

NAYS.

Messieurs BOULTON, CARTWRIGHT, CHESLEY, DUGGAN, HOPKINS, SIR ALLAN N. MACNAB, J. S. MACDONALD, MCLEAN, MERRITT, MURNEY, ROBLIN, HENRY SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, and THOMPSON.—(15.)

So it was carried in the Affirmative, and Ordered accordingly.

The Honourable Mr. *Daly*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Return to an Address of the Legislative Assembly, to the Governor General, bearing date the 27th ult. praying that His Excellency will be pleased to cause to be laid before the House, a Tabular Return of the several Agents and other persons employed by the Commissioner of Crown Lands, during and subsequent to 1840, and who are accountable to the Government for the receipt of moneys in that Department; designating the name of the Agent or other person employed, the date of his appointment, whether on the permanent establishment or for a temporary occasion, the amount outstanding in the hands of such Agent on the 1st September of each year inclusive, and the reason of the detention thereof, the Salary, per centage, or other emolument receivable by such persons.

(For the said Return see Appendix H. II.)

And also,

Return to an Address from the House of Assembly to His Excellency, the Governor General, praying that His Excellency would be pleased to cause to be laid before them, a copy of the Minute or Minutes of the Honourable the Executive Council, on the Report of the Honourable the Inspector General, on the *Marriage License Fee Fund*, respecting its future disposition, or so much thereof, or such other information respecting the Fees on Marriage Licenses, as His Excellency may be disposed to communicate to them.

By Command,

D. Daly,
Secretary.

Secretary's Office,
Kingston, November, 1843.

(Copy.)

To His Excellency, the Right Honourable Sir *Charles T. Metcalfe*, Baronet, and G. C. B., Governor General of *British North America*, &c. &c. &c.

[In Council, Report of a Committee of the
4th Oct. 1843, Approved. Executive Council. Present:
(Signed,) C. T. M.] The Honourable Mr. *Dunn*, in
the Chair, Mr. *Daly*, Mr. *Lafontaine*, Mr. *Aylwin*,
Mr. *Baldwin*, and Mr. *Morin*, on the Report of the
Inspector General on the Accounts of *T. D. Harrington*, Esquire, of Fees received by him on Marriage Licenses, from 10th February, 1841, to 31st Dec. 1842.

MAY IT PLEASE YOUR EXCELLENCY :

The Committee of Council concur in the opinion expressed by the Inspector General in relation to the disposal of the funds arising from the sale of Marriage Licenses.

The subject has repeatedly occasioned discussion in the popular branch of the Legislature, and has given rise to great complaints, which the Committee of Council are compelled to acknowledge to be well founded. The proceeds of this Fund are Public Moneys, which can be appropriated only by Parliament.

The Committee, however, considering that the express sanction of Your Excellency's Predecessors has been given to the general items of expenditure in Mr. *Harrington's* account, would recommend that the same be allowed and passed.

With reference to the future, the Committee respectfully suggest that the whole amount of this fund be accounted for by the Provincial Secretary, without any deduction whatever, either by Commission or otherwise, and that the proceeds be paid over quarterly by him to the Receiver General for the public service.

All which is respectfully submitted

By order,

(Signed,) *John H. Dunn*,
Chairman.

Council Chamber,
Kingston, 20th Sept., 1843. }

GOVERNOR GENERAL :

I have approved the Report of a Committee of the Executive Council, suggesting that in future the whole amount of the Fund, arising from the Fees on Marriage Licenses be accounted for by the Provincial Secretary, and that the proceeds be paid over quarterly to the Receiver General for the Public Service, because I am decidedly of opinion that there is no reason for regarding that Fund otherwise than as Public Revenue to be appropriated only by Parliament.

It appears, however, that allowances have been paid from this fund, with the express sanction, and by orders of my predecessors, Lord *Sydenham* and Sir *Charles Bagot*, to the Provincial Secretaries, as a remuneration for losses sustained by the alienation of the Fees, and to Mr. *Harrington* as a commission for the expenses and trouble of collection, and a request that the Committee of the Executive Council will consider and report, (Mr. *Harrison's* claim having ceased by his resignation of office,) on the claims of Mr. *Daly* and Mr. *Harrington* respectively, as incumbents, to a continuance of the allowances hitherto received by them from the Fund in question.

The claims of incumbents are generally treated with consideration, and although the reduction of expenditure is obviously a public benefit, if that consideration alone were to operate to the exclusion of equitable regard to the claims of individuals, no one could be safe as to the continuance of any grant of public money, however legitimately obtained.

(Signed,) *C. T. Metcalfe*.

Ordered, That the said Return on the subject of the Marriage License Fee Fund, be printed for the use of the Members of this House.

On motion of the Honourable Mr. Solicitor General *Smull*, seconded by the Honourable Mr. Solicitor General *Aylwin*.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the propriety of repealing certain parts of, and to amend an Act of the Parliament of *Upper Canada*, passed in the second year of the Reign of His late Majesty, King *George the Fourth*, intituled, "An Act to reduce into one Act, the several Laws now in force establishing District Courts, and regulating the practice thereof; and also to extend the powers of the said District Courts."—and also to repeal certain parts of, and to amend a certain

Marriage Li-
cense Fee
Fund,

Crown Lands.

Marriage Li-
cense Fee
Fund.

District Courts