

"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: Yeas—Mr. Palmer, Hon. J. S. McDonald, Mr. Longworth; Nays—Mr. D. McDonald, Mr. Dalziel, Mr. Gorman, Mr. Montgomery, Mr. Rae, Mr. Fraser, Mr. Clark, Mr. McLean, Mr. LeLachur, Mr. Forbes, Mr. McIntosh, Mr. Bock, 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 shews, 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, staring 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 on 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 Delegate 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 officer," 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