

3rd Session, 9th Parliament, 8th Geo. IV.

Mr. Burnham from the committee to wait upon his excellency the lieutenant governor with the address of this house relative to the contingent accounts of the present session, reported delivering the same, and that his excellency had been pleased to make thereto the following reply.

Gentlemen of the house of Assembly—

I shall give immediate directions for issuing the necessary warrants for the payment of the contingent expences of the session.

Mr. Fothergill from the joint committee of conference on the subject of the improvement of the navigable waters in the Newcastle and Home districts, reported as follows—

To His excellency Sir Peregrine Maitland, knight commander of the most honorable military order of the Bath, lieutenant governor of the province of Upper Canada, and major general commanding his majesty's forces therein: &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY—

We his majesty's dutiful and loyal subjects the legislative council and commons house of assembly in provincial parliament assembled, beg leave humbly to represent to your excellency that the increasing population of the flourishing settlements in the interior of the District of Newcastle appears to us to render it daily more important that an effort should be made by the legislature to improve the navigation of the river Trent, and of the waters which are supposed to form an almost continued communication between that river and lake Simcoe, but which in many parts of their course are found to be interrupted by falls and rapids.

From the measures which have been already taken by the government to explore this section of the province, we are convince that your excellency will concur with us in thinking that a more minute survey by experienced civil engineers with a view to ascertain the particular improvements required, and the probable cost, is much to be desired, and we therefore pray that your excellency will be graciously pleased to direct such survey to be made as will exhibit the nature, and expence of the improvements required to procure the best navigable channel from the mouth of the river Trent to Peterboro', and from Peterboro' through the lakes and rivers of the interior to lake Simcoe, assuming that the navigation intended is such as will be adapted for boats drawing four feet water: whatever expence may be incurred in procuring these surveys and plans shall be made good to your excellency in our next session.

Mr. Attorney General from the committee, to whom was refered the pition of R. Mason and others, reported as follows—

The select committee appointed to consider and report on the petition of R. Mason and other inhabitants of the district of Bathurst report, that the petitioners emigrated to the district of Bathurst under the authority, and at the expence of the imperial government, in the years 1820 and 1821; that one of the stipulations under which they left their native country was, residence on their respective lots of land, and the repayment of a certain sum of money advanced in their favor, before title deeds should issue for their locations;—that the petitioners have been actually resident on their respective farms for a period of five years, and have by industry and perseverance made large improvements thereon;—that it is desirable that these individuals should enjoy the elective franchise, having been so long inhabitants of the country; this becomes the more urgent as the depreciated price of agricultural produce will render it impossible for the petitioners to pay to the government the whole of the debt which was incurred in their removal to this province, for many years to come.

The committee therefore, under all the circumstances, which the situation of these individuals involves, cannot but suppose that the persons in question, by the possession of their land as stated in the petition, have an equitable right to be considered as enjoying such an estate as entitles them to vote at elections.

JOHN B. ROBINSON *Chairman.*

House of Assembly committee room, February 17th 1827.

Mr. Attorney General from the committee to whom was refered the petition of A. McIntosh, reported as follows—

The committee to whom was referred the petition of A. McIntosh esqr. praying for aid to erect a light house on Point Abino in lake Erie have considered the said petition and beg leave to report that, although they have no doubt such a measure is much called for, and that public aid would be well bestowed in providing so desirable a security for navigation, yet they recommend that some more definite proposition should be submitted to the legislature in respect to the proper site for a light house, the cost of its erection, the expence that will attend its support, and the impositions which the trade will bear in order to defray the interest of the loan and gradually liquidate the principal as well as to maintain the light.

JOHN B. ROBINSON *Chairman.*

House of Assembly, Committee Room 17th February 1827.

Mr. Rolph, from the committee to whom was referred the message from his excellency the lieutenant governor relative to the case of Eli Playter esq. a member of this house, reported as follows:—

To the honorable the commons' house of assembly.

The committee to whom was referred the message of his excellency, communicated by the Attorney General in his place, that Eli Playter, a member of this house, since the last session has been indicted for a felony and consequently withdrawn himself from the province, have made an enquiry and respectfully submit the following report:—

Upon enquiry your committee find that such indictment has been found by a grand jury at the late spring assizes in the Home district; but they cannot report that the finding of an indictment is alone sufficient evidence of the offence alledged, to vacate a seat in this house, such a doctrine would evidently be of most dangerous consequences.

The allegation in the message that Mr. Playter has consequently withdrawn himself from the province, does not appear to your committee sufficient to warrant their reporting it as a fact, and as the circumstances before your committee do not preclude an expectation that Mr. Playter may yet stand his trial, they cannot assume that if he be absent, he may not return, and if tried, be acquitted.

It appears that no steps have been taken to outlawry in this case nor return made to the only warrant that has been issued; and without it, your committee cannot report that in the eye of the law or in matter of fact, he is not in this province, or that he has permanently withdrawn himself:—a conviction, or proceedings to outlawry, your committee consider, ought to precede the vacating of a seat; nor do they think that the time which has elapsed since the indictment was found, will warrant them, under present circumstances, in drawing a violent presumption against him.

As a trial may take place your committee deem it unadvisable to report any evidence which came before them.

JOHN ROLPH, *Chairman.*

Commons' House of Assembly, Committee Room 17th Feb. 1827.

At 3 o'clock P. M. the gentleman usher of the black rod, came to the bar, and delivered the commands of his excellency the lieutenant governor for the immediate attendance of this house at the bar of the legislative council chamber, and having withdrawn, the speaker and the house forthwith proceeded to the bar of the legislative council chamber, when his excellency the lieutenant governor was pleased to assent in his majesty's name to the following bills viz:—

“An act respecting the appointment of guardians.”

“An act to amend the laws now in force for the appointment of street surveyors, so far as relates to the several towns in this province, other than those in which the general quarter sessions of the peace are by law holden.”

“An act to amend the law now in force in respect to granting licences for keeping ale houses.”

“An act to declare what fees shall be received by justices of the peace, for the duties therein mentioned.”

“An act to continue the laws now in force providing a salary for certain sheriffs in this province.”