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DEBATE ON THE SETTLEMENT BILL.

We have only within these few days been furnished with a report of the debate which took place in the House of Assembly on the 10th April, on the motion that the Bill to authorize the Crown to purchase the lands and to regulate the settlement of the inhabitants of this Island, and to repeal certain parts of the Land Assessment Act, do now pass.

The great importance of the subject to all interested in the peace and prosperity of this Island, will, we trust, justify us in the eyes of our readers, for publishing the debate—probably the most interesting and best sustained which took place during the Session—even at this late period.

Mr. PALMER rose, and said, that as he did not at any former stage of the Bill, take any part in the discussion on its merits, he did not now rise with the intention of detaining the House at any length with the observations he might make; but as the Bill had come to the last stage, affording an opportunity of speaking to it, he would wish it to be understood that he would not for a moment object to the measure it contemplated, of purchasing the lands of the proprietors, nor that which would enable the Crown to let or grant them to tenants, or others, upon terms however favourable to them. It was a scheme, he fully admitted; if it were executed, that would prove advantageous to the inhabitants, if for a small sum of money they could change their situations as tenants, to that of freeholders, and he for one would heartily rejoice if such a measure could be accomplished by the present bill, or by any fair method. In giving his reasons for voting against the bill, he would, as far as was possible, abstain from going at length into matters which frequent discussions had already left threadbare. His main inducement was the want of any reason to believe, that the object in view was attainable—with himself it was utterly hopeless. The scheme proposed in the bill was certainly widely different from the measures offered on behalf of the tenantry, which he had formerly witnessed, and in the same proportion was it less objectionable in his view; it fairly acknowledged in general, but sufficient terms, that the proprietors are the owners of the soil—hitherto this proposition had been constantly and pertinaciously denied by the chief supporters of the measure—so far then, he (Mr. P.) would say they were now reasonable and just. But he was glad to say more than this was admitted; they acknowledged the validity of the land assessment acts, acts which it was hitherto insisted were unconstitutional; and in respect of which, some members who never undervalued their opinions, held to be illegal, because while affecting the whole Island, they, or in the instance of the present Act at least, were passed while nearly all the representatives of one County had incapacitated themselves from voting on them. But however firmly such opinions have been heretofore adhered to, they are at last wisely abandoned, and these members have now actually ratified and confirmed them; in this they have shewn sounder policy and judgment in the course they have adopted, than ever they did before, and he (Mr. P.) spoke sincerely when he said so. But nothing to him seemed more highly important than the idea of the British Government making such an enormous outlay of capital as would purchase the proprietors of this Island; could it be expected they would do so after what was expressed by the Colonial Minister, Lord John Russell, in his despatch, recorded on our Journals this Session? No! the call for such an expenditure of their money must be urged by some great question of importance, something affecting less or more their Dominions. It was hardly his intention, he said, to go into the details of the bill, but he must observe, there was not even a sufficient security offered to the Government to induce them to entertain the proposal. When the purchase is made by them, the land, it would follow, would belong to the Crown; but we are to say no, the land shall be ours, although purchased with your money; we shall deprive you of any control over it, fix the prices at which it is to be sold, and maintain the whole disposal of it. The whole machinery of the bill hangs upon the first clause, which in itself is framed in language too indefinite and general almost to operate; it merely says the Imperial Government shall be authorized and empowered to purchase the lands, &c. This great power and authority, he (Mr. Palmer) should humbly conceive they had already; and who, he would further observe, is the Imperial Government as a contracting party? and indeed who are the Proprietors as another? They are no incorporated body, no association recognized by law; more than any class of persons, of the same profession as one another, or following the same pursuits, but absolutely independent of the property and business of each other; no more, he would instance than the ship owners of any country, or the inhabitants of any town. Some of the Proprietors reside here, some in England, some elsewhere; suppose some of them, buying poor Land, would be anxious to get rid of it, what provision is there to compel others owning more valuable property to complete the scheme, or what to check or meet their refusal? Suppose they all agree, where are the provisions for Government Agents, or Commissioner to treat with those not residing in England? The Bill did not touch upon the different titles or quality of estate by which many held their land; for instance, life estates, entailed lands, &c. Then were purchasers to be settled as freeholders on these Estates, what was to become of the rights of remainder men, infants at present unborn? Some other parts also of the details of the bill, he thought inequitable, but merely so from hearing it read, as he had not, he said, examined it with that care he should have done did he think it would ever become law. Tenants, it appeared, however deeply in arrears of rent, and however little they had ever paid, were entitled to the very same advantages as the honest and industrious ones who had constantly paid up their rents, if even to the amount of £100 or £200. A term of ten years was also intended to be allowed for payment of the purchase money; and all persons who were in possession any space of time before the Bill passed, with or without a previous title, even squatters, were entitled to the same terms of purchase, and during these ten years, might use the land as they liked, make such profit by waste in Timber and wood or depredations as they could, and then walk off clear of their payment to some other Township, to renew the same speculation. He (Mr. P.) was not certain that the defects went to this extent, they had merely struck him as he had just now heard the bill read; it had in fact been altered so much since its first reading, that he must allow he did not feel safe in urging any objection that might have formerly struck him. If however, he was right in his construction of them, they amounted to a premium to the man who acts dishonestly. He would not, however, intrude upon the time of the House by remarking on what he thought imperfections in its details, while he was opposed to the Bill itself. The Colony would never in his opinion succeed in obtaining the great amount of money as desired from the Home Government: whence he thought the Bill would work much against the interests of the Island. Its object was so vain and illusory, it would increase in the minds of the Tenantry those visionary expectations which have already proved so injurious to them, and withdraw them from more solid and valuable reflections, and themselves from useful employments. He would be glad, he said,

to join the majority of the House in any address to Her Majesty, pointing out any real grievance that existed with the Tenantry, and any probable means by which her mediation by her Ministers with the proprietors concerned, would obtain a remedy; and if necessary, he would not hesitate to name the Townships on which such Tenantry were settled, and pray that it be urged upon the Proprietors to adopt the course prescribed; he said he did think a measure of this kind sent home by the House unanimously, and recommended by the Government here, would be attended with effect. He had, it is true, never went the length to say, that it was any thing less than entirely optional with the Proprietors to accede to dictated terms of this nature, but the mode would, he thought, obtain the influence of the Home Government, which would not fail to be exercised with good effect; and he thought the man who would have confined himself to this course, would have done more good for the Tenantry than any thing he expected would ever be obtained by the present Bill, with all its solemnity and plausibility. For these reasons then he must vote against this Bill; and not at all that he objected to such a measure being carried. Heaven knows, he said, he was not carried away by such friendly feeling or care for the Proprietors, as to regret seeing them voluntarily part with their lands, even at a disadvantage; but he looked at the injury such repeated measures was working in the Colony, the effects on its agricultural resources, the vitals of its prosperity; under these considerations then he voted against the Bill—he wished his reasons to go to the public, as he was upon every question anxious they should, and had therefore to detain the House at this stage of the Bill for such purpose, not by any means expecting to make a convert to his opinions.

Mr. THOMSON said, in the principle of the Bill he concurred, but he differed widely from its details; however, he would not object to it (a laugh). He would not go home and hear his constituents object to him, that he had divided the House on a question of such weighty importance to the interests of Prince Edward Island. Still he could not but concur with much which had fallen from Mr. Palmer, particularly on the subject of equity; and he would never concur in anything which would defeat the Crown in its expectations of being reimbursed the sum it might advance. If land were worth £5 an acre, it should be paid for accordingly. The persons who got the land would have the equivalent. This bill has been modelled and remodelled, considered and reconsidered; it has been lugged backwards and forwards between this House and a certain Office; and, lo and behold! we have it here as imperfect as ever. He could tell them many things that would happen, because he could argue from cause to effect. In the Bill there was an evident want of common sense. The people had already been long kept in misery, and the bill went to legalize their misery for ten years longer. When at school, he had heard of *fine* sense and *common* sense; but he had always been taught to consider common sense as the more valuable of the two. The question was, were the people to be settled or not? He would have honourable members to consider, and not to be pressing an extreme measure with extreme pertinacity. By one part of the bill, if a man were summoned before a Justice of the Peace about his lands, unless he should comply with this famous *Land Settlement Bill*, he might be summoned and ejected at once. This was surely bad enough. Again, in one part of the bill the Commissioners were appointed to receive, and, in another, the Treasurer was appointed to pay. What sort of blundering was this? How could the Treasurer pay, unless he were to be taken a receiver? But this was not all. Blunders thickened upon blunders. The bill, in one place, said the money was to be paid to the Treasurer; and, in another, it directed that payment should be made to the Commissioners. He had spoken to this before, but was not deemed a hearing. He thought it would have been perfected and purified by the operation of the legal furnace through which it had been passed. Another objection he had to the bill was, that he saw nothing in it to prevent the land's being sold at more than it might be purchased for. He could not see with what justice they could vote £200,000, and the land beside, without making any provision for repayment; however, he would vote for it (a laugh). It would go to the other end of the building, where, he hoped, it would be more effectually purged from its absurdities than it had been by its passage through the legal furnace to which he had before alluded (a laugh, and hear! hear!). Though the bill was one with which, as it stood, he could not concur, Lord John Russell had said he could not object to the principle or the scheme of the bill; and neither did he (Mr. T.); and should it (the bill before them) fail, he (Mr. T.) would do his humble best to promote the success of a scheme of a similar nature in another session. But he had always thought the measure would not satisfy; it conceded too much. It was well known that proprietors had taken advantage of the improvements of the tenantry, to prevent escheat. But for escheat he cared nothing. He had long been tired of the escheat cockadoodle cry. Dissatisfied as he was with the bill in its present shape, he would vote for sending it to the other end of the building; there, he hoped, it would be improved. It had been engrossed so soon that he had not had time to prepare those amendments of which he saw it was susceptible. If the measure should altogether fail this session, he hoped its present nursing fathers would allow persons more capable of bringing it to maturity to undertake the care of it in the next. (Laughter and cheers.)

Mr. MACINTOSH felt proud and happy to find all around him so mild, so much less inclined to battle and storm, than they had formerly been on similar occasions. The greatest blunder their opposers saw was, that the Land Tax Bill was not allowed to have its fling. The reason that that land tax bill was considered inequitable, was, that in the preamble it was stated it was preferred to Escheat. Though they should fail now, he trusted they would still persevere. They would never get any thing unless they asked for it. Oppression, though continued for a while, would end: justice would finally prevail. It was objected that they wished to make the land their own before they purchased it. He answered that such of them as were able, would prefer paying for their farms in one year; and if some among them could not, it was only justice to allow them time. It was not like paying rent for forty years, and then being turned quite out of possession. They would be very idle indeed, who, after having had their farms free for ten years, could not then pay the purchase. For his part, whatever might be his ideas, he could not put language together, and, therefore, he would leave the subject to those who were better able to talk.

Mr. GORMAN rose and occupied the attention of the House by a speech of considerable length, and the novelty of his argument certainly excited a good deal of mirth. We regret that we cannot gratify our readers by even an outline of his speech; the Reporter having declared his inability to follow him. He supported the Bill, if we may say so, by shewing its extravagance; inasmuch as it proposed allowing a valuable consideration for that which, in reality, was worth nothing. He made a circuit of almost half the Island, describing and condemning one Township after another. He said he would not attempt to follow the honourable member for George-

town through his up-and-down-hill harangue. He did not understand him, and he did not think he understood himself. The Land Agents were always telling them how happy they would be if they paid their rents. They reminded him of a story which he had heard of a luckless apprentice who had an ever watchful, hurry scurry driving mistress. She was in the habit of, now and then, encouraging her servant with some such cheering speech as this: "Work hard, my lad, and then you'll soon be out of your time." So it was with the proprietors and the land-agents. They say to the poor tenants: "Work hard, pay your rents, give us all you can, give us all you've got, and then you'll soon see how comfortable you will be." (Laughter.) We are told that a trifle we are offering the proprietors for their lands; but we are offering them more than they get from their agents. On Lot One, he believed, not a single tenant had ever paid a single farthing of rent, and he believed there was not one among them worth £5. If they even found one with a cow, the chances would be against his having a pair of moccasins. Lot Three he described as having been half washed away; indeed, he said, he believed there never had been half. Lots Four and Five he described as being three-fourths barren. Speaking of Lot Ten, he said he would not give his own improvements for the whole Lot. He spoke of one great proprietor living upon his land, who was able to keep nothing more than a goat. Of the tenants on Lot Eleven, he said if they paid the quit rents, they ought to be forgiven all other rents: fifteen thousand acres were barren. On the northern half of Lot Twelve there would never be a tenant: he admitted there might be a shipyard. On Lot Thirteen he (Mr. Gorman) said he lived. On Lot Fourteen, he said they were all landholders. There were on that Lot 150 freeholders, and, so poor was the soil, that he thought they were not worth 150s.

Mr. LONGWORTH thought the honourable gentleman who had spoken last, had furnished arguments against, and not in favour of the Bill. They had heard a great deal about the injustice of proprietors; but he thought they were now called upon to legalize injustice. He would say that the Bill had not been quite so objectionable till the honourable and learned gentleman, the member for Belfast, came into the House. He had proposed a clause which cancelled all claims for back-rents. He (Mr. L.) would ask, was this no infringement of rights? If all rents were to be abolished, what would be the worth of a Township? Was the Government bound to purchase the land even if the Bill should pass? No. Then what would become of the revenue to be raised by it? In these questions were comprised the chief objections which he had to make to the Bill at that time. The honourable gentleman concluded by calling upon Mr. Young to explain.

Mr. YOUNG said, that called upon, as he was, by the hon. member for Charlottetown, he would cheerfully attempt to explain that which the hon. member had mystified, by giving such a construction to the enactments of the Bill before the House as he (Mr. L.) had done. He (Mr. L.) had given them such a confident and positive opinion upon the legal effect of certain enactments, that he would almost make the House believe he was perfectly conversant with legal principles, and that he had most studiously worked over the Commentaries of Blackstone and the Works of Chitty. He (Mr. L.) affirms that the operation of the first clause would be an infringement of private rights, which he (Mr. Y.) most positively denied. Because, when the Proprietor disposes of his lands to the Crown at a certain rate per acre, he does not rush into the bargain blindfolded. No? He knows exactly the rents due, the probability of collecting them, and takes all that into account when he completes the sale. Was this then, an infringement of private rights, an unconstitutional enactment? No, Mr. Speaker, it was not, and he (Mr. Y.) would maintain such a measure as perfectly constitutional, even altho' it came, as it did, from the Constitutional Member for Belfast. He (Mr. L.) had said, that the Bill was less objectionable in its original state, than it was since he (Mr. Y.) had come into the House. But when he (Mr. Y.) had examined the Bill minutely, he discovered, that the mere Sale of the Lands by the Proprietors to the Crown, would not relieve the Tenantry from the oppressive burdens they are now sustaining, or from the horrors of distraint for rent, unless some such provision as that made in the Bill were inserted. Why Sir, said he, without this provision, the poor tenant would just be as liable to have the very cow, which nourishes his wife and famishing children, seized and taken from him for the arrears of rent which he had unfortunately incurred, as he was before the devising of this measure for his relief (hear). He (Mr. Y.) would say to those gentlemen, who cry out so lustily and in derision, hear! that if they were poor tenants in the woods, they would feel rather differently upon this important subject, and would not take the matter quite so coolly as the hon. and learned member for Charlottetown and his hon. colleague appeared to do. He would beg them to remember that the unfortunate tenant has not so many opportunities to enrich himself and make money as the hon. and learned member for Charlottetown has by his lawyer's fees, or his hon. colleague by selling his merchandise. Were theirs the condition of the ill-used and struggling tenant, they would not sit quiet so quietly under their grievances, nor would they object so quietly to a measure as that now before the House, founded as it is, upon legal and constitutional principles. If they really wished, as they say they do, to settle the tenantry and put an end to agitation, why do they not bring forward some measure that would have such a desired tendency? No, no, that would not suit them. They can do nothing themselves, and therefore they must carp and cavil at the measures of others. It is said that the people have no right to complain—that they have entered into leases with their eyes open—and that therefore they should pay their rents without a murmur. But he (Mr. Y.) said, that many of the Tenantry did not know what they were about when they executed and accepted leases, and he thought he could prove it to the House. He would suppose a case, and consider how emigrants became tenants. A ship load arrives from Scotland—the Emigrants repair to an Agent or a Proprietor, and ask on what terms they can obtain lands. They are told they can get 100 acres at 3d. 6d. 9d. and 1s. sterling per acre, for four successive years; and then at 1s. sterling per acre until the expiration of the lease. What! says an emigrant, 100 acres of land at so low a rate! He cannot believe it. He thinks his fortune is made at once and, in ignorance, little knowing the hardship he has to endure in clearing the forest, and ignorant of the real resources of the Colony, he immediately enters into a lease, and thus puts a yoke upon his neck, from which he cannot easily get free. The tenant then goes to the *locus in quo*, expecting to find a snug farm and cottage ready to receive him, or at least some preparation made for his accommodation, but lo! how egregiously is he disappointed. He then, but too late, discovers, how much he has been deceived. He has no means of removing to a more auspicious Colony, and having entered into a lease and being bound to pay rent, he can do nothing but put his shoulder to the wheel. He is told that so and so are his boundaries, and he begins in right good earnest to cut down the trees, and make, what is

called a clearing. At the end of the first year, he has perhaps an acre cut down, but no crop in the ground to realise the rent, and what little means he brought with him has been expended for the support of his family. Here, then, is the beginning of his burdens. At the end of five years he has, perhaps, by dint of excessive industry, six or seven acres cut down, but no crops in the ground sufficient to yield the rent and support his family too. The rent, therefore, is in arrears, and the tenant is in complete bondage. Well then, it is supposed he struggles on, until the expiration of his lease, which may be twenty-one years, or a lease of two or three lives. Those proprietors who give their tenants long leases at moderate rents are to be extolled, and should have no difficulty in collecting their rents, but they should also give their tenants power to purchase at a fixed rate and value within a certain specified time. At the end of his lease, he is told, "now your lease has ceased, and you must either quit the farm or give an exorbitant rent." What does the tenant do? He feels a partiality for the place he has improved from the native forest into pleasant fields, by the sweat of his brow, and he naturally feels a warm attachment to the spot where he had spent his youth; and rather than leave it, he agrees to any exorbitant demands that may be made. This is no exaggerated picture, and is of frequent occurrence. Besides, he frequently has not his full quantity of land, being sometimes short of thirty or forty acres, but for such deficiency he is obliged to pay the rent, according to the terms of his lease. Can such a state of things as this be expected to last? He (Mr. Y.) was only astonished that the people had borne it so long. But they now had their eyes opened—the age of enlightenment had arrived, and they would never rest contented until some measure like the present should be adopted, and until they should be settled as British freemen ought to be. The oppression under which the tenantry labour is enough to make them discontented, without "some few individuals," as is asserted, inciting them to agitation for their own benefit and profit. It is to suppress the agitation and discontent that necessarily exists in the Colony, that the present Bill has been introduced, and to give the tenant that interest in the soil which he ought to possess. The hon. member for Georgetown has, by his derision of this measure, put him (Mr. Y.) in mind of his (Mr. Thomson's) extraordinary speech. He ridicules the whole measure, and says that he disagrees with the whole details; that it is not what he, in his wisdom, would have planned, and yet he says, he will vote for it! what he may mean by such conduct, by such a *jump Jim Crow* system, it is difficult to say, and cannot be comprehended any more than many other of his speeches and his measures. He (Mr. T.) and also the hon. and learned member for Charlottetown (Mr. Palmer), say, that they would have adopted another scheme, such as an Address to the Throne. But what benefit would that be to the tenant? Would it relieve him from his rent, as this Bill would do, if it should go into operation? Would an Address be equal to an enactment? No, it would not.

In place, therefore, of taking such a circuitous and inefficient course, they are pursuing that *at once*, which must eventually have been adopted. After the several speeches and explanations given by him on the various enactments in Committee, and on the second reading of the Bill, he (Mr. Y.) did not deem it necessary to go through the Bill *seriatim*. It contained nothing that was covert or concealed, but was merely what it professed to be, a Bill to settle the Inhabitants of this Colony in an equitable manner, and thus make them peaceable and contented. As to agitation, it was stated by an hon. member, that he (Mr. Y.) wished to keep it up; but he denied that such was the case. He had always said, from the commencement of his political career in this Colony, that he would do all in his power to suppress agitation, and he repeated it then. This Island prospers under its oppression, and he well knew how much more rapidly it would progress, were its inhabitants contented. But agitation now exists, will continue to exist, and he must add, ought to exist, until some measure like the present be adopted, to ameliorate the condition of the unfortunate Tenantry.

Mr. LONGWORTH read the amendment introduced by Mr. Young, and then observed, that before a bargain could take place between the Crown and the Proprietors, all rent was to be abolished. It was the same as if they were to enter the honourable and learned gentleman's office, and after abstracting his books from his shelves, then offer to purchase his books. We know, said Mr. Longworth, what the proprietors would really ask. They would ask twice as much as the worth of their lands. Of that we have had a proof to-day. (Here we believe Mr. L. alluded to the value set on Lennox Island by Mr. Stewart, of London.) And we know it would not be given.

Mr. LE LACHEUR said, the honourable member for Charlottetown had, in fact, said nothing. The honourable member for Georgetown was as unintelligible as the croaking inhabitants of the bogs and fens of his thriving city. As for the honourable and learned member for Charlottetown, he was able to bring forth the chicken before the egg was laid. He had told them that all had been brought forward before, and that all their claims had been floored. He had told them that the proprietors' rights had been acknowledged; and that they were now again vainly endeavouring to step between the proprietor and the tenant. He (Mr. Le Lacheur) denied that the bill did any such thing. The Bill did not act at all between proprietor and tenant, but between proprietors and the Crown. The honourable and learned gentleman needed not to be alarmed. There were those at home, members of the Government, who knew that the Crown had it in its power to establish a Court of Escheats—a remedy which had been too long delayed. They had had an instance before them that day of the unprincipled rapacity of proprietors, in the generous and disinterested offer of the humane Mr. Stewart, the friend of the wronged and persecuted Indian, and not only of the Indian, but of every settler in Prince Edward Island! He (Mr. Le Lacheur) did not censure the Crown, but the base advisers of the Crown. They had often had Chitty, by way of ridicule, thrown in their teeth. However, he was not ashamed to refer to him. Chitty said the Crown could do no wrong. Why had the Crown advisers? Why, but for this—that as the Crown was to be sacredly exempt from the imputation of wrong, its advisers might be held amenable to justice. As a Colony, justice had been grossly withheld from the people of this Island. Their insignificance was the cause,