

SUPPLEMENT TO HASZARD'S GAZETTE.

HOUSE OF ASSEMBLY, March 29, 1855.

DEBATE ON THE ESCHEAT QUESTION.
(Continued from Haszard's Gazette, of March 31st.)

Hon. COL. SECRETARY.—Mr. Chairman, after the long written address with which the hon. member has favored the committee, I shall direct his and their attention to a few dispatches and other documents which have a bearing on this subject, and of the nature of which the hon. member was well aware, although it did not suit his purpose to refer to them. As I think he is a little astray on this subject, I shall endeavour to set him right, and before adducing the documents I have alluded to, I will ask him, if he was not pledged to his constituents not to agitate this question?

Mr. COOPER.—No.

Hon. COL. SECRETARY.—Then all I can say is, that I have been misinformed, for it has been stated to me that the hon. member was pledged not to propose or advocate any measure which did not meet the approval of the liberal party. He knows that this measure has not their approval, and thus his constituents are deceived by him.

Mr. COOPER.—I deny it.

Hon. COL. SECRETARY.—Why, his election under such a promise proves the truth of my assertion, and I can say further that he stated on the floor of this House, that he was pledged to support the liberal party. The hon. member seems to be very sore on the subject of my expression the other evening about the "loose fish," and has thought fit to insinuate that those of the liberal party who do not choose to go with him on this question are acting from improper motives; that, as he expresses it, they are entangled in the meshes of a Government net, and have taken the bait. It is just possible, Mr. Chairman, that in agitating this question, he sees, in imagination, a rich bait waiting for his acceptance. The observation about the "loose fish" were made by me in the discussion of a totally different question, the Legislative Council pay bill, but, sir, I contend that he is now oven something more than a "loose fish" in the liberal ranks, for he cannot deny that he was pledged not to go for any measure which should not be approved by the liberal party. As to his observation that the men of to-day are not the men of yesterday, implying that I have changed my opinions on this subject, I can tell him that no member of the House can vote on this question with more freedom than myself. From my first introduction into public life to the present hour, I have always stated that I would not vote for Escheat. And I have so expressed myself, not that I was unfavorable to it, but because I considered that the agitation of the question would be productive of no good results as the object was unattainable. Believing that Escheat was impracticable, I have introduced and carried other measures for the benefit of the people at the expense of the proprietors. This course I promised my constituents at my first election that I would pursue. They approved of it and returned me, and I have been returned to this House at every subsequent election, and I have followed the same policy of dealing with the land question, moderately, but to some practical effect. Under these circumstances I consider myself at perfect liberty to oppose the resolution of the hon. member and in doing so, I shall endeavor, as the common saying is, to give it a black eye. (Laughter.) The hon. member has attempted to prop up his case, and injure the Government, by asserting that, before the purchase of the Worrel Estate, they did not comply with that section of the Land Purchase Bill, which requires the investigation of titles previously to any purchase by Government. Now, Mr. Chairman, I ask this Committee, and I ask that hon. member himself, what foundation is there for such a declaration? If the titles to that estate have not been investigated, what is the meaning of the paper before the House, containing the opinion of the Hon. Attorney General on the subject? But, sir, that hon. member has admitted by his votes on Bills introduced into this House, and supported by himself, that Escheat could not be attained. When the Worrel Estate was offered to the Government, the question of Escheat did not enter into their consideration, nor was it requisite in investigating the titles, that the validity of the original grants should be tested. That question the Government considered settled. It was not necessary to ascertain the legality of the different titles down from the original grants to the parties then owning or claiming the property. That was well known and understood by the people at the time, but now the hon. member, in his endeavor

to damage the Government he was pledged to support, declares that the validity of original grants should have been tested by the Government, prior to the purchase. I maintain, sir, that, in the negotiation and purchase of that estate, the Government have manifested all the prudence and caution which any honest and careful man would apply to his own private business. It is not necessary for the Government to do more than to shew the reasons why it considered the investigation of the validity of the original grants unnecessary. The Government, in negotiating for the purchase of the Worrel Estate, were justified in considering that the question of Escheat had been settled by the previous action of the Legislature of the Colony. In proof of that, I will refer to the preamble of the Act which was passed in 1837, imposing the first land tax. One part of that preamble is as follows:—

"Whereas by a Despatch from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, bearing date the tenth day of August, one thousand eight hundred and thirty-six, His most gracious Majesty was pleased to disallow the establishment of a Court of Escheat in this Island, and to suggest the imposition of a tax on all granted lands in this Colony, as a remedy for the serious evils arising from the non-settlement of large tracts of land, held by the grantees from the Crown; and it being just and reasonable that the said lands should contribute towards the general revenue of the Colony, the burthen of which has hitherto been chiefly borne by the resident colonists only; and as such a tax would have the desired effect of compelling the grantees either to settle or dispose of their lands without delay."

Now, sir, that preamble shews the opinion of the people of the Colony, as expressed by their representatives, that the question of Escheat was considered, at that time, as settled, and that the principle of taxing the lands of proprietors should be adopted in lieu of the agitation for a Court of Escheat, which is the motion we are now discussing. But, in the document which the hon. member has read, for I will not call it a speech, he has stated that we had nothing to produce in opposition to the establishment of such Court but despatches of Colonial Ministers, which he further argued were not of sufficient authority to relieve the proprietors from the obligations imposed upon them by the conditions contained in the original grants,—but, before I have done, I think I shall be able to shew that the British Government have expressed a positive determination not to allow the establishment of a Court of Escheat in this Colony. The Act of 1837, the preamble of which I have read, was passed in accordance with the spirit of a despatch from the then Colonial Minister, and was, thus, a declaration on the part of the Legislature that the question of Escheat was no longer a subject of agitation, and that the country acquiesced in the views entertained by the British Government on the subject. But, Mr. Chairman, the hon. member and those who support him on this question, should be consistent, and to test the sincerity of their attachment to the principle of Escheat, I will call their attention to the record of the proceedings at a meeting of the Commissioners of trade and plantations, with reference to the town and pasture lots of the Towns and Royalties in this Island, which took place on the 8th July, 1767, we there find the following resolution:—

"Resolved, That it be recommended that the above mentioned Town and Pasture Lots be granted in Fee Simple, under the Seal of the Province of Nova Scotia, to such person or persons as will give proper security to build within a reasonable time upon the Town Lot; and to enclose and fence and properly clear for Pasture, the Lots set apart for that purpose; but no one person to have a Grant of more than one Town and Pasture Lot."

Now, Sir, if we are to go back and take action upon the original grounds of forfeiture, namely, that the conditions in the grants were not complied with, we ought to forfeit nearly every town and pasture lot in the Town and Royalty of Charlottetown, because the conditions annexed to, and forming part of the grants of them, were not complied with. When Lieut. Governor Smith issued a proclamation, to the effect that those lots on which buildings had not been erected, in compliance with the terms of the grants, I believe that mere huts were erected on some of them, but the greater portion of the lots were not built upon. Will the hon. member say that it is desirable, or that it would be fair or just to the owners of property in Charlottetown and Royalty to escheat their lands on the plea that the original terms of the grants

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had not been complied with? He will not say so; but I maintain that the principles he advocates would lead to such result. The principle, applied to measures of a general and extended operation, should hold good in cases of minor importance, and I will suppose the case of the hon. member letting a house or lot in Charlottetown or Royalty: he asks his rent, and the tenant turns round and refuses to pay, alleging, as a reason, that the conditions in the original grant of the lot from the Crown had not been complied with. Would he consider it right or reasonable that his tenant should set up such a plea against the man from whom he had received his house or land? I think that the hon. member would feel the injustice of depriving him of the property for which he had paid his money, on the ground that some one or other, long since dead and buried, had not done his duty.

Again, Mr. Chairman, in 1839, I find the following extract in an answer by the then Lieut. Governor, Sir Charles Fitzroy, to an address which had been presented to him from the inhabitants of King's County. Sir Charles Fitzroy was in favor of a fair and equitable arrangement of the relations between the tenants and the proprietors, and manifested as great regard for the interests of the farmer as ever Colonial Governor did or could exhibit. He even issued a circular address to the proprietors, and that very address was made use of to increase the cry for escheat. In the answer to which I have alluded, we find the following passages:—

"I cannot help expressing my disappointment at your having reverted to the question of escheat. This question has been already so fully discussed, and the decision of the Sovereign and the Home Government so firmly and unequivocally expressed—and so very recently, in the letter from Her Majesty's Secretary of State for the Colonies, dated 1st May last, which letter has been published for general information—that I did hope this subject would not have been revived. As this decision is founded upon no partial or prejudiced advice or reports, but upon the broad basis of the security of all property, it would be as useless, as it would be unbecoming to that character for plain dealing which I hope on all occasions to maintain, were I to hold out to you the slightest hope of being able to obtain the object of your wishes.

"I wish, on the present occasion, to take the opportunity of making myself fully and clearly understood, in order, as far as may be in my power, to prevent you from any longer entertaining delusive hopes; but I would not have you depart with the impression on your minds that I am not fully aware, and that I do not sympathise with and lament the distress under which many of you are labouring; and I most cheerfully and cordially offer you my mediation with your landlords, and with the proprietors of lands in this Island generally, to obtain for you such liberal terms as will be for the mutual advantage of both landlord and tenant. Should my remonstrances, joined to those which have been made before my appointment to this Government, induce your landlords to extend the hand of conciliation, and shew in earnest that they feel for your situation, and are not inattentive to your interests, I implore you to meet their advances in the same spirit."

In the first of the two paragraphs I have read, we find the refutation of the hon. member's insinuation, that reports were sent to the Imperial Government, adverse to the wishes of the people, and despatches were sent out in accordance with those underhand communications. There is no equivocation in the language of the passages I have just read—they are the plain declarations of Her Majesty's representative—that Escheat will not be conceded. The hon. member himself has been sent to England on two separate occasions, to urge the adoption of his views upon the British Government, and he well knows with what success. The expenses of his first mission were provided by a general subscription of the people. His report is in print, and although I cannot lay my hands upon it at present, I will read a portion of the answer he received from Sir George Grey, then under Secretary of State for the Colonies, by order of Lord Glenelg, the principal Secretary:—

"Downing Street, 25th August, 1838.

"Sir:—I am directed by Lord Glenelg to acknowledge your letter of the 19th instant, offering some observations in regard to the terms proposed by certain proprietors of land in Prince Edward Island to their tenants.

"Until Lord Glenelg shall be informed of the manner in which those terms have been received by the tenants, he must

decline canvassing the question with any third party. But in order to prevent misconception, his Lordship takes this opportunity of apprising you, that it is not the intention of Her Majesty's Government to establish a general Court of Escheat in Prince Edward Island, or to take proceedings for enforcing the forfeiture of the lands on which the original conditions of the Grants have not been complied with. After very fully considering the subject, Her Majesty's Government decided, and announced their decision, that such a course would be inconsistent with justice, with sound policy, and would tend only to unsettle the minds of the Inhabitants of Prince Edward Island, and to shake the rights of property in that Colony."

In this document we find it expressly stated, "that it is not the intention of Her Majesty's Government to establish a general court of Escheat for Prince Edward Island," and the avowed declaration of that Government in opposition to the measure advocated by the hon. member. But he says that this is but the expression of the individual opinion of the Secretary of State for the colonies, and that it is, therefore, not to be regarded as the decision of the Imperial Government. Sir, I ask what words can be used more expressive of the decision of the Government of Great Britain? Does it not emphatically declare that the Government will not sanction the establishment of a court of Escheat? And is not that declaration conveyed through the only proper channel by which the Government can officially communicate its decision,—namely, the Colonial Office? It is very easy for the hon. member to rise in this House, and say that we have nothing more than despatches embodying the views of individuals against Escheat; but, Sir, I can show to the satisfaction of any one, that, from the date of the letter from which I have just read to the present time, we have explicit and decided declarations of the Imperial Government, that they will not countenance the institution of a court of Escheat.

The hon. member has stated that, in 1816, the Home Government granted an indulgence by which the proprietors received an extension of time for the settlement of their lands; he has not, however, told us, whether he bases his argument on the original default or on the violation of the terms of the indulgence. Now, Sir, if the Government had the right in 1816 to grant a further time for the compliance with the conditions which formed part of the original grants, they also had the power to do away with those conditions altogether. If the hon. member bases his argument on the non-fulfilment of the conditions within the extended period specified in the indulgence of 1816, he cannot, with any pretence to reason or consistency, deny the authority of the Crown to abrogate the conditions altogether. I might as well say, that if I sell a piece of land, and take a mortgage for the price, payable in three years, and afterwards choose to allow the purchaser six, that he would have a right to say that the land was forfeited and that I had no claim to it, because the original conditions of the bargain had not been complied with.

Well, Mr. Chairman, after the hon. member had received his answer from the Colonial Office, and returned home, the reason he assigned for the failure of his mission was that he had not appeared in Downing Street in an official character, that he was there merely as a private individual—in short, that the House of Assembly had not delegated him to represent the views of the people on the subject. What did we see then? The House sent him on his second mission. On that occasion, I believe, the hon. member did not deem it desirable to reside in the fashionable and more aristocratic districts of London, but took up his abode in the more commercial parts of the metropolis. However that may be, the answer of the British Government was conveyed, not to the hon. member, but to the Lieutenant Governor of the day. The purport of that answer was, as the hon. member and others know, in opposition to Escheat. And now, Sir, let me direct the attention of the committee to what took place in 1841. In that year the hon. member was one of a large majority in the House, and, more than that, was Speaker. In the session of that year a bill was introduced by the hon. member's party, the object of which was that the British Government should purchase the lands from the proprietors, and the investigation of their titles formed no part of its provisions. I will read to the Committee the preamble of that Bill, in order that they may estimate at their proper value the objections the hon. member has made to the Government, in reference to its action in the purchase of the Worrel Estate:—

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Mr. M'INTOSH.—Mr. Chairman, the Hon. Member who has just sat down has asked "what benefit the people have received from the agitation of this question?" I can answer, that they have gained in the reduction of the price of Land from four pounds to ten shillings an acre. And I advocate Escheat in order to lower the price to the tenants still more. If it had not been for the discussions which have taken place on this subject, the lands would still be held at three or four pounds an acre. But now, instead of receiving thanks for having reduced the price of land, we are ridiculed and held up to the country as disturbers and agitators. But, Mr. Chairman, it is my opinion, that if there was more opposition manifested to the proprietors, the lands would be offered on better terms. And certainly those who have paid rent and spent their time and labor in improving the land, should purchase their properties at a lower rate than they who come in and purchase wilderness lands.

Hon. Mr. LEAD.—Mr. Chairman, there can scarcely be any will, however great, which does not produce some little good. And I can assure the Hon. Member Mr. M'Intosh, that the Government used every precaution in dealing with Mr. Pope. As a proof that they did so, I need only call the attention of the Committee to the fact of their having reserved no less a sum than six thousand pounds, to meet any difficulties that might arise from tenants refusing to attend.

Hon. Mr. LEWIS.—Mr. Chairman, I must say that I think the allusion made by the Hon. Member, Mr. Lead, to the time at which the Hon. Members Messrs Cooper and M'Intosh were brought to the bar of this House, can have no bearing on our discussion of the question before us this evening. That occurrence took place some 30 years ago, and really I do not see how it can affect our judgment on this matter. I am disposed to go for a Court of Escheat, and when I say that, I do not mean to express the opinion that the lands are liable to be escheated. (Laughter.) Hon. Members may laugh, but I can tell them, they may find it to be no laughing matter, and it may be, that if they do not support the establishment of a Court of Escheat, their constituents may laugh them out of the House of Assembly at the next Election. I see a great difference between a Court of escheat and escheating the lands; I have ever been opposed to the extreme measure hitherto advocated by the Hon. Member, Mr. Cooper, and I still consider the agitation which has been going on for many years, a misfortune to the country, as no good could result from it. Still, Mr. Chairman, I am in favor of a Court of Escheat. I consider that we are as much entitled to it as the people of Canada, New Brunswick or Nova Scotia, all of which Colonies have it as part of their institutions. And, Sir, I think there is a greater reason for it in this Island; as we know that by grants improvidently issued, the whole Island was granted in one day. Although the British Government may refuse to allow us the Court, and the lapse of time since the date of the original grants, now some 80 years, may be considered as a confirmation of the title of the grantees, I will advocate the Court, and I should wish to see a majority of this House in favor of it, in order to quiet the minds of the people and prevent any man or any set of men from making political capital out of the agitation on this subject. But Mr. Chairman, it has been denied that Members of the present Majority ever held out to the people the promise of free lands as a bait to obtain their support. But I will ask, if in the year 1853 one Hon. Member now in this House did not circulate a handbill in which free lands were promised to the people, if the so called liberal party were elevated to power? (Name, Name.) Well Mr. Chairman, I am not afraid to name him and I name the Hon. Member, Mr. Clark.

Mr. CLARK.—I deny it.
 Hon. Mr. LEWIS.—Then all I can say is, that I can prove that he placed the handbill into the hands of another party.

Mr. CLARK.—That is not circulating it. (Laughter.)
 Hon. Mr. LEWIS.—Mr. Chairman, I need no more than such an assertion to prove the truth of what I have said, for if the fact of the Hon. Member's having circulated the Bill is not proved by his having handed it to another person, or does not prove a circulation by him, I do not know what could be termed a circulation. But with reference to the question itself, I maintain that although ministers may have refused to Escheat the lands, there is nothing in all the documents which have been cited to show that the British Government would not sanction a Court of Escheat. (Laughter.) Hon. Members may amuse themselves by laughing as much as they please, but I say that the question for the establishment of a Court of Escheat has never been before the House on any previous occasion. It is our constitutional right to have such a Court, and as I do not approve of the wording of the resolution moved by the Hon. Member, Mr. Cooper, I suggest to the consideration of the Committee the following:

"That it is expedient to establish a Court of competent Jurisdiction to investigate and decide upon the titles to all Township Lands in this Island."

Mr. CLARK.—Mr. Chairman, as to the handbill on which the Hon. Member, Mr. Langworth laid so much stress, I think I can easily explain that to the Committee. I received that paper by post; it came to me among a lot of others; the principal portion of which if I recollect right, related to the civil list Bill. When I opened the parcel, Mr. John Owen, who was present, took up the handbill. Mr. Owen is no Elector. And I can state, Mr. Chairman, that I did not agree in the statements contained in the handbill. It has been frequently thrown up to me, that I carried that handbill about among the people, but I consider that my conduct with reference to that handbill, in letting Mr. Owen take it away with him, affords no greater proof of my agreeing with the opinions it set forth than would, this reading and lending to a friend by the Hon. Member for Charlottetown, Mr. Longworth, of Paine's works, be a proof that he coincided with the opinions of the author. I deny, Mr. Chairman, that there is much agitation on this subject in Prince County and I appeal to the Hon. Member, Mr. Montgomery, to say if there was any allusion to it at St. Eleanor's at the general Election and at my recent election. I expressly stated at St. Eleanor's that I would not pledge myself to vote for Escheat. The Hon. Member, Mr. Laird, took the trouble of going into my district to excite the people against me on this question, and after all he has done, if he is content to lose his time and pay his horse-hire and expenses, I am satisfied. Why Mr. Chairman, under the fifth section of the Land purchase Bill, the Attorney and Solicitor General are a Court of Enquiry to investigate titles. In all countries there will be found some agitators, no matter how wild and visionary their views may be. The Hon. Member, Mr. Laird, has stated that the petitions before the House had influenced his mind and induced him to support the resolution of the Hon. Member, Mr. Cooper, although he was pledged to advocate no measure which did not meet the views of the present Government. Now, Sir, let us see how much consideration those petitions are entitled to, to induce any Hon. Member to violate the general pledge not to oppose the Government. Allowing every signature subscribed to the different petitions to be that of a bona fide elector, although there are many names written by the same hand, yet waiting that objection, and supposing them all to be genuine, we find but 1047 people asking for Escheat, about 1-13th part of the electors of the Island; and are we to be referred to those petitions as expressing the wishes of the people? And, Mr. Chairman, those very petitions have been got up by a few agitators, who have been going about the country, endeavouring to unsettle the minds of the people and throw every thing into confusion. This I think is proved by the result of the meeting held in the Hon. Member, Mr. Whelan's, district. At that meeting, I have been informed, that all but a few, say some six or seven, went against escheat, and though it is true some had put their names to the petitions before the House, when they were made acquainted with the true state of the case, they were sorry and ashamed for what they had been induced to do. So it would be in other parts of the Island, if the people had the true state and position of the question fairly laid before them. The Hon. Member, Mr. M'Intosh, seems to think that the present Government, because it is liberal, ought to have gone for Escheat. I can tell him, Mr. Chairman, that if they had done so, they would not have been in a position to have carried the beneficial measures they have, but they would be in a position similar to that of the Hon. Member, Mr. Cooper, after his unsuccessful agitation. I shall vote against the resolution in toto; and I will give my support to the Government in measures calculated to improve the settlement of the country, such as the Land Purchase Bill.

Hon. Mr. MONTGOMERY.—I must say, Mr. Chairman, that in my opinion it does not look very well for the Hon. Member, Mr. Clark, to censure Mr. Cooper, and designate him as an agitator. If I recollect aright, he got his first election on the ground that he was in favor of Escheat. I know that he was a strong supporter of the Hon. Member, Mr. Cooper, in those days; and therefore, if Mr. Cooper is now wrong and misleading the people, he, (Mr. Clark,) must have been liable to the same imputation. I do not agree with the Hon. Member in the opinion that the fifth section of the Land Purchase Bill established a Court of Enquiry. As I read the Bill, it merely enables the Government to examine the titles of any particular property which may be offered to them for sale. And, Mr. Chairman, it is idle to say that the agitation of this question arose in Charlottetown; it is notorious to every one that the country at large has been agitating it for the last twenty years, and if I do not mistake, the great Liberal Reform Association had it brought under their notice. As to the remarks the Hon. Member, Mr. Clark, has offered in explanation of the circulation of the handbill, all I can say is that what he has stated is to my mind, as I think it will be to others, quite sufficient proof that he did circulate it; and whether Mr. Owen was or was not an elector, it makes no difference; it is well known he was a wath political partisan.

Mr. O'NEIL.—I deny, Mr. Chairman, that I ever was an escheator, as the Hon. Member, Mr. Montgomery, has stated. My father was, however, a very warm advocate of escheat, and the only difference that ever arose between him and myself was on that question. I do not deny that I may have taken an active part from the year 1832 to 1845, but I was not elected till 1840; and for some time before that the escheat party was considered dead. There was no talk of escheat when I came to the house in 1846. And I can tell the Hon. Member that the majority of my constituents are opposed to escheat and that the public mind in Prince George's County is not enlisted in its favour. I stated at my election that I would not promise to go for escheat and I was elected for the reason that I was a supporter of the Liberal Government.

Hon. Mr. MONTGOMERY.—I repeat, Mr. Chairman, that the Hon. Member was a warm supporter of escheat and I would recall to his recollection the time he went to Brackley Point to do all he could against the present Hon. Col. Secretary.

Mr. O'NEIL.—I deny, Mr. Chairman, that I was an escheator at the time to which the Hon. Member has alluded. The question then was quarrel between Mr. Pope and the Lieutenant Governor, and sorry enough I am from what I have seen since, that I did not support the Hon. Col. Secretary at that time.

Hon. Mr. WATKINS.—Mr. Chairman, this is certainly a most important question, and it has been so fully and ably discussed that there is but little left for me to say—but it is one of those questions in which I cannot feel myself justified in giving a silent vote. We all know, Sir, that it has been agitated for a great many years. In the years 1837 and 1838 the Hon. Member, Mr. Cooper, brought his views before the House of Assembly. At that time, Sir, the Hon. Member had a large majority in the House, and much benefit was expected to result. Myself and others were led to believe that important alterations in the conditions under which land was held by the large majority of the people in the colony would be effected, and I will say now that it is my opinion that if the Hon. Member had not been extravagant in his views, much might have been accomplished in the direction of the Hon. Member's views—probably some six or seven Townships might have been escheated—but the Hon. Member believed that what could be applied to one would be applied to all, and thus, however good his intentions may have been, he went in my opinion too far. It is, however, Mr. Chairman, high time this question was decided; and while I admit that it is natural for the tenants to desire to become freeholders, and further that I believe they have been led to believe that the lands would fall into the hands of the Government of the Colony, I cannot withhold the expression of my opinion that the day for that has gone by, never to return. I believe, Mr. Chairman, that the land purchase bill presents the only practicable mode of converting the tenants into freeholders, and although it may be considered by some that the Worrall Estate was purchased at a high figure, I consider it an excellent move in the right direction. Before long I have no doubt that the proprietors will be glad to sell their lands to the Government—the land tax they will find to be a somewhat heavy burden, which is not without its influence upon them now—the contemplated tax upon their rent roll is another step in the same progression which if continued will ultimately induce the best and fairest, and indeed only practicable mode of escheat, namely, by the tenants paying a reasonable sum for the purchase of their farms.—I do not go for taking the lands from the proprietors. As I said before, I think the time for doing so has passed, and if I agree to purchase a piece of land from any man, I have no right to ask him how he received it, if he has a title recognized by the laws of the Country. As in the observations which have been made as the subject of the investigation of the title to the Worrall Estate previously by its being purchased by the Government under the Land Purchase Bill, the 5th section of this Act requires that the Government shall cause such investigation to be made before they shall purchase any lands under the Act. This, Mr. Chairman, I consider has been done by the law officers of the Crown, the Hon. Attorney General, and I should think that the opinion of a gentleman holding the high position which he does, ought to be sufficient to satisfy the people of the Colony that a proper investigation has been made, and that the titles of the Proprietors are good. All the different Deeds and Documents affecting the property were submitted to him, and there is on the Table of the House his opinion, which should, I think satisfy Hon. Members as to the truth in which the Government acted in the purchase of the Estate. When Politicians come before this House, it is our duty to take them into our consideration. It is true we have in this subject petitioned from various parts of the Island. These petitions I shall treat with all respect, and so I shall of all Hon. Members in this House. Can we have a better title to the land than the Hon. Member, Mr. Cooper, in his wisdom to carry out the views of those who have signed those petitions. I think that the question will be decided of, one way or the other in right, I shall support the views of the Hon. Colonial Secretary, Mr. O'NEIL.

Mr. McLELLAN.—Mr. Chairman, the hon. member who has just sat down, has spoken as if he hardly knew his own meaning. When he says that the grants were made impudently, I tell him that the law and the constitution afford a remedy. If that hon. member will look, he can easily see for himself. But they who suffer under the actual pressure of evils, are those most apt to look out for the modes of relief. To show that the hon. member (Mr. Wightman) should go for Escheat, after admitting that the grants were made impudently, I will read what will, I think, convince him that he ought to support a Court of Escheat as a constitutional measure. I find in the third section of the twelfth chapter of Chitty, on prerogatives:—

"The *scire facias* to repeal or revoke unfounded or impudently granted of the Crown (d), is another prerogative process which requires consideration. The King is, generally speaking, bound by his grants; but this is only when they are not contrary to law either in themselves, or void for uncertainty or deception, or unjust as injurious to the rights and interests of third persons (e). In these cases the King *jure regio*, for the advancement of justice and right, may repeal his own grant (f). As if the King grant what by law he is restrained from granting (g), or the grant be obtained by fraud or a false suggestion (h)."

No greater injury could be inflicted upon us, as British subjects, than to treat us as aliens. It is then our duty to complain, and if we are unanimous, we shall obtain what we ask.

(To be continued.)

ROAD APPROPRIATIONS. QUEEN'S COUNTY. DISTRICT No. 9.

Comprising Lots Nos. 49 and 50.

Table with 2 columns: Description of road and amount in pounds, shillings, and pence. Total sum: £211 15 3.

DISTRICT No. 12.

Comprising Charlottetown Common and Royalty Road, and Poplar Island Bridge.

Table with 2 columns: Description of road and amount in pounds, shillings, and pence. Total sum: £240 0 0.

estates, on the ground of their having escheated to the Crown by reason of the non-fulfilment of conditions. These applications have been resisted on the grounds with which the correspondence between successive Secretaries of State and Lieutenant Governors of Prince Edward Island, especially since the year 1832, will render you sufficiently familiar. It is only my purpose now to state that Her Majesty's Government feel themselves bound to adhere to the decisions so repeatedly adopted by my predecessors in this matter, and to state that both on the grounds of justice to the landed proprietors, and of the permanent interests of the community of Prince Edward Island, they regard such a measure as impracticable. Nor on the other hand could they consent to entertain any measure, such as has occasionally been suggested, of buying up and extinguishing the rights of proprietors, or any portion of them, at the expense of the Imperial Treasury.

"The subsisting rights of parties cannot, therefore, be altered in any other manner than by that of equitable adjustment; and while the law continues as at present, it is our duty to enforce obedience to it, by the firm exercise of the authority entrusted to you, and by the employment, if necessary, of the military force at your command; should any extreme case occur, you may even apply to Sir John Harvey for an additional force to put down any attempt at resistance to the law."

After such declarations, I would like to know if any hon. member really believes Escheat practicable? Can it be supposed that after those repeated decisions the British Government will turn round and undo all it has previously done, and take away from individuals the property, in many instances purchased on the faith of those very decisions? No man of proper judgment would seriously entertain the idea for a single moment. The hon. member for Princetown (Hon. Mr. Montgomery), who voted for the Bill in 1841, to which I have referred, was in the House at the time the Land Purchase Bill was passed, and he never said a word as to the fifth section requiring Government to test the validity of the original grants. The Government, from the Bills passed in this House on the subject of the land question, were bound to adopt, as a rule, the legislative admission that the question of Escheat was finally settled. In taking the course I have on this question, God knows I am uninfluenced by any feeling in favour of the proprietors. Up to the present time, I have received and braved their most determined opposition, so that if I entertain any personal feeling to warp my judgment, and give a bias to my action, it would be a desire to do what lay in my power to injure them. But I have no such feeling. It is but natural that the proprietors should use all their influence against laws affecting their properties; that is of course to be expected; and I hope that the question will be disposed of to-night calmly and dispassionately. It has been so thoroughly sifted at the Colonial Office and in the Island, that the committee can close the discussion to-night. I have ever been anxious to adopt all practicable measures for the benefit of the tenantry, as the Bills I have introduced and the votes I have given will abundantly prove; and I think that the Bill I proposed to bring in, compelling landlords to record their titles, will be a substantial boon to the people. At present a tenant, after taking a lease, or purchasing the fee simple of his land from one person, representing himself as proprietor, finds that he has to pay it once or twice again to subsequent claimants. By the Bill the tenant will be able, by referring to the Registry Office, to ascertain who is entitled to receive his money. Such measures as these are beneficial to the tenant, and can be obtained; while this question of Escheat is, to use the terms of which the hon. member (Mr. Cooper) gave us the definition—a mere "will of the wisp." I shall not at present, Mr. Chairman, trouble the committee with any further remarks, but shall conclude by declaring my intention to vote in opposition to the hon. member.

Mr. Cooper.—The despatches on which the hon. member has laid so much stress, are not of much weight now, since we have got Responsible Government. In the times when those despatches were sent out, they were framed in accordance with the despatches previously sent from the Colony, of which the people were not aware. When in England I could get no reply from the Colonial Office until a despatch had been received from the Island, and Mr. Chairman, I am sure that that despatch is a secret to this day. There is

one great argument in favour of investigation of the original titles, that is, the fact that it was assented to in the time of Lieut. Governor Fanning. If escheated then, why should it be withheld now? And notwithstanding the assertions of the Hon. Col. Secretary, I maintain that a despatch only binds the Minister, and not the Government of which he is a member. It is not to be considered as an act or opinion of Her Majesty's Government. You will find that where the action of the Government is taken on a matter affecting the Colonies, it is done in Council. [The hon. member here instanced the form used in giving the Royal Assent to Acts of the Colonial Legislatures, when the Sovereign and members of the Privy Council are present.] And I maintain that no title can be deduced except from the original grants; if they are void, no transfer from one to another can create a good title, or convey what the original grantee had it not in his power to give, and the only way to try the title is by the intervention of a jury, and if it is found to be bad, they can declare it so.

Hon. Col. Secretary.—Then, according to that doctrine, no proprietor has a good title. If I am not mistaken, the hon. member himself has purchased lands in the Island.

Mr. Cooper.—Yes, from the Crown. The land was escheated.

Hon. Col. Secretary.—Well, suppose the case of a private individual about purchasing a piece of land from another—what would be his course? He would employ his lawyer to investigate the title. And where is the lawyer to be found who would not consider the original grants valid, after those despatches and admissions of the House which I have read? The Government employed their own lawyer, the Hon. Attorney General, and he has done his duty. The hon. member still argues against the effect of a Secretary's despatch, and instances the case of a Bill receiving the Royal Assent. True, that is the Act of the Government, but the decision of that Government is conveyed to the Colony through the proper channel—the Secretary of State for the Colonies—and several of the despatches I have read, expressly mention the decision of "Her Majesty's Government."

Mr. Laird.—Mr. Chairman, the Hon. Col. Secretary said he was sorry that I was going to support the motion for a Court of Escheat, and said my constituents never asked me to vote for it. When we were trying to get Responsible Government, the opinion of my constituents was, that I should first do what I could to obtain that, and they never told me to vote against Escheat. With reference to the remarks about the investigation of the titles by the Government under the Land Purchase Bill, I helped to put the fifth section into it, and I think it the best part of the Bill. I see no reason why the Government should not investigate the original grants as well as any of the other documents. I am sure the Bill expresses that plainly enough. I have no wish to break up the Government while they do their duty; but I must say, Mr. Chairman, that it is not fair to blame me as breaking my pledge to support the Government. The people, by their petitions to this House, have shown the course they wished members to pursue.

Hon. Col. Secretary.—Mr. Chairman, the hon. member (Mr. Laird), seems to speak as if he introduced the clause providing for the investigation of the titles into the Land Purchase Bill. Why, Sir, that clause was in the Bill when it was introduced by the Government, and the hon. member voted for it. He has said that the petitions before the House relieved him from his pledge to support the present Government. But how were those petitions got up? They were got up by Mr. Cooper. Look at his letter addressed to myself, and published in his pamphlet. The hon. member (Mr. McIntosh), did not join him in that, knowing that the letter and the answer would be published, and that the answer would not have the tendency to encourage agitation of this question. The result of the meeting held in the district of the Hon. Mr. Whelan and Mr. Dingwall, at which the former was present, shows plainly that the people will not be bothered on this subject much longer. They have had enough of it during the ten years' agitation by the hon. member (Mr. Cooper). Sir Charles Fitzroy's answer to the address of the inhabitants of King's County destroyed the private influence of that hon. member.

Mr. McIntosh.—If we had before us all the documents which Sir Charles Fitzroy sent home, we might know something more of the true state of the case than we do at present.

member who knew his own mind made no provision for the future. He can easily see that actual pressure is made of the mode of the grants were made. I think, convinced that as a constituent of the twelfth

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sent. Sir Charles Fitzroy's conduct clearly showed that he did not act in reality, as he would endeavour to make it appear. From the private representations sent to England by Sir Charles Fitzroy and Sir Henry Huntley, no despatches based on them could be relied on. It is very well for hon. members to say that Escheat was finally settled. It was not, however, dead in 1850. The despatch brought out by Sir Alexander Bannerman showed that the Ministry at home knew, from private information, what the new Governor would meet on coming to the Colony. If the Land Purchase Bill was the last measure for the relief of the people from the oppression of their landlords, it would be no use in discussing this question, but, Mr. Chairman, I am inclined to consider that Bill but as a beginning. I would, for one, just as soon see the lands in the hands of the proprietors as labor. My desire, Mr. Chairman, is that I may see the people treated as British subjects, not as aliens or bastards by the Imperial Government. (Laughter.) Oh, hon. members may laugh, but I repeat it, Mr. Chairman, that they have been so treated, and I do not wonder at it, when those who ought to stand up for the rights of the people are found on the side of their oppressors. Since we have Responsible Government, if the Governor and Council state the views of the people to the Council, we can obtain what we wish. I must, however, Mr. Chairman, confess that I expected from Responsible Government more than I have seen. (Laughter.) I had no intention of turning out one set of land speculators to put in another. I am willing to give the present Government credit for the good they have done and all they may do. I will give them credit for the Education Bill and the Tenants' Compensation Bill, but not for playing the game of the proprietors. I have heard hints of some members of this House speculating in lands, and from what I see, I am inclined to think it is the case. If this is the only way of relieving the tenants, they might as well remain in the category in which they have been tormented for so many years. (Laughter.) I have no desire, Mr. Chairman, to turn out the present Government; they will, probably, last my time. But I am astonished at the way this question is treated in the House. We are met by the opponents of the measure as if we were advocating some dishonest scheme to rob people of their property. Mr. Chairman, if we had not a constitutional right to a Court of Escheat, I would never stand up in favor of it; but as a British subject, I feel that the people are entitled to it, and they who oppose their obtaining it are the parties who are taking away the rights of others. I see no reason for any one objecting to the establishment of a Court of Escheat. Let us have it; and if the lands cannot be escheated, as has been said, the Court can do no harm. Then why not have the Court? The complaints of the people are that there is no such Court. In the time of Governor Smith, a Township was escheated in two or three days after he issued his proclamation, and I believe if he had staid in the Colony, every Township would have been escheated, and the people have as much right to Escheat now as they had at that time.

Hon. Col. SMITH. I rise, Mr. Chairman, merely for the purpose of answering that part of the hon. member's observations, which insinuates that the Government were in league with a third party, namely, land speculators in the purchase of the Worral Estate. That statement is not true—the hon. member knows that the Government had not power to compel parties to sell their lands. But, Sir, when the Liberal party assumed the Government, they gave notice to the Trustees of Worral Estate, that they were prepared to receive offers from them—they could not say to them "you must sell the property, whether you wish to do so or not." Then came the vote of want of confidence, which displaced the Liberal Government, and before they returned to power, Messrs. Pope & Co. had purchased from the Trustees. If Mr. Pope had continued to hold the property, he would have put the people to great trouble and inconvenience. And, Sir, as to the price—the Government gave no more than the amount which was asked from Captain Sleight. The press opposed to the Government stated that it would cost twenty shillings an acre, we got it for six shillings an acre with the back rents. As to the assertion of the hon. member—that members of this House have been speculating in lands. I deny it, and now call upon him to name a single individual to whom his charge will apply. Not one Liberal member has purchased

100 acres, and none could obtain more than 300. So there is not much chance of speculating in that. So far from the Government not taking all necessary precautions to guard the interests of the people, I can only state that Messrs. Pope & Company were dissatisfied at the strictness with which we conducted the negotiation for the purchase.

Hon. Mr. MORRISON.—Mr. Chairman, the question of Escheat has been agitated now for a very long time, and I do not agree with the Hon. Col. Secretary when he says, that the petitions before the House, on the subject originated from a few individuals in Charlottetown. I knew, Sir, that it has long excited great interest throughout the country. The tenantry were promised that they would have their lands on better terms when our Responsible Government was introduced, and I know that political capital was made out of it at the Elections. The first year after the introduction of Responsible Government, handbills in support of the Liberal candidates were circulated, in which it was stated that the Land Question would be settled, and should be settled by that, that a Court of Escheat would be established, and several were elected on the strength of that idea. As an argument that the Home Government would not allow a Court of Escheat to be established because they had previously refused it, we know that many things have been granted which had previously been denied. I see no reason, Mr. Chairman, for hon. Members objecting to the establishment of a legal and constitutional Court of Escheat, if for no other purpose than to put an end to the agitation of this question. A proprietor having a good title to his land will have no cause to fear an investigation, and should in my opinion, be the first to support the institution of such a Court, and I think it our duty, Sir, to endeavour to obtain the Court, only to quiet the minds of the people, which will not be until the Court shall have been established. I shall support the Resolution as having for its object the attainment of a legal and constitutional right, and not only on that ground, but with a view, as I said before, to terminate the future agitation of this question, and allay the excitement in the minds of the people. Why, Sir, I know one Township where the people refuse to pay their rents, as they were led to believe that the Government intended to take the lands from the proprietors, and grant them to the tenants. I must say, Sir, in justice to the Hon. Col. Secretary, that I never heard of his having made such promises, but I know that persons have been going about the country, instilling into the minds of the people, the idea that the Liberal party would obtain an Escheat of the proprietor's lands.

Hon. Mr. LOUN.—Really, Mr. Chairman, a new light appears to have dawned on the mind of the Hon. Member who has just sat down. We heard nothing of this last winter, when he and his party were in power. As to political capital having been made at the last general Election, out of promises of free lands to the tenantry, I have seen it stated in the *Advertiser* newspaper, that I promised the inhabitants of Lot 19, to get them free lands. Now, Sir, I deny the assertion most positively, I never promised anything of the kind, and Escheat was never mentioned at any meeting on Lot 19, at which I was present. I believe Mr. Todd's Title to Lot 19 is good, and, Mr. Chairman, I deny that the agitation of this question is general throughout this Island; I admit there may be some excitement about it in two or three sections. About East Point there is a little interest felt in it. It has been discussed for the last 20 years, and I would like to know what good has resulted from the agitation of it? What benefit did the people gain from the mission to England of the Hon. Member (Mr. Cooper), which cost £3001. But, Mr. Chairman, I am surprised at the Hon. Members, Messrs. Cooper and McIntosh, stating that the tenants on the Worral Estate are no better off than they were before. Why, Sir, I was informed by Mr. Charles Dingwell that some of the tenants had agreed for the purchase of their lands at three pounds an acre, and when I stated that surely Mr. Pope would not enforce the bonds, he told me that he would. Sir, I maintain that the tenants on that Estate who have availed themselves of the provisions of the Land Purchase Bill, are much better off than they were before. Why, Sir, look at the land about St. Peter's Bay, which is the highest priced of the whole Estate, the tenants can get that at 12s. 6d. an acre, and will any man tell me that Mr. Pope would have sold those lands at that price? No, Sir, he would not have given it for double that amount. I am decidedly opposed to any further agitation of this question, and I must say that it does not look very well to see certain parties now supporting the Hon. Member Mr. Cooper, on this question. I recollect, Mr. Chairman, the time when that Hon. Member, and Mr. McIntosh were brought to the Bay of the House, for their conduct at the famous Bay River Meeting; as their education some of those who now go with him, had not the spirit to raise their voices in his behalf, at the time when the Hon. Member for Charlottetown, (Messrs. Mr. Palmer), was the warm friend and supporter of the Proprietors.

"Whereas the several years last granted thereof, and bathment to direct the this Colony for th and request of th no other means a procure relief to arrears of rent; said grantees, the the rights of the the Crown."

Now, Mr. Cha the principle of t at the present tr stallers stopping; We could not, Si had but to deci offered to us, land cost the e as well to see the 1841. On the of the 17th Febr that day three Years—Mr. Pal Nays—Mr. D. Montgomery, M Mr. LeLacheur, McLean and M might have been had not been so and the Island. the support of their votes agai member was S; carried with his that preamble, fice, he still t says there is no patches! Why Russell's despat ber was a deleg emphatically as Government n Home Governu establishment; firmly and cou of the question the people to i coded. I am i mitigate the l original grants proprietors. I be glad to com under the Lan been so often s useless to agit our attention t tenantry from grants.

I shall now, to the report; his return fro follows:—

"From the of the Land C without the as and as Minist gate from the it appeared to ment, commu the regular officer," wou Hon to enable settlement of measures wou Legislature; any further i

"Whereas the House of Assembly of this Colony hath for several years last past endeavoured to procure a forfeiture of the several Townships in the same, on the grounds that the grantees thereof, and their heirs and assigns, have not complied with the conditions of the original grants from the Crown, and hath repeatedly solicited the Imperial Government to direct the establishment of a Court of Escheat in this Colony for that purpose; and whereas such solicitation and request of the House of Assembly hath been refused, and no other means appear at present feasible or attainable to procure relief to the Tenantry from the pressure of large arrears of rent sought to be enforced against them by the said grantees, their heirs or assigns, than by the purchase of the rights of the said grantees, their heirs and assigns, by the Crown."

Now, Mr. Chairman, I ask where is the difference between the principle of this Bill and the Land Purchase Bill in force at the present time? The hon. member may talk about forestallers stepping in and enhancing the price to the Government. We could not, Sir, compel parties to sell their property, we had but to decide upon the purchase of what should be offered to us, and only ask from the settlers what the land cost the country. But, Mr. Chairman, it may be as well to see the opinion of the House on the question in 1841. On the Journals of that year I find, under the date of the 17th February, that on a motion that the Bill be read that day three months the House divided as follows: Yea—Mr. Palmer, Hon. J. S. McDonald, Mr. Longworth; Nays—Mr. D. McDonald, Mr. Dalsiel, Mr. Gorman, Mr. Montgomery, Mr. Rae, Mr. Fraser, Mr. Clark, Mr. McLean, Mr. LeLacheur, Mr. Forbes, Mr. McIntosh, Mr. Beck, Mr. McLean and Mr. McFarlane. Now, Sir, at that time, it might have been possible to have obtained Escheat, if there had not been so much division among parties in this House and the Island. That Bill, as the division shows, received the support of fourteen members, while only three recorded their votes against it. It was introduced while the hon. member was Speaker, by his own party, and submitted and carried with his consent and approval, and yet, forsooth! with that preamble, which I have just read, starting him in the face, he still talks of obtaining a Court of Escheat, and says there is nothing against it but Colonial Ministers' despatches! Why, Mr. Chairman, I would ask if Lord John Russell's despatch in 1839, the year in which the hon. member was a delegate to England, does not state as plainly and emphatically as words can, the determination of the Imperial Government not to sanction Escheat in this Island. The Home Government has been so often applied to for the establishment of a court of this nature, and they have so firmly and constantly refused to allow it, that the agitation of the question is not only useless, but mischievous, as leading the people to imagine that they can obtain what will never be ceded. I am satisfied that this House has it in its power to mitigate the hardships from the tenantry arising from the original grants: that remedy is by taxing the lands of the proprietors. Under that system, the proprietors will soon be glad to come in and offer their lands to the Government under the Land Purchase Bill. The Home Government has been so often applied to on the subject of Escheat, that it is useless to agitate the question further, and we should turn our attention to the best practicable mode of relieving the tenantry from the inconveniences arising from the original grants.

I shall now, Sir, request the attention of the committee to the report of the hon. member, submitted to the House on his return from his second mission to England, which is as follows:—

"From the opinions I had entertained for the settlement of the Land Question, that a settlement could not be made without the sanction of the British or Colonial Legislature; and as Ministers were not inclined to submit the question to the Imperial Parliament, nor to give any answer to a Delegation from the House of Assembly of Prince Edward Island, it appeared to me that the views of Her Majesty's Government, communicated to the Lieutenant Governor "through the regular channel of official correspondence with that office," would, in all probability, convey sufficient instruction to enable the House of Assembly to legislate for the settlement of the people, with some confidence that their measures would meet the views of the other branches of the Legislature; and, as it was not likely that I would receive any further instruction from the House of Assembly until

the end of the Session, I therefore deemed it proper to return to the Island.

"Before I left London, I applied to Counsel for advice on behalf of the Tenantry, on the plea of the forfeiture of Grants and Reserves for the fishery; but the Counsel declined to give an opinion, as I had not the laws of the Island with me, to enable him to see whether or not any of the Colonial Statutes went to confirm the Grants, or the purchase of them by other persons.

"I also applied to Joseph Hume, Esq., M. P., to enter into arrangements with that gentleman for bringing the grievances of the Colony before Parliament, and delivered to him copies of the correspondence that had passed between me and the Colonial Office: and he, on the perusal of the correspondence, frankly declared his willingness to do all that laid in his power for the settlement of the Colony, and was pleased to add, by way of advice and instruction—it appeared to him, the oppression of Tenantry, by persons who had not performed any of the conditions of the Grants, was a question at law, which would ultimately be given in favour of the Tenantry; if not in the Island, it would, if the suits were carried to the Courts in England, as he could not see how the Crown, who was the Trustee for the people, and the judge sworn to administer impartial justice between subject and subject, could refuse to put the law in force against the proprietors, to forfeit the land, and deliver the tenantry from a bondage which originated from a neglect of the Crown Officers to perform their duty—that for the Courts of the Island to take advantage of such neglect, which compelled British subjects to submit to bondage, and then by law to compel them to perform any obligations the proprietors had exacted, appeared a case of such iniquity, that he (Mr. Hume) had not heard of the like being sanctioned by the British Government.

"I stated that the tenantry were too poor to go to law with the proprietors—that it was equally as impossible for the tenantry to obtain justice by law as it was for them to pay the rent. Mr. Hume said, "then your House of Assembly should address your Governor, and inquire for the Instructions the Minister has sent; and if they will not afford redress, inquire whether any Court in the Island will take cognizance of the non-performance of the conditions of the Grants, to forfeit the land and relieve the tenantry; and if you do not obtain a satisfactory answer from your Governor, the House of Assembly should examine the officers of your Courts of Justice (if you have any), and inquire by what authority they are prevented from enforcing the forfeiture of the Grants against the proprietors; and if they are prevented, inquire in like manner by what law or authority they can reconcile it with justice to compel the tenantry to submit to the demands and exactions of the proprietors; and if you find, upon such examinations, that your Courts will not afford relief to the tenantry, and that your Council will not agree to an Act for the settlement of the people, it would be proper for your House of Assembly to examine several of the proprietors, as to whether they are the grantees, or hold their right by purchase or inheritance—the terms on which the tenantry hold of them—the rents received, and in arrears; and also examine a portion of the tenantry as to the treatment they have received."

"A report of such examinations as your House of Assembly may think necessary, in support of the charges they intend to prefer, and a list of the Documents forwarded to the Colonial Office, from the earliest periods, for redress of those grievances; and also, a list of the despatches in answer to such applications, together with a petition to the British Parliament, will be sufficient for me to bring the matter before Parliament."

"In case the House of Assembly should not be disposed to follow the foregoing recommendations, or, if it is followed, and, through any utmost event, prove unsuccessful, there has been another plan suggested to me for redress of our grievances.

"Several gentlemen, with whom I have conversed on the subject, are of opinion that the delay of Ministers to redress our grievances, has for its object to induce the people of this Island to seek for annexation to Nova Scotia; and the delegates from that province, whom I met in London, and several influential gentlemen of their House of Assembly, whom I afterwards met in Halifax, declared that if the people of the Island were inclined to be annexed to Nova Scotia, they would do every thing in their power to have the inhabitants

So there is from the to guard the the. Pope & which we question of time, and I in says, that a originated ew, Sir, that the country. I have their Government al was made the introduc- support of the was sta- people under established, but idea. An could not allow they had pro- been seen no reason, the establish- ment, if for reason of this o his land will I should in my- tion of such a our to obtain ple, which will asked. I shall best the attain- not only on that o terminate the the excitement re one Township a they were led to take the lands tenants. I must ry, that I never y, instilling into he Liberal party lands. a new light ap- on. Member who this last winter, to political capi- Election, out of ve seen it stated the inhabitants of I deny the asser- thing of the kind, sessing on Lot 10, dd's title to Lot at the agitation of a Island: I admit two or three ac- interest felt in it, and I would like the agitation of N mission to England cost £3001. But, Members, Messrs. ants on the Wor- e before. Why, sir, I that some of the heir lands at three hat surely Mr. Pope that he would. Sir, te who have availed Purchase Bill, are Why, Sir, look at the highest priced that at 12s. 6d. an fr. Pope would have r, he would not have a decidedly opposed sion, and I must say certain parties now cooper, on this ques- time when that Hon. sit to the Bay of the famous Bay River as was now go with tion in the hands of Charlottetown, Home aid supporter of the

comfortably settled, and that the Island would be allowed a full share of representation, in proportion to the extent of territory and population—all which is respectfully submitted."

Well, Mr. Chairman, the hon. member having got the opinion of Mr. Hume, the House passed a resolution in 1841, to the House of Commons, praying the grievances arising from the land question might be redressed. That House took no action on the petition, and the hon. member was so enraged with the Home Government, the proprietors and all hands, that in his report, which I have just read, he was willing to annex the Island to Nova Scotia. (Laughter.) And, Mr. Chairman, I do not know what better answer to the assertion of the hon. member that we have only the opinion of individuals who might be holding the seals of the Colonial Office at the time, to shew in opposition to his views, and that the British Government have not decided against the measure which is the subject of this evening's discussion, than the despatch which I will read to you from the journals of 1842. I think that expresses the decision, not of the then Colonial Minister, but of the British Government, and I request hon. members to observe that it expressly mentions the determination of Her Majesty's Government. That despatch is as follows:—

Downing Street, 25th June, 1841.

"Sir,—I have to acknowledge the receipt of your despatch of the 5th May last.

"I have to acquaint you, in answer, that Her Majesty's Government, having reviewed the whole progress of the discussion regarding the tenure of land, have arrived at the following conclusions:—

"First.—That the original terms of settlement were impracticable; and that any escheat at the present day, on the ground of the failure to fulfil such conditions, would be unjust.

"Secondly.—That Her Majesty's Government consider it right to state, that the Crown has not at its disposal any funds out of which the lands could be purchased by the Crown, to be afterwards sold or granted to the tenants.

"Thirdly.—That the terms proposed by Mr. G. R. Young, or terms equivalent to those, seem to have been acceded to by the great majority of proprietors.

"Fourthly.—That under these circumstances, the best course which Her Majesty can recommend is, that the Assembly and Council should turn their attention to the improvement of the resources, and the encouragement of the growing wealth of Prince Edward Island, and leave to the gradual operation of time the settlement of a question which offers no sound footing for direct legislation.

"Lastly.—I have to state that Her Majesty is not disposed to blame any party for the mode in which this discussion has been prosecuted; but Her Majesty's anxiety for the welfare of the Province makes her desirous to see the termination of a fruitless and irritating contest.

I have the honor to be, Sir, &c. &c.,

J. RUSSELL."

Now, Sir, I would ask what language can be more explicit? It states that the question had been reviewed; now, who reviewed it? Why, Her Majesty's Government. And it further states that Her Majesty's Government, after having reviewed the whole progress of the discussion regarding the tenure of land, have arrived at the following conclusions:—and then proceeds to declare the conclusions; and we find there the positive and express declaration that it would be unjust to escheat the lands, on the grounds that the original conditions were not complied with, and alleging that those conditions were impracticable. And, Mr. Chairman, the endeavour of the hon. member to make it appear to the country that the Legislature had never given up the principle of Escheat, is as susceptible of refutation as his assertion that the British Government have never declared their opposition to it. Why, Sir, at the risk of being considered as occupying too much of the time of the Committee, by a reference to what is well known to many hon. members, I will direct their attention to the journals of 1843. In that year, when the House was in committee on a Bill introduced by the hon. the present Speaker, and generally known as the "Squatter's Bill," the following amendment was moved, and by whom? by the hon. member himself! Here is the preamble of his amendment, as entered on the journals, and the record that he moved:—

"Mr. Cooper moved that the Bill be recommitted, for the

purpose of amending the same, by striking out all after the word "Whereas," in the said Bill, and substituting the following in lieu thereof:—

"Her Majesty's Ministers have stated in their Despatches that the conditions contained in the original grants were impracticable, and that it would be unfair to deprive the proprietors of such grants of the land for the non-performance of such conditions; but as the proprietors have imposed conditions upon persons who have improved the land, which are so oppressive as to deprive such persons of the benefit of their improvements; it is, therefore, not only necessary, but just and equitable, that while the proprietors of such grants are allowed to retain the fee simple of the land so granted in its wilderness state, that persons who have cleared such land, and brought it into a state fit for cultivation at their own cost and labour, and have erected buildings thereon, should be secured in their improvements by a settlement upon the land."

That amendment embodies the principle of the Tenant's Compensation, of which the hon. member has chosen now to say he disapproves, and I contend, Mr. Chairman, that no man of common honesty and intelligence can view the extract I have just read in any other light than as a declaration by the hon. member himself, and of his party, that the question of Escheat was considered at that time finally settled. Although I think I have already adduced documents sufficient to shew the recorded declarations, not of Colonial Secretaries individually, but of the British Government not to grant escheat, I shall refer to the despatch of the present Earl of Derby, then Lord Stanley, and Secretary of the Colonies, dated the 14th July, 1842:—

"In obedience to Her Majesty's commands, I have to acquaint you, for the information of the House of Assembly, that Her Majesty's Executive Government must decline to interfere any further in the question in debate between the grantees of lands in Prince Edward Island and their tenantry; experience having sufficiently shown, that no beneficial result is to be anticipated from any such interference."

Then we find the announcement of the determination, not of Lord Stanley, but of Her Majesty's Government. Now, Mr. Chairman, after so many decided expressions of the opinion of the Home Government, I put it to this House and to the hon. member himself, if it is not useless to agitate this question further. He knows well what reception our previous applications have received, and let him consider for a moment who it is that now holds the seals of the Colonial Office! Why, Sir, Lord John Russell, the man whose opinions I have read to you. Is it likely that the Government, of which he is a leading member, will consent at this day to grant a Court of Escheat? That hon. member knows it is not; and I regret that the minds of the people are agitated on this question. Had it not been for parties exciting them, and holding out false hopes, every thing would have gone on quietly, and the Land Purchase Bill, the Education Act, and the proposed Bill for taxing the rent rolls of proprietors, would have had the effect of inducing a reasonable and equitable settlement of the tenantry. I do not believe any member of the present majority is pledged to support the motion, and I am sorry my hon. colleague intends to vote for it. I know that his constituents never asked him to do so. As to the petitions having much influence on the minds of hon. members, I know how they have been got up. A few individuals in Charlottetown prepare them and send them through the country, telling the people that they are to have free lands. The movers in the matter know that the prayers of the petitions cannot be granted, and that Escheat is out of the question; but they get up this excitement merely to upset the present Government. The people sign the petitions without consideration, and in proof of the facility with which signatures can be obtained, I may mention to the Committee, as a fact, that the hon. member for Belfast (Mr. Douce), has now from his constituents two lists of names, to put to any petitions he may please, and for or against any measure he chooses to support or oppose. But, Mr. Chairman, at the risk of being considered tedious, I will read from the pamphlet published by the hon. member, an extract from Lord Grey's despatch to Sir Alexander Bannerman, in 1851—the despatch commonly called the "Bloody Despatch":—

"Without going into detail, it is sufficient for me here to remind you that repeated applications have been made, at different times, to Her Majesty's Government, to consent to deprive the proprietors under the original grants of their

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