

estates, on the ground of their having escheated to the Crown by reason of the non-fulfilment of conditions. These applications have been resisted on the grounds with which the correspondence between successive Secretaries of State and Lieutenant Governors of Prince Edward Island, especially since the year 1832, will render you sufficiently familiar. It is only my purpose now to state that Her Majesty's Government feel themselves bound to adhere to the decisions so repeatedly adopted by my predecessors in this matter, and to state that both on the grounds of justice to the landed proprietors, and of the permanent interests of the community of Prince Edward Island, they regard such a measure as impracticable. Nor on the other hand could they consent to entertain any measure, such as has occasionally been suggested, of buying up and extinguishing the rights of proprietors, or any portion of them, at the expense of the Imperial Treasury.

"The subsisting rights of parties cannot, therefore, be altered in any other manner than by that of equitable adjustment; and while the law continues as at present, it is our duty to enforce obedience to it, by the firm exercise of the authority entrusted to you, and by the employment, if necessary, of the military force at your command; should any extreme case occur, you may even apply to Sir John Harvey for an additional force to put down any attempt at resistance to the law."

After such declarations, I would like to know if any hon. member really believes Escheat practicable? Can it be supposed that after those repeated decisions the British Government will turn round and undo all it has previously done, and take away from individuals the property, in many instances purchased on the faith of those very decisions? No man of proper judgment would seriously entertain the idea for a single moment. The hon. member for Princetown (Hon. Mr. Montgomery), who voted for the Bill in 1841, to which I have referred, was in the House at the time the Land Purchase Bill was passed, and he never said a word as to the fifth section requiring Government to test the validity of the original grants. The Government, from the Bills passed in this House on the subject of the land question, were bound to adopt, as a rule, the legislative admission that the question of Escheat was finally settled. In taking the course I have on this question, God knows I am uninfluenced by any feeling in favour of the proprietors. Up to the present time, I have received and braved their most determined opposition, so that if I entertain any personal feeling to warp my judgment, and give a bias to my action, it would be a desire to do what lay in my power to injure them. But I have no such feeling. It is but natural that the proprietors should use all their influence against laws affecting their properties; that is of course to be expected; and I hope that the question will be disposed of to-night calmly and dispassionately. It has been so thoroughly sifted at the Colonial Office and in the Island, that the committee can close the discussion to-night. I have ever been anxious to adopt all practicable measures for the benefit of the tenantry, as the Bills I have introduced and the votes I have given will abundantly prove; and I think that the Bill I proposed to bring in, compelling landlords to record their titles, will be a substantial boon to the people. At present a tenant, after taking a lease, or purchasing the fee simple of his land from one person, representing himself as proprietor, finds that he has to pay it once or twice again to subsequent claimants. By that Bill the tenant will be able, by referring to the Registry Office, to ascertain who is entitled to receive his money. Such measures as those are beneficial to the tenant, and can be obtained; while this question of Escheat is, to use the term of which the hon. member (Mr. Cooper) gave us the definition—a mere "will o' the wisp." I shall not at present, Mr. Chairman, trouble the committee with any further remarks, but shall conclude by declaring my intention to vote in opposition to the hon. member.

Mr. COOPER.—The despatches on which the hon. member has laid so much stress, are not of much weight now, since these despatches were sent out, they were framed in accordance with the despatches previously sent from the Colony, of which the people were not aware. What in England I could get no reply from the Colonial Office until a despatch had been received from the Island, and Mr. Chairman, I cannot think that despatch is a secret to this day. There is

one great argument in favour of investigation of the original titles; that is, the fact that it was assented to in the time of Lieut. Governor Fanning. If conceded then, why should it be withheld now? And notwithstanding the assertions of the Hon. Col. Secretary, I maintain that a despatch only binds the Minister, and not the Government of which he is a member. It is not to be considered as an act or opinion of Her Majesty's Government. You will find that where the action of the Government is taken on a matter affecting the Colonies, it is done in Council. [The hon. member here instanced the form used in giving the Royal Assent to Acts of the Colonial Legislatures, when the Sovereign and members of the Privy Council are present.] And I maintain that no title can be deduced except from the original grants; if they are void, no transfer from one to another can create a good title, or convey what the original grantee had it not in his power to give, and the only way to try the title is by the intervention of a jury, and if it is found to be bad, they can declare it so.

HON. COL. SECRETARY.—Then, according to that doctrine, no proprietor has a good title. If I am not mistaken, the hon. member himself has purchased lands in the Island.

Mr. COOPER.—Yes; from the Crown. The land was escheated.

HON. COL. SECRETARY.—Well, suppose the case of a private individual about purchasing a piece of land from another—what would be his course? He would employ his lawyer to investigate the title. And where is the lawyer to be found who would not consider the original grants valid, after those despatches and admissions of the House which I have read? The Government employed their own lawyer, the Hon. Attorney General, and he has done his duty. The hon. member still argues against the effect of a Secretary's despatch, and instances the case of a Bill receiving the Royal Assent. True, that is the Act of the Government, but the decision of that Government is conveyed to the Colony through the proper channel—the Secretary of State for the Colonies—and several of the despatches I have read, expressly mention the decision of "Her Majesty's Government."

Mr. LAIRD.—Mr. Chairman, the Hon. Col. Secretary said he was sorry that I was going to support the motion for a Court of Escheat, and said my constituents never asked me to vote for it. When we were trying to get Responsible Government, the opinion of my constituents was, that I should first do what I could to obtain that, and they never told me to vote against Escheat. With reference to the remarks about the investigation of the titles by the Government under the Land Purchase Bill, I helped to put the fifth section into it, and I think it the best part of the Bill. I see no reason why the Government should not investigate the original grants as well as any of the other documents. I am sure the Bill expresses that plainly enough. I have no wish to break up the Government while they do their duty; but I must say, Mr. Chairman, that it is not fair to blame me as breaking my pledge to support the Government. The people, by their petitions to this House, have shown the course they wished members to pursue.

HON. COL. SECRETARY.—Mr. Chairman, the hon. member (Mr. Laird), seems to speak as if he introduced the clause providing for the investigation of the titles into the Land Purchase Bill. Why, Sir, that clause was in the Bill when it was introduced by the Government, and the hon. member voted for it. He has said that the petitions before the House relieved him from his pledge to support the present Government. But how were those petitions got up? They were got up by Mr. Cooper. Look at his letter addressed to myself, and published in his pamphlet. The hon. member (Mr. McIntosh), did not join him in that, knowing that the letter and the answer would be published, and that the answer would not have the tendency to encourage agitation of this question. The result of the meeting held in the district of the Hon. Mr. Whelan and Mr. Dingwall, at which the former was present, shews plainly that the people will not be bothered on this subject much longer. They have had enough of it during the ten years' agitation by the hon. member (Mr. Cooper). Sir Charles Fitzroy's answer to the address of the inhabitants of King's County destroyed the private influence of that hon. member.

Mr. McLEWIS.—If we had before us all the documents which Sir Charles Fitzroy sent home, we might know something more of the true state of the case than we do at pre-