

comply with that section of the Land Purchase Bill, which requires the investigation of titles previously to any purchase by Government. Now, Mr. Chairman, I ask this Committee, and I ask that hon. member himself, what foundation is there for such a declaration? If the titles to that estate have not been investigated, what is the meaning of the paper before the House, containing the opinion of the Hon. Attorney General on the subject? But, sir, that hon. member has admitted by his votes on Bills introduced into this House, and supported by himself, that Escheat could not be attained. When the Worrel Estate was offered to the Government, the question of Escheat did not enter into their consideration, nor was it requisite in investigating the titles, that the validity of the original grants should be tested. That question the Government considered settled. It was but necessary to ascertain the legality of the different titles down from the original grants to the parties then owning or claiming the property. That was well known and understood by the people at the time, but now the hon. member, in his endeavor to damage the Government he was pledged to support, declares that the validity of original grants should have been tested by the Government, prior to the purchase. I maintain, sir, that, in the negotiation and purchase of that estate, the Government have manifested all the prudence and caution which any honest and careful man would apply to his own private business. It is not necessary for the Government to do more than to show the reasons why it considered the investigation of the validity of the original grants unnecessary. The Government, in negotiating for the purchase of the Worrel Estate, were justified in considering that the question of Escheat had been settled by the previous action of the Legislature of the Colony. In proof of that, I will refer to the preamble of the Act which was passed in 1837, imposing the first land tax. One part of that preamble is as follows:—

"Whereas by a Despatch from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, bearing date the tenth day of August, one thousand eight hundred and thirty-six, His most gracious Majesty was pleased to disallow the establishment of a Court of Escheat in this Island, and to suggest the imposition of a tax on all granted lands in this Colony, as a remedy for the serious evils arising from the non-settlement of large tracts of land, held by the grantees from the Crown; and it being just and reasonable that the said lands should contribute towards the general revenue of the Colony, the burthen of which has hitherto been chiefly borne by the resident colonists only; and as such a tax would have the desired effect of compelling the grantees either to settle or dispose of their lands without delay."

Now, sir, that preamble shows the opinion of the people of the Colony, as expressed by their representatives, that the question of Escheat was considered, at that time, as settled, and that the principle of taxing the lands of proprietors should be adopted in lieu of the agitation for a Court of Escheat, which is the motion we are now discussing. But, in the document which the hon. member has read, for I will not call it a speech, he has stated that we had nothing to produce in opposition to the establishment of such Court but despatches of Colonial Ministers, which he further argued were not of sufficient authority to relieve the proprietors from the obligations imposed upon them by the conditions contained in the original grants,—but, before I have done, I think I shall be able to show that the British Government have expressed a positive determination not to allow the establishment of a Court of Escheat in this Colony. The Act of 1837, the preamble of which I have read, was passed in accordance with the spirit of a despatch from the then Colonial Minister, and was, thus, a declaration on the part of the Legislature that the question of Escheat was no longer a subject of agitation, and that the country acquiesced in the views entertained by the British Government on the subject. But, Mr. Chairman, the hon. member and those who support him on this question, should be consistent, and to test the sincerity of their attachment to the principle of Escheat, I will call their attention to the record of the proceedings at a meeting of the Commissioners of trade and plantations, with reference to the town and pasture lots of the Towns and Royalities in this Island, which took place on the 8th July, 1767, we there find the following resolution:—

"Resolved, That it be recommended that the above mentioned Town and Pasture Lots be granted in Fee Simple, under the Seal of the Province of Nova Scotia, to such person or persons as will give proper security to build within a reasonable time upon the Town Lot; and to enclose and fence and properly clear for Pasture, the Lots set apart for that purpose; but no one person to have a Grant of more than one Town and Pasture Lot."

Now, Sir, if we are to go back and take action upon the original grounds of forfeiture, namely, that the conditions in the grants were not complied with, we ought to forfeit nearly every town and pasture lot in the Town and Royalty of Charlottetown, because the conditions annexed to, and forming part of the grants of them, were not complied with. When Lieut. Governor Smith issued a proclamation, to the effect that those lots on which buildings had not been erected, in compliance with the terms of the grants, I believe that mere huts were erected on some of them, but the greater portion of the lots were not built upon. Will the hon. member say that it is desirable, or that it would be fair or just to the owners of property in Charlottetown and Royalty to escheat their lands on the plea that the original terms of the grants 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 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 10th 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:—

"Whereas the House of Assembly of this Colony hath for several years last past endeavoured to procure a forfeiture of the several Townships in the same, on the grounds that the grantees thereof, and their heirs and assigns, have not complied with the conditions of the original grants from the Crown, and hath repeatedly solicited the Imperial Government to direct the establishment of a Court of Escheat in this Colony for that purpose; and whereas such solicitation and request of the House of Assembly hath been refused, and no other means appear at present feasible or attainable to procure relief to the Tenantry from the pressure of large arrears of rent sought to be enforced against them by the said grantees, their heirs or assigns, than by the purchase of the rights of the said grantees, their heirs and assigns, by the Crown."

Now, Mr. Chairman, I ask where is the difference between the principle of this Bill and the Land Purchase Bill in force at the present time? The hon. member may talk about forestallers stepping in and enhancing the price to the Government. We could not, Sir, compel parties to sell their property, we

had but to decide upon the purchase of what should be offered to us, and only ask from the settlers what the land cost the country. But, Mr. Chairman, it may be as well to see the opinion of the House on the question in 1841. On the Journals of that year I find, under the date of the 17th February, that on a motion that the Bill be read that day three months the House divided as follows: Yeas—Mr. Palmer, Hon. J. S. McDonald, Mr. Longworth; Nays—Mr. D. McDonald, Mr. Dalziel, Mr. Gorman, Mr. Montgomery, Mr. Rae, Mr. Fraser, Mr. Clark, Mr. McLean, Mr. LeLachur, Mr. Forbes, Mr. McIntosh, Mr. Beck, Mr. McLean and Mr. McFarlane. Now, Sir, at that time, it might have been possible to have obtained Escheat, if there had not been so much division among parties in this House and the Island. That Bill, as the division shews, received the support of fourteen members, while only three recorded their votes against it. It was introduced while the hon. member was Speaker, by his own party, and submitted and carried with his consent and approval, and yet, forsooth! with that preamble, which I have just read, staring him in the face, he still talks of obtaining a Court of Escheat, and says there is nothing against it but Colonial Ministers' despatches! Why, Mr. Chairman, I would ask if Lord John Russell's despatch in 1839, the year in which the hon. member was a delegate to England, does not state as plainly and emphatically as words can, the determination of the Imperial Government not to sanction Escheat in this Island. The Home Government has been so often applied to for the establishment of a court of this nature, and they have so firmly and constantly refused to allow it, that the agitation of the question is not only useless, but mischievous, as leading the people to imagine that they can obtain what will never be conceded. I am satisfied that this House has it in its power to mitigate the hardships on the tenantry arising from the original grants: that remedy is by taxing the lands of the proprietors. Under that system, the proprietors will soon be glad to come in and offer their lands to the Government under the Land Purchase Bill. The Home Government has been so often applied to on the subject of Escheat, that it is useless to agitate the question further, and we should turn our attention to the best practicable mode of relieving the tenantry from the inconveniences arising from the original grants.

(To be continued.)

ROADS, BRIDGES, AND WHARFS.

QUEEN'S COUNTY.

DISTRICT No. 1.

Comprising Townships Numbers 20 and 21.

Road from Mill Vale to Haslam's,	£10 0 0
Corbet's road and bridge,	20 0 0
Road from Rottenbury's mill to Haslam's,	7 0 0
Road from Fraser's to Mill Vale mills, provided right of way is obtained,	10 0 0
Road from Hugh McKay's to Mill River Settlement,	3 0 0
Road from Old Town road to Harding's Creek,	3 0 0
Road from Long River wharf to the road leading from New London Harbor,	8 0 0
To George and William McKay, being balance due on contract for additional blocks to wharf at McLeod's Ferry,	10 0 0
Old Town road and bridge,	10 0 0
Graham's road,	5 0 0
Road from Fyffe's Ferry bridge to county line,	10 0 0
Where most required,	6 0 0
Bridge over William Cousin's mill dam, Floating bridge,	3 0 0
McLeod for attending Ferry,	6 0 0
£6 unexpended grant of last year for road from Doyle's to Murphy's, to be expended as there directed.	
To pay for extra work on Fyffe's bridge, in accordance with report of the arbitrators appointed to value the same,	160 0 0
	£276 0 0

DISTRICT No. 2.

Comprising Townships Numbers 22 and 67.

Road from Glasgow road to Mill Vale,	£5 0 0
Road from Glasgow to Fyffe's bridge,	35 0 0
Princetown road and bridges,	35 0 0
Eastern road and bridges, Lot 22,	5 0 0
Western road and bridges, Lot 22,	5 0 0
Junction road, Lot 22,	5 0 0
Anderson's road and bridges,	20 0 0
North road, from Mill Vale to Fyffe's Ferry road,	4 0 0
Hope river bridge, in addition to £40 voted last session, and a subscription list of £15—the Government to appoint a person to superintend the erection of the same,	40 0 0
Graham and Freetown roads, Lot 67,	8 0 0
To lower hill at Cosgrove's, and repair Central road,	5 0 0
To lower hill at Conley's, Monaghan road, Lot 22,	5 0 0
Where most required in the district,	6 0 0
Old Town road and bridges, from Bagnall's bridge,	8 0 0
Bridge at Robert Simpson's mill,	30 0 0
£6 unexpended of last year's grant, for county line road, to be expended in the line recommended by Mr. Wright and others, in their report to the Government.	
In addition to the above sum on county line,	4 0 0
	£220 0 0

DISTRICT No. 3.

Comprising Townships Numbers 23 and 24.

Glasgow bridges,	£25 0 0
Glasgow road and small bridges,	15 0 0
Road from Malpeque road to New Glasgow, by Curtis's mill,	8 0 0
Malpeque road and bridges,	15 0 0
Woolner's bridge,	6 0 0
Charles McNeill's bridge,	3 0 0
Road from Rustico Harbor to Cavendish, by the Capes,	5 0 0
To open a road between the farms of Isidore Dourant and Joseph Blaquere, to the Cavendish road, and to compensate the parties for right of way,	10 0 0
Road leading from Bungay road to Curtis's mill,	8 0 0
Road from Princetown road to Hazel Grove road,	10 0 0
Roads through Bungay Settlement, where most required,	10 0 0
Road from Cavendish Church to shore,	5 0 0
Hazel Grove roads,	10 0 0
Fyffe's Ferry Road,	10 0 0
Roads through Rustico,	10 0 0
Old Rustico road,	5 0 0
North end of Winsloe road,	5 0 0
Where most required,	6 8 8
£10 unexpended of last year's appropriation, for opening road from H. Neal's, Rustico road, to Captain Matheson's, Winsloe road, to be expended as formerly directed.	
£7 6s. 0d. unexpended of grant for McLean's bridge, to be expended on road from New Glasgow to Cavendish.	

£20 unexpended for wharf at Hodgo's shore, to be expended as directed.

£106 8 3

DISTRICT No. 4.

Comprising Townships Numbers 83 and 84.

Appletree farm wharf, for balance due contractors, in accordance with the offer to surrender right of way to said wharf, and wharf to the Government by the shareholders,	£32 0 0
To build block and bridge to said wharf,	45 0 0
St. Peter's road,	5 0 0
Goff's bridge,	10 0 0
Suffolk road,	8 0 0
Road from Little York to Suffolk road,	3 0 0
Roads east of the Covehead road,	10 0 0
Covehead road and Old Saw mill bridge,	12 0 0
Bell's road and bridge,	15 0 0
Road from Covehead to Union road,	6 0 0
Union road and bridges,	10 0 0
Seaman's bridge,	5 0 0
Road from Union road to Brackley Point road, by Stewart's mill,	10 0 0
Road from St. Peter's road to Classon's, Lot 94,	3 0 0
Brackley Point road and bridge,	6 0 0
Road from Brackley Point road to McMillan's, by Covehead Chapel,	4 0 0
Kintyre road,	5 0 0
Winsloe road and bridges,	10 0 0
Where most required,	6 0 0
£25 unexpended from last year's appropriation, for wharf at McInnis's shore, to be expended as formerly directed, in addition to £9 2s. 6d., unexpended for breastwork at Covehead.	
	£204 0 0

DISTRICT No. 5.

Comprising Townships Numbers 65, South of Elliot River, 29 and 30.

Bonshaw bridge, to repair the same,	£8 0 0
De Sable bridge,	60 0 0
Crapaud bridge,	10 0 0
Road from Mabey's to Bonshaw bridge,	7 0 0
From Bonshaw to De Sable,	7 0 0
From Rocky Point to Nine Mile Creek,	7 0 0
From Nine Mile Creek to Canoe Cove,	7 0 0
From Canoe Cove to Bonshaw,	6 0 0
New Argyle Settlement road,	6 0 0
From Stordy's mill to Kelly's Cross roads,	7 10 0
From Kelly's Cross roads to New Bedeque road, Lot 31,	15 0 0
Skye Settlement road, Lot 30,	5 0 0
Upper Crapaud Settlement road,	4 10 0
Green road,	6 0 0
From Johnston's mills to Kelly's Cross roads,	6 10 0
Melville Avenue road,	6 0 0
From Post road to Crosby's mills,	1 10 0
From McArthur's forge to Patrick Doherty's,	8 0 0
To build a bridge over Howell's brook,	10 0 0
To build a bridge near Patrick Doherty's, on the road between Lots 30 and 65,	9 0 0
From Mabey's bridge to Francis Traynor's,	5 10 0
To build a bridge at Francis Traynor's,	8 0 0
From Francis Traynor's to Patrick Murray's,	6 0 0
From Patrick Murray's to Bedeque road,	6 0 0
Road to Curtis's mill, Lot 30,	6 0 0
Edward Hughes's road,	8 10 0
Argyle near Settlement,	6 10 0
Rocky Point wharf, £50, in addition to the sum of £100 voted last session, and yet unexpended,	150 0 0
Wharf at Dead Man's Point,	15 0 0
McEwen's wharf,	25 0 0
County line road,	12 0 0
	£208 10 0
All unexpended sums voted in 1854 to be applied as formerly appropriated.	

DISTRICT No. 6.

Comprising Townships Numbers 81 and 82, and 66 North of Elliot River.

From Poplar Island bridge to Widgery's,	£12 0 0
Dog river bridge,	20 0 0
From Jeveraux's to the shore, to improve the road and build a bridge,	18 0 0
From McPhee's corner to Worth's, South Wiltshire road,	10 0 0
From Perkin's to the Catholic Chapel, South Wiltshire road,	12 0 0
From Peter Costello's, Douse's road, to the New Bedeque road,	7 0 0
From North River bridge to the west line of Lot 65, New Bedeque Road,	12 0 0
Colville road, between Princetown road and Bedeque road,	8 0 0
Bannoekburn Settlement road, where most required,	8 0 0
Old North River road, from Charles Heart's, onwards,	8 0 0
Johnston's road, Lot 31,	7 0 0
Improving road from Carson's to Princetown road, Lot 32,	8 0 0
The sums appropriated for the repairs of the road leading from McArthur's forge to the New Bedeque road, and the road known as the Emyvale road, shall be expended by the Road Commissioner for the 6th district.	
Where most required in the district,	5 1 0
Dog river, from McPhail's to Hector McNevin's,	4 0 0
Road and bridge from Crabb's to Johnson's, Princetown road,	13 0 0
New Bedeque road,	12 0 0
Donald Scott, for railing bridge,	4 19 0
	£150 0 0

DISTRICT No. 7.

Comprising portions of Townships Numbers 85, 86 and 87, North Side of the Hillsborough River.

St. Peter's road, from the line of Lot 34, to St. Andrew's College,	£27 0 0
From Patrick Griffin's to French Village,	6 0 0
Tracadie Cross roads towards Point De Roche, where most required,	9 0 0
Corran Ban bridge,	14 0 0
Roads in Grand Tracadie, where most required	6 0 0
Road to Battery Point,	2 0 0
Mill Cove road, from Nine Mile House to Corran Ban,	5 0 0
From Dugald McAulay's to Millcove bridge,	7 0 0
From French Village to Gulf Shore,	6 0 0
Road between McInnis's, north side, to John McKey's, French Village,	4 0 0
To build a block at McConnell's Ferry, north side,	20 0 0
Mount Stewart bridge,	12 0 0
From William Small's to James Miller's,	3 0 0
From the Tracadie Cross roads to Hillsborough River,	2 10 0
From Ten Mile House to Dugald McAulay's,	3 0 0