

MR. CLARK.—I deny, Mr. Chairman, that I ever was an escheator, as the Hon. Member, Mr. Montgomery, has stated. My father was, however, a very warm advocate of escheat, and the only difference that ever arose between him and myself was on that question. I do not deny that I may have taken an active part from the year 1832 to 1842, but I was not elected till 1846, and for some time before that the escheat party was considered dead. There was no talk of escheat when I came to the house in 1846. And I can tell the Hon. Member that the majority of my constituents are opposed to escheat and that the public mind in Prince County is not enlisted in its favour. I stated at my election that I would not promise to go for escheat and I was elected for the reason that I was a supporter of the Liberal Government.

Hon. Mr. MONTGOMERY.—I repeat, Mr. Chairman, that the Hon. Member was a warm supporter of escheat and I would recall to his recollection the time he went to Brackley Point to do all he could against the present Hon. Col. Secretary.

MR. CLARK.—I deny, Mr. Chairman, that I was an escheator at the time to which the Hon. Member has alluded. The question then was a quarrel between Mr. Pope and the Lieutenant Governor, and sorry enough I am from what I have seen since, that I did not support the Hon. Col. Secretary at that time.

Hon. Mr. WIGHTMAN.—Mr. Chairman, this is certainly a most important question, and it has been so fully and ably discussed that there is but little left for me to say,—but it is one of those questions in which I cannot feel myself justified in giving a silent vote. We all know, Sir, that it has been agitated for a great many years. In the years 1837 and 1838 the Hon. Member, Mr. Cooper, brought his views before the House of Assembly. At that time, sir, the Hon. Member had a large majority in the House, and much benefit was expected to result. Myself and others were led to believe that important alterations in the conditions under which land was held by the large majority of the people in the colony would be effected, and I will say now that it is my opinion that if the Hon. Member had not been extravagant in his views, much might have been accomplished in the direction of the Hon. Member's views,—probably some six or seven Townships might have been escheated—but the Hon. Member believed that what could be applied to one would be applied to all, and thus, however good his intentions may have been, he went in my opinion too far. It is, however, Mr. Chairman, high time this question was decided; and while I admit that it is natural for the tenants to desire to become freeholders, and further that I believe they have been led to believe that the lands would fall into the hands of the Government of the Colony, I cannot withhold the expression of my opinion that the day for that has gone by, never to return. I believe, Mr. Chairman, that the land purchase bill presents the only practicable mode of converting the tenants into freeholders, and although it may be considered by some that the Worrel Estate was purchased at a high figure, I consider it an excellent move in the right direction. Before long I have no doubt that the proprietors will be glad to sell their lands to the Government—the land tax they will find to be somewhat heavy burden, which is not without its influence upon them now—the contemplated tax upon their rent roll is another step in the same progression which if continued will ultimately induce the best and fairest, and indeed only practicable mode of escheat namely, by the tenants paying a reasonable sum for the purchase of their farms.—I do not go for taking the lands from the proprietors. As I said before, I think the time for doing so has passed, and if I agree to purchase a piece of land from any man, I have no right to ask him how he received it, if he has a title recognized by the laws of the Country. As to the observations which have been made on the subject of the investigation of the title to the Worrel Estate previously to its being purchased by the Government under the Land purchase Bill, the fifth section of that Act requires that the Government shall cause such investigation to be made before they shall purchase any lands under the Act. This, Mr. Chairman, I consider has been done by the law adviser of the Crown, the Hon. Attorney General, and I should think that the opinion of a gentleman holding the high position which he does, ought to be sufficient to satisfy the people of the Colony that a proper investigation has been made, and that the titles of the Proprietors are good. All the different Deeds and Documents affecting the property were submitted to him, and there is on the Table of the House his opinion, which should, I think satisfy Hon. Members as to the mode in which the Government acted in the purchase of the Estate. When Petitions come before this House, it is our duty to take them into our consideration. It is true we have on this subject petitions from various parts of the Island. These petitions I shall treat with all respect, and so I know will all Hon. Members in this House; but we have to decide whether we will accede to the Hon. Member, Mr. Cooper, in his endeavours to carry out the views of those who have signed these petitions. Hoping that the question will be disposed of, one way or the other to night, I shall support the views of the Hon. Colonial Secretary.

MR. McINTOSH.—Mr. Chairman, the hon. member who has just sat down, has spoken as if he hardly knew his own meaning. When he says that the grants were made improvidently, I tell him that the law and the constitution afford a remedy. If that hon. member will look, he can easily see for himself. But they who suffer under the actual pressure of evils, are those most apt to look out for the modes of relief. To shew that the hon. member (Mr. Wightman) should go for Escheat, after admitting that the grants were made improvidently, I will read what will, I think, convince him that he ought to support a Court of Escheat as a constitutional measure, I find in the third section of the twelfth chapter of Chitty, on prerogatives:—

"The *scire facias* to repeal or revoke unfounded or improvident grants of the Crown (*d*), is another prerogative process which requires consideration. The King is, generally speaking, bound by his grants; but this is only when they are not contrary to law either in themselves, or void for uncertainty or deception, or unjust as injurious to the rights and interests of third persons (*e*). In those cases the King *jure regio*, for the advancement of justice and right, may repeal his own grant (*f*). As if the King grant what by law he is restrained from granting (*g*), or the grant be obtained by fraud or a false suggestion (*h*)."

No greater injury could be inflicted upon us, as British subjects, than to treat us as aliens. It is then our duty to complain, and if we are unanimous, we shall obtain what we ask.

(To be continued.)

ROAD APPROPRIATIONS.

QUEEN'S COUNTY.

DISTRICT No. 9.

Comprising Lots Nos. 49 and 50.

Road and bridges from Flood's to Ten Mile House,	£12	0	0
Thence to Redmond's,	8	0	0
County line to Redmond's, post road,	12	0	0
Blocks and bridges to Pownal wharf,	20	0	0
Road from rear settlement, Uigg, to Murray Harbour road,	10	0	0
Finlay's Point towards Charlottetown,	8	0	0
From south side Gallows Point to China Point,	16	0	0
Hard for road to channel towards shore, China Point, near Mr Nelson's,	8	0	0
Repairs to bridge at Orwell, near Mr Barker's,	40	0	0
From Widow Currie's (Barrens), towards Murray Harbour Road,	12	0	0
Improving road from Flood's, Lot 49, to Township line, Lot 48,	16	0	0
Mr Hsegard, for bushing bays,	4	10	0
Old Three Rivers road, in Lot 49,	5	0	0
In aid of ferry boat for passengers to cross from China Point, to be approved of by Road Commissioner,	7	0	0
To William Fraught, for work at Pownal wharf, under certificate,	15	0	0
Road from Monaghan to Pisquid,	8	0	0
Road from Mr Barker's shipyard to Sullivan's,	4	5	2
Road from Hayden's hill towards Uigg,	4	0	0
Pisquid road, from the Town road,	7	0	0
	£211	15	2

DISTRICT No. 12.

Comprising Charlottetown Common and Royalty Roads, and Poplar Island Bridge.

Repairing and Macadamizing roads throughout the Common and Royalty, and repairing bridges,	£400	0	0
Towards repairing Poplar Island Bridge,	150	0	0
From Royalty to Crabb's,	7	0	0
	£557	0	0