

that of the Mother Country, has been granted by the Crown.

Resolved, That it is the opinion of this Committee, that during the struggle, which, since 1837, this House has maintained, with a view to reduce the expenses, improve the institutions, and purify the administration of the country, it has been met at every step by an influence, which, while it was beyond the control of this Assembly, has wielded the whole power and patronage of the Government, to baffle its efforts, and thwart the wise and benevolent policy avowed by Her Majesty's Ministers.

Resolved, That it is the opinion of this Committee, that in approaching many of the important questions to be disposed of in the present Session, the House of Assembly feels embarrassment and difficulty which it would be unwise to conceal, either from the government or the country at large; and that it can anticipate no satisfactory settlement of those questions, until the Executive Council is so remodelled as to secure to this House the aid of the local administration in carrying out the views of the Assembly, and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's government.

Resolved, That it is the opinion of this Committee, that the House of Assembly, after mature and calm deliberation, weary of seeing the Revenues of the country and the time of its Representatives wasted, and the people of Nova Scotia misrepresented to the Sovereign, and the gracious boons of the Sovereign marred in their transmission to the people, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons.

COLONIAL LEGISLATURE.

Saturday, Feb. 1.—The first part of this day's proceedings was published in our last. In the after part of the day, the Hon. T. H. Haviland delivered five Messages from the Lieutenant Governor—the first transmitting copies of the correspondence which had taken place between the Colonial Department and William Cooper, Esq. delegated by the House of Assembly, in its last Session, to proceed to England; together with a copy of Lord John Russell's despatch to the Lieutenant Governor, containing the decision of Her Majesty's Government thereon. (This despatch was published in the Herald on the 30th Nov. the time it was received in the Colony). The second Message transmitted a Despatch from the Secretary of State, in which the Lieutenant Governor is instructed to bring the subject of the Fishery Reserves again before the Legislature; the third message communicated a copy of a despatch, containing the reasons why Her Majesty had not been advised to confirm the American Loyalist Bill of last Session (which said despatch we copied in our last paper)—the fourth message communicated a despatch, stating that the Lords Commissioners of the Treasury had no objection to the appropriation of the sum of £1500 out of the Crown Lands' fund, for the erection of a building in Charlottetown as an Asylum for insane persons, and other objects of charity, on the House of Assembly making suitable provision for the future maintenance thereof. The fifth message transmitted three maps of the original survey of the Island (with a tabular explanation) prepared under the direction of the late Mr. Holland, between the years 1764 and 1769.

The messages and accompanying documents were ordered to be printed, and were referred to the House when in Committee on the state of the Colony.

Monday, Feb. 3.—The Speaker (William Cooper, Esq.) laid before the House a Report containing an account of his proceedings on his late mission to England, in addition to the information contained in his communications to the Committee of Correspondence.—Ordered to be printed, and referred to the House when in Committee on the state of the Colony.

On Tuesday, Wednesday, Thursday, and the greater part of Friday, the House was engaged with closed doors, in Committee of Privileges, (as stated in our last) in investigating certain charges of misconduct, preferred by Mr. Thomson against Mr. John Arbuckle, a member of the House. On Friday the Committee rose without reporting, which terminated the proceedings.

Immediately after, Mr. Pope, by leave, introduced a bill to prohibit the exportation of Oysters, for a limited period. Mr. Thomson introduced a Bill to compel Millers to keep a waste gate at their dams, suitable and convenient to float through logs, deals, scantling, &c. Second reading on Thursday the 13th inst. Several members expressed their intention to oppose the bill in its next stage.

Saturday, Feb. 5.—An address was voted to the Lieut. Governor, to inquire if he had any further documents or information to communicate to the House, in addition to that already furnished, to enable the House to legislate for the settlement of the Inhabitants and for the regulation of the Fishery Reserves. The address was carried on the following division—Yeas, 16; Nays, Messrs. Palmer, Hudson, Longworth and Hon. J. S. Macdonald.

Mr. Thomson presented a Petition from John Rowan, a commuted pensioner, late of the 12th Dragoons, at present residing on the Georgetown Road, and stated to be in destitute circumstances, praying pecuniary relief; and a Petition from the Merchants and other inhabitants of Georgetown, praying a grant of Fifty Pounds, to aid them in establishing a Packet to ply weekly between that port and Pictou.—Both petitions were ordered to lie on the table.

The Bill to prohibit the exportation of Oysters was passed, 14 to 4—Messrs. Rae, Fraser, Macintosh and Macfarlane voting against it. It imposes a penalty of £20 for every offence, and is to continue in operation for seven years.

A Message was received from the Lieutenant Governor, transmitting copies of the correspondence which had taken place between the Executive Government, John Thomson, Esq. and the Justices of the Peace residing in Georgetown, in consequence of the latter having omitted to call a public meeting of the inhabitants, on the 1st of May last, as required by the Georgetown Assessment Act.

Referred to Messrs. Clark, Le Lacheur, J. Dingwell, Rae and Fraser, to report thereon, by bill or otherwise.

House in Committee on the state of the Colony.—Resolutions were severally proposed and seconded, 1st, for bringing in a Bill for regulating the Fishery Reserves, embracing the principle of the bill passed by the House of Assembly for that purpose, last Session—2d, repudiating the proposals made by G. R. Young, Esq. on behalf of certain proprietors, to the Tenantry; and 3d, that a Committee be appointed to prepare the draught of a Petition to the Imperial Parliament for redress of Grievances.

Each of these propositions elicited a great deal of dis-

ussion, especially the last, but were finally carried by large majorities.

The Chairman then reported progress, and obtained leave to sit again on Monday.

MONDAY, February 10.

Mr. CLARK, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, to ascertain if any further information had been received by his Excellency, on the subject of the Escheat or Fishery Reserves, reported that His Excellency had returned the following answer:

I beg to inform the House of Assembly, in reply to this Address, that I have received no further documents or information relating to either of the subjects referred to therein, beyond what I have already communicated to that House. Neither do I expect to receive any, particularly as regards the question of Escheat, as I can positively inform the House, that the refusal of Her Majesty's Government to entertain that question, in any shape, is final.

Mr. FRASER begged leave to call the attention of the House to the administration of the law in the several counties of this Island. It was, he said, only reasonable and just, both as respects litigants and witnesses in Courts of Law, to save inconvenience and expense, that suits should be commenced and terminated in the Counties in which the parties might reside. Under this impression, he thought it proper to submit the following resolution:

"That a Committee be appointed to inquire into the expediency of amending the Act, 3rd Wm. 4th, Cap. 12, for regulating the Supreme Courts in King's and Prince Counties, and to report by Bill or otherwise."

After a short discussion, the motion was agreed to. The following Gentlemen were then appointed: Messrs. Fraser, Le Lacheur, Rae, Clark, and Longworth.

STATE OF THE COLONY.

Mr. RAE moved the Order of the Day, that the House do resolve itself into a Committee of the whole, to inquire into and take into consideration the State of the Colony.

As it appeared that six of the members were absent, considerable objections were made by several members to the consideration of the state of the Colony being then re-entered on; but a motion made by the Hon. J. S. Macdonald, that the Order of the Day be discharged, and made the Order of the Day for Wednesday next, was lost on the following division:—

Yeas.—Hon. J. S. Macdonald, Messrs. Longworth, Hudson, Palmer, Arbuckle, Clark, Thomson—7.

Nays.—Messrs. Macintosh, D. M'Donald, Le Lacheur, Rae, M'Neill, Beck, Fraser, Gorman, Dalziel—9.

The question was then put on the main motion, and carried in the affirmative, on the same division.

The Hon. J. S. MACDONALD having then taken the chair of the Committee, the following resolution was submitted by Mr. Rae.

"Whereas the length of time which has elapsed since the Grants became forfeited, without the forfeiture being declared, and, as a consequence thereof, the passing of some of the Grants into the hands of land speculators, and of others into the hands of the creditors of grantees, in payment of debts, for the liquidation of which, the debtors had no real property, appear to be most weighty arguments with the Imperial Government against any measure of Escheat; and as it appears absolutely necessary that some relief be procured for the cultivators, to prevent many of them from being finally ruined;

Therefore, Resolved, that it is the opinion of this Committee, that it is necessary to consent to a compromise of part of the just rights of their constituents, to bring in a Bill to agree to the proprietary claimants receiving a certain specific remuneration—to be ascertained by the House of Assembly, on the principle of the prices paid for the land, quit rents, and land assessments, since such purchases, and interest on both."

Mr. THOMSON strongly opposed this motion. He ridiculed the idea of the House's being obliged to rake up all that had formerly passed on this subject; and maintained that on no other principle than that of remuneration—a remuneration having reference to the present value of lands, not the penny-an-acre principle—could a settlement of the question between the proprietors and the tenantry be ever rationally hoped for. He said that Mr. Hill had formerly bought Townships at one penny per acre, but Mr. Cunard had lately purchased at a much higher rate. It was pitiful to attack property in the way contemplated by some honourable members.

Mr. ARBUCKLE said he must concur with the hon. member for Georgetown. The motion submitted by Mr. Rae he considered to be ambiguous, if not quite indefinite. Notwithstanding any private difference or misunderstanding between him and the honourable member for Georgetown, any motion of that gentleman's, having for its object the general benefit of the Colony, should meet with his ready support.

Mr. GORMAN expressed himself in favour of a petition to the Imperial Parliament, and he said he believed the majority of the House concurred with him.

The SPEAKER said:—In rising to explain, or give my reasons for the motion I am about to make, I have no desire to defeat the measures intended by the honourable member who proposed the Resolution before you. My intention is, to make the measure more general, to embrace both resolutions, without pledging the House. I think it more respectful to the Despatch, to submit it to a select Committee; and, as I am called upon to state my views, I shall do so briefly. In the Despatch, Government have said, that they will not grant an Escheat, but that we ought to have an equitable settlement. They have objected to the principle of Escheat contained in the Bill sent to England, but have made no objections to the provisions of that Bill for the settlement of the inhabitants. The Minister does not dissent from the scheme of purchasing the rights of the proprietors to the soil, but he objects to giving £200,000, and thereby entailing a large pecuniary loss upon the government. If an equitable arrangement be not made with the tenantry, the Minister will not object to punish the proprietors by a heavy penal tax upon the land. Now, as I never asked for an Escheat on any other grounds than for the purpose of settling the people, nor did ever expect that the people would get the land for nothing, or that the proprietors would be deprived of their land without some compensation from the home government, I see an opening left to settle the people at a price which they may pay, and to leave it for the government, as they may see fit, to purchase the proprietary interest in the soil, without entailing so heavy a pecuniary loss upon the Crown as £200,000. And measure which government have denied in the Despatch. The tenantry might be settled in a manner agreeable to the provisions of the Bill sent to England. The Government might have secured to them the repayment of the principal, and interest thereon, by the tenantry, within a limited period. This would be an inducement to the Government to advance to the proprietors the value of their interest in the soil; and a Land Tax might be imposed that would make the proprietors willing to accept the proposals; and the sum collected by the tax might go, with the price to be paid for the land by the settlers, to liquidate the sum advanced by government; and the whole loss to the government might not exceed £20,000 or £30,000. All this, in my opinion, might be effected by adhering to the Despatch, without opposition to the decisions of government.

Mr. PALMER said, that even if he were acting along with the opposite party, he would oppose the resolution, merely on account of the way in which it was worded. The time was now arrived to inform the people of what they have to expect, by clear statements. False colours were no longer to be held out, nor visionary hopes excited. The question of Escheat is now confessedly hopeless. The want of agreement among its former advocates sufficiently shews it. Their air-built castle must now fall. Their propositions can be no longer entertained. A house divided against itself must fall. Now, then, if Escheat in substance cannot be obtained, let the truth go forth to the public in clear and unequivocal language. He thought it would be the height of absurdity to entertain the measure proposed by the honourable member for Queen's County for a moment. There must be two parties to an agreement. Granting this House should be ready to become one on the present occasion, where was the second? There was nothing stated on the part of proprietors, unless the honourable member for Georgetown were to be considered as their representative. For passing the resolution under consideration there was neither colour nor shadow of reason. The light by which the honourable member thought to guide the house was a mere ignis fatuus. Until the consent of the proprietors should be obtained to the proposal, it was mere folly to discuss the question. The resolution was so equivocal and ambiguous, that it put him in mind of Lord Stanley's celebrated "amble-right speech. Is the remedy here or is it there? Is it under this sentence or under that sentence? It was like a pea under the thimble. It was a perfect humbug.

Mr. THOMSON moved, in amendment, that a Committee be appointed to inquire into the expediency of bringing in a Bill to grant remuneration to the proprietors.

Mr. RAE said, that the objection taken to his motion by the member who moved the amendment, viz:—that it was going far back, and raking up penny an acre records,—would apply with equal force to the amendment. The mover of the amendment, he understood, intended to give the proprietors the value of the land in its wilderness state. At what period was this value to be taken? If he meant to estimate it at the time the land was granted, then the amendment must refer to a period as far back as his motion, and the data for thus ascertaining the value were extremely uncertain. If he meant the land to be valued as at present, and that Commissioners should be accordingly appointed, on what basis were these Commissioners to ground their valuation? The amendment provided none; they might value it at the same rates as the proprietors exacted, 1s. per acre rent, 10s. 15s. or 20s. per acre of proprietors price. But, says the mover of the amendment, the Commissioners will be reasonable men, selected in a proper manner. He (Mr. Rae) would never pledge his constituents to pay the proprietary claimants money for the land, unless he knew that such price had a certain limit. He had no faith in Commissioners' valuations in this matter—they might be sent out, and the influence to which from such men as would be sent out, and many individuals could be found in Charlottetown, some of them born in the Island, who would maintain that it was only the laziness or imprudence of the tenant which prevented him from being able to pay rent. He did not like the cumbersome machinery of the last Escheat Bill, and was afraid the proposed arrangement by Commissioners would work awkwardly. The opposite party have said, Oh! you are glad to abandon Escheat—it is dead, buried, rotten; and their mode of proving this was, because the advocates of Escheat now proposed a different remedy—now agreed to pay a certain sum to the proprietors—therefore they acknowledged the injustice of their former plans—this was excellent reasoning. Need he appeal to the remembrances of the House. Need he say, that frequently nations borne down by superior arms, were obliged to propose to surrender part of their rights. Did this imply that they had become sensible that in seeking to maintain these points, they had sought what was not their right—and if these concessions were not accepted, had they not right to endeavour by arms to secure the whole? Need he remind any Scotsman of the struggle maintained by his fathers against the superior force of England—overpowered, they were obliged to propose to surrender their national independence. Did that imply that they were conscious of having done wrong in trying to assert it? As for Escheat being dead, he felt conscious that if this present attempt at compromise should fail, if the House should relinquish the cause of the people, if every agitator throughout the Island were removed, still their complaints would be heard; again agitation would commence, because the principles which excited it were implanted in the human breast by the author of our being.

Mr. THOMSON said, that the vacillating policy of different home administrations was well known; but although they had, in a most contradictory manner, rejected measures which at one time they seemed to favour, future administrations, it was to be hoped, would be more consistent. Settlers must have secured to them a greater interest in the soil. The Colonial Minister acknowledges they have not an equitable interest in the soil. Those who have cleared away the forest, and paid so heavily for transporting themselves hither, as many of our emigrants have been obliged to do, have a just and undeniable right to be invested with a greater interest in the soil than they possess. But the question is, how was that to be obtained? The faith of the British Government was pledged to the proprietors by their refusing to recognize the justice of the principle of Escheat. The plan he would propose would be, to appoint five Commissioners in each County—(two to be nominated by the Legislature of the Island—two by the proprietors, and one by the government.) to ascertain the present value of the land; and such Commissioners should be selected from among those who have been longest in this Colony. If less than this should be offered to the proprietors for their land, it would be attempting to subject them to an act of injustice. Still there may be found some, as Mr. Sullivan, for instance, who give no leases, who deserve to receive nothing, at least very little, for their lands.

Mr. CLARK said, it was very well known we could no longer entertain any hopes of an Escheat. He had never been sanguine in his expectations of that measure. It was now lost. Still, however, to him it seemed possible to obtain justice for the cultivators of the soil by another course. But, as we know not whether proprietors are disposed to make sale of their lands, and even if they were willing so to do, as there were no proposals made by them to that effect, it was not known what they would accept as a compensation; therefore, any legislative act, having for its object the purchasing of the proprietors' lands, would, without some previous express understanding or agreement, be altogether nugatory. There would not, he thought, be a fairer proposal, if the claims of the proprietors were to be bought, than one having for its object the ascertaining by preliminary investigation of a Commission properly constructed, what should be the measure of compensation to which they were entitled. From faith in adherence on the part of the British Government to the indulgences granted by that Government, where purchases of land had been made, compensation should certainly be made to those who might have to relinquish those purchases. Except under a strong reliance on a faithful adherence to those indulgences by Government, would any one but a fool or a madman have laid out his money in such purchases. By a proper Commission, the cultivators of the soil might expect justice—the proprietors might expect the same. Where property had become valuable by the exertions of those settled upon it, such improvement, he thought, should not altogether be thrown into the scale in favour of the proprietors to enhance the compensation to be awarded to them.

Mr. ARBUCKLE observed, that he would merely respond to the sentiments of the honourable member (Mr. Rae). Although he could not give the honourable member for Georgetown much credit for eloquence, yet he was far from suspecting his sincerity. The rule in last session was *suaviter in modo, fortiter in re*; but he was sorry to say, that now neither the principle of *suaviter in modo nor fortiter in re* appeared to be the guide.

Mr. LE LACHEUR said, so much had already fallen from the lips of honourable members, that his remarks should not detain the Committee long; but he found he could not give a silent vote. Escheat had been coeval with the settlement of the Colony. In 1802, Escheat had been granted, although not put into operation. The withholding of its operation was an act of injustice to the colonists. In every other case of delinquency, there was a tribunal at which to arraign the delinquent; in this case there was none. We have been treated as bastards. The reason is, that the Colonial Office has been beset by all the power of the proprietary interest. He did not believe that the Escheat question had received the *coup de grace*. If the House of Commons can be prevailed upon to take up the cudgels in our cause, we need not despair of success. The Crown cannot act contrary to law. From the poverty of the tenantry, to comply with the demands of the proprietors is as impossible as it would be to give up the heart's blood and yet retain animal life. Some remedy must be found for the prevention of those evils with which we are threatened. Let it not be forgotten, that there are limits to human endurance. Who could bear to see his family deprived of the fruits of his own industry—to see them driven from the home of their own labour had reared for them, and compelled to leave it to another, to reap what he had neither sown nor reaped? If a tenant be unable to pay his stipulated rent, Court? What would be the cost to him? Fifty or Sixty pounds redress can be procured from a higher source, the Colony must be ever ruined; the people must leave the Island, or become the veriest slaves that have ever been subjected to the bondage of their fellow men.

Mr. PALMER, though not opposed to the principle of the Resolution, yet saw sufficient reasons for voting against it. Why, he said, are not proprietors asked what they would accept as a remuneration? Of what use would it be to discuss who should be purchasers, in what coin the purchase money should be paid, and so on, if it should afterwards be found that the property in question was not to be sold? Now, he supposed we have a person to treat with, even then, all would be at the option of the proprietors. Let despatches be sent into for seven years back, and will any thing be found to induce a belief that Government would compel proprietors to consent. What does Lord John Russell say? The only remedy pointed out by him, for the evils complained of, is a heavy penal tax on wilderness lands. Does he say that should this dispose of their lands? No; he merely recommends a still higher penal tax.

Mr. GORMAN said, he was as anxious for the settlement of every question now agitating the Colony, and involving its interests, as any other member of that House; but the Resolution submitted by him a proposal to compute our reckoning without our host. Neither, he said, could he approve of the other Resolution; and therefore he should vote against both.