of the late Mr. O'Connell—that if the ends of justice continued to be so flagrantly set aside, trial by jury would become "a delusion, a mockery, and a snare." It was, therefore, high time for a Liberal Government to yield to the people's wishes, and change the law relating to Sheriffs. The law is far from perfect yet, and when the Liberals return to office, it will be their first duty to revise it.

But, after all, if the late Government did very wrong in taking the nomination of Sheriffs from the Judges, why was not the Judiciary re-invested with that power during the late Session? If the evil was a great and crying one, the Tories have most shamefully neglected their duty to the country in not at once redressing it.

We have not sufficient space to notice at any considerable length the character given of some Magistrates appointed by the late Government. We should be sorry to think, however, that they are half as bad as some of those who have been lately gazetted. When we remember the conduct of several Tory Magistrates at the Queen's County Meeting in August last, where they carried sling-shots and revolvers about their persons, to take human life, if necessary—and where others headed, countenanced and encouraged the display of ruffian violence on the part of a gang of very ignorant and very excited men from a distant part of the County,—when we remember the blood-thirsty intentions with which others of the same party in the Commission of the Peace marched an armed and infuriated multitude to Georgetown, to prevent, if possible, the freedom of election in March last—we are astonished at the reckless audacity of the organ of the Government in preferring the foul and unfounded imputation, that Liberal Magistrates had ever exhibited "ruffian propensities" in their public or private conduct. The organ cannot adduce a solitary instance in support of its accusation; but we shall refer particularly to a Tory Magistrate who was appointed for this County on the 27th June last, and let our readers form their own opinion of his character. When Mr. George Harris was a candidate for the Murray Harbour District, in King's County, at the last Election, he became the object of particular hate with some of the political persons in that direction, because he had the independence to think and act for himself in supporting the late Government. It appears that his opponents in the district were not numerous enough to prevent his election, and a gang of rowdies were collected from this County, living near the boundaries of the adjoining one, and were marched off to the Murray Harbour District under the leadership of an unprincipled fellow, who is only known for the marked disrepute in which he lives—whose ignorance is intense, and who is, in fact, devoid of every quality that should recommend a man to the favourable consideration of a good Government. We need not say that the unprincipled gang whom he led into Murray Harbour District were destitute of a qualification to vote there. He and they knew that very well; but the friends of Mr. Harris were imposed upon and intimidated—the fraud succeeded—the Liberal candidate was rejected; and the fellow who chiefly promoted this knavery has lately had his reward in being gazetted to the Commission of the Peace. If there should be any contention for the belt, as to who has the best claim to display, after the coveted J. P., the initials suggested by the *Islander's* remark—R. P. ("ruffian propensities"), the distinguished individual to whom we refer will be likely to have the odds in his favour.

We have further observations to offer on the policy of the Government, which we must defer.

Since the above article was written we have heard of the dismissal of several other persons from various small employments—among the rest, the Superintendent of Public Works, the Adjutant General of Militia, and Mr. Arthur Swabey, second Assistant in the Post Office. The Council at which these removals were effected was held on Saturday from twelve to half-past seven o'clock—a tremendous time for their incu-