

tention of His Majesty's Government to substitute for the existing settlement duties others of a 'more easy and commodious nature'—an intention, however, which does not appear ever to have been carried into effect. In 1832, an Act was passed by the local Legislature for regulating the proceedings of a Court of Escheat, and an application was made to the Lt. Governor for the establishment of such a tribunal; but, on reference to His Majesty's Government, the Act was disallowed, for reasons stated in the inclosure to my predecessor's Despatch of 19th January 1835, and His Majesty's Government declined to sanction the erection of the tribunal solicited by the Legislature. In each of the succeeding years the question has been before the Legislature, and in 1833, 1835, and 1835, petitions respecting it have been addressed to His Majesty by the Assembly.

Such is a very brief summary of what has taken place on this subject. I proceed to explain the view which is taken by H. M. Government of the present state of the question, and of the measures which it would now be convenient to pursue.

At the date of the original Grants of land in Prince Edward Island, and indeed for many years afterwards, the principles on which the settlement of the Island was to be encouraged would seem not to have been correctly understood. A slight consideration would have shewn that when land could be so easily acquired on freehold tenure in the neighbouring British Provinces and in the United States of America, but few settlers would consent to become tenants in Prince Edward Island, or having become so would continue to remain there. The obligation, therefore, which was exacted by the Government, and assumed by the proprietors, was, to all useful purposes, nugatory; because, supposing a proprietor to have used every effort to comply with it, and to have actually sent out to his estate in Prince Edward Island the stipulated number of settlers, he could have had no security that those settlers would not afterwards migrate either to other Provinces, or to the other estates within the Island. It is confidently asserted, and the nature of the case warrants the belief, that this has actually occurred. But before H. M. Government could be a party to the forfeiture of any estate for non-performance of the settlement duties, they would require to be satisfied, not only that there are not at the present moment, but that there have not been at any time, the stipulated number of settlers on that estate, and that this circumstance has arisen from the wilful neglect of the Proprietor. It is needless to say that such an inquiry could scarcely be now undertaken with any success—that it would be tedious and expensive in its process—and that it must tend to alarm the public mind, without holding out any fair prospect of a useful result. For these reasons His Majesty's Government must at once decline to advise His Majesty to accede to the prayer of the Assembly, as set forth in their Address of the 9th April last.

But although the Ministers of the Crown cannot take on themselves to sanction the proceedings which the Assembly point out, they are nevertheless fully alive to the serious injury which is caused to the Island by the want of a sufficient number of settlers. Gifted with a soil of unusual fertility, and possessing every advantage of climate and geographical position, the advancement of Prince Edward Island has hitherto been delayed by the inadequacy of its population. In other of the British Provinces in North America, and more especially in Upper Canada, a similar inconvenience, although not to so great a degree, was heretofore found to exist, and

various measures were tried for its remedy. Among these was the assessment of a tax on all *granted lands of every description*—but a difficulty having arisen in the recovery of this assessment, an Act was passed by the Provincial Legislature in 1825, to authorize the sale, in satisfaction of the debt to the public, of a sufficient portion of any land on which the tax should be eight years in arrear. The measure thus supported has been found effectually to meet the object in view; and I cannot but believe that a system of a similar nature might be adopted with equally good effect in Prince Edward Island. I have, therefore, to desire, that in communicating to the Assembly His Majesty's reply to their Address of the 9th April, you will suggest to them the expediency of introducing into Prince Edward Island the policy adopted in Upper Canada. I inclose a copy of the Act passed in that Province in the year 1825, as an assistance to the deliberations of the Legislature of Prince Edward Island. Should they concur in my opinion as to the advantage of such a measure, the details of any Act which might be passed to carry it into effect, must, of course, be referred to their knowledge of the local peculiarities and customs of the Island; but it will be useful to them to be made acquainted with the regulations which experience has dictated in a neighbouring Colony. It is necessary, however, to observe, that if such an Act should be passed by the Legislature, it would be indispensable that it should contain a clause suspending its operation until His Majesty's pleasure upon it should be declared.

I have thought it necessary thus explicitly to make known to you the views of His Majesty's Government on this subject, because I feel that nothing can so powerfully militate against the best interests of the Colony, as the protracted agitation and excitement respecting it. It would appear that an erroneous impression has got abroad among the poorer class of settlers, that on forfeiture by the present proprietors of their titles to the land, it would be regranted by His Majesty in freehold to the actual occupants. This impression, indeed, would seem to have originated as far back as the year 1787; and it may, perhaps, have derived some confirmation from the course pursued with respect to the forfeited Lots, Nos. 15 and 55. Nothing, however, can be more unfounded. You will take the most effectual means in your power for making it generally known, that even should His Majesty be advised in any case to proceed against lands liable to forfeiture, the Crown would, in the event of its success, step exactly into the place of the former proprietor, and would enforce the observance of any contract which might have been made with him by the tenant; and that under no circumstances which it is possible to anticipate, would gratuitous grants of land be conceded to any persons whatever. But you will, at the same time, announce, that His Majesty's Ministers have not, as at present advised, felt themselves at liberty to sanction any proceedings for enforcing the forfeiture of estates on the ground of the non-performance of the original conditions respecting settlement.

I have the honor to be, Sir,

Your most obedient servant,

GLENELG.

Sir John Harvey, &c. &c. &c.

[For the Act referred to in the above Despatch see Appendix (A.) at the end of the printed Journals of this Session.]