

SUPPLEMENT TO HAZARD'S GAZETTE.

HOUSE OF ASSEMBLY, March 29, 1855.

DEBATE ON THE ESCHEAT QUESTION.

(Continued from Hazard'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 pleased by 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 even 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 but 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 shows 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 Royalities in this Island, which took place on the 8th July, 1847, 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