

Samuel Gale,
Esq.

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statute into Lower Canada; yet there are many parts of those not considered applicable. The cutting a tree or a sapling would hardly be considered the same offence in a country where the grand object is to clear away the forests, which it would be in England.

Why could not you take the simple mode of conveyance by bargain and sale?—Because doubts were suggested; and I considered that where it was easy to avoid any doubts or difficulty it was better to do so.

What difficulty did you avoid by that mode?—If it should be held, even unreasonably as to the townships, that other modes of conveyance under the English law required tradition or enrolment, such doubts or difficulties it was presumed would be avoided. The parties to the deeds were generally at a great distance from the lands transferred, and it seemed well to adopt the form of lease and release, as conveying possession and property at once. It seemed an act of prudence, and arose from motives like those which have induced several individuals to take deeds with respect to lands in the townships, in two modes, that is, both according to the French law, and according to the English law.

Are there not local rates paid in Upper Canada of the nature of county rates?—I have understood that there are county rates and taxes, and they build gaols and court-houses in every county by those local rates.

Is there any arrangement of that sort in Lower Canada?—None; almost all the gaols and court-houses have been built out of money arising from duties upon English merchandize and manufactures. The expense of the gaol at Sherbrooke in the townships was indeed, as I believe to be, defrayed by a tax upon the law proceedings; but the expense of building the gaols at Quebec, Montreal and Three Rivers in the Seignios, was provided for out of the duties.

They have been built out of the public revenue?—They have.

Where are those duties imposed?—At Quebec.

Has there been any attempt in Canada to establish turnpike roads?—There have been a number of petitions for turnpike-roads within the last 18 years, which have been all uniformly rejected; and the state of the roads in some instances, even very near the cities, is extremely bad, and sometimes dangerous.

Where are the roads situated that it was wished to establish turnpikes upon?—Near towns, or in places where there was a great deal of travelling.

Have those bills or applications been rejected in the Lower House?—They have, as I understand.

Can you inform the Committee what were the grounds generally pleaded for their rejection?—The Canadian inhabitants of the country do not like them, and they consider them a species of taxation.

And they would rather be without the road than have that taxation?—Yes, I have known a number of carriages broken down from the badness of the roads even in the vicinity of the towns. The English inhabitants were the general petitioners for turnpikes, and they would have subscribed money for that purpose.

Do you know any thing of the law of descent to landed property in Upper Canada?—The law of descent in Upper Canada, I believe, is the English law of primogeniture; but I believe the mass of English inhabitants there would desire that law to be altered.

Is there not some local statute which has modified that law?—A local statute has either been passed, or has been attempted to be passed, but I cannot say which.

Is it, or not, the prevailing opinion in both provinces that the law of primogeniture is not suited to those colonies?—I believe that the inhabitants in general would prefer a law making an equal division, which would save them the trouble of making a will.

Do you think that the inhabitants of Upper and Lower Canada would not be perfectly satisfied with having it in their power to distribute their property as they please by will?—They possess that power already, but they would prefer that without the trouble of making a will the law should distribute it as they wish.

Does it suggest itself to you as a possible mode of remedying the inconveniences arising out of the present division and distinction of the two provinces of Upper and Lower Canada, that Montreal and the district immediately around it should be transferred to Upper Canada, thereby giving Upper Canada the benefit of a sea-port, and the consequent power of regulating the duties upon her imports?—There is no doubt that a sea-port would be highly advantageous to Upper Canada; and I think that province will not be satisfied until it has a sea-port, unless there be a union of the two provinces.

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