

these cases to give all to the eldest child. Would not such an attempt be universally scouted! But he could not see, if the principle of the law of primogeniture was good in one case, why it was not good in another.

Again, ~~suppose~~ the law of primogeniture was not in force here, but a law like this bill. Would any one, he asked, would any one now seriously attempt to introduce the law of primogeniture? And, if not, why should we retain a law introduced by an indiscriminate adoption of English laws, but not suited to the state and circumstances of the province?

He maintained that the English Parliament had themselves, to a certain extent, even in England, adopted and sanctioned the principle of this bill. When a man, who had an estate in land during the life of another, died before the death of the other, the Parliament had said that the estate should not go entirely to the eldest son, but be equally divided among all the children. All the inconveniences apprehended from the bill would equally result from such a law; yet we see the opinion of the Parliament on the subject. We had their authority, therefore, in favor of the principle of the present bill.

When an older son succeeded to all his father's estate, in consequence of there being no will, he was expected to divide it fairly with his brothers and sisters. If he refused to do it, he was branded as an unfeeling and dishonest wretch. What could be a stronger proof of the injustice of our law than this general sentiment? Must not a law be unjust, and in its tendency unfavorable to morals, which tempts a man to be intemperate and dishonest? He really wished honorable members would think of its injustice. Let them once look at a family bereaved of a father's kind care and affection, expelled from their native home, which was endeared by a thousand tender recollections, and turned out, beggars and outcasts, upon the cold charities of the world, merely that we might have a lordly aristocracy of land holders built up in this province.

They might be told to adhere to the institutions of the mother country, and to introduce no innovations. He would certainly be in favor of every institution calculated to make the people happy and the Crown respected.

~~circumstances of the country; and some of the best we had not, at least in practice; such as Judges holding their offices during good behavior, &c.~~ He asked, who would argue in favor of the adoption of the game laws, though they were a part of her institutions? So in England, land could not be sold for debt and was not liable upon a man's death to be taken in any way for debts, unless they were secured by an instrument under seal. This was a part of the same feudal system as the law of primogeniture, quite as ancient, reasonable and just. Yet the British Parliament themselves abolished it in their Colonies; so little respect had they for the establishment of a landed aristocracy here.

It was sometimes objected against the bill, that after all it would not meet the wants of the people. Look at wills, it was said, and see how few are drawn on the principle of this bill—but this was a mistake. In general, property was divided upon this very principle. It was divided equally among children, except when some of them had received their share or a part of it, which was in such a case deducted. He appealed to honorable members, whether they would dispose of their property in this mode? Did not they love one child as much as another? and if so, would not they be as kind to one as another? It was not to be expected that it would be exactly adapted to every case. No law could do this. But it would answer in general, better than any other. This, however, was not the ques-

tion. It was not, whether this bill was the best of all systems that could be devised; but whether it was better than the present law. If it was, it should be adopted and established, until a better was proposed.

An objection, which had been made on a former occasion, just then occurred to his remembrance. It was said, the country was small, and if the bill became a law, it would lead to a division of the land, and the country would be stripped of its wood. Gentlemen, he saw, were smiling; but he would assure them that the objection was seriously urged. For his own part, in anticipation of it, he would only say, that, if the country were small, there was a greater necessity for a division of estates; and he would ask, where was the member who wished to have large tracts of land remain a wilderness, uncleared of its wood and uncultivated? Which of these alternatives did honorable gentlemen desire? that the great body of the people should be landholders and electors? or that they should be a dependent population, hanging loose upon society, and without any considerable interest in its prosperity and peace?

He took notice of an objection which had been urged against the clause in the bill which authorized an heir, who had been compelled to pay a debt of his ancestor, to recover from his co-heirs a rateable proportion of such debt. It had been said that this would open the door for immense litigation. He was satisfied that this objection was not well founded. There were not many cases, where an heir would be compelled to pay such a debt; and in these cases, the other heirs would seldom refuse to pay their share, especially as they knew it could be recovered from them with costs, if they were obstinate; so that really there would hardly ever be a law suit from this cause. The justice of the clause was evident.

He said that the people very generally desired such a law. This was a strong argument in favor of any measure, especially if it related chiefly to the regulation merely of their property, and was not unjust in its principles. They were dissatisfied with the present law. They considered it unjust, absurd and burdensome; and they wanted to be relieved from it. Why could not this relief be given? Would it curtail the prerogatives or constitutional influence of the Crown? No! ~~It would not curtail the prerogatives of the Crown.~~ No! Why then could not the wishes of the people, in a matter concerning themselves chiefly, be gratified? Why, merely because a few persons, who happened to be in influential stations, under the influence of prejudices, thought they could judge what the people wanted better than the people themselves.

He did not know that the bill would pass into a law this session, or next session, or the following session. He was not sure even that it would be entertained by the House, at that time; but he was confident, that at no remote period a measure so much called for would be adopted. No man or body of men could long successfully resist public opinion, in any country, much less in a country where there could be a free discussion of public matters. They might, indeed, for a time oppose and obstruct the stream; but it would be continually accumulating and acquiring greater strength, until finally it would sweep away all opposition. When he depended upon the force of public opinion, to carry this measure into a law, he relied upon a principle, as simple, to be sure, but as certain and as powerful, as the law of gravitation. He knew that the voice of the people was in favor of this measure. The more their attention was called to the injustice and evils of the present law, by discussion, and by its practical operation, the stronger would be their desire and their demand for something like the bill before the committee. He had no doubt, therefore, of the ultimate result.

S. MILES, PRINTER.

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