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BOUNDARY LINES.

The Hon. Mr. Swabey moved the second reading of the bill for the amendment of the boundary line act. He, perhaps, stood in a more difficult position, before their honors, with respect to this bill; he admitted that the conduct of all holding official appointments should be viewed with care, if not with jealousy. It was admitted, he believed, on every hand, that it was impossible to carry out the provisions of the old act; and if such an act were held to be necessary, it followed that it must be amended, so as to enable the commissioners to carry it into effect. It might, perhaps, with some, be questioned whether it would not be better to go back, and enquire into the original survey of the Island, and endeavour to establish all boundary lines in conformity with the land marks, natural or artificial, with reference to which the Island was supposed to have been originally divided These marks, it might be said, still existed, or at least the places of their former existence could be determined; and, therefore, the original survey and division lines might yet be established. He thought, however, they were precluded from this course; for, were they to go back, and begin *de novo*, they would, by their proceedings, cause so great a disunion of titles, and make such inroads upon different properties, that the general effect would be universal confusion. Otherwise he perfectly agreed with a member of the other house, Mr. Duncan M'Lean, in his declaration that they had all along been proceeding upon error. He thought, as the establishment of the original divisions was thus, by all, admitted to be, either impracticable, or undesirable, it would be best to try if they could not make an equitable division, by assigning to adjoining proprietors what each, according to his grant, was fairly entitled to. In running the boundary lines of townships, commissioners have been obliged to take natural land marks for their guides; it would have been much better had they been obliged to take parallel meridional lines. They proceed now upon the supposition that there is some natural mark, at no great distance from the commencement of a boundary line; and, as the act now stands, they are bound to find out this natural mark by evidence, or by reference to original plans. These natural marks, so far as their positions appear to be truly indicated upon paper, would make it seem a very simple and easy affair to be guided by them; but it was quite another thing when they came to be sought for in practice on the land. [His honor (Mr. Swabey,) having in his hand a plan of the Island, procured from the office of the Surveyor General, entered into an explanation, to such of their honors as surrounded him at the table, respecting the boundary line between townships four and five, which, without a diagram of that portion of the Island referred to, it would be impossible for the Reporter to give in an intelligible manner; and he, therefore, takes leave to omit the whole explanation.] The bill now sent up enables us, (by finding the point of commencement of the boundary line of the adjoining township, and not confining us to make a perpendicular line in the centre.) to make an equitable division between the proprietors of lots. The question was then, whether their honors would consent to entrust the commissioners with the power to make an equitable division between two proprietors, where the boundary line between their properties was in dispute. [The hon. Mr. Peters. Leave it alone altogether.] It would be left alone, unless the parties themselves should think proper to call upon the commissioners to make a division between them. His honor (Mr. Swabey), after commenting for some time upon the old bill, with the intention of shewing how impossible it was to carry its provisions into effect, concluded by observing, that he expected it would be objected to the bill before their honors that it was a partial, and not a general measure. Another provision of the bill does away with the necessity (where a boundary line does not run through the Island) of commencing on the seaboard. There may be better evidence often obtained inland. He thought this provision would apply to a disputed line on Lot 65, between Mrs. Wright and the heirs of General Fanning.

The hon. Mr. Peters. He would move that the Bill be read that day three months. It was a Bill which had already been rejected by their Honors. It was a sample of "*class legislation*." It was a Bill, by means of which it was proposed to enable Commissioners to take out of one person's pocket, and to put what they so abstracted into that of another. His hon. friend (Mr. Swabey) had said well that it would require a new survey of the Island to remedy all errors. (No, no! from hon. Mr. Swabey.) The proceedings of the different commissioners under this Act, from time to time, forcibly reminded him of the adage—"Too many doctors kill the patient." Every new set of Commissioners think themselves endowed with superior wisdom with reference to the subject; and, in succession, they all unceremoniously condemn the views and proceedings of their predecessors. Every new appointment leads to the discovery of a new meridional line, and the exposure of the errors of the previous appointments. Too much physic kills the patient, and by the Legislature's listening to so many schemes, one after another, for the establishing of disputed Township Boundary lines, he thought some proprietors ran the risk of losing their lands altogether. The lots below Lot 3 are supposed to contain a greater number of acres than they ought to contain, and Lot 3 a less number. The proposal then is, by what is termed an equitable division, to take away a certain number of acres from the Lots below, and add them to Lot 3. This could not possibly be done, unless the Townships below Township Three were the property of one individual. But, under any circumstances, he contended that the Legislature had no right to propose doing any such thing. His hon. friend had said it was for their Honors to consider whether or not they would consent to entrust the Commissioners with the power to make an equitable division between two proprietors, where the boundary line between their properties was in dispute; and he had also said, and said truly, that the conduct of all holding official appointments ought to be viewed with care, if not with jealousy. Now, he (his honor Mr. Peters) was very far from suspecting that either the present, or any other set of Commissioners, were, or could be influenced by any improper motives; but he was decidedly opposed to their being authorized to thrust themselves in between private contending parties, and to say, we must arbitrate between you. It was not as if it were on behalf of public interests. It was an unwarrantable interference between private parties, with respect to their private disputes, which might be settled in the ordinary Courts of Law. He cared not whether the parties concerned were three or a dozen: it was equally a private, and not a public affair. The public had nothing to do with it, and, consequently, neither had the Legislature. The dispute was simply amongst a few individuals; and they had no right to call upon the Legislature to legislate for the adjustment of their differences; neither had the Legislature any right voluntarily to interfere in the business. Was such a thing ever heard of as a law passed by any legislature to settle a dispute between two individuals? Where proprietors had held by a line for 20 years, or, as in the case alluded to before their honors, for 60 years, if they could establish their claim in no other way, they could maintain their possession in right of prescription. He cared not how the right had been acquired; if they had retained possession so long, in law they were entitled to defend and retain it still. What right or shadow of right, he would again enquire, had the Legislature to pass this Bill? If there was a dispute about boundaries, was there not the Court of Chancery, in which the dispute could be decided? (Hear! from the hon. Mr. Young.) My hon. friend is too good a lawyer to dispute this. Both parties would there have a fair and full hearing. He whose right of possession was disputed might set up a hundred different defences, such as possession, and many others. The Bill before their Honors, if passed into a law, would enable Commissioners (in making what they might deem an equitable division,) to take a portion from one township and give it to another; and, by such a proceeding, a Lot might have subtracted from it nearly all the valuable land it contained. The Commissioners, in making a new division of Townships, might run their "equitable boundary line" in such a manner as to take from one and give to another 500 acres of land, which 500 might be worth more than 10,000 acres of swamp, that might be adjudged a portion of that Lot from which the most valuable land had been cut off. The new boundary line might, indeed, give to each township the same number of acres; and yet, if regard were had, as it ought to be had, to the fact of the township's having been devised and held by different proprietors, according to the old boundary, for a period amounting to a right of prescription, the supposed equitable division might be a very unequitable one. Under such circumstances, to take away good land from one township, and give bad in lieu of it, certainly could not be equitable. In cases in which disputes arose between proprietors about their boundary lines, the Court of Chancery was the only Court which had full power to adjudicate between them. Such disputes were not to be made subjects for legislative enactments. His hon. friend (Mr. Swabey) had admitted that the measure might be termed a partial one. It was so; but he (the hon. Mr. Peters) apprehended that the Commissioners themselves were parties to it, since it had been introduced to the House under the auspices of one of them, who seemed to take a warm interest in its fate. The Commissioners might, therefore, be regarded as a party setting a machine in motion, by the action of which another party was to be especially benefited. His hon. friend (Mr. Swabey) had said that the proceedings of official persons should be looked upon with suspicion. Now, here a Commissioner brings in a Bill. (The hon. Mr. Swabey. No, I never saw the Bill before I took it up in this House.) Well, then, what sort of a Court were the proprietors to go before, if it was to be one composed of the Boundary Line Commissioners? It would, in fact, be a secret tribunal, taking evidence—the parties concerned knew not how, and in secret deciding on grounds which were known only to the members thereof themselves. The present Commissioners, it would seem, had been favoured with some new light upon the subject, and were prepared to arbitrate in a strictly equitable manner—to do which had completely baffled all the skill and efforts of their predecessors. He entertained the highest respect for the present honorable and scientific Commissioners; yet he could not consent to erect them into a secret and arbitrary tribunal. He had once been a party concerned in a survey made by the Commissioners under the existing Act, but it had been utterly beyond his power to ascertain on what evidence, proofs, or grounds of decision, the Commissioners had come to a determination. He was not admitted into their Court, as they held it in a room in which they had locked themselves up. He was not even allowed to knock at the door and beg admission. He was not permitted to know any thing of their deliberations; and all he saw of their transactions was the line which they had drawn as a true boundary, upon the map which they had had before them. Commissioners appointed under such a Bill as that before their honors were not, and could not, be a proper tribunal before which to try the validity of a disputed boundary line. The Court of Chancery was the proper Court to hear and determine in all such cases: and, after a judgment or decision pronounced by that Court here, if either party felt aggrieved thereby, an appeal lay to England; but if the matter were to be decided by Commissioners, he knew not how an appeal was to be made from their decision. He thought, besides, that his hon. friend, Mr Swabey, had not been quite correct in the explanation which he had afforded their honors, when he said there were no perpendicular lines, unless the boundary lines were from shore to shore. On no plan of the Island which he had seen was there a boundary line running from shore to shore. Some further explanation was necessary on this point. There was no act which authorised the making of a *jog*. The present Bill proposed taking away land legally belonging to one individual, and giving it to another. The line spoken of by the hon. Mr. Swabey in fact, butts on Lot 7; it does not run from shore to shore. His hon. friend was correct in stating that the line would have to be drawn diagonally. Suppose they took from Lots 4, 5 and 6, and gave it to Lot 3, did they know that they would give swamp and take good land? The proprietor of one Lot says, 'I have held by the boundary now disputed, and I am entitled to do so in future, in virtue of the length of time that I have been in possession according to that boundary; and I will defend my rights at law. This bill is in truth a mere Legislative Act of ejectment against the Proprietor of Townships Four, Five, and Six. He thought the same Bill had been thrown out by their honors, the Session before last, and for the same reasons that he objected to it now—because to make it law would be a legislating between two individuals. He would ask either of his learned friends whether the Court of Chancery were not the peculiar place for the decision of all private disputes about the boundaries of estates. He would ask if the proprietor of Lot 3 had any claims upon the proprietor of the lands below, if he could not go into the Court of Chancery and obtain full redress. As to his hon. friend (Mr. Swabey), he, no doubt, did well in persevering in the attempt to make amendments to the Act, although he (the hon. Mr. Peters) thought it was too late to rectify errors of so long a standing as those stated and admitted to exist, with respect to boundary lines in this Colony. It would be best to leave the question alone, and let parties who are, or imagine themselves to be, aggrieved by existing boundaries be left to their legal remedy. It ought to be remembered there were now very few boundary lines which were not settled under the Act. It would not be safe to doctor the Law. More ills might arise out of amendments than were at present complained of under the existing defective Act. There were very few lines which were not run; and where there were any not run, he thought it would be best to leave parties to establish their rights at law. It would be most dangerous to take away, by legislative enactment, that defence, in support of his claims, which any proprietor might be entitled to set up at law; and never could be just to enable commissioners to take away good land from a proprietor and give him swamp in lieu of it. He would move that the Bill be read this day three months.

The Hon. Mr. Holl had always been very jealous of any measure having a tendency to interfere with titles to land; and such a measure he accounted that before their honors. He certainly viewed the bill very much in the same light in which it had been placed by the hon. the Solicitor General: if passed into a law, it would, he thought, prove a very dangerous measure.

The Hon. Mr. Young trusted, that before their honors came to a decision with respect to the bill before them, they would pause, and maturely consider the question in all its bearings. The bill was, in his opinion, founded in justice and equity, and was certainly called for, since without it parties would be put to great expense in prosecuting their rights, and, otherwise, to much loss and inconvenience, through the great length of time that disputes, respecting township boundaries, might remain unsettled. His hon. and learned friend had said, that parties aggrieved may have recourse to the Court of Chancery; and he (Mr. Young), if the dispute were between two individuals, would himself say, let the Court of Chancery decide between them. But the case to which the attention of their honors had been called was different; in that case there was one extensive proprietor on the one side, and several small proprietors or freeholders on the other. [Hon. Mr. Peters. No: that is not the fact; some of these small proprietors are holders of 10,000 or 5,000 acres.—The hon. Mr. Anderson said, the freeholders spoken of, possessed estates of about 960 acres each.] All knew that in the Court of Chancery proceedings were not only proverbially slow, but also proverbially expensive; and he maintained it would be an act of injustice to compel parties aggrieved to seek redress in that court, when justice might be so easily, speedily, and economically awarded them, as by the provisions of the bill then under consideration. His hon. and learned friend had said, that the division, although assigning what might, in one view, be considered the proper number of acres to each party, might yet be inequitable on account of the different values of the soil. This reasoning he confessed he could not comprehend. He took it that the proper quantity of each township was to be contained within certain metes and bounds; and if it were found that by the mistake, in protracting a plan, (which was the case here), or in some other way, a township had been deprived of a certain quantity of land, which had, originally, been intended to form a part of it, he could not conceive how it could be inequitable in the commissioners, after proper examination and enquiry into the matter, to take the undue or surplus quantity found to be contained in one township, and, by an equitable boundary line, add it to the adjoining township to make up its deficiency. There had been two commissioners examined by this house, and on their examination, the hon. Mr. Wright stated that—"there was no necessity for suspending the Act, as the bill worked well generally throughout the Island, as regards the establishing of township boundaries, *with the exception of the Northern part of Prince County*, where there is a considerable deficiency of land, from the quantity which appears laid down in the original plan: the deficiency principally exists on the western shore of townships numbers Two and Three; *and the cause from the fact of a shore being laid down, to the extent of two and a half miles, which is not in existence, and which there is no account of in the original field-book.* A survey of the shore, from the line between Lots 5 and 7, to Lot 1, under the direction of the commissioners, by the authority of the boundary Act, was made in the Winter of 1840, which survey corresponded with the field-book alluded to." The evidence of Mr. Cundall was to the effect, "that there exists a necessity of suspending the Act, so far as regards the North Western part of Prince county, in consequence of the deficiency referred to by the Surveyor General. The Act had otherwise worked well. The suspension of the Act would not remedy the deficiency—an amendment might. He thought if power were given to the commissioners to dispense with the seventh section of the boundary Act, in cases in which there was a considerable discrepancy between the actual survey and the original plan, it might have the desired effect. The cause of the apparent deficiency in part of Lots 2 and 3 was the insertion of the representation of a certain coast, which does not exist, on the original plan. There were no other causes of such deficiency than those which he had stated, that he was aware of." His hon. and learned friend stated, that nearly all the boundary lines, concerning which there had been any disputes, had been established, with the exception of the one between Lot 3, on one side, and Lots 4, 5 and 6, on the other; and he (the hon. Mr. Young) thought it was high time for the Legislature to interfere, and provide for the establishing of that one also. If his hon. and learned friend should have any wish to appear before the commissioners, when they should be called upon to establish that boundary, he knew them too well to suppose, that they would rush headlong into the business, and come to a conclusion without listening to any representations which he, or any other party concerned, might think it necessary to make to them. [The hon. Mr. Peters said, it would not be law.] As the whole mistake had originated with one of the Surveyor Generals, he thought it became a duty imperative upon the Legislature to step in and provide for the rectification of the error. Each township was originally intended to contain a certain quantity of land. Was it right, then, that one should be allowed, to retain three or four thousand acres more than its due quantity, and that the adjoining townships should be left just exactly so much short of their proper quantity, when it was quite evident that, if the boundary line between them were equally drawn, each of the townships in question would contain pretty nearly the number of acres originally assigned to it? Certainly not; but it was quite natural that his hon. and learned friend, being the agent of one of the parties concerned, should be anxious to protect the interests of his principal. [Here the hon. Mr. Young, on being called to order, said he did not mean any thing invidious by his observation.] The hon. and learned gentleman then concluded, by observing, that he meant only to say that each proprietor should (as long as the crown permitted them to have their limits) be in the occupation of the number of acres contained in their original grants, without encroaching upon the land of a neighbouring proprietor, and taking from him, by a mere mistake in the protraction of a government plan of the Island, a certain portion of land, of which he may be the claimant.

The Hon. Mr. President. He had on former occasions voted against the introduction of such a Bill, and he intended to pursue the same course now. With his hon. friend (the Solicitor General), he thought that the measure was intended to bear upon a dispute between two private parties, in which the public had no interest, and that, therefore, it was no subject for legislative interference or enactment. It was true, as his hon. and learned friend had observed, that the party aggrieved might, and ought to seek redress at law: there were established Courts in which all such rights as were involved in the measure before their Honors could be properly prosecuted or maintained. And when this was so well known to be the case, why should the Legislature be called upon, by any unprecedented enactment, to interfere, and settle a dispute about private rights between two proprietors? It was not necessary for him to take up much of their Honors' time in either stating his views, or supporting them by argument: the speech of his hon. friend (the Solicitor General) had made it almost unnecessary for him to do more, than to say that he fully concurred, as he thought every man of any legal information must do, in nearly every thing that he (the hon. the Solicitor General) had advanced relative to the question. The present Boundary Act was based on a fallacy; it had not worked the good expected from it, and he much regretted his having given his consent to its enactment. It had been found that it was almost wholly inoperative for the ends of equity and justice; and now, session after session, inefficient Bills were brought in to amend an inefficient Act, which never ought to have had existence. The only proper course the Legislature could now pursue was to leave the settlement of all disputed boundaries to the proper legal tribunals, where alone, from the first, parties ought to have been taught to carry, for determination, all such questions of private right as the Bill before their Honors was intended to effect. It was very clear how possible it would be, if the Bill were allowed to go into operation, for the Commissioners blindly to work very great injustice, and, in the dark, to take away valuable land from one proprietor for the benefit of another, and to give, in lieu thereof, nothing but useless swamps. His honor concluded by saying that he would support the motion, that the Bill be read that day three months.

The Hon. Mr. Swabey thought the arguments advanced by the hon. and learned gentleman who had spoken against the Bill before their Honors would have been much more applicable had they been brought forward at the same time when the propriety of such a measure as the Boundary Act was first mooted in the Legislature; and he freely admitted, that if at that time he had been a member of the Legislature, he would, in all probability, have opposed the passage of the measure, and have said, as his hon. and learned friend did now, 'leave the settlement of all such disputes as the Bill seeks to determine, to the proper legal tribunals,' for there was, perhaps, no greater stickler than himself for the protection of all private rights against all unjustifiable or unprecedented interference. But now, when there was a Boundary Act upon the Statute Book, and parties had been taught to look to its operation for the settlement between them of all disputes, relative to Township boundaries, the question, in his view, assumed a very different aspect. He was not, indeed, prepared to say, that if a Bill had been brought in to do away with Boundary Acts altogether, he would not have gone with it, for it ought not to be forgotten that most Townships in the Island had more than once changed their proprietors, and passed from the hands of the original grantees and their heirs into the hands of others; a consideration which ought very materially to affect the question; but as their honors were not then called upon to pass an original Bill respecting boundaries, but merely to amend one which already was law, he thought the wisest course would be to sanction the proposed amendment.

The Hon. Mr. Anderson said, the Boundary Act had been in force a long time, and by its operation as the hon. the Solicitor General had admitted, most of the boundary lines formerly in dispute had been finally determined. Surely this admission went to prove that the Act had been serviceable; and, so long as other boundary lines remained to be established, he could not see the propriety of opposing the amendment of the Act. It was no good argument against the services of a doctor who had ten patients that he had lost nine of them: he might, notwithstanding the loss of the nine, save the tenth. Although it had been found that the Act, as it at present stood, could not be made to work well in some cases; yet, by the amendments proposed, it might be possible to carry out, as respected all unestablished boundary lines, the intentions of the original framers of the Act. He could not tell how an equitable division could be unjust; and he thought nothing could be fairer than to give each proprietor that quantity of land to which, in virtue of the original grant, he was entitled.

The Hon. Mr. Irving observed that the hon. Solicitor General had spoken, in one part of his speech, as if he thought the Commissioners under the Boundary Act had an interest in seeing it carried into operation. He (the hon. Mr. Irving) begged leave to assure the hon. and learned gentleman that this was so very far from being the case, that the Commissioners had found the discharge of their duty, not only a very heavy tax upon their time, but also upon their purses. They had been frequently called off and kept from home a week at a time, when the attention due to their own private concerns had made it very inconvenient to obey the call. He, for one, would be very glad to resign his appointment, if such motives were to be attributed to the Commissioners.

On the Hon. Mr. Swabey's observing that the Commissioners were compelled to act when called upon by proprietors to do so,

The Hon. Mr. Peters said, "come to me, and I will defend you against any mandamus which may be issued calling upon you to act."

His Hon. the President then put the question on the amendment, that the Bill be read that day three months, on which their honors divided:—Contents—Mr. President, Mr. Brecken, Mr. Dalrymple, Mr. Solicitor General, Mr. Holl, Mr. Rice. Non-Contents—Mr. Young, Mr. Irving, Mr. Anderson, Mr. Swabey.

And it passed in the affirmative.

HOUSE OF ASSEMBLY.

DEBATE ON THE STATE OF THE COLONY.

(Concluded.)

Mr. Rae said, notwithstanding the vehemence of the hon. member, he should not be sorry to see some part of his prophecy become true. Hon. members charge us with uselessly taking up the time of the House, but forget themselves: look at the hon. member who has just resumed his seat, and the length of time he has consumed in beating the wind; and then compare notes. Really, Sir, I felt a little alarmed, lest the hon. member should pitch us into the sea altogether. We are not sent here by our constituents for so useless a purpose as wasting the time of the House, nor did he intend it; but when hon. members make unjust attacks, are we to be deprived of the liberty of reply? Hon. members talk about Newfoundland, but they do not tell us of the means adopted therein to settle the land. See how easy it is made to the settlers. ("Bad land!" said the Speaker.) "But it is so only in part," replied the hon. member, "and those who improve it derive the benefit—("rocks!" said Mr. Douse,)—and if the same justice was held out to the settler in this colony, there would be an end to agitation at once, immediately, and for ever. It was, Sir, far from my intention to create a lengthy discussion, yet am I fearful that those who cry it down will provoke me into it, and in retaliation must endeavour to refute them, by reference to the Journals, &c.; then will it be seen that the intentions of the British Parliament have not been complied with. One hon. member says we oppose every measure that is for the good of the colony; but did the Bill for the incorporation of a Fishing Company meet with opposition, or did I shew my individual opposition to the encouragement of the fisheries, in moving for a grant of 1000*l.* as bounties? But, Sir, as this debate lays under the threat of being spun out, it is time some other hon. members take up the thread; I will not, therefore, longer detain the Committee, but at once give the hon. member (Mr. Douse) another opportunity to 'smoke' away, till it ignites into a flame again."

Mr. Douse did not want advice from the hon. member (Mr. Rae); though he may not have the same happy knack of expressing ideas as the hon. member, yet he ought to read the whole of the resolutions, that the one now before us refers to; then shall we know what we are about, and can vote with our eyes open and a clear conscience.

The Hon. J. S. Macdonald agreed with the hon. member that they should be read over, for the information of those hon. members who may not be supposed to know the contents of nearly twenty resolutions, some of which were come to several years since.

The Hon. the Speaker said he gave every due to the hon. member for the tact displayed in bringing the old question again forward; there could not be a shadow of doubt that such it was, in reality; "though it now assumed a new feature (said the Speaker), we shall not be doing our duty if we countenance it, even so far as gratifying the hon. mover, and his hon. friends, by allowing it to advance to the stage of insertion on the Journals, which he (the Speaker) verily believed was the utmost of their expectations or thought. It would be placing the House in a truly ridiculous position to do to-day what may be undone to-morrow; and this would be the utmost of the triumph now sought to be obtained by bringing it on in the absence of several hon. members, whom they know are opposed to them on this question. Such attempts must hereafter be felt, even by themselves, with that degree of shame that none can envy them the possession of. I will, Sir, support the reading of the whole of the documents; then shall we see the trap that has been so artfully set for us, but which will spring without entangling the intended prey. The whole argument tends to shew, that the minority are to represent the people, that we—the majority—ought to refrain from the exercise of our power, and allow them free scope in all their worse than useless schemes of legislation.

Mr. Cooper contended that nothing would benefit the colony so much as an Escheat Court, which the majority ought to endeavour to see carried into effect; then would they be doing a benefit to the Colony. The hon. member recapitulated his views of the conduct of the Proprietors towards the settlers, and called upon the majority to exercise their power in doing some good for the country; and there could not be any preferable mode of doing so than that of Escheat, which, if again sought, he did not doubt would be granted.

Mr. Coles said, if the Journals were resorted to, it would be seen that every measure to benefit the Colony had been opposed by his (Mr. Cooper's) vote during this session—[here the hon. member enumerated some of the measures thus treated]—and also had done all he could to leave the tenantry to get into the meshes of the law. Of what use is it for the hon. member, every time he rises, to talk about that abominable Escheat question? Why will he not advocate the proposition of purchase, which he (Mr. Coles) much approved, and thought it was feasible to carry it into effect. But what good to the Colony can possibly arise from this resolution, to take up a string of documents, commencing from the year 1797 up to 1843, or what possible use it could be to the constituents of the hon. member, was beyond his (Mr. Coles') comprehension.

Mr. Rae said, "I am surprised in hearing the hon. member (Mr. Coles) seriously declare that he is ignorant of what he ought to know, and I cannot give him credit for the assertion. The hon. member must possess the knowledge he now disclaims; and though I cannot give him credit for this, there is one thing that cannot be mistaken—his continual and unsparing attacks upon the hon. member (Mr. Cooper); yet that hon. member can escape from much of the accusation, though he may possess a particular enthusiasm upon some questions. Notwithstanding the hon. member's opinion, I think, Sir, this will never become a fishing country. It is very easy to *Fish*, *Bank*, or *Escheat*, upon paper, but there existsa great difference between the one and the other! I am quite agreed with the hon. member, that the proposition of purchasing the lands should be entertained. My bias, Sir, does not prevent me from voting for any measure tending to benefit the Colony, yet I must express my doubt that many of those so termed would not hereafter prove to have that desirable end. Let then those hon. members who addressed