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HOUSE OF ASSEMBLY.

MARCH 22.

SQUATTERS' BILL.

On reading the clause for extending the term of the lease to 999 years, and to fix the rent at one Shilling Sterling—

Mr. THORNTON said, when this Bill was last under debate, the chief objection made against it was, that *Sterling* was demanded as the rent, in lieu of Currency; and on this clause the Committee rose without deciding, and the reason of this was, that the Proprietors might not consider, that this House, by one of its public acts would seem to sanction the rate or terms demanded by them, whilst the tenant is unable to pay it. Mr. Rae, quoted Mr. O'Connell and the state of Ireland as similar to this Island; but while he (Mr. Thornton) acknowledged the great legal authority of Mr. O'Connell, he did not think the state of Ireland a case in point; but Mr. O'Connell's opinion was that the valuation of the improvements should be left to arbitration. He confessed, there were persons who were but too apt to take advantage of any enactments of this House; but it was not his wish to interfere with the rights of property, or in any way to interfere with the Contracts already entered into by landlords. No such thing; it was for the sole purpose of relieving a certain class of persons, who voluntarily sat down on land to which perhaps they at first supposed they had a right; and to provide a remuneration for the labour he had bestowed, and the expense he was at in improving the land of the present claimant, and to prevent him from being turned adrift without giving him sufficient remuneration. (Here the honorable gentleman read a clause of the Bill.) He had made the time 100 years, with a right to purchase, which he thought a very equitable arrangement, as those persons could not complain, if they were put on an equal footing with the tenants. We may be told that by submitting the decision to arbitration we do away with the right of jury, but he thought otherwise—Jury cases are often settled by arbitration, and in his opinion Courts of law were too expensive for a poor man; what hope could he have by waiting the issue of two or three terms, or how could he afford to pay the fees of lawyers and the expenses of witnesses. A Jury on the spot was talked of; he thought this full as objectionable as arbitration.

Mr. COOPER observed, that the hon. gentleman who introduced the Bill took especial care to provide for the security of the Proprietor, whether that Proprietor had taken any trouble with improving that property or not; but he (Mr. Cooper) was not equally certain that the right of the cultivator of the soil was so carefully guarded. Instead of giving an opinion of his own, he preferred reading to the House an extract from the Report of Lord Durham, which he thought quite applicable to the subject under consideration. "The profusion of Government in granting its land has checked to so great an extent the prosperity of these Provinces, that the actual settlers are too few or too poor to be enabled to employ labourers; and an emigrant, therefore, must either proceed at once to the United States, or in order to support himself must occupy the first vacant lot, from the cultivation of which he can alone procure a livelihood. To disturb a possession occasioned by such causes would be unjust as well as inexpedient. There may be particular cases, which do not merit any indulgence, but it would be impossible to separate such from the mass; and therefore, there should be some provision by which all persons occupying land to which they have no title, should be, if not secured in the possession of the land they occupy, at least guaranteed the full benefit of their improvements. With respect to those who have settled on Government land, this may be easily effected by allowing them to become purchasers at the uniform price of public lands, as has been already done in Lower Canada, by proclamation of your Excellency; and if needful, even allowing a certain period within which the purchase money may be paid. With respect to those who occupy land, the property of private individuals, it would be necessary to pass a law entitling them to compensation for their improvements by valuation. Such a measure would not only give a great immediate stimulus to the industry of the country, but it would have a most useful effect in confirming the loyalty of many who are at present described as looking with hope, rather than reluctance, to the subversion of the existing Government." Here Lord Durham admits the necessity of granting compensation; but we go a step beyond this, inasmuch as we put the claimant who never did anything to settle or improve the country on the same footing as those who have. It was idle to expect any thing tending to settle the people could be accomplished by this Bill, and we never can settle the people, unless we bring in a Bill for the express purpose of settling the whole Island. If this were not done, he would be inclined to vote against the bill altogether.

Mr. MACAULAY said, if he were not so well acquainted with the source from whence proceeded the speech of the hon. gentleman who had just sat down, it would excite his astonishment.—He (Mr. Cooper) professes to be a friend to the people, and yet says he will oppose the Bill that is brought forward to redress the grievances of a certain class of the people. He was astonished persons of such weak judgment could be found. Here, for instance, a certain class of people settle down on land, not their own, and after having occupied it for 10, 20, or 30 years, an individual then steps forward and lays claim to it, improvements and all, and this Bill is brought forward to protect them. Otherwise they would be liable to be dispossessed, after all the improvements they had made in reclaiming it from its wilderness state, and then in their old age to be turned adrift on the world. He (Mr. Macaulay) would wish to hear some argument advanced by the hon. member, for the view he had taken of the subject, but he had heard none. A proprietor who had not come forward to claim and improve his land, was at no loss by the occupancy, and improvement of the squatter; on the contrary he was a gainer by it, inasmuch as it preserved the land from forfeiture, and this Bill provides remuneration to him for having preserved the property of the Proprietor from confiscation.

Mr. COOPER would positively state that, by the Bill, a man must take a lease, or he will lose his improvements. As to the harangue of the hon. member for Georgetown, all he would observe was, that "when the fox preaches, let the goose beware!"

Mr. MACAULAY—We have heard Lord Durham's report, and we have heard many other reports, that have no sound judgment in them. He thought it would be giving squatters what they had no right to claim. It is a well known rule, that there is no possession in law without a title to possess, therefore squatters labour under the disadvantage of possessing no title; and if he settle down on land, it is because he derives a benefit from it equivalent to the labour he expends on it. And if the rent is established at a fixed sum, is he not as well off as the other tenants throughout the Island; but if this Bill does not pass, he has no protection.

Mr. RAE would not cast away the benefit to be derived from the operation of this Act, though he was convinced it was far from containing a full measure of justice and equity. Lord Durham's advice should be followed with regard to settling squatters; and there was a general feeling at home, that tenants should be paid for their improvements; but here it was absolute nonsense to talk about getting a full measure of justice; and therefore, we must put up with half and half measures, like the present, and be thankful for them, and therefore if this Bill brought relief only to 100 or even to 50, he would support it.

Mr. PALMER—Those amendments to the original Bill did not relieve his mind from the doubts he entertained of the justice of this Bill. Some of the jury may be circumstanced like the squatter, and in the habit of conversing daily with him, and consequently would be very unfit to act as an impartial juror. The original Bill did not tend to draw the squatter into Court; and if a claimant appealed to the Court, it should be after he had offered a reasonable compensation for the improvements of the squatter, and in Court what has he to fear? He has a jury of his equals, who would say to the proprietors, "You cannot turn him out, until you have paid him the full value of his improvements." The machinery of arbitration is the same as it was in the original shape of the Bill. In a Court of law every thing is established and fixed: this is not the case with arbitration; if adopted, there is no law to compel arbitrators to sit and adjudicate, nor to compel the attendance of witnesses. For instance, an arbitrator may take a huff and refuse to sit, or a witness may be interested and refuse to attend; where then is the remedy, in either

case? Now, in a Court of law the case is different, as there is a law to compel the witnesses to attend. As for Lord Durham's report it is not applicable to this Island; we can form more correct opinions of the state of the Island ourselves, than Lord Durham, or those who drew up that report; indeed, we were better acquainted, because he had his information from hearsay. However, he refers to Government Land. [Here he read the extract already cited.] This would not give the squatter an opportunity to take a lease; but Lord Durham's report and Sir Charles Fitz Roy's letter serve as text-books to the hon. member for King's County (Mr. Cooper), and as such are brought forward by him on every occasion. He (Mr. Palmer) had no objection that the Bill should pass into a law, for by it the squatter was protected in every thing he could reasonably claim. It was his opinion that if a squatter had his choice, he would in nine cases out of ten prefer the verdict of a jury to the award of an arbitrator.

Mr. MONTGOMERY said, he would support the amendment. It was very evident two or three neighbors in the country would be far better judges of the value of the improvements made while on the spot, than a jury sitting in Charlottetown, 50 or 60 miles from the place.

Mr. D. MACLEAN was not surprised that the hon. member for Charlottetown preferred deciding those differences in Charlottetown, to settling it by simple arbitration; it was very natural for professional gentlemen to carve out employment for themselves whenever they could. He (Mr. Maclean) was glad to hear the hon. gentleman say he would support arbitration if it could be shown that the Imperial Parliament or any Colonial Legislature had ever sanctioned such a proceeding. As he (Mr. Maclean) knew the hon. gentleman had a peculiar relish for his Canadian precedents, he would read part of a resolution of the Canadian Parliament, dated 7th of September, 1841, completely in point, where disputes between landlord and tenant are to be decided by arbitration, in a commutation of a leasehold into fee simple in that country. [Here he read the extract alluded to.] He would make no comments, as it completely met the case which the hon. member pleaded himself to support; and he trusted that every other member would see the propriety of following so good an example.

Mr. SPEAKER did not think the case cited by the hon. member who last spoke a case in point; nor was it what was contemplated by this Bill. [Here he read something describing the seignories in Canada, to which Lord Durham seemed to allude.] He would wish the squatters placed on the same footing, as they who had bona fide agreements with the proprietors, but by no means would wish to see them preferred to those who had honestly taken the land from the owners, for the purpose of gaining a livelihood. The squatters, he maintained, were the worst kind of settlers we had; indeed, he would say, they occasioned much of the trouble now so prevalent in the country. Without leave or licence, they have squatted down on the land of the proprietors, and in a most unprincipled manner combat the right of the proprietor to the land; and these, Mr. Chairman, forsooth, are the sort of persons for whose benefit so much of the time of the House has been occupied in providing security for their improvements. An hon. member (Mr. Rae) said, a measure of equal justice was not dealt out to them; he wished to know if they were to be placed in a better condition than an honest settler, who has taken his land and cultivated it, for the purpose of maintaining his family. He would wish to afford them every justice, but he would not more than to the leasehold tenants; for, as he said before, he considered the squatters a very inferior species of settlers, who often do more harm to the land than good; it is very evident, if they designed to improve the country or themselves, they need not squat, as the term is, but would get land if they choose to apply for it in a proper manner. He believed leaving the business to arbitration would not be the most eligible mode, either for the squatter or claimant; for should the arbitrators not agree in their award, or should the parties disagree to it, a lawsuit inevitably ensues, which renders this business more complicated than if it were brought into Court at first. Since he was on his legs, he might as well advert to the bad effects the reports of this Bill occasioned throughout the country. It has been supposed that the House was about making free land for them, and the consequence of this is, that meetings are every where got up for the purpose of reviving the obsolete question of Escheat; he would really wish to disappoint such persons a little. He would support the Bill in its original form.

Mr. MACINTOSH—The honorable Speaker never rises without lashing at either the squatters or tenants, or both; they are called vagabonds and scoundrels and what not; but he knew squatters who were as decent, honest men as some of the gentlemen of this House, and who, if they were present and heard themselves called by such names, would be very apt to disfigure the faces of those who would call them so. The proprietors have evils enough for the poor people, without dragging them before a court full of lawyers, to scare the poor simple people out of their wits, and who are liable to be turned out from their homes and improvements, and who have been forced by lawyers to give their bonds and warrants for the payment of the back rents. He believes this country is denied the justice that is granted to all the rest of Her Majesty's colonies; for here a poor squatter is punished, as if he were a murderer. For his part, he had no desire to oppose the Bill; such as it was, it was better than nothing.

Mr. DOUSE observed, that he had promised to support the Bill, and would do so; he was for doing equal justice to all parties, but he should at the same time avoid extreme measures, as they would never pass the Council. He heard the hon. Speaker say something in allusion to the general bad conduct of the squatters, and he (Mr. Douse) perfectly agreed with him, that they were those who were most regardless of the welfare of their families and who most opposed the good intentions of the Legislature, designed for their benefit. Within the last few days, we had sufficient specimens of this turbulent spirit from the East Point; and he was very sorry to say it arose from a misconception of the nature of this Bill, notwithstanding the integrity and sincerity of the hon. gentleman who has brought it in. When proprietors leave their land unclaimed, and it is kept from forfeiture by the improvements of the squatter, it is nothing but right that he should be paid for his improvements, but he (Mr. Douse) contended there was but half a lot that fell under the provisions of the Bill, that is, the southern moiety of Lot 45. Let us not go to extremes, but weigh well what we are legislating about; if we expect the Bill to pass into a law, it is no use to sit here doing nothing; it will be only deceiving the people, by first exciting their expectations and then disappointing them.

Mr. COOPER would wish to see a Bill similar in its provisions to that in Nova Scotia, for settling the squatters. By the present Bill, a man might be 40 years on the land, and if he refused to comply with the terms offered by the proprietor, or refused to take a lease, he loses all his improvements, buildings, &c. whereas in Nova Scotia, if a person have undisturbed possession for 21 years, it becomes free ever after. He thought it was using the people so circumstanced very badly, after all the hardships they had gone through, to turn them off, though in all probability they were they who preserved the land from being sold for assessment or escheated for non-settlement.

Mr. RAE was quite astonished at the character given of the squatters by the hon. speaker. He knew 20 or 30 persons who were decent respectable people, (one of whom was a Mr. Jones) who were, according to the sense of the term, squatters; but he did not see how they merited that wholesale sweeping condemnation that was bestowed on them by the hon. Speaker. Several of those persons to whom he alluded had at first squatted on the Royalty of Princeton, but have since obtained grants, and are of course freeholders, so that he did not think these at least merited the torrent of abusive epithets bestowed on them. In some instances it was impossible to help becoming squatters, from the difficulty of finding out who was the right claimant, if such there were. These persons should be protected in their improvements. Should this Island be ever invaded, and those individuals would be obliged to defend their country, and their individual would be obliged to defend their country, and right in the soil? The hon. member for Charlottetown (Mr. Palmer) apprehends numerous difficulties in the way of an easy settlement of this question, if it be taken out of law courts: he would allow that there were numerous difficulties before us at

present in providing impartial justice; he was aware that for that purpose strong partialities, and antipathies must be surmounted: neither was he prepared to say that arbitration is the best mode of settling the value of property. [Here he read from the Imperial statutes the law that a jury on the spot should examine the value of property in Britain.] On the whole, he inclined to have it settled by arbitration or by a jury on the spot, rather than oblige a poor man to submit to the form and expenses of law courts, out of which and the clutches of the lawyers he would endeavor to preserve the poor man.

Mr. DOUSE. There is no law in the old country to appoint arbitrators to settle disputes about property, nor to compel them to serve as such. Mr. O'Connell has been alluded to as an advocate for settlement by arbitration. He (Mr. Douse) thought Mr. O'Connell was [here the hon. gentleman seemed arrested by an obstacle above his force to remove] as fond of protecting his property as other people.

Mr. YEO thought that demanding one year's rent would do away with the necessity of arbitration. [The hon. gentleman then commenced a narration of some story to illustrate the view he took of the question; but he spoke in so low and indistinct a tone of voice, that he was wholly unintelligible to us.]

Mr. RAE said he would have no objection that the hon. member (Mr. Yeo) should have leave to bring in a Bill to that effect, under all circumstances; such a radical change had taken place in the Bill, that it seems an entirely new one, and in the present stage of the session it could not receive that degree of attention it deserved. If a jury be summoned to adjudicate on the spot, they are like twelve arbitrators, and surely they won't go against the law of heaven and earth. Mr. Douse denied that it was customary in Great Britain to submit the decision of such matters to arbitration. [Here he read from the statute of Great Britain, 5th of Victoria.] Let us be told what compensation is to be given and what not, for this Bill does not go to the extreme rights of the squatter. He would like to know when they were to cease legislating on this subject, so that he might go home about his business.

Mr. DOUSE said, he was of opinion from the beginning, it would end in smoke!

Mr. SPEAKER was coming to the rescue of his countryman John Bull (Mr. Douse) when he foretold him. There was no British statute by which property could be taken from one person and given to another by arbitration. The case was different where works of public utility were in question, such as railroads, canals, &c. but in any other case he defied him to point out a single instance of the kind. The award of arbitrators may be very unjust, for the landlord may be called on to pay as compensation more than the freehold worth of the land. With regard to the Squatter Bill in Nova Scotia, so much talked of to-night, it had yet only passed the House of Assembly, but was not become the law of the land. He hailed the Bill, as first brought in, as a measure of justice; but from the strange matter tried to be engineered on it, and obstacles thrown in the way, the hon. member who brought it forward, and with the best intentions, was at a loss what to do with it; some squatters may be well enough, but they are very few; he could see no right they had to a settlement, and therefore should be content to be put on a footing with the other tenants.

Hon. Mr. PALMER said he was not surprised at the objection of the hon. member for New London, who, from the example of Seignories, would wish to do away with such trifles as Courts and Jurors until things come within our own grasp; then when the noise and commotion which this gives rise to, run down the parallel of forty-five degrees, and arouse those 80,000 hunters, who repose in the valleys of the Mississippi, we shall have his view on the subject realized in scenes of riot and bloodshed! Such a state of things might suit the ideas of the hon. member for New London, but not his (Mr. Palmer's); God forbid they should! The hon. Speaker had correctly stated the law as it exists in Great Britain, in cases where the subject matter is left to the decision of arbitration; but very often the verdict of a Jury is required to settle the award of the arbitrators; hundreds and hundreds of such cases were happening at home, for when the arbitrators disagree, it is brought to the Court of King's Bench.—There are many difficulties which come in the way of settling it by arbitration: Suppose the claimant tenders the squatter compensation, what authority have the arbitrators to try his title? Can even the arbitrators be compelled to serve or witnesses to attend? He had not seen the amendments until this evening; they would perill the Bill, and he thought were for the purpose of losing it entirely, and if this Bill was now lost, there was an end of ever doing any thing for the Squatters; but they will then be left wholly at the mercy of the Proprietors.

Mr. COOPER thought there would be no difficulty in procuring a Jury on the spot, and if the parties did not agree, it could be ultimately referred to a Jury; and he thought it could be settled as easily as by a Coroner's Jury; this he deemed the more advisable mode of arrangement.

Mr. D. MACLEAN said he had been taunted for want of respect for the Courts of Justice, and Government. How can any man be expected to respect a system of misgovernment which has reduced the Colony to be in the most distracted state of any in the British Dominions? A Government which, it is said, is prepared to send regular troops against the militia in King's County, instead of arming them to meet the probability of an American war, if we may believe the late Halifax papers. The hon. member for Charlottetown, Mr. Palmer, has said that he (Mr. Maclean) approves of war and blood-shed, but he begged to remind him, that he (Mr. Palmer) was very much in the habit of misquoting him upon that subject. He (Mr. Maclean) may have pointed out the causes and consequences of rebellion and revolution, (matters about which certain hon. members seem to know very little,) but he defied him or any other person to say that he was ever heard to approve of the late insurrection in Canada; and very possibly he (Mr. D. Maclean) may yet live to evince his attachment to the British Empire in quite as emphatic a manner as the hon. member for Charlottetown will be inclined to do, although he (Mr. Maclean) admitted, he was no match for him at lip-loyalty, which costs nothing! With regard to the Canadian arbitration referred to, the hon. Speaker has not stated the case fairly. The Commission of enquiry is not quashed, as stated by him; it only finished its labours about six weeks ago, and will report at the next Session of Parliament.—In other respects, too, the case is perfectly analogous. It is not, as stated by the hon. Speaker, only a certain sum in present money to buy up an annual rent; but the Proprietor has a right to eight per cent. in the improvements of the tenant, and therefore in all disputed cases, the improvements must be valued by arbitration, as is proposed in the Bill now under the consideration of the House. The hon. member for Eelstaf (Mr. Douse) still persists in giving the agitators, that is, the minority, credit for the popular meetings which are taking place throughout the Country; now, this accusation is either without any foundation, or it proves that if the minority of the Assembly has much influence with the physical force of the community, the majority in this Assembly does not represent the majority of the Colony. He may hitch himself on whichever horn of the dilemma suits him best.

Mr. SPEAKER said, God forbid that the majority of this House were of the same way of thinking as those of the constituency to whom the hon. member alludes: sorry, very sorry he would be to be the representative or express the sentiments of those who now employ themselves in getting up seditious meetings, and obstructing the Crown officers in the discharge of their duty; and if he were called to give his advice, he would by all means advise the Executive to send not only the military but also the militia; and he would cheerfully go with them, in order to quell such illegal combination at the point of the bayonet. He was aware that they were instigated to this conduct, and he might almost bring the charge home to certain members of this House, who by their advice, have fostered this seditious spirit.

Mr. MACINTOSH was sorry to live in a country where the laws were to be enforced at the point of the bayonet, but where justice is denied to the people. It was a sad state of things when we are told by the hon. Speaker, that the laws must be enforced at the point of the bayonet: there was something wrong; but the question is, where was it? He knew the people where he came from were as loyal and dutiful as any of her Majesty's subjects, and nothing but the height of oppression drove them to any act of infringing the law.

Mr. D. MACDONALD said the hon. Speaker has insinuated that he could bring a charge against some of the members of King's County, as having been accessory to the riots reported to have

taken place in King's County lately: he (Mr. Macdonald) called on him to name the person to whom he alluded.

Mr. SPEAKER said he did not charge any individual member with having directly participated in those riots, but he believed he would be borne out by facts in stating that the hon. member, (Mr. Macdonald) by his writings, had been highly instrumental in exciting those commotions. When next he quoted his words, he hoped he would do so correctly.

Mr. RAE said it was quite easy to speak of bayonets on the floor of this House, but he thought when it came to the point of the bayonet, some hon. members would not be found quite so ready to offer their services as they seemed at present. He remembered that in the year 1839, the hon. Speaker proposed that 1000 men should be raised and sent to drive away the Yankees from the disputed territory at Madawaska; but had the hon. Speaker's crusade been agreed to then, how puerile such burst of loyalty would appear now, when those same Yankees enjoy the free navigation of the river St. John, from which we loyally proposed to drive them, with the approbation of the British Government. We Britons are very apt to compliment ourselves on our prowess, and even on the obsequious deference that is due to our names by the natives of America. He heard of a British officer that boasted at the time of the American war—if he were allowed a thousand men, he would go in at one end of America, and march through it and out at the other end of it: he made the experiment, and found that the Americans were afterwards able to give a good account of both himself and his men, notwithstanding his British boasting. He (Mr. Rae) would wish to know who it was to whom the hon. Speaker alluded, as having encouraged those illegal meetings; for his (Mr. Rae) part he had not encouraged anything of the kind. If any specific charge can be brought against any member of the House, let us hear it.

Mr. COLES—We have heard more than enough about other matters, but very little on that which is the more immediate subject of debate. He did not see any real or solid objection to the appointment of arbitrators. It was not for the purpose of superseding the authority of juries to investigate the rights of property, it was simply for the purpose of awarding the amount of compensation to be given the squatter for his improvements, if he does not wish to take a lease, and what could be more equitable than that the proprietor should choose one and the squatter another. Those who object to arbitration, should reflect that large amounts are settled by a jury on the spot, under the Road Compensation Act. This Act was brought forward for the purpose of settling those disputes that existed in the country. The proprietor who had not settled his land as he should have done, but allowed it to be improved by the labor of the squatter, should be compelled to pay for that improvement, inasmuch as in many instances such settlement may have preserved the property from forfeiture. On the contrary, the squatter who fell in on land after the roads had been opened for his convenience, should not be put on the same footing with those tenants who have labored to open roads and to otherwise improve the country. As to what is likely to pass in the other end of the building, if they are better informed of what is best for the public good than we are, and consequently will pass nothing but what will please themselves, the sooner we go home about our business the better: the Sea-weed Bill went through this house with only one dissentient voice, and yet it was thrown out by the Council.

Hon. Mr. PALMER said he was absent on his professional business in Georgetown when the Sea-weed Bill passed the House; had he been in his place, he would not be found "jumping Jim Crow," but would have voted against the majority.

Mr. THORNTON said if we were desirous of quieting the minds of the people, or of allaying the ferment already existing, he thought we were going the wrong way about it: we had gone round the world instead of confining ourselves to the subject under discussion; he would except the hon. Speaker and the hon. member for Charlottetown, Mr. Palmer, from this censure. As for Mr. Cooper, he expected nothing else from him; it was all in character. The hon. member for Charlottetown said we were wandering beyond the limits of legal forms, and abandoning the legitimate tribunals for examining such matters; that may be, every one could not be supposed to see with the same eye as he did the benefits that might be derived from those legal forms; but we had to try many experiments in this Country for which there might be no precedents in another: the country was peculiarly situated with regard to the land question, and it therefore required peculiar laws. He was sorry to hear the hon. Speaker bring so heavy an accusation against the squatters: he (Mr. Thornton) did not believe that the squatters generally merited the opprobrious epithets bestowed on them. It was not because a man was poor that therefore he must be reviled, and branded with such infamous epithets. Many worthy poor persons come from the old country, and seeing such quantities of land in a wilderness state, settle down, and make considerable improvements before they become aware of the nature of the proprietor's claims. They were perhaps told there was no claimant, and how were they to know better; and it was therefore time we should provide a remedy. The Bill is not going to authorize the arbitrators to try titles; the squatter does not dispute the claimant's title; he takes it for granted that it is good, and all he wants is a lease and a reasonable term, and if he gets that, he has no right to complain; he has a Court or jury to value the quantity of land he settles the rent it will be opposed that the arbitrators have no power to settle the amount of rent, since every man has a right to do as he pleases with his own property; the more arguments he heard against the Bill, the more he was convinced of its utility. The proprietor may go and have the improvements valued, and then where is the occasion of going into Court? But the hon. member for Charlottetown wished to undergo the formality of the Court, but he (Mr. Thornton) thought the business could be settled equally well without bringing the matter before the Court, and with far less expense. On the whole, he had parties to Court, and with far less expense. He heard no objection sufficient to induce him to withdraw from the Bill, but he wished to have the concurrence of the hon. Speaker to the Bill, but it seems he (the Speaker) thought one way and he (Mr. Thornton) another: at present he joins in opinion with the hon. member for Charlottetown, though this is not always the case, nor does it therefore follow that they are correct in their opinion.

Mr. RAE said the Bar and the Bench generally "burle" such bills as render justice expeditious and cheap; the difference between the expenses of Courts of law and arbitration would be about five-sixths of the cost when an arbitration would cost £5, the law Courts would cost £30. It is said that pretenders may come forward and pay for improvements of the squatter; he thought this unlikely; will a fellow without a title come forward and pay the sum of £50, £60 or £70 for land which he will lose when the proper owner appears. Shall we withhold a measure of relief to the squatters because some pretending claimant may hold the place of the lawful owner for a time. Had they been on the spot and attended to their improvements, such a thing as that could not occur.

Mr. SPEAKER said he had heard nothing to induce him to alter his opinion: he never saw the amendment before this night; by it the Bill was quite altered from its original intent, and he objected to it for precisely the same reason that the hon. member for Charlottetown objected to it. He wished that the Bill would make it imperative on the claimant to prove his title before he offered either a lease or compensation. The case of Mearns and Sullivan, on Lot 54, was a case in point. Suppose both claimants on the same day tender a lease, how is the squatter to decide which he is to adopt as his land lord? It could be no other way decided than in the legal Courts, and we should arrange the Bill, so as to ensure its passage in the other branches of the legislature. He regretted that he was led from his direct course during this debate, but then from those obstacles thrown in the way, it was almost unavoidable. He was in favour of the principles of the Bill; he only wished it framed in accordance with the manner of deciding on real estate, so that no objection might be made to it elsewhere. He thought it was unfair to misdirect the conduct of the Legislative Council, in their treatment of the Bills we send up to them, the Sea-weed Bill for instance, or any other Bill; a co-ordinate branch of the Legislature they have a right to decide on any Bill brought under their consideration, without being in the least influenced by any opinion arising from our decisions. We may on some occasions feel annoyed and mortified at the conclusion come to by them, but their right is as distinctly established, and recognized as ours.

Mr. COOPER said if a proprietor abandons his property until it becomes valuable through the labor and improvement of the squatters, and then comes forward and claims it, must the latter be put to 2 or 3l. expense to compel the latter to prove his title