

by leading them to believe that it is a private, instead of a public question. The people wished to know if the proprietors owned the land. If they did, the intention was not to deprive any man of property he justly owned; and, also, not to allow any body of men to hold public property they have no right to; and a court of Escheat would have afforded an opportunity for proving this. The proprietors based their rights upon certain grants, or leases obtained from the Crown, and if these were good, why, the court would have confirmed them. In so far as the proprietors were concerned, the question would then have been set at rest, and the claim of each party would have stood or fallen upon its own merits. If they had a right to the land, a court of equity would have established that right.

Hon. LEADER OF THE OPPOSITION.—That would have been a question of law, not of equity.

Hon. Mr. DAVIES.—If they could not show that they had a proper claim to the land, it would not be right to leave it with them. I say, then, that it was wrong for the proprietary party to try to lead the country to believe that a court of escheat could not be established, without a law being passed for that purpose. But, Sir, what did the Land Commissioners say? They said that we could establish one, by the powers vested to us in the constitution of the Colony under Responsible Government, for, under our constitution, is transferred to us every security, every right pertaining to British subjects; and the same courts which redress the grievances of Englishmen at London, or of Scotchmen at Edinburgh, are invested, by Her Gracious Majesty the Queen, in her representative, the Lieutenant Governor. He can to-morrow open a court of escheat, if good and sufficient reasons are put forward for the purpose; and it was wrong in any party to come into this House by the votes of the people, and, when here, to use every possible means in their power to deceive the people they represented; and they did deceive them on this question. It was their duty to have established a court of escheat.

Hon. LEADER OF THE OPPOSITION.—Why did you not establish it, then?

Hon. Mr. DAVIES.—But instead of doing so, they threw every possible obstacle in the way of its establishment, which they could think of. These were the opinions I entertained in 1850, and I dare the hon. the Leader of the Opposition to prove that we have not the power to establish a court of escheat, or to contradict what I have said.

Hon. LEADER OF THE OPPOSITION.—Yes, if you can get it, and find a precedent.

Hon. Mr. DAVIES.—I know that the hon. and learned Leader of the Opposition is very fond of precedents, and I will give him one. In Lieut. Governor Smith's time, a court of escheat was established; the claims of the Crown for non-compliance with the conditions of their leases or grants, as the proprietors choose to call them, were brought up before that court, and two Townships were escheated. There was no appeal from the court,—no exception taken to the decision which was given. They knew, and knew it well, that what had been done was right. They know, Sir, that Lieut. Governor Smith had but done

his duty. But what did they next do? Why, the *old clique*, that has ever been a bane to this Colony, united together, and raised a question about the quit rents, and, by deceptive influences, led the people to believe that, if escheat were allowed to be continued, the exactions for quit rent on the tenant in arrears, which had to be enforced before the Township could be arraigned before that Court, would be yearly exacted. Under this impression, the people got exasperated against Lieut. Governor Smith, and signed the petitions the land agents got up against him, praying for his removal from the Colony, which accordingly followed, for, in all their efforts in this direction, I am sorry to say that the proprietary party were but too successful. Thus, by their deceptive influences, they induced the people to petition for his removal, and in that petition laid grievous charges against him. But on his arrival in England he demanded an investigation of his conduct before the Privy Council, and what was the result? Why, he was honorably acquitted, and his conduct as an able officer remunerated with a pension of £500 sterling a year. Is not this a precedent, Mr. Chairman? and if this is not satisfactory, look at the settlement of the lands in Nova Scotia. They were escheated. The question of Responsible Government was brought forward in Sir Donald Campbell's time. It was offered to us then, but the proprietary faction saw that it was a system of government that would work against them. The terms offered were, that a few officers of the Crown, who came here more for their own good than that of this Colony, were to be pensioned off, and provision was to be made for the officers who were to take their place under the new system of government. These were thought to be hard terms,—more than the Colony could bear; and a committee were appointed by the Assembly to remonstrate, on behalf of the Colony, with the Crown. This was done. Mr. Rae, the Chairman of that Committee, ably put forward the state of the Colony, and plainly laid down the grievances which we lay under. This can be seen in the Journals of 1850 or 1851. In the meantime, Sir Donald Campbell died, and Sir A. Bannerman succeeded him as Lieutenant Governor of this Colony. He repeated the conditions offered by his predecessor. They were the same. But, said Sir Alexander Bannerman, when you are prepared to accept this burthen (meaning the pensions for the officers of the retiring Government, and providing means for the pay of their successors), I am prepared, on the part of the Crown, to hand over to you for recovery, for the benefit of the Colony, the *arrears of quit rents*, the *Fishery Reserves*, and *all lands liable to forfeiture*. These stipulations were ratified, and embodied in the *Civil List Bill*, which is the *writing of our Constitution*. Yes, Mr. Chairman, it was a bargain. These quit Rents, these Fishery Reserves, and all lands liable to forfeiture, were sold, yes, Sir, sold, I repeat the word, sold to the Legislature of this Colony, for the consideration of paying the Civil List Bill, as I have mentioned. And, Sir, I would add, I think it was discreditable to the Colonial minister to withhold from us the right to recover the same in a court of escheat. In private transactions, such dealings would not be allowed; and the only apology I can offer for the gentlemen who have filled this high office, is, that the administrations which have followed the introduction of Responsible Government in this Colony, have neglected to put