

**A STATEMENT OF THE "ESCHEAT
QUESTION" IN THE ISLAND OF PRINCE
EDWARD; TOGETHER WITH THE
CAUSES OF THE LATE AGITATION,
AND THE REMEDIES PROPOSED**

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A Statement of the "Escheat Question" in the Island of Prince Edward; Together with the causes of the late agitation, and the remedies proposed by George R. Young

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GEORGE R. YOUNG

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OF THE
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THE CAUSES OF THE LATE AGITATION,
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THE REMEDIES PROPOSED.

BY
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*To the Tenantry and the other Inhabitants
of the Island of Prince Edward.*

THE affairs of the Island have now reached a crisis. It is admitted that they are in a state of lamentable embarrassment and confusion. In consequence of the improper publication by the King's printer of a private circular addressed to the proprietors, by his Excellency the Lieutenant Governor, which he intended only for their own eyes, and of the use made of it by persons who have an interest in agitation, the dormant question of escheat has been revived; the payment of rents has been resisted; the sheriff has been assaulted in the execution of his duty; strangers entering Belfast, because suspected to be bailiffs, have been fired at by a mob; public meetings have been held, inflammatory resolutions have been passed, and addresses, got up in the same spirit, presented to the Lieutenant Governor. An Island blessed with a fertile soil, a favorable climate, excellent harbours, free fisheries, and a healthy and active population,—with every requisite, in short, to make a country prosperous and a people contented and happy,—has been placed in such a position that the rights of property are endangered, the peace of society disturbed, and an exigency created in which the authority of the Government must soon be exer-

cised to enforce the laws, by resort to force, if the people themselves have not the prudence and good sense to return to tranquillity and to good order. With the sincere desire of promoting this object,—of convincing you that the past agitation can end in no beneficial result, but will only embarrass the Government, and interfere with your own prosperity and future welfare, the following observations are prepared and addressed to you. They are intended to review the questions upon which the late agitation has been raised; to hold up the even balance of justice between the proprietary body and yourselves; and to explain the recent negotiation conducted with the Government, and the prospect which is now opened to you of a fair, equitable, and permanent settlement of the unhappy controversy, which has for some past years prevailed in Prince Edward Island.

It would be in vain at the present moment to inquire into the policy of a past Government, by which the Island was parcelled out into large tracts, some of which have since passed into the possession of British proprietors. It is clear that these titles now rest upon the King's grant, which is the best, because the highest title known to the law. If any one of these could be disturbed, if a proprietor holding under this title, confirmed as it is by the royal seal, could be deprived of his property, there is not a farmer or freeholder in the Island who would be secure in the ownership of his own land. Every freeholder holds under one of these original grants, and to uphold them is to uphold your own leases

and your own title deeds; to abrogate them would not only be a gross violation of the law and of the honour of the Crown, but disturb every man in his possession, and reduce the affairs of the Island into a state of inextricable and irremediable confusion.

But however much the policy above referred to may be disapproved of, it is to be recollected that many of the past proprietors have dealt liberally with their estates—that they have sent out a valuable class of settlers—have given them advantageous leases—have in many cases received no rents—and even, after a period of years of non-payment, have released their tenantry from all the arrears of rents which were due. Many of them enjoy now the character of being good landlords—their tenants make no complaints—they are contented and happy,—and in proof of these statements the following paragraphs are selected from the circular of Sir Charles A. Fitzroy, of the 3rd October last. After referring to the existing state of feeling and excitement, his Excellency proceeds to say:—

“ I am of opinion that the remedy for these evils rests with yourselves. Give discretionary power to your agents to relieve your tenantry of the arrears of rent in those cases where it is impossible they can ever pay them up. Grant them long leases at the rate customary in the colony, payable in the productions of the soil at the market price; or if you object to long leases, let those you do grant contain a clause allowing the tenant to purchase the fee simple within a specified period, at twenty years' purchase, or one to ensure his being paid for his improvements at a fair valuation, on the expiration of his term. Such concessions will, I am convinced, remove all just cause of complaint, and render futile any attempt at agitation.

“ Let me here observe, that I am recommending no visionary nor experimental system, but one that has been

already tried here with complete success, on the lands of these proprietors (*and I am happy to say there are many*) who act upon it. On these lands there is no agitation or discontent; on the contrary, the settlements are numerous, the farms well cultivated, and the tenantry flourishing and tranquil. The whole of the excitement and agitation now prevailing is confined to the lands of proprietors who have hitherto refused to grant liberal terms, or to their immediate vicinity; and it is to them I would particularly address myself, for it is hardly fair that they should be the cause, as they assuredly have been, of bringing odium upon the body of proprietors of land in this Island in general, which the majority of them do not deserve."

Upon his Excellency's own admission then, it appears there is no cause of complaint against the "*majority*" of the proprietors; and his statement made, while acting as your friend, will, we presume, be received as conclusive evidence upon the subject.

Before quitting the subject of the rights of the proprietors, it ought not to be forgotten, however, that some of them have acquired and now hold their title by purchase—that they have paid for their lands with money—that they were no parties to the ancient grants of 1767—and that to deprive them of their property so held and so acquired would, in plain language, be an act of robbery; and has been so characterised in the debates in the House of Assembly. The proprietors are as clearly entitled to the quiet and peaceable possession of their estates, as any of you are to your houses, the fields which you have cultivated, the crops you have raised, or the cattle you have reared; and the Government could deprive them of their estates with as little justice as you, by the same exercise of power, could be ejected from your farms

or stripped of your property. In short, the conditions contained in these grants are as binding upon the Crown, as the terms contained in your leases or deeds are binding upon the proprietors.

An argument has been for some time addressed to you by those whose purpose and business it has been and is to foment agitation, that, in consequence of the declaratory act of 1778, the rents now claimed by the proprietors are illegal. By this act, which is called the charter of the colonial rights, it was simply declared by the British parliament, that they would no longer impose taxes upon the colonies having colonial legislatures, except those taxes which should be necessary for the regulation of foreign commerce. Upon what principle can it be said that rents payable under leases, and which you voluntarily have entered into, can be compared to taxes imposed by the Government? Leases are strictly private contracts—bargains between man and man. The Government neither created, nor has it the power to interfere with them. Would you submit to any law, passed either by the Government at home or the Island legislature, requiring that you should pay to the proprietor one shilling and sixpence per acre, in place of your present rents of one shilling? Have either the right to do so? Now, if they cannot make you pay *more*, neither have they the power to compel the proprietor to take *less*. The whole argument is a fallacy, and has been so treated by his Excellency Sir Charles A. Fitzroy himself, in the following paragraph taken from his answer to the address from the inhabitants of Bear River.