

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 16th 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:—