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Geo. W. Stanton

JOURNAL,
OF THE
LEGISLATIVE COUNCIL

OF
UPPER CANADA.

FOURTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.



HIS EXCELLENCY SIR GEORGE ARTHUR, K.C.H.

LIEUTENANT GOVERNOR.

BY ORDER OF THE HONOURABLE THE LEGISLATIVE COUNCIL.

TORONTO:

PRINTED BY ROBERT STANTON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1839.

JOURNAL, &c.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

PROCLAMATION.

UPPER CANADA.

G. ARTHUR.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, &c. &c. &c.

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens and Burgesses, of our said Province; to our Provincial Parliament, at our City of Toronto, on Thursday, the twelfth day of April, instant, to be commenced, held, called and elected, and to every of you :

Proclamation for proroguing the Parliament to Tuesday, the 22nd May, 1838.

GREETING.

WHREAS our Provincial Parliament stands prorogued to Thursday, the twelfth day of April, now next ensuing, at which time, at our City of Toronto, you were held and constrained to appear.

NOW KNOW YE, that We, taking into our Royal consideration the ease and convenience of our loving Subjects, have thought fit, by and with the advice of our Executive Council, to relieve you and each of you of your attendance at the time aforesaid, hereby convoking, and by these presents enjoining you, and each of you, that on Tuesday, the twenty-second day of May, now next ensuing, you meet us in our Provincial Parliament, at our City of Toronto, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary.—Herein fail not.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed : WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant-Governor of our said Province, and Major General Commanding our Forces therein, at Toronto, this eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-eight, and in the first year of our reign.

G. A.

By command of His Excellency in Council.

C. A. HAGERMAN,

Attorney General.

D. CAMERON,

Secretary.

By a further Proclamation of His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, dated the fifteenth day of May, in the year of our Lord one thousand eight hundred and thirty-eight, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Monday, the second day of July, then next ensuing.

Proclamation for proroguing the Parliament to Monday, the 2nd July, 1838.

By a further Proclamation of His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, dated the thirtieth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Monday, the sixth day of August, then next ensuing.

Proclamation for proroguing the Parliament to Monday, the 6th August, 1838.

By a further Proclamation of His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, dated the thirty-first day of July, in the year of our Lord one thousand eight hundred and thirty-eight, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Saturday, the fifteenth day of September, then next ensuing.

Proclamation for proroguing the Parliament to Saturday, the 15th September, 1838.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Proclamation for proroguing the Parliament to Thursday, the 25th October, 1838.

By a further Proclamation of His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, dated the eighth day of September, in the year of our Lord one thousand eight hundred and thirty-eight, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Thursday, the twenty-fifth day of October, then next ensuing.

Proclamation for proroguing the Parliament to Tuesday, the 4th December, 1838.

By a further Proclamation of His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, dated the twenty-second day of October, in the year of our Lord one thousand eight hundred and thirty-eight, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Tuesday, the fourth day of December, then next ensuing.

Proclamation for proroguing the Parliament to Monday, the 14th January, 1839.

By a further Proclamation of His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, dated the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-eight, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Monday, the fourteenth day of January, then next ensuing.

Proclamation for proroguing the Parliament to Saturday, the 23rd February, 1839.

By a further Proclamation of His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, dated the eighth day of January, in the year of our Lord one thousand eight hundred and thirty-nine, the meeting of the Legislative Council and House of Assembly, stands further prorogued to Saturday, the twenty-third day of February, then next ensuing.

PROCLAMATION.

UPPER CANADA.

GEO. ARTHUR.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

Proclamation for calling the Parliament together on Wednesday, the 27th February, 1839, for the actual despatch of Public Business.

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens and Burgesses, of our said Province: to our Provincial Parliament, at our City of Toronto, on Saturday, the twenty-third day of February, now next ensuing, to be commenced, held, called and elected, and to every of you:

GREETING.

WHEREAS by our Proclamation, bearing date the eighth day of January, now last past, we thought fit to prorogue our Provincial Parliament, to Saturday, the twenty-third day of February, now next ensuing, at which time, at our City of Toronto, you were held and constrained to appear.

NOW KNOW YE, that We, taking into our Royal consideration the ease and convenience of our loving Subjects, have thought fit, by and with the advice of our Executive Council, to relieve you and each of you of your attendance at the time aforesaid, hereby convoking, and by these presents enjoining you, and each of you, that on Wednesday, the twenty-seventh day of February, now next ensuing, you meet us in our Provincial Parliament, at our City of Toronto, for the actual despatch of Public Business, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary. Herein fail not.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant-Governor of our said Province, and Major General Commanding our Forces therein, at Toronto, this thirtieth day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency in Council.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

LEGISLATIVE COUNCIL.

UPPER CANADA.

WEDNESDAY, 27th FEBRUARY, 1839.

THIS being the day appointed for the meeting of the Provincial Legislature, at one of the clock, P. M.,

The House met.

House meets.

PRESENT:

The Honourable Messrs. CROOKSHANK,
" " ALLAN,
" " McDONELL,
" " ADAMSON,

The Honourable Messrs. JAMES KERBY,
" " CROOKS,
" " MORRIS.

Members present.

The Honourable Mr. Justice JONES, informed their Honours, that he had a Commission from His Excellency the Lieutenant Governor, appointing him Speaker, which he presented; and it was read as follows:

Hon. Mr. Justice Jones presents his Commission as Speaker of the Legislative Council.
Same read.

UPPER CANADA.

GEO. ARTHUR.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, &c. &c. &c.

The Commission.

To all to whom these Presents shall come:

GREETING.

KNOW YE, that having taken into our Royal consideration the loyalty, integrity and ability, of our trusty and well beloved the Honourable JONAS JONES, We have thought fit to constitute and appoint, and by these presents do constitute and appoint, the said Jonas Jones, Speaker of the Legislative Council of our said Province of Upper Canada, in the room and place of the Honourable John Beverley Robinson, Chief Justice of our said Province, he being absent therefrom. To have, hold, exercise and enjoy, the said Office for and during our pleasure, and his residence within our said Province; together with all the rights, privileges and emoluments, unto the said place belonging, or in anywise appertaining.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of our said Province, and Major General Commanding our Forces therein, at Toronto, this seventh day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

The Honourable Mr. Justice Jones, then took and subscribed the oath required by the Statute of the 31st Geo. III. Chap. 31, which was administered to him at the table by John Joseph, Esquire, one of the Commissioners appointed for that purpose, and took his seat as Speaker accordingly.

Takes the oath required by law.

At two of the clock, P. M. His Excellency the Lieutenant Governor having come to the Legislative Council Chamber, and being seated on the Throne, His Honour, the Speaker of the Legislative Council, commanded the Gentleman Usher of the Black Rod, to inform the Assembly, that it was His Excellency's pleasure that they do forthwith attend at the Bar of this House:

His Excellency comes to the House and commands the attendance of the Assembly.

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He opens the Session; Who being come thereto; His Excellency the Lieutenant Governor was pleased to open the Session by a gracious Speech to both Houses.

And retires. The House of Assembly having withdrawn, His Excellency was pleased to retire. Then Prayers were read.

Speaker reports to the House the appointment of John Joseph, Esq. as Clerk thereof. The Honourable the Speaker informed the House, that John Joseph, Esquire, had been appointed by His Excellency the Lieutenant Governor, by Commission under the Great Seal of the Province, to fill the office of Clerk to this Honourable House, vacated by the decease of their late Clerk, Grant Powell, Esquire.

His Commission read. The Commission was then read as follows:

UPPER CANADA.

GEO. ARTHUR.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen. Defender of the Faith, &c. &c. &c.

To our trusty and well-beloved, JOHN JOSEPH, Esquire;

GREETING.

The Commission.

KNOW YE, that reposing trust and confidence in the loyalty, integrity and ability, of you, the said John Joseph, We have thought fit to constitute and appoint, and by these presents do constitute and appoint you, the said John Joseph, to be Clerk of the Legislative Council, in and for our said Province of Upper Canada: to have, hold, exercise and enjoy, the said office and place for and during our pleasure, and your residence within our said Province; together with all the rights, profits, privileges and advantages, thereunto belonging and appertaining, in as full and ample a manner as any Clerk of the Legislative Council, of our said Province, hath held and enjoyed, or of right ought to have held and enjoyed the same: Provided always, that you, the said John Joseph, do execute the said office of Clerk of the Legislative Council in your own person, except in case of sickness, or other incapacity.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of our said Province, and Major General commanding our Forces therein, at Toronto, this ninth day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

The Clerk then took and subscribed the following oath:

The Clerk takes the oath prescribed by law.

YE shall be faithful, and troth you shall bear to our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and to Her Heirs and Successors; ye shall nothing know that shall be prejudicial to Her Majesty, Her crown, estate and dignity royal, but that you shall resist it to your power, and with all speed ye shall advertise Her Majesty thereof, or at least some of Her Counsel, in such wise as the same may come to Her knowledge; ye shall also well and truly serve Her Majesty in the office of Clerk of the Legislative Council, for the Province of Upper Canada, making true entries, remembrances and journals, of the things done and passed in the same; ye shall keep secret all such matters as shall be treated in Her said Provincial Parliament, and not disclose the same before they shall be published, but to such as it ought to be disclosed unto; and generally, ye shall well and truly do and execute all things belonging to you to be done appertaining to the said office of Clerk of the Legislative Council as aforesaid, as God you help, and by the contents of this book.

Sworn before the Honourable the Speaker of the Legislative Council, this twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

J. JONES,

Speaker.

J. JOSEPH.

Wednesday, 27th February, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable the Speaker informed the House, that he was in possession of a copy of His Excellency's Speech, which he read, and it was again read (*pro forma*) by the Clerk, and is as follows:—

Speaker reports a copy
of His Excellency's
Speech.
Same read.
Read second time.

*Honourable Gentlemen of the Legislative Council; and,
Gentlemen of the House of Assembly;*

The internal tranquillity of the Province, and the present security of its Frontier enable me, after a recess of unusual length, to meet you in Provincial Parliament. The postponement of the present Session has been induced by the pressing and paramount duties, in which many of you have been engaged, connected with the public defence, and the administration of Justice. But we have now an opportunity to turn our attention to devising measures for the peace, welfare and good government of the Colony, free from the paralyzing suspicion of internal treachery, or the exasperating influence of Foreign aggressions—and upon this happy result of the zeal, constancy and bravery, of the loyal Upper Canadian people, under the most trying circumstances, I offer you my hearty congratulations.

The Speech.

The situation of the Province is so novel and peculiar, that I feel called upon to exceed the ordinary limits of a Speech at the opening of Parliament, in order to review recent occurrences, and to trace effects to their causes, as a guide to present and future legislation.

England at peace with all the world, and relying implicitly, not only on the loyalty of her North American Subjects, but on the faith of treaties, and the existence of most friendly relations with the United States, had gradually withdrawn most of her troops from this Continent.

Encouraged by this absence of military power, the discontented in Lower Canada, after a long and vexatious Parliamentary opposition, and an obstinate rejection of every conciliatory effort on the part of the Government, at last broke out into open rebellion; and incited by their example, the disaffected in this Province, confidently relying on assistance from the neighbouring Frontier, and secure, in the event of failure, of finding an asylum there, made a sudden attempt to overthrow this Government, and to sever the Canadas from the Parent State.

The hopes of the disaffected in both Provinces, however, met with signal disappointment; and in Upper Canada particularly, the Militia were found, not only equal to the immediate suppression of insurrection, but a portion of its force, from the Eastern District, was enabled to march into Lower Canada, to assist in overawing the disposition to revolt which still existed there.

Such would have been the end of rebellion in Upper Canada, had not the disaffection, which grew originally out of the hope of Foreign interference, continued to receive life and support from the same source. The repose gained was of short continuance, for no sooner had some of the leading traitors escaped across the boundary, than they associated themselves with a number of the border population—robbed the public arsenals there—and made several audacious, but signally unsuccessful attempts, to invade and make a lodgment on British territory.

The authorities of the United States, having had ample time to suppress these outrages, our Militia were gradually withdrawn from the Frontier, and were in the course of being disbanded, when it was discovered that a body of foreigners and traitors had secretly introduced themselves into the Province, from the States of New York and Michigan. Some of their emissaries were despatched into the London District, while others hoped successfully to raise the standard of rebellion in the Niagara District; but the attempt was suppressed in the bud—the Militia of the surrounding Country at once rushed to arms, and captured such of the banditti as did not succeed in making good their flight to the American shore.

The wanton and violent destruction of a British Steam-boat within American waters, by a gang of ruffians from the main land of the United States, previously shewed that the feeling of hostility had not abated on the frontier: and circumstances attended that outrage, which indicated, that it proceeded from an organized body of enemies. This suspicion was immediately afterwards strengthened by information, taken upon oath, detailing the secret signs, organization and intentions, of the Society of Patriot Hunters; and the confessions and declarations of the captive foreigners and traitors, who were taken in the Niagara District, corroborated this intelligence.

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But notwithstanding the reasons I had for placing confidence in this information—the secrecy observed by the conspirators—the extreme wickedness and rashness of the proposed measure—the silence of the frontier press, before so clamorous—and the quiet of the frontier towns, at one time so agitated—were well calculated to cause the numbers and resources of the conspirators to be underrated, and to induce a belief that the presumptuous project of invading Canada would not be attempted.

After a short while, however, further proof was given that a conspiracy was actually organized, and that the combination extended along the whole line of the frontier, from east to west. I thought, however, that the accounts brought to me must be exaggerated: and that the parties named as being accomplices, could never have so far compromised their characters, as to have countenanced such a scheme; and though silently proceeding to make some essential preparations for defence, I still did not entirely rely upon the statements which were at that time made to the Government.

But as the information I continued to receive became more minute, and proceeded from various quarters, I could no longer doubt that the confederacy comprised a body of many thousand persons, whose numbers and resources were daily increasing: and what constituted the most revolting and alarming feature of this odious transaction was, the positive declaration, that many persons of wealth, and not a few public functionaries in the frontier cities and towns, had intimately connected themselves with this criminal alliance.

As the crisis drew nearer, strangers, without ostensible business, and under various pretences, were discovered to be scattered through the Province. It was ascertained that constant intercourse was kept up between the lodges of conspirators in the United States, and their adherents in Canada. The hopes of the disaffected appeared suddenly to revive. The intelligence from various quarters conveyed to this Government became more definite, shewing the immediate intention of the enemy to be the destruction of the British Steam-boats, and the seizing by surprise and simultaneously, several posts within the Canadian boundaries, where the disloyal might rally around the invaders assembled in arms, and procure reinforcements and supplies from the United States, without the risk of any collision with the American Authorities. An insurrection in the Lower Province was to be the signal for hostilities all along the line.

Under these circumstances, I took decisive measures to give immediate confidence to the country, and to ensure the security of the Province: and in now meeting you, although I deeply deplore that Her Majesty's faithful Subjects have been exposed to the greatest privations and hardships, and to the severest domestic injuries, I nevertheless enjoy the satisfaction of believing, that owing to our state of preparation at every point, the loss of valuable lives has been limited, the moral character of the people of Upper Canada strikingly exhibited, and a spirit roused throughout the Province, that will long survive passing events, and greatly tend to the future strength, security, and tranquillity of the Country.

After all the preparations that were so many months in progress, and after the expenditure of such large sums of money, voluntarily contributed, as are generally given reluctantly even for national objects, the conspirators and revolutionists were so entirely overawed as to have limited their operations to one attack upon our frontier, near Prescott, and to another in the vicinity of Sandwich. Not a Subject of Her Majesty joined them after their landing; in both attempts they were signally defeated—and the result was the destruction or capture of nearly the whole of the banditti.

In alluding to these events, it is impossible for me to praise too highly the gallantry of the Militia, the fidelity and prompt services of the Indian Warriors, and the patriotism of a vast majority of the Inhabitants of this Province, who have conspicuously vied with each other in the manifestation of a devoted attachment to our Most Gracious Sovereign—of an enthusiastic affection for their Country—and of deep regard for their revered Constitution.

Our great security against dangers resulting from a combination between the disaffected in the Province, and their confederates among the population of the contiguous country, consists in our happy union with the British Empire. The main foundation of the hopes of discontented persons in this Province, and of their foreign supporters, has been a mischievous notion industriously propagated, that England would desert her transatlantic possessions in their hour of difficulty and danger—that whenever the machinations of internal traitors, or threats of

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

external hostility, might render the protection of these Colonies burthensome, the assistance of the Mother Country would be withdrawn, and their loyal inhabitants left alone to support a most unequal conflict. This false and pernicious opinion has given encouragement to treason—influenced the conduct of the wavering—excited the apprehensions of the timid—and even put to a severe test the constancy of the loyal and resolute. It has turned the tide of immigration from our shores—transferred the overflowings of British capital into other channels—impaired public credit—depreciated the value of every description of property—and in a word, has been the prolific source of almost all our public calamities.

Recent events, however, have clearly demonstrated, that the fidelity of the mass of the people of this Province is not to be shaken by the severest trials. Experience has also proved, that under all circumstances you may confidently rely on the fostering care of the British Empire; and I have been directed by Her Majesty to convey to you the most positive assurances of Her continued protection and support.

At the same time, I do not wish to inspire you with a belief, which I am very far from entertaining, that the dangers with which we have been threatened are at an end. The hopes of our enemies have certainly been greatly humbled, and their schemes disconcerted, by the failure of their repeated attempts to seduce the Queen's Subjects from their allegiance, and thus to overrun the country; but all the motives in which these attempts originated—the love of plunder—an avidity to seize our fertile lands, and an impatient desire to extend republican institutions, continue to operate with unabated force, while unhappily new and deeper passions have since been superadded. That men agitated by such feelings will remain quiet, longer than they are constrained by fear, is not to be expected; and whilst I most sincerely desire conciliation, and conjure you to promote it by every honourable means, I do not hesitate to assert, on the sure ground of experience, that upon our own ability to repel and punish hostile aggression, we must henceforth chiefly depend. Among the considerations arising from this impression, I deem it advisable to invite your early and most serious attention to such amendments in our Militia Laws, as shall place this force upon the best possible footing—efficient, but not burthensome, either to the Government, or to the People.

One of my principal and most arduous duties, has been the disposal of the numerous criminals who have fallen into the hands of Justice. With respect to such of the Queen's Subjects as were concerned in the civil commotions during last winter, Her Majesty's Government have uniformly desired a merciful administration of the Law. In the punishment of the invaders of the Province, I have acted upon the same principle, and have anxiously endeavoured to confine capital punishment within the narrowest limits, which a due regard to the public welfare and security would admit. But the reiteration of unprovoked injuries, called for increased firmness in the administration of Justice, and forced upon me the painful necessity of making some severe examples.

The case of Her Majesty's Subjects who have suffered in their persons or property, claims your early attention. The wanton destruction of the Steam-boat *Sir Robert Peel*—the pillage of the farms on Pointe au Pelé Island, and the River St. Clair—the robberies at the Short Hills—the damage done at Prescott and Sandwich, with the burning of the *Thames Steamer*, form together an aggregate of extensive loss, most serious to the sufferers, and have occasioned earnest application for relief.

It gives me the greatest pleasure to inform you, that Her Majesty has been most graciously pleased to extend to the wounded Officers, Non-Commissioned Officers and Men, of the Provincial Militia, in arms since the insurrection last winter, the same liberal provision as is granted to Her Majesty's Regular Land and Naval Forces: and to make a similar beneficent provision for the Widows of those Officers in the Provincial Corps, who may have fallen in action.

The strongly excited feelings to which the long-agitated question of the Clergy Reserves, has given rise in the Province, have sensibly impaired that social harmony, which may be classed among the first of national blessings, and have augmented the hopes of the enemies of the Country, in proportion as they have created divisions among its defenders. It is painful to reflect, that a provision, piously and munificently set apart for the maintenance of religious worship, should have become the cause of discord among professors of the same faith, and

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servants of the same Divine Master; and I feel that, on every account, the settlement of this vitally important question ought not to be longer delayed: I therefore earnestly exhort you to consider how this desirable object may be attained—and I confidently hope, that if the claims of contending parties be advanced, as I trust they will, in a spirit of moderation and Christian charity, the adjustment of them by you will not prove insuperably difficult. But should all your efforts for the purpose unhappily fail, it will then only remain for you to re-invest these Reserves in the hands of the Crown, and to refer the appropriation of them to the Imperial Parliament, as a tribunal free from those local influences and excitements which may operate too powerfully here. My ardent desire is, that keeping in view as closely as you can, the true spirit of the object for which these lands were originally set apart, this embarrassing question may be settled on equitable principles, in a manner satisfactory to the community at large, and conducive to the diffusion of religion and true piety throughout the Province.

Second only in importance to the subject of the Clergy Reserves, is that of General Education. A system of sound and religious instruction for the rising generation, ought to be established under every Government, and is most particularly requisite in a young Country in the situation of this Province. I therefore strongly recommend to you a careful revision of the enactments relating to the Common Schools; and the early adoption of some plan calculated to secure the assistance of properly qualified teachers.

Gentlemen of the House of Assembly:

I am commanded by Her Majesty's Government, again to bring under your consideration the surrender, to your disposal, of the Casual and Territorial Revenues of the Crown; and I shall take an early opportunity to submit to you the conditions annexed to this offer, in the confident expectation, that the liberal intentions of Her Most Gracious Majesty will be duly appreciated by you, and that a satisfactory arrangement of this important subject will speedily be accomplished.

With much regret I inform you, that, in addition to the large sums disbursed by Her Majesty's Government, in the protection and defence of this Colony, the late events have also burdened the Provincial Revenue with a very considerable extraordinary expenditure, not contemplated or provided for by the Legislature.

The capture, detention, trial and punishment, of State Criminals, have been a principal source of this extraordinary outlay; and you will find, from the accounts which will be presented to you, that the sum you appropriated in the last Session to these purposes, has been greatly exceeded.

The expense of transporting convicts to Quebec and England, on the way to their ultimate destination, forms also a heavy item in the charge attending the Administration of Justice; and I fear it must be further swelled, to a large extent, in consequence of there being a number of convicts, under sentence of death, to whom the only relaxation of capital punishment, compatible with the safety of the Province, seems to be transportation to a penal Colony.

I have likewise been obliged to expend considerable sums in procuring accurate information of the designs of the conspirators in the adjacent States, as well as of their confederates within the Province: and in supporting a frequent and rapid communication with Her Majesty's Government at Home, and Her Minister at Washington.

In the confidence of your sanction being most readily given to these necessary disbursements, I have assumed the responsibility of advancing, from the Crown Revenue, the amount of the most pressing demands under these heads of Service; and a statement of those advances, together with the Public Accounts and Estimates, shall immediately be laid before you.

I have applied myself most sedulously to the examination and settlement of the numerous and pressing claims arising out of the late disturbances. Such of them as I was authorised to satisfy from the Military Chest, have been discharged, or are in a course of settlement, through Her Majesty's Commissariat; but there remain others, grounded on equitable considerations, the payment of which must necessarily depend upon your justice and liberality: and I shall accordingly direct a particular account of them to be laid before you.

Wednesday, 27th February, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The representations of the great inconvenience attending the negotiation in this market of the public Debentures payable in London were so strong, that I was induced to discontinue the practice entirely, until you should have an opportunity of taking the subject under your deliberation.

Their negotiation in England has been latterly impeded by the blow which recent disturbances had inflicted on the public credit of the Province, and was afterwards rendered impracticable by the circumstance, that the terms upon which the sale of those Debentures was authorised by Parliament, were less favourable to the purchaser than could be obtained by an investment of his capital in other securities.

You will be gratified to learn, that notwithstanding the interruption to which the trade of the Country has been exposed, there has been no falling off of the Commercial Revenue collected in the Lower Province; that a portion of the money placed in the hands of Messrs. Thomas Wilson and Company, of London, has been paid, and that there is reason to believe that the remainder will shortly be received.

You will receive reports upon the state of the Public Works in progress; and I shall be most happy to co-operate with you in any wise and practicable measures for their completion.

The large sums heretofore granted for the improvement of the roads, do not appear to have produced results commensurate with the expenditure; and it is accordingly worthy of your serious consideration, whether some more efficient system may not be contrived for the management and direction of this branch of the Public Service. I need hardly add, that the formation of good roads is an object of primary importance in every Country, and most indispensably necessary in an Agricultural one.

Her Majesty's Government look forward with much anxiety to the resumption of cash payments by the Chartered Banks. I am induced to hope that no difficulty will present itself to the early accomplishment of this essential object.

Honourable Gentlemen, and Gentlemen:

The several Addresses to Her Majesty from the two Houses of Parliament, during the last Session, having been laid at the foot of the Throne, by Her Majesty's Principal Secretary of State for the Colonies, were very graciously received; and I shall, without loss of time, transmit to you the answers which have respectively been returned to them.

I have, to a limited extent, exercised the power vested in me by the suspension of the *Habeas Corpus Act*. In doing so, I have proceeded with the greatest caution, and with a sincere desire, that no restraint might be imposed on personal liberty, which the public safety did not imperatively demand.

The progress which this beautiful Country seems destined to make in Population and Wealth, has been materially obstructed by the difficulties and dangers with which it has, for some time past, been surrounded.

By the goodness of an over-ruling Providence, those dangers have, however, in a great degree been averted: and I humbly hope that the same Almighty arm, which has hitherto protected us, will soon place Upper Canada in such a state of tranquillity and security, as will permit the full development of her vast natural resources.

To accelerate the arrival of that period, and in cordial conjunction with you to promote, by wise and salutary legislation, the prosperity and happiness of this interesting Colony, will be the object of my earnest desire, and unceasing exertions.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to draft an Address to the Lieutenant Governor, in answer to His Excellency's Speech this day from the Throne; and,

Referred to a Select Committee.

Ordered, that the Honourable James Kerby, Crooks and Morris, do compose the same for that purpose:

Members composing same.

The Honourable the Speaker acquainted the House, that there was a Member without, ready to be introduced;

Speaker reports a Member waiting to be introduced.

When the Honourable Mr. Sullivan was introduced between the Honourable Mr. Allan, and the Honourable Mr. Morris.

Introduction of the Honourable Mr. Sullivan.

Wednesday, 27th February, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

He presents his Writ of Summons.
Same read.

Then the Honourable Mr. Sullivan presented to the Speaker his writ of summons, who delivered it to the Clerk; and it was read as follows:—

UPPER CANADA.

GEO. ARTHUR.

The Writ.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

To our trusty and well-beloved Robert Baldwin Sullivan, Esquire; and to all to whom these presents shall come:

GREETING.

KNOW YE, that as well for the special trust and confidence that we have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs which may the state and defence of our said Province of Upper Canada, and the Church thereof concern; We have thought fit to summon you, the said Robert Baldwin Sullivan, to the Legislative Council of our said Province; and We do therefore command you, the said Robert Baldwin Sullivan, that all difficulties and excuses laying aside, you be and appear, for the purposes aforesaid, at our Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein-after convoked and holden.—And this you are in nowise to omit.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant-Governor of our said Province, and Major General Commanding our Forces therein, at Toronto, this twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

The Honourable Mr. Sullivan takes the oath prescribed by law.

Then the Honourable Mr. Sullivan came to the table, and took and subscribed the oath prescribed by law, which was administered by John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Speaker reports another Member waiting to be introduced.

The Honourable the Speaker acquainted the House that there was another Member without ready to be introduced;

Introduction of Adam Fergusson, Esquire.

When the Honourable Mr. Fergusson was introduced between the Honourable Mr. James Kerby, and the Honourable Mr. Crooks.

He presents his Writ of Summons.
Same read.

Then the Honourable Mr. Fergusson presented to the Speaker his writ of summons, who delivered it to the Clerk, and it was read as follows:

UPPER CANADA.

GEO. ARTHUR.

The Writ.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

To our trusty and well-beloved Adam Fergusson, Esquire; and to all to whom these presents shall come:

GREETING.

KNOW YE, that as well for the special trust and confidence that we have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof concern; We have thought fit to summon you, the said Adam Fergusson, to the Legislative Council of our said Province; and We do therefore command you, the said Adam Fergusson, that all difficulties and excuses laying aside, you be and appear for the purposes

Wednesday, 27th February, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

aforesaid; at our Legislative Council of our said Province, at all times whensoever and where-soever our Provincial Parliament may be therein hereafter convoked and holden.—And this you are in nowise to omit.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant-Governor of our said Province, and Major General Commanding our Forces therein, at Toronto, this twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,
Attorney General.

R. A. TUCKER,
Secretary.

Then the Honourable Mr. Fergusson came to the table, and took and subscribed the oath prescribed by law, which was administered by John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

The Honourable Mr. Fergusson takes the oath prescribed by law.

The Honourable the Speaker acquainted the House that there was another Member without ready to be introduced;

Speaker reports another Member waiting to be introduced.

When the Honourable Mr. Radcliffe was introduced between the Honourable Mr. Baldwin and the Honourable Mr. Morris.

Introduction of Thomas Radcliffe, Esquire.

Then the Honourable Mr. Radcliffe presented to the Speaker his Writ of Summons, who delivered it to the Clerk, and it was read as follows:—

He presents his Writ of Summons.
Same read.

UPPER CANADA.

GEO. ARTHUR.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

The Writ.

To our trusty and well-beloved Thomas Radcliffe, Esquire, and to all to whom these presents shall come:

GREETING.

KNOW YE, that as well for the special trust and confidence that We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof concern; We have thought fit to summon you, the said Thomas Radcliffe, to the Legislative Council of our said Province; and We do therefore command you, the said Thomas Radcliffe, that all difficulties and excuses laying aside, you be and appear for the purposes aforesaid, at our Legislative Council of our said Province, at all times whensoever and where-soever our Provincial Parliament may be therein hereafter convoked and holden.—And this you are in nowise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of our said Province, and Major General commanding our Forces therein, at Toronto, this twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,
Attorney General.

R. A. TUCKER,
Secretary.

Friday, 1st March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The Honourable Mr. Radcliffe takes the oath prescribed by law.

Then the Honourable Mr. Radcliffe came to the table, and took and subscribed the oath prescribed by law, which was administered by John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Speaker reports to the House the appointment of Frederick Star Jarvis, Esq. as Gentleman Usher of the Black Rod.

The Honourable the Speaker informed the House, that Frederick Star Jarvis, Esquire, had been appointed by His Excellency the Lieutenant Governor, Gentleman Usher of the Black Rod, attending this House, in the room of Stephen Jarvis, Esquire, who had resigned.

House adjourns.

On motion made and seconded, the House adjourned until Friday next, at the hour of one of the clock, P. M.

FRIDAY, 1st MARCH, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> ADAMSON,
	<i>The Honourable</i> Mr. CROOKSHANK,	“ “ JAMES KERBY,
	<i>The Hon. & Ven. The</i> ARCHDEACON OF YORK,	“ “ CROOKS,
	<i>The Honourable Messrs.</i> ALLAN,	“ “ MORRIS,
	“ “ McDONELL,	“ “ SULLIVAN.
	“ “ BALDWIN,	

Prayers were read.

The Minutes of Wednesday last were read.

Speaker reports a Member waiting to be introduced.

The Honourable the Speaker acquainted the House that there was a Member without ready to be introduced ;

Introduction of John Simcoe Macaulay, Esq.

When the Honourable Mr. John Simcoe Macaulay, was introduced between the Honourable Mr. Crookshank, and the Honourable Mr. Allan.

He presents his Writ of Summons.
Same read.

Then the Honourable Mr. Macaulay presented to the Speaker his writ of summons, who delivered it to the Clerk, and it was read as follows :—

UPPER CANADA.

GEO. ARTHUR.

The Writ.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

To our trusty and well-beloved John Simcoe Macaulay, Esquire ; and to all to whom these presents shall come :

GREETING.

KNOW YE, that as well for the special trust and confidence that We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs which may the state and defence of our said Province of Upper Canada, and the Church thereof concern ; We have thought fit to summon you, the said John Simcoe Macaulay, to the Legislative Council of our said Province ; and We do therefore command you, the said John Simcoe Macaulay, that all difficulties and excuses laying aside, you be and appear, for the purposes aforesaid, at our Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden.— And this you are in nowise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed : WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant-Governor of our said Province, and Major General Commanding our Forces therein, at Toronto, this ninth day of February, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

Tuesday, 5th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Address to the Lieut. Governor in answer to His Excellency's Speech from the Throne, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Address of this House to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne, at the opening of the present Session.

The Honourable Mr. Crooks took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Member enters.

The Honourable Mr. Crookshank enters.

Bills brought up from the Assembly.

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House, and then withdrew.

A Member enters.

The Honourable Mr. Wells enters.

Address to the Lieut. Governor, in answer to His Excellency's Speech from the Throne, re-committed.

The House was then again put into a Committee of the whole, upon the Address of this House to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne, at the opening of the present Session.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had gone through the said Address, and had made some amendments thereto, and recommended the said Address, as amended, to the adoption of the House.

Address, as amended, adopted.

Ordered, that the report be received; and,

Ordered, that the said Address, as amended, be engrossed, and the same read a third time to-morrow.

Speaker reports the receipt of Mutual Insurance Companies Law Amendment Bill,

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to alter and amend an Act passed in the second Session of the twelfth Provincial Parliament, entitled, 'An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province'; also a bill, entitled, "An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada"; and also a bill, entitled, "An Act to alter and amend the Registry Laws of this Province"; to which they requested the concurrence of this House.

Court of King's Bench style Alteration Bill,

And Registry Law Alteration Bill, from the Assembly.

Read 1st time.

The said bills were then severally read; and it was,

Ordered, that the same be read a second time to-morrow.

Petition of the Members of the Medical Board brought up.

The Honourable Mr. Morris brought up the petition of the Members of the Medical Board, and of certain other licensed Practitioners of Medicine; which was laid on the table.

Petitions of Andrew T. Kerby, and others,

Pursuant to the order of the day, the petition of Andrew T. Kerby, and others; being the Trustees for Macadamizing the Dundas and Waterloo Road, praying for a further grant of ten thousand pounds, to enable them to complete the road, and for authority to slash the trees on each side thereof, to the distance of one hundred feet; and also the petition of Henry Smith, Warden, and Principal Superintendent of the Provincial Penitentiary, praying that an allowance may be granted to him, in lieu of convict servants; were severally read.

And of Henry Smith, read.

Petition of George Joseph Ryerse, and others, presented.

The Honourable Mr. John Macaulay brought up the petition of George Joseph Ryerse, and others, inhabitants of the District of London, which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 5th MARCH, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. JAMES KERBY,

The Honourable Messrs. ALLAN,

" " CROOKS,

" " McDONELL,

" " MORRIS,

" " BALDWIN,

" " JOHN SIMCOE MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

Address to the Lieut. Governor, in answer to His Excellency's Speech from the Throne, (as amended,) read 3rd time and passed.

Pursuant to the order of the day, the Address of this House to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne, at the opening of the present Session, was (as amended) read a third time, and passed:

Same signed.

Whereupon the Speaker signed the same; and it is as follows:

Monday, 4th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Then the Honourable Mr. Macaulay came to the table, and took and subscribed the oath prescribed by law, which was administered by John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

The Honourable Mr. John Simcoe Macaulay takes the oath prescribed by law.

The Honourable Mr. Crooks, from the Select Committee appointed to draft an Address to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne, presented their report.

Report of the Select Committee appointed to draft an address in answer to His Excellency's Speech from the Throne, presented.

Ordered, That it be received; and,

The same was then read by the Clerk as follows:—

Same read.

The Committee, to whom was referred the Speech of His Excellency the Lieutenant Governor, at the opening of the present session, have taken the same into consideration, and prepared an answer thereto, which they beg to present herewith, for the consideration of your Honourable House.

The report.

JAMES KERBY,
JAMES CROOKS,
WILLIAM MORRIS.

Legislative Council Committee Room,
1st day of March, 1839.

On motion made and seconded, it was,

Ordered, that the House be put into a Committee of the whole, presently, to take the said Address into consideration.

The House was then put into a Committee of the whole accordingly.

The address committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Honourable Mr. Wells enters.

A Member enters.

The Chairman reported that the Committee had taken the said Address into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Report of the last Committee, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

The Honourable Mr. Crooks brought up the petition of Andrew T. Kerby, and others, being the Trustees for Macadamizing the Dundas and Waterloo Road; which was laid on the table.

Petitions of Andrew T. Kerby, and others; and of

The Honourable Mr. Allan brought up the petition of Henry Smith, Warden and Principal Superintendent of the Provincial Penitentiary; which was laid on the table.

Henry Smith, presented.

The Honourable the Speaker informed the House that Hugh Carfrae, the Door-Keeper, had requested leave (on the ground of ill health) to appoint his nephew, Robert Carfrae, to act in his stead during the present Session.

Speaker reports that the Door-keeper had requested leave to appoint his Nephew, Robert Carfrae, to act in his stead during the present session

On motion made and seconded, it was,

Ordered, that, with the approbation of the Honourable the Speaker of this House, the said Hugh Carfrae, the Door-Keeper, be allowed to appoint his nephew, the said Robert Carfrae, to act in his stead during the present Session.

Leave granted.

On motion made and seconded, the House adjourned until Monday next, at the hour of one of the clock, P. M.

House adjourns.

MONDAY, 4th MARCH, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS;

The Honourable Messrs. McDONELL,

" " SULLIVAN,

" " BALDWIN,

" " RADCLIFFE.

" " JAMES KERBY,

" " JOHN SIMCOE MACAULAY.

" " CROOKS,

Members present.

Prayers were read:

The Minutes of Friday last were read.

The Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Allan and John Macaulay, enter.

Members enter.

Tuesday, 5th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

WE, HER MAJESTY'S most dutiful and loyal Subjects, the LEGISLATIVE COUNCIL of Upper Canada, in Provincial Parliament assembled, embrace this first opportunity to congratulate Your Excellency upon your arrival in the Colony, entrusted by our Most Gracious Sovereign with the administration of the Government. The Address.

We return our most respectful thanks for Your Excellency's Speech from the Throne, at the opening of the present Session; and we are pleased to learn, that the internal tranquillity of the Province, and the present security of its frontier, have enabled Your Excellency, after a recess of unusual length, to meet the Provincial Parliament.

We are sensible, that the postponement of the present Session has been induced by the pressing and paramount duties, in which many of the Members of the Legislature have been engaged, connected with the public defence, and the administration of Justice; and we rejoice that we have now an opportunity to turn our attention to devising measures for the peace, welfare, and good Government of the Colony—free from the paralyzing suspicion of internal treachery—or the exasperating influence of Foreign aggressions: and we receive with feelings of inexpressible satisfaction, Your Excellency's hearty congratulations upon this happy result of the zeal, constancy and bravery, of the loyal Upper Canadian People, under the most trying circumstances.

We have heard with deep and attentive interest, the important and minute description which Your Excellency has been pleased to communicate, of the origin and progress of the disaffection in both Provinces, and of the unexampled interference and aggressions on the part of the people of the neighbouring States; and we cannot but ascribe our safety from the machinations of our enemies, to the decisive measures of Your Excellency, which gave immediate confidence to the Country, and ensured the security of the Province.

We deplore, with Your Excellency, that Her Majesty's faithful Subjects have been exposed to the greatest privations and hardships, and to the severest domestic injuries: we nevertheless enjoy satisfaction in believing, that owing to our state of preparation at every point, the loss of valuable lives has been limited—the moral character of the People of Upper Canada strikingly exhibited—and a spirit roused throughout the Province that will long survive passing events, and greatly tend to the future strength, security and peace of the Country.

We concur with Your Excellency, that it is impossible to praise too highly the gallantry of the Militia—the fidelity and prompt services of the Indian Warriors—and the patriotism of a vast majority of the inhabitants of this Province, who have, as heretofore, conspicuously vied with each other, in the manifestation of devoted attachment to our Most Gracious Sovereign, and to the Constitution of our beloved Country.

We think with Your Excellency, that there is too much reason to fear that the dangers with which we have been threatened are not at an end: for although the hopes of our enemies have been greatly humbled, and their schemes disconcerted by the failure of their repeated attempts to seduce the Queen's Subjects from their allegiance, and thus to over-run the Country, yet as the object of plunder, and a ceaseless desire to extend Republican institutions, continue to operate with unabated force, we can have no assurance that men actuated by such feelings will remain quiet longer than they are constrained by fear.

We agree with Your Excellency, that our great security against these dangers, is to be found in the intimate connection of this Province with the British Empire; and we cannot too strongly condemn the false and pernicious doctrine industriously propagated, that England would abandon her transatlantic Colonies in their hour of difficulty and danger.

We are confident that the many public evils, which have arisen from mistrust in the permanency of British institutions in these Colonies, will find a speedy remedy in the promptitude with which Military aid has been afforded by Her Majesty's Government, when danger to the Province was made known, and in the unshaken fidelity of the great mass of the Upper Canadian people; and we feel truly grateful for the additional prospect of future security and

Tuesday, 5th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

prosperity, which arises from the gracious assurances of our beloved Sovereign, conveyed through Your Excellency, of Her Majesty's continued protection and support to Her Majesty's Upper Canadian people.

We concur most fully with Your Excellency, in seeing the necessity of having the means always at hand to repel and punish hostile aggression, and for the purpose of enabling the loyal people of this Province to be at all times ready to aid in the public defence. We shall cheerfully concur in any measures for the improvement of the Law relating to the Militia, which will tend to place that force upon the best possible footing, so as to render it constantly and promptly efficient, but not burthensome either to the Government or the people.

We strongly participate in the feelings with which Your Excellency has discharged the arduous duty which devolved upon you, in the disposal of the numerous criminals who have fallen into the hands of Justice; and we are perfectly satisfied, that the law has been administered, under the direction of Her Majesty's Government, and of Your Excellency, with an anxious regard for the public safety, and the legitimate ends of punishment—and at the same time, with distinguished mercy, forbearance and humanity.

We deeply lament the damages suffered by Her Majesty's Subjects, through the violence and rapacity of the lawless population of a neighbouring Country. We regret that these together form an aggregate of extensive loss, most serious to the sufferers, and occasion many urgent claims for redress; and we shall, without loss of time, give the subject our deliberate attention, with a view of obtaining for the sufferers early compensation—and in the hope, that the wrongs done to Her Majesty's Subjects in this Province, will speedily claim the just and humane consideration of Her Majesty's Government.

It gives us great pleasure to learn from Your Excellency, that Her Majesty has been most graciously pleased to extend to the wounded Officers, Non-Commissioned Officers and Men, of the Provincial Militia, in arms since the insurrection last winter, the same liberal provision as is granted to Her Majesty's Regular Land and Naval Forces, and to make a similar beneficent provision for the widows of those Officers in the Provincial Corps who may have fallen in action.

We see, with Your Excellency, that the strongly excited feelings, to which the long agitated question of the Clergy Reserves has given rise in the Province, have sensibly impaired that social harmony, which may be classed among the first of national blessings, and have augmented the hopes of the enemies of the Country, in proportion as they have created divisions among its defenders, and we feel, that on every account, the settlement of this vitally important question, ought not to be longer delayed; we will, therefore, consider how this desirable object may be attained, with a due regard to the interests of the community at large.

While we freely express our entire concurrence in the reasons which Your Excellency has shown for desiring an early settlement of this important question, we cannot but rejoice that the hopes of our enemies have proved fallacious, and that the loyal people of Upper Canada, in the time of actual danger, laid aside all internal differences on this and other subjects, and united together to repel a foreign enemy, whose interference in our domestic difficulties, could neither be desired or tolerated.

With Your Excellency, we deem the subject of general Education one of vital importance to the best interests of society, and believe that a system of sound and religious instruction, for the rising generation, ought to be established under every Government, and is most particularly requisite in a young country, in the condition of this Province.

We will thankfully receive from Your Excellency the answers which Her Majesty has been graciously pleased to return to the several Addresses, which passed the two Houses of Parliament during the last Session.

We doubt not but that Your Excellency has exercised the power vested in you, by the suspension of the *Habeas Corpus* Act, with the greatest caution, and with a sincere desire that no restraint might be imposed on personal liberty, beyond what was imperatively demanded for the public safety.

Your Excellency justly observes, that the progress which this beautiful Country seems destined to make in population and wealth, has been materially obstructed by the difficulties and dangers with which it has, for some time past, been surrounded.

Wednesday, 6th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

By the goodness of an over-ruling Providence those dangers have, however, in a great degree been averted, and we humbly hope, with Your Excellency, that the same Almighty Arm, which has hitherto protected us, will soon place Upper Canada in such a state of tranquillity and security, as will permit the full development of her vast natural resources.

To accelerate the arrival of that period, Your Excellency may at all times rely on the support of the Legislative Council, in promoting by wise and salutary legislation, the prosperity and happiness of this interesting Colony.

JONAS JONES,
SPEAKER.

Legislative Council Chamber,
Fifth day of March, 1839.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive this House with their Address; and, A Committee appointed to know when the same would be received.

Ordered, that the Honourable Messieurs Allan and Baldwin, do compose the same for that purpose. Members composing same.

The Honourable Mr. Morris brought up the Petition of Robert Mason, and others, Teachers of Common Schools, in the District of Bathurst; and also the Petition of the Magistrates of the District of Bathurst, in General Quarter Sessions assembled; which were laid on the table. Petitions of Robert Mason, and others; Of the Magistrates of the District of Bathurst;

The Honourable Mr. James Kerby brought up the Petition of Samuel Hodgkinson, of the Township of Grantham, in the District of Niagara; which was laid on the table. And of Samuel Hodgkinson, presented.

The Honourable Mr. Radcliffe enters. A Member enters.

Pursuant to the order of the day, the bill entitled, "An Act to alter and amend an Act passed in the second Session of the twelfth Provincial Parliament, entitled, 'An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province'; and also the bill, entitled, "An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada," were severally read a second time; and it was, Mutual Insurance Companies Law Amendment Bill; and Court of King's Bench style Alteration Bill, read second time.

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend the Registry Laws of this Province," was read a second time; and it was, Registry Law alteration Bill, read second time;

Ordered, that the same be referred to a Select Committee, to report thereon by amendment or otherwise; and, and referred to a Select Committee;

Ordered, that the Honourable Messieurs Allan, James Kerby and Sullivan, do compose the same for that purpose. Members composing same.

The Honourable Mr. Allan, from the Select Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive this House with their Address in answer to His Excellency's Speech from the Throne, at the opening of the present Session, reported that they had done so, and that His Excellency had named the hour of two of the clock P. M. to-morrow, for that purpose. Report of the Committee appointed to know when the Lieut. Governor would receive the Address in answer to His Excellency's Speech from the Throne.

On motion made and seconded, the House adjourned. House adjourns.

WEDNESDAY, 6th MARCH, 1839.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. ALLAN,

" " McDONELL,

" " BALDWIN,

" " JAMES KERBY,

The Honourable Messrs. CROOKS,

" " MORRIS,

" " SULLIVAN,

" " RADCLIFFE,

" " JOHN SIMCOE MACAULAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Wells enters. A Member enters.

Wednesday, 6th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Mutual Insurance Companies Law amendment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the second Session of the twelfth Provincial Parliament, entitled, 'An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province.'"

The Honourable Mr. Wells took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

And referred to a Select Committee;

Ordered, that the said bill be referred to a Select Committee, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,

Members composing same.

Ordered, that the Honourable Messieurs Crooks, and John Simcoe Macaulay, do compose the same for that purpose.

Court of King's Bench style Alteration Bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, "An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada."

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Members enter.

The Honourable Mr. Crookshank, and the Honourable and Venerable the Archdeacon of York, enter.

Report of the last mentioned Committee, and leave asked to sit again.

The Chairman reported that the Committee had taken the last-mentioned bill into consideration, had made some progress therein, and asked leave to sit again this day.

Leave granted.

Ordered, that the Report be received, and leave granted accordingly.

The House take up their Address to the Government House, and return.

At the hour appointed, the House proceeded to the Government House with their Address, and having returned,

Speaker reports His Excellency's Reply thereto.

His Honour, the Speaker, reported to the House that His Excellency had been pleased to give an answer thereto, of which he had obtained a copy; which he read: and it was again read by the Clerk, as follows:

Same read.

Honourable Gentlemen:

The Reply.

It is very gratifying to me to receive this Address—evinced, as it does, the same spirit of loyalty, and attachment to your Country, by which you have ever been actuated.

I am sensible of your kind expressions of confidence in the measures which I have adopted for the protection of the Province, and shall fully rely on your cordial assistance, at the present arduous period, in my endeavours to revive the prosperity of the Colony, and maintain the integrity of the Empire.

Petitions of the Medical Board;

Pursuant to the order of the day, the petition of the Members of the Medical Board, and of certain other licensed Practitioners of Medicine, praying for such alterations and amendments, to the existing laws, as may be most conducive to the Medical profession and the public at large, and for placing the profession upon a more honourable and favourable footing; and also the petition of George Joseph Ryerse, and others, inhabitants of the District of London, praying for an Act authorising them to sell and convey, in fee simple, the South-East Corner of Lot number two, and the South-West Corner of Lot number three, in the broken front of the Township of Woodhouse, in the County of Norfolk; were severally read.

And of George Joseph Ryerse, and others, read.

Court of King's Bench style Alteration Bill, re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada."

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

A Member enters.

The Honourable Mr. Adamson, enters.

Amendments reported by the last-mentioned Committee.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the Report be received; and,

Read 1st time.

The said amendments were then read by the Clerk, as follows:

Thursday, 7th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

In the title line 1.—After “to,” expunge the remainder, and insert, “regulate the name and style of the Court, established under the authority of an Act of the Provincial Parliament, passed in thirty-fourth year of the reign of King George the Third, entitled, ‘An Act to establish a superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal.’”

The amendments.

In the bill, line 1.—After “whereas,” expunge the remainder of the Preamble, and insert, “it is expedient and right that the name and style of the Court established in this Province, under the authority of an Act of the Provincial Parliament, passed in the thirty-fourth year of the reign of His late Majesty King George the Third, entitled, ‘An Act to establish a superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal,’ should alter and vary, according to the existing fact of the reigning Sovereign being Male or Female.”

In line 10.—After “that,” expunge the remainder of the clause, and insert, “from and after the passing of this Act, the name and style of the said Court, shall be His Majesty’s Court of King’s Bench, in and for the Province of Upper Canada, during the reign of any Male Sovereign, and that the said name and style, shall be Her Majesty’s Court of Queen’s Bench, in and for the Province of Upper Canada, during the reign of any Female Sovereign, as the case may be.”

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Read second time and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

The Honourable Mr. Radcliffe brought up the petition of George Hyde, and others, inhabitants of London, Lobo, Caradoc, Adelaide, Warwick, Plympton and Sarnia; which was laid on the table.

Petitions of George Hyde, and others;

The Honourable Mr. James Kerby brought up the petition of John Jordan, Inspector of Licenses for the District of Niagara; and also the petition of the Magistrates of the District of Niagara, in Quarter Sessions assembled; which were laid on the table.

Of John Jordan;

And of the Magistrates of the District of Niagara, presented.

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 7th MARCH, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS,

The Honourable Messrs. McDONELL,

“ “ FERGUSSON,

“ “ JAMES KERBY,

“ “ RADCLIFFE,

“ “ CROOKS,

“ “ JOHN SIMCOE MACAULAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, “An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned,” to which they requested the concurrence of this House, and then withdrew.

Crown costs payment provision bill, brought up from the Assembly.

The said bill was then read; and it was,

Read first time.

Ordered, that the same be read a second time to-morrow.

A Deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, a Message, in the following words, and then withdrew:

Message from the Assembly;

Mr. SPEAKER:

The Commons House of Assembly request the permission of your Honourable House, for the Honourable John Henry Dunn, Her Majesty’s Receiver General, and the Honourable

Requesting that the Hon. Messrs. Dunn, and John Macaulay, may have leave to attend a select Committee of that House.

Thursday, 7th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

John Macaulay, Her Majesty's Inspector General, to attend a Select Committee of this House, appointed to enquire and report on the subject of Finance.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Seventh day of March, 1839.

Court of King's Bench style Alteration Bill, (as amended,) read third time, but not passed.

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada"; was (as amended) read a third time; and it was,

Ordered, that the same do not now pass, but that the House be again put into a Committee of the whole this day, to take the said bill, as amended, into further consideration.

Petitions of Robert Mason, and others;

Pursuant to the order of the day, the petition of Robert Mason, and others, Teachers of Common Schools in the District of Bathurst, praying for an increased annual allowance; also the petition of the Magistrates of the District of Bathurst, in General Quarter Sessions assembled, praying for the erection and maintenance of a General Asylum in the Province, for the reception of Lunatics and Idiots; and also the petition of Samuel Hodgkinson, of the Township of Grantham, in the District of Niagara, praying for relief; were severally read.

Of the Magistrates of the District of Bathurst;

And of Samuel Hodgkinson, read.

Members enter.

The Honourable Messieurs Baldwin and Sullivan, enter.

The Honourable Mr. Morris moved the following Resolution, viz.:

Resolution for a Committee of Privilege, on the subject of the appointment of the Honourable John Jones as Speaker of this House, moved;

Resolved—That a Committee of privilege, to consist of the Honourable Messieurs Crooks, Fergusson and Morris, be appointed, to examine the Act 31st Geo. III. Chap. 31st, to search for precedents, and to report to the House whether any individual who is not a Member of the Legislative Council may legally be appointed Speaker thereof.

Which being seconded,

The question of concurrence was put thereon, and carried in the negative.

Question put and negatived.

Notary Public's office regulation bill, brought up from the Assembly.

A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to regulate the office of a Notary Public in this Province," to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

Members enter.

The Honourable Messieurs Allan, Adamson, and John Macaulay, enter.

Court of King's Bench style Alteration Bill, (as amended) re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada," (as amended.)

The Honourable Mr. John Macaulay, took the Chair.

After some time the House resumed.

Amendment, to the Amendments, reported.

The Chairman reported that the Committee had gone through the said bill, (as amended) and had made an amendment to the amendments, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendment was then read by the Clerk as follows:—

The Amendment.

In the third amendment—After "be" in the last line, insert "any thing in the above-mentioned Act to the contrary thereof in anywise notwithstanding."

Read second time, and adopted.

The said amendment, to the amendments, being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said bill, as amended, read a third time to-morrow.

The Honourable Mr. John Macaulay, in his place, informed the House, that his attendance upon a Committee of the Commons House of Assembly had been requested; whereupon it was,

Leave granted to the Hon. John Macaulay for the purpose of attending a select Committee of the Assembly.

Ordered, that the Honourable Mr. John Macaulay have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their message received this day, if he thinks fit; and,

That House acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honourable John Macaulay has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their message received this day, if he thinks fit.

Friday, 8th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. John Macaulay brought up the petition of the President and Directors of the City Bank of Montreal, on behalf of themselves and the other Stockholders; and also the petition of the Magistrates of the District of Ottawa; which were laid on the table.

The Honourable Mr. Crooks brought up the petition of the President, Directors and Stockholders, of the Desjardin's Canal Company; which was laid on the table.

On motion made and seconded, the House adjourned.

Positions of the President and Directors of the City Bank of Montreal; Of the Magistrates of the District of Ottawa; And of the President, Directors and Stockholders, of the Desjardin's Canal Company, presented.

House adjourns.

FRIDAY, 8th MARCH, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. CROOKSHANK,

" " DUNN,

" " McDONELL

" " BALDWIN,

" " HAMILTON,

The Honourable Messrs. JAMES KERBY,

" " CROOKS,

" " MORRIS,

" " SULLIVAN.

" " JOHN SIMCOE MACAULAY.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Wells, Allan, Adamson, John Macaulay, Fergusson and Radcliffe, enter.

Members enter.

Pursuant to the fifth standing order, the House was called.

Call of the House.

PRESENT:

The Honourable Mr. CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK,

The Honourable Messrs. WELLS,

" " DUNN,

" " ALLAN,

" " McDONELL,

" " BALDWIN,

" " HAMILTON,

" " ADAMSON,

The Honourable Messrs. JAMES KERBY,

" " CROOKS,

" " MORRIS,

" " JOHN MACAULAY,

" " SULLIVAN,

" " FERGUSSON,

" " RADCLIFFE,

" " JOHN SIMCOE MACAULAY.

Members present.

ABSENT:

THE HONOURABLE MESSIEURS DICKSON,..... (Excused.)

" " MARKLAND,..... (Do.)

" " CHARLES JONES.

" " GORDON,..... (Excused.)

" " BURNHAM.

" " ELMSLEY.

" " BOSWELL.

" " JOHN KIRBY,..... (Excused.)

" " BISHOP McDONELL,..... (Do.)

" " GRANT,..... (Do.)

" " NELLES,..... (Do.)

" " STEWART.

" " VANKOUGHNET.

Members absent.

To the rejection of the resolution moved yesterday, for appointing a Committee of Privilege, to consist of the Honourable Messieurs Crooks, Fergusson and Morris, to examine the Act, 31st Geo. III. Chap. 31st. to search for precedents, and to report to the House, whether any individual who is not a Member of the Legislative Council, may legally be appointed Speaker thereof—

Protest of the Honourable Messieurs Morris and Adamson, against the rejection of the Resolution moved yesterday, for a Committee of Privilege, on the subject of the appointment of the Honourable Jonas Jones, as Speaker of the House.

DISSENTIENT.

First—Because, we respectfully conceive that the intention of the framers of the Act, 31st Geo. III. Chap. 31st, was to confine the appointment of Speaker to Members of the Legislative Council, else it would have been provided that His Excellency might appoint a person to act as Speaker who was not a Member, in which case, authority to administer the usual oath to him would have been given. But as this is not so, and as the law directs that

Friday, 8th March, 1839.

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the oath shall be taken and subscribed by Members only; it would seem that the appointment of a Speaker, who is not a Member, and who cannot consequently be sworn, is contrary to the true intent and meaning of the Act.

Second—Because, previous to the present Session, the only instance on record in the Journals, in which any individual has been appointed to act as Speaker of the Legislative Council, who was not a Member, is that of Mr. Justice Campbell, in the year 1825; and, as if to obviate the inconvenience, if not the illegality, of filling a situation with an individual who was incapable of exercising the legitimate functions of the office, the Honourable Gentleman was called to a seat, as a Member of the House, on the first day of the following Session, and he took the same oath that had been administered to him, at the former Session, when he was appointed Speaker. Indeed, the statute makes no provision for swearing the Speaker, nor does it authorise the administering of an oath to any other than Members.

Third—Because, the practice in the House of Lords is not binding on the Legislative Council, inasmuch as there is no analogy between the two Bodies; the Members of the one holding their seats by hereditary right, and in the other, by appointment for life. In the one, Members can vote by proxy; in the other, this practice is prohibited. So also in the House of Lords, the Speaker, whether a Peer of the Realm or not, cannot give a casting vote. In this House, the Constitution provides, that he shall, when there is an equality of voices. In the one, the proceedings are governed by the practice of ages, commonly called the common law; in the other, they are regulated by the provisions of an Act of Parliament.

Fourth—Because, in the year 1829, His Majesty's Attorney General reported to His Excellency Sir John Colborne, that it was not legal to appoint a Speaker to the Legislative Council, unless the individual were a Member of the House; and we are not aware that this opinion has since been declared invalid.

Fifth—Because, in the appointment of Mr. Justice Jones, as Speaker of this House, the intention of Her Majesty's Government, as expressed in the following Message, dated Government House, 30th November, 1831, would appear to be overlooked:

“ J. COLBORNE.

“The Lieutenant Governor has already communicated to the Legislative Council and House of Assembly, that he has received the commands of His Majesty to propose to them the enactment of a bill, declaring that the commissions of the Judges of the Supreme Courts, shall be granted, during their good behaviour; and he now acquaints the Legislative Council, that in further pursuance of the general design of imparting to this Colony the benefit of the important principle of the British Constitution—the independence of the Judges—it is His Majesty's settled purpose, to nominate on no future occasion, any Judge, as a Member either of the Executive or of the Legislative Council; and that the single exception to this general rule, will be that of the Chief Justice of Upper Canada, who will be a Member of the Legislative Council, in order that they may have the benefit of his assistance, in framing Laws of a general and permanent character: but that His Majesty will not fail to recommend, even to that high officer, a cautious abstinence from all proceedings by which he might be involved in any political contention of a party nature.”

W. MORRIS,
P. ADAMSON.

Government House,
Thirtieth day of November, 1831.

Pursuant to the order of the day, the bill, entitled, “An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada”; was (as amended) read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Court of King's Bench
Style Alteration Bill,
as amended, read third
time, and passed.

Amendments signed,

And sent to the Assembly
for concurrence.

Monday, 11th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to alter and amend the law, relating to the appointment of Commissioners of the Court of King's Bench, in the several Districts of this Province"; also a bill, entitled, "An Act to vest certain Lands in the principal officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned"; and also a bill, entitled, "An Act for the protection of the Indians, in the possession of their Lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon"; to which they requested the concurrence of this House, and then withdrew.

King's Bench Commissioners Law Alteration Bill.

Ordnance Department Land Trust Bill; and

Indians protection Bill, brought up from the Assembly.

The said bills were then severally read; and it was,

Read first time.

Ordered, that they be read a second time on Monday next.

Pursuant to the order of the day, the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned"; and also the bill, entitled, "An Act to regulate the office of a Notary Public, in this Province"; were severally read a second time; and it was,

Crown Costs payment provision Bill; and

Notary Public's Office Regulation Bill, read second time.

Ordered, that the House be put into Committees of the whole on Monday next, to take the same into consideration.

On motion made and seconded, it was,

Ordered, that the Honourable John Henry Dunn, have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their Message, received yesterday, if he thinks fit; and,

Leave granted to the Honourable Mr. Dunn, for the purpose of attending a Select Committee of the Assembly.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honourable John Henry Dunn, has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House, in their Message, received yesterday, if he thinks fit.

And that House acquainted thereof.

Pursuant to the order of the day, the petition of George Hyde, and others, inhabitants of London, Lobo, Caradoc, Adelaide, Warwick, Plympton and Sarnia, praying against the passing of any Act for authorising the making of a new Macadamized road from London to Port Sarnia, through the said Townships; also the petition of John Jordan, Inspector of Licenses, for the District of Niagara, praying for the passing of an explanatory law, with reference to the rating of Shop Licenses; and also the petition of the Magistrates of the District of Niagara, in Quarter Sessions assembled, praying for the erection of a General Asylum in the Province, for the reception of Lunatics; were severally read.

Petitions of George Hyde, and others;

Of John Jordan;

And of the Magistrates of the District of Niagara, read.

The Honourable Mr. Morris brought up the petition of Adam Ainsley, of the Township of Beverley, in the District of Gore; which was laid on the table.

Petitions of Adam Ainsley;

The Honourable Mr. Crooks brought up the petition of the President, Directors and Company, of the Cobourg Harbour; which was laid on the table.

Of the President, Directors and Company, of the Cobourg Harbour;

The Honourable Mr. Baldwin brought up the petition of David Jones, and others, inhabitants of the Eastern and Ottawa Districts; which was laid on the table.

And of David Jones, and others; presented.

On motion made and seconded, the House adjourned until Monday next, at the hour of one of the clock, P. M.

House adjourns.

MONDAY, 11th MARCH, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. JAMES KERBY,

The Honourable Messrs. ALLAN,

" " MORRIS,

" " McDONELL,

" " SULLIVAN,

" " BALDWIN,

" " JOHN SIMCOE MACAULAY.

" " HAMILTON,

Members present.

Prayers were read.

The Minutes of Friday last were read.

The Honourable Mr. Fergusson enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned."

Crown costs payment provision bill, committed.

Monday, 11th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

A Member enters.

The Honourable Mr. Crookshank enters.

Report upon the last mentioned bill, and leave asked to sit again.
Leave granted.

The Chairman reported that the Committee had taken the last-mentioned bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Ordered, that the Report be received, and leave granted accordingly.

Notary Public's office regulation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill entitled, "An Act to regulate the office of a Notary Public in this Province."

The Honourable Mr. James Kerby took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Bills brought up from the Assembly.

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House, and then withdrew.

Notary Public's office regulation bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill entitled, "An Act to regulate the office of a Notary Public in this Province."

The Honourable Mr. James Kerby took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

and referred to a Select Committee;

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same.

Ordered, that the Honourable Messieurs Morris and Fergusson, do compose the same for that purpose.

Speaker reports the receipt of Brock District provision extension bill;

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock'; also a bill entitled, "An Act to render valid the late elections for Aldermen and Councilmen for the town of Kingston"; and also a bill entitled, "An Act to limit the period for the owners of lands making claims for damages occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned," to which they requested the concurrence of this House.

Kingston Elections validity bill; and

Rideau Canal claims period limitation bill, from the Assembly.

Read first time.

The said bills were then severally read; and it was,

Ordered, that they be read a second time to-morrow.

King's Bench Commissioners law alteration bill;

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend the Law relating to the appointment of Commissioners of the Court of King's Bench, in the several Districts of the Province"; also the bill, entitled, "An Act to vest certain Lands in the principal officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned"; and also the bill, entitled, "An Act for the protection of the Indians, in the possession of their Lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon"; were severally read a second time; and it was,

Ordnance Department land trust bill; and

Indians protection bill, read second time.

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

Petitions of the President and Directors of the City Bank of Montreal;

Pursuant to the order of the day, the petition of the President and Directors of the City Bank of Montreal, on behalf of themselves and the other Stockholders, praying for an Act authorising them to open Agencies or Branches, for carrying on the business of Banking in the Province of Upper Canada; also the petition of the Magistrates of the District of Ottawa, praying for an Act authorising the erection of a General Asylum in the Province, for the reception of Lunatics; also the petition of the President, Directors and Stockholders, of the Desjardin's Canal Company, praying for a loan of Five Thousand Pounds; also the petition of Adam Ainsley, of the Township of Beverley, in the District of Gore, praying for an Act authorising him to exercise his profession of an Attorney and Solicitor, in Her Majesty's Courts of this Province; also the petition of the President, Directors and Company, of the Cobourg Harbour, praying for an Act vesting in the said Company the Lake shore, between certain points, in the Township of Hamilton, together with such part of the waters of the Lake as may be necessary for their operations; and in the event of such being refused, the

Of the Magistrates of the District of Ottawa;

Of the President, Directors and Stockholders, of the Desjardin's Canal Company;

Of Adam Ainsley;

Of the President, Directors and Company, of the Cobourg Harbour;

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

petitioners pray that the said work may be made public property, upon the terms of the Charter; and also the petition of David Jones, and others, inhabitants of the Eastern and Ottawa Districts, praying for an Act granting a sum of money in aid of the road from Cornwall to L'Orignal, sufficient to render it fully available for all Civil and Military purposes; were severally read.

And of David Jones, and others, read.

The Honourable Mr. Fergusson brought up the petition of the Directors and Stockholders of the Waterloo Bridge Company; which was laid on the table.

Petitions of the Directors and Stockholders of the Waterloo Bridge Company;

The Honourable Mr. James Kerby brought up the petition of Andrew Thompson, and others, freeholders and inhabitants of the County of Haldimand; also the petition of John Bostwick, and others, inhabitants of Port Stanley, Saint Thomas, and its vicinity; and also the petition of Duncan McGregor, and others, freeholders and inhabitants of the County of Kent; which were laid on the table.

Of Andrew Thompson and others;

Of John Bostwick, and others; and

Of Duncan McGregor, and others, presented.

The Honourable Mr. Allan, from the Select Committee, to whom was referred the bill, entitled, "An Act to alter and amend the Registry Laws of this Province," presented their Report.

Report of the Select Committee upon Registry Law alteration bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

Your Committee, appointed to examine and report upon the Registry Bill, sent up from Assembly, beg leave to report, as follows:

The report.

First—They find that the first enacting clause repeals all the Laws now in force, relating to the registration of conveyances.

Second—That the provisions of these Laws, so far as the title to real estate is affected, are proposed to be replaced by the following provision:

"That from and after the passing of this Act, all deeds, &c. executed before the passing of this Act, of which no memorial has been previously registered, shall be recorded at full length in the Registry Office, in the County in which the lands lie, within twelve months from the passing of this Act, and all deeds, &c. executed after the passing of this Act, shall be registered within six months from the execution thereof."

Third—Your Committee observe that the main operative principle of registration, as adopted in the Counties of York and Middlesex, in England, and copied into our Statute Book, namely, the preference of titles first registered to those first executed, is altogether abandoned.

Fourth—Your Committee are respectfully of opinion, that this change in the Registry Law, which, as it now stands, is believed to have been most beneficial in its operation, and peculiarly adapted to a country, in which landed property changes hands frequently, would be most dangerous and inexpedient; and they, therefore, cannot recommend it for the adoption of your Honourable House.

Fifth—Your Committee would further observe, that this bill, as it now stands, proposes to compel the registration of all conveyances within certain times.

Sixth—The proposed Law does not, however, give any advantage to the registered deed, or place the non-registered deed under any disadvantage. The unregistered conveyance is not declared void for want of registry at the end of the time limited; it is not declared to be inoperative without registry; nor is there any penalty or forfeiture attached to disobedience of the Law.

Seventh—Assuming, however, that it was intended to make registration, within a certain time, essential to the validity of all conveyances, your Committee see strong objections to the compulsion to register, under pain of forfeiture of title. Your Committee are of opinion, that the liability to have a title superseded, by registry of one subsequently executed, is sufficient to prevent fraud, and ensure notice to purchasers of previous incumbrances; and they see no advantage to be gained, by universal registry of deeds, which would induce them to recommend its enactment.

Eighth—Your Committee would respectfully suggest, that in the case of the only species of conveyance, which, by the English law, or by our registry laws, enrolment or registration was absolutely necessary—that is to say, the deed of bargain and sale—has been placed on the same footing with other conveyances, by the Provincial Statute, 4th William IV. Chap. 1st,

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Sect. 47, which enacts that enrolment shall no longer be necessary to render a deed of bargain and sale valid.

Your Committee beg to remark, that in the bill now under consideration, it is enacted, that deeds executed previously to the passing the Act, and not registered, shall be registered within twelve months, and yet, in the same clause, it is provided that nothing in the Act contained should affect titles made before the passing of the Act.

Your Committee further remark, that the bill is not to go into operation before the first of June—and yet all deeds unregistered at the time of the passing of the Act, are required to be registered at length, and in a manner now illegal—so that between the time of the passing the new Act, and the time of its coming into operation, there would be no way of registering conveyances, which would be legal, after that period.

Your Committee further observe, that if it were intended, or understood by the House of Assembly, that preference should be given to deeds first registered, after the expiration of six or twelve months, within these periods, all manner of frauds might be perpetrated without contravening the new law.

Your Committee further object to compulsory registration at length, on account of the expense which would be thus entailed upon parties to lengthy conveyances; and they think, that if evidence of title is desired to be perpetuated, by means of registry, it should be left to the option of the parties interested, whether or not to take advantage of the means of preserving such evidence.

Your Committee have not entered into the practical details of the bill, in which, they have no doubt, many convenient amendments to the present law may be found. The leading parts of the proposed law being so contrary in principle to the present law, that your Committee do not feel at liberty to propose an amended measure in which the great operative principles of the bill under consideration would be omitted, without first ascertaining the views of your Honourable House thereupon.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
Eleventh day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

House adjourns.

On motion made and seconded, the House adjourned.

TUESDAY, 12th MARCH, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. ALLAN,
“ “ McDONELL,
“ “ BALDWIN,
“ “ HAMILTON,

The Honourable Messrs. JAMES KERBY,
“ “ MORRIS,
“ “ SULLIVAN,
“ “ FERGUSSON,
“ “ JOHN SIMCOE MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Morris brought up the petition of Asa A. Burnham, and others, inhabitants of the Town of Cobourg, in the Newcastle District; which was laid on the table.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the bill, entitled, “An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein-mentioned.”

The Honourable Mr. Fergusson, took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Petition of
Asa A. Burnham,
and others, presented.

Crown Costs payment
provision bill re-com-
mitted.

Tuesday, 12th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were again read by the Clerk, as follows :

Messages from the
Lieut. Governor :

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, copies of four Despatches, which he has received from the Right Honourable the Secretary of State for the Colonies, containing the answers of Her Majesty to the several joint Addresses of the two Houses of the Legislature to Her Majesty during the last Session, referred to in the annexed schedule.

Transmitting copies of four Despatches, containing the answers of Her Majesty to the several joint Addresses of last Session, on the subjects of the Post office department; the imposition of a duty of 2½ per cent, ad valorem, on goods imported into Lower Canada; the survey of Dalhousie Harbour, and the grant of 5000 acres of land to Colonel FitzGibbon.

Government House,
11th March, 1839.

SCHEDULE,

Of Despatches from the Secretary of State for the Colonies, containing the answers of Her Majesty to the several joint Addresses of the Legislative Council and House of Assembly to Her Majesty, during the Session of 1837—8, referred to in the Lieutenant Governor's message to the Legislative Council, dated the 11th March, 1839.

DESPATCH.		ADDRESS.
No.	DATE.	SUBJECT.
61	1838. April, 25	The Post Office Department in this Province; and the imposition of a duty of 2½ per cent, ad valorem, on Goods imported into Lower Canada, in payment of the interest of the public debt of this Province.
63	27	Survey of Dalhousie Harbour.
65	29	Grant of 5,000 acres of Land to Colonel FitzGibbon.
106	June, 30	Post Office Department.

(For Despatches, see Appendix A.)

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch, which he has received from the Secretary of State for the Colonies, containing the answer of the Queen to the joint Address of the two Houses of the Provincial Legislature, dated the 16th February, 1837, praying that the instructions, which on the 31st August, 1836, his Lordship addressed to Sir Francis Head, on the subject of Bills Incorporating Banking Companies, and otherwise affecting the monetary system of the Province, might be revoked.

Transmitting the copy of a Despatch, on the subject of Sir Francis Head's instructions, relative to the monetary system of the Province.

Government House,
11th March, 1839.

(For Despatch, see Appendix B.)

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch, which he has received from the Secretary of State for the Colonies, relative to the Act passed during the last Session of the Provincial Legislature, entitled, "An Act to authorise a loan of money in London, and for other purposes therein mentioned."

Transmitting the copy of a Despatch, relative to the Act of last Session for authorising a loan of money in London.

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11th March, 1839.

(For Despatch, see Appendix C.)

Tuesday, 12th March, 1839.

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GEO. ARTHUR.

Transmitting copies of two Despatches, respecting the suspension of specie payments by the chartered Banks of this Province.

No. 118,
5th October, 1838.
No. 153,
13th December, 1838.

The Lieutenant Governor transmits, for the information of the Legislative Council, copies of two Despatches, which he has received from the Secretary of State for the Colonies, respecting the suspension of specie payments, by the Chartered Banks, in this Province, and the Act passed during the last Session of the Legislature, relative thereto.

Government House,
11th March, 1839.

(For Despatches, see Appendix D.)

Public Accounts presented by the Honourable Mr. Secretary Tucker.

By order of His Excellency the Lieutenant Governor, the Honourable Mr. Secretary Tucker presented the Public Accounts; which were laid on the table.

Crown costs payment provision bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned."

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Messages from the Lieutenant Governor.

Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:

GEO. ARTHUR.

Transmitting a return of Debentures redeemed and outstanding.

The Lieutenant Governor transmits, for the information of the Legislative Council, a Return, prepared by the Receiver General, shewing the amount of monies raised by Debentures, the amount redeemed, and the amount outstanding, under the several Acts of the Legislature, during the year 1838.

Government House,
12th March, 1839.

GEO. ARTHUR.

Transmitting reports of the Commissioners for the improvement of the River Trent; and for the improvement of the inland waters of the District of Newcastle.

The Lieutenant Governor transmits to the Legislative Council, the Report of the Commissioners for the improvement of the River Trent; also, a Report from the Commissioners for the improvement of the inland waters of the Newcastle District.

Government House,
12th March, 1839.

GEO. ARTHUR.

Transmitting a report from the Commissioners appointed to investigate the claims for losses occasioned by the late rebellion.

The Lieutenant Governor transmits, for the information of the Legislative Council, a Report from the Commissioners, appointed under the Provincial Statute, 1st Victoria, Chap. 13, to investigate the claims of certain inhabitants of this Province, for losses sustained during the late rebellion.

Government House,
12th March, 1839.

GEO. ARTHUR.

Transmitting reports from the Directors of the Welland Canal Company.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Report and accompanying papers, which he has received from the Directors of the Welland Canal Company, for the year 1838.

Government House,
12th March, 1839.

GEO. ARTHUR.

Transmitting the Population and Assessment returns.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Returns of the Population of the several Districts of the Province, for the year 1838, that of the District of Talbot excepted; also the Assessment Returns for the same period, those of the Western and Talbot Districts excepted.

Government House,
12th March, 1839.

Tuesday, 12th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned." Crown Costs payment provision bill re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Honourable Mr. John Macaulay enters. A Member enters.

The Chairman reported that the Committee had taken the last mentioned bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise. Report of the last mentioned Committee;

Ordered, that the report be received; and,

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and, and the bill referred to a Select Committee;

Ordered, that the Honourable Messieurs Sullivan, Fergusson and John Simcoe Macaulay, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend the Law relating to the appointment of Commissioners of the Court of King's Bench, in the several Districts of this Province." King's Bench Commissioners law alteration bill, committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the said bill be read a third time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to vest certain Lands in the principal officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned." Ordnance Department Land Trust Bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House, and then withdrew. Bills brought up from the Assembly.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to vest certain Lands in the principal officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned." Ordnance Department Land trust bill, re-committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported.

Ordered, that the report be received; and, Adopted.

Ordered, that the said bill be read a third time on Monday next.

The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to authorise the conveyance of old roads, in certain cases"; and also a bill, entitled, "An Act to regulate the inspection of Fish, and to prevent Aliens from fishing within the waters of this Province"; to which they requested the concurrence of this House. Speaker reports the receipt of Old roads conveyance authority bill; and Fish inspection regulation bill, from the Assembly.

The said bills were then severally read; and it was, Read first time.

Ordered, that they be read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, "An Act for the protection of the Indians, in the possession of their Lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon." Indians protection bill, committed.

The Honourable Mr. James Kerby took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise. Reported;

Wednesday, 13th March, 1839.

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Ordered, that the report be received; and,

And referred to a Select Committee;

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same.

Ordered, that the Honourable Messieurs Sullivan and John Simcoe Macaulay, do compose the same for that purpose.

Registry Law alteration bill, and the report thereon, discharged from the order of the day.

The order of the day being read, for putting the House into a Committee of the whole upon the bill, entitled, "An Act to alter and amend the Registry Laws of this Province"; together with the report of the Select Committee thereon; it was,

Ordered to be discharged, and that the same do stand upon the order of the day for to-morrow.

Brock District provision extension bill;

Pursuant to the order of the day, the bill, entitled, "An Act to extend the provisions of an Act, passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock'; also the bill, entitled, "An Act to render valid the late elections for Aldermen and Councilmen for the town of Kingston"; and also the bill, entitled, "An Act to limit the period for the owners of lands making claims for damages occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned"; were severally read a second time; and it was,

Kingston Elections validity bill; and

Rideau Canal claims period limitation bill, read second time.

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

On motion made and seconded, it was,

Petition of Adam Ainsley, referred to a Select Committee.

Ordered, that the petition of Adam Ainsley, of the Township of Beverley, in the District of Gore, praying for an Act authorising him to exercise his profession of an Attorney and Solicitor of Her Majesty's Courts of this Province, be referred to a Select Committee, to report thereon; and,

Members composing same.

Ordered, that the Honourable Messieurs Sullivan and Fergusson, do compose the same for that purpose.

On motion made and seconded, it was,

A Select Committee appointed to report upon the Contingent Accounts.

Ordered, that a Select Committee be appointed, to examine and report upon the Contingent Accounts of this House for the present Session; and,

Members composing same.

Ordered, that the Honourable Messieurs Allan, Morris and Fergusson, do compose the same for that purpose.

On motion made and seconded, it was,

An Address of thanks ordered to be presented to the Lieut. Governor for His messages of this day.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several messages of this day; and,

A Committee appointed therefor.

Ordered, that the Honourable Messieurs Hamilton and Morris, do present the same.

Petitions of The Hon. John H. Dunn;

The Honourable Mr. Allan brought up the petition of the Honourable John Henry Dunn, Receiver General of this Province; which was laid on the table.

and of certain Commissioners for erecting a Light House at the Port of Port Burwell, presented.

The Honourable Mr. Hamilton brought up the petition of certain Commissioners, appointed by law for erecting a Light House at the port of Port Burwell, in the District of London; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 13th MARCH, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " ALLAN,

" " McDONELL,

The Honourable Messrs. HAMILTON,

" " CROOKS,

" " MORRIS,

" " JOHN SIMCOE MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

A Member enters.

The Honourable Mr. Fergusson enters.

King's Bench Commissioners Law Alteration Bill, read third time, and passed.

Pursuant to the order of the day, the bill entitled, "An Act to alter and amend the law relating to the appointment of Commissioners of the Court of King's Bench in the several Districts of this Province"; was read a third time and passed.

Wednesday, 13th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Whereupon the Speaker signed the same; and it was,

Same signed.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, "An Act to alter and amend the Registry Laws of this Province," together with the report of the Select Committee thereon.

Registry Law alteration bill, committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, and the report thereon, into consideration, and recommended the report of the Select Committee to the adoption of the House.

Reported;

Ordered, that the Report be received; and,

Ordered, that the report of the Select Committee, upon the last-mentioned bill, be adopted.

And the report of the Select Committee on the bill, adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock.'"

Brock District provision extension bill, committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Reported.

Ordered, that the Report be received.

Adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, "An Act to render valid the late elections for Aldermen and Councilmen for the Town of Kingston."

Kingston Elections validity bill, committed.

The Honourable Mr. Morris took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:

Messages from the Lieut. Governor;

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, a copy of a Despatch, which he has received from the Secretary of State for the Colonies, relative to the bill passed by the Legislative Council and Assembly, in the Session of 1837, entitled, "An Act to provide for the disposal of the Public Lands in this Province, and for other purposes therein-mentioned," and requests the attention of the Legislative Council to the suggestions of His Lordship therein-contained.

Transmitting a copy of a Despatch, on the subject of the bill passed by the two Houses in 1837, for disposing of the public lands in this Province.

Government House,
13th March, 1839.

(For Despatch, see Appendix E.)

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Report of the Directors of the Grand River Navigation Company, for the year 1838.

Transmitting the report of the Directors of the Grand River Navigation Company.

Government House,
13th March, 1839.

On motion made and seconded, it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several messages just received; and,

An Address of thanks ordered to be presented to the Lieut. Governor for the foregoing messages;

Ordered, that the Honourable Messieurs Hamilton and Morris do present the same.

A Committee appointed therefor.

The House was then again put into a Committee of the whole upon the bill, entitled, "An Act to render valid the late elections for Aldermen and Councilmen for the Town of Kingston."

Kingston election validity bill, re-committed.

Wednesday, 13th March, 1839.

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The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the Report be received; and,

Ordered, that the said bill be read a third time to-morrow.

Rideau Canal claim-period limitation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, "An Act to limit the period for the owners of lands making claims for damages occasioned by the construction of the Rideau Canal, and for other purposes therein-mentioned."

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Leave granted.

Ordered, that the report be received, and leave granted accordingly.

A Member enters.

The Honourable Mr. Wells enters.

Old roads conveyance authority bill, read second time.

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the conveyance of old roads, in certain cases," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Fish inspection regulation bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent Aliens from fishing within the waters of this Province," was read a second time; and it was,

And referred to a Select Committee.

Ordered, that the same be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same.

Ordered, that the Honourable Messieurs Crooks, Morris and Fergusson, do compose the same for that purpose.

Petitions of the Directors and Stockholders of the Waterloo Bridge Company;

Pursuant to the order of the day, the petition of the Directors and Stockholders of the Waterloo Bridge Company, praying that their Act of Incorporation may be amended, so as to allow the said Bridge to be twenty feet in width, instead of twenty-five feet, and that so much of the clause which relates to the foot-path for passengers being separated from the carriage way, and also so much of the ninth clause relating to the eligibility of Directors, may be repealed; also the petition of Andrew Thompson, and others, freeholders and inhabitants of the County of Haldimand, praying for an Act authorising the sale of certain lands on the Great Canboro' road, when the proprietors thereof neglect or refuse to pay the road tax; also the petition of John Bostwick, and others, inhabitants of Port Stanley, Saint Thomas, and its vicinity, praying for a grant of £5000, or such other sum as may be sufficient to render the Harbour of Port Stanley secure and accessible to vessels navigating the lakes; and also the petition of Duncan McGregor, and others, freeholders and inhabitants of the County of Kent, praying against the passing of an Act authorising a loan of £12,000, for the purpose of making a new road from London to Port Sarnia; were severally read.

Of Andrew Thompson and others;

Of John Bostwick, and others; and

Of Duncan McGregor, and others, read.

Petitions of the President and Directors of the Farmers' Joint Stock Banking Company;

The Honourable Mr. Crooks brought up the petition of the President and Directors of the Farmers' Joint Stock Banking Company, of Toronto; which was laid on the table.

Of Bishop McDonell, and others;

The Honourable Mr. McDonell brought up two petitions of the Right Reverend Alexander McDonell, and others; which were laid on the table.

Of Thomas Walker;

The Honourable Mr. Morris brought up the petition of Thomas Walker, gunsmith and armourer, in Port Sarnia; also the petition of Robert Johnston, and others, inhabitants of the Townships of Adelaide and Warwick; and also the petition of Lawrence Lawrason, and others, inhabitants of the London District; which were laid on the table.

Of Robert Johnston, and others; and

Of Lawrence Lawrason and others, presented.

Report of the Select Committee upon the petition of Adam Ainsley, presented.

The Honourable Mr. Morris, from the Select Committee, to whom was referred the petition of Adam Ainsley, praying for an Act authorising him to exercise his profession of an Attorney and Solicitor of Her Majesty's Courts of this Province, presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, appointed to examine and report on the petition of Adam Ainslie, most respectfully inform your Honorable House:

That they consider the claim of the petitioner deserving the most favourable consideration

Thursday, 14th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

of the Legislature, inasmuch as your Committee learn that he is a highly respectable man, and has been actively employed in defence of the Province, and therefore they submit the accompanying bill for his relief.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
Thirteenth day of March, 1839.

The bill submitted by the foregoing Committee was then read; and it was
Ordered, that the same be read a second time to-morrow.
On motion made and seconded, it was,

A bill submitted by the foregoing Committee read first time.

Ordered; that the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock,'" be referred to a Select Committee, with instructions to report whether the rules of this House have been duly observed with reference thereto; and,

Brock District provision extension bill, referred to a Select Committee;

Ordered, that the Honourable Messieurs Crooks and Fergusson, do compose the same for that purpose.

Members composing same.

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 14th MARCH, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Messrs. ALLAN,

"

"

MORRIS,

Members present.

" " McDONELL

"

"

SULLIVAN,

" " BALDWIN,

"

"

FERGUSSON,

" " HAMILTON,

"

"

RADCLIFFE.

" " ADAMSON,

"

"

JOHN SIMCOE MACAULAY.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Hamilton, from the Select Committees appointed to present certain Addresses of this House to the Lieutenant Governor, thanking His Excellency for His several messages of the twelfth and thirteenth instant, reported the delivery thereof.

Report of Select Committees appointed to present Addresses of thanks for His Excellency's messages of the 12th and 13th instant.

Pursuant to the order of the day, the bill, entitled, "An Act to render valid the late elections for Aldermen and Councilmen for the town of Kingston," was read a third time; and it was,

Kingston elections validity Bill, read third time;

Ordered, that the rules of this House in regard to private bills, be dispensed with in the present case:

Certain rules of the House dispensed with;

Whereupon the last-mentioned bill passed, and the Speaker signed the same; and it was,

Bill passed, signed;

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the conveyance of old roads, in certain cases."

Old roads conveyance authority bill, committed.

The Honourable Mr. Adamson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House.—And they returned the bill entitled, "An Act to alter and amend the name and style of His Majesty's Court of King's Bench for the Province of Upper Canada," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and then withdrew.

Bills brought up from the Assembly.

Amendments to Court of King's Bench style alteration bill, acceded to by that House.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the conveyance of old roads, in certain cases."

Old roads conveyance authority bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Friday, 12th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Reported: The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.

Ordered, that the report be received; and,
And referred to a Select Committee. Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same. Ordered, that the Honourable Messieurs Crooks, Morris, and John Simcoe Macaulay, do compose the same for that purpose.

Speaker reports the receipt of Disabled Persons relief bill; The Honourable the Speaker reported to the House, that deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to provide for the relief of disabled and infirm persons, in the several Townships within this Province"; and also a bill entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors and the admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish, on a permanent footing, the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be Surveyed;'" to which they requested the concurrence of this House.

Read first time. The said bills were then severally read; and it was,

Ordered, that the bill entitled, "An Act to provide for the relief of disabled and infirm persons in the several Townships within this Province," be read a second time on Monday next; and,

Ordered, that the bill, entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be surveyed;'" be read a second time to-morrow.

Ainsley's relief bill, read second time. Pursuant to the order of the day, the bill for the relief of Adam Ainsley, was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Petitions of Asa A. Burnham, and others; Pursuant to the order of the day, the petition of Asa A. Burnham, and others, inhabitants of the Town of Cobourg, in the District of Newcastle, praying that the Amherst and Cobourg Incorporation Act may be so altered as to relieve the petitioners from the heavy burthen of taxation, to which they are subjected; also the petition of the Honourable John Henry Dunn, Receiver General of this Province, praying for an Act prescribing a limit for contesting War Loss claims; and also the petition of certain Commissioners, appointed by law, for erecting a Light House at the Port of Port Burwell, in the District of London, praying that the said law may still be considered in force, for a sufficient period, in order to the erection of the said Light House; were severally read.

Petitions of George J. Ryerse, and others; And of the Ancaster Literary Institution, presented. The Honourable Mr. Crooks brought up the petition of George J. Ryerse, and others; and also the petition of the Trustees of the Ancaster Literary Institution; which were laid on the table,

House adjourns. On motion made and seconded, the House adjourned.

FRIDAY, 15th MARCH, 1839.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> MORRIS,
	<i>The Honourable Messrs.</i> McDONELL.	" " SULLIVAN.
	" " HAMILTON,	" " FERGUSON,
	" " CROOKS,	" " JOHN SIMCOE MACAULAY.

Prayers were read.

Friday, 15th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill for the relief of Adam Ainsley.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

The Honourable Messieurs Allan and Radcliffe enter.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, and recommended the bill as amended to the adoption of the House.

Ordered, that the report be received; and,

Ordered, that the said bill be engrossed, and the same read a third time on Monday next.

Pursuant to the order of the day, the bill entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors and the ad-measurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish, on a permanent footing, the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be Surveyed,'" was read a second time; and it was,

Ordered, that the same be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Ordered, that the Honourable Messieurs Crooks, Macaulay and Radcliffe, do compose the same for that purpose.

The Honourable Mr. Baldwin enters.

Pursuant to the order of the day, the petition of the President and Directors of the Farmers' Joint Stock Banking Company, praying for an Act Incorporating them as a Banking Company, upon such terms as may be deemed proper; also two petitions of the Right Reverend Alexander McDonell, and others, praying for a provision from Government for the support of their religion in this Province, and praying for an appropriation of money for the erection of a Roman Catholic Seminary at Kingston; also the petition of Thomas Walker, Gunsmith and Armourer, in Port Sarnia, praying for relief; also the petition of Robert Johnston, and others, inhabitants of the townships of Adelaide and Warwick; and also the petition of Lawrence Lawrason, and others, inhabitants of the District of London, respectively praying for an Act authorising the granting of a sum of money, by way of loan, for constructing a road from London to Port Sarnia; were severally read.

The Honourable Mr. Hamilton brought up the petition of John Counter, of the town of Kingston; which was laid on the table.

The Honourable Mr. Radcliffe, brought up the petition of John Edward Carey, and another, inhabitants of the District of London; which was laid on the table.

The Honourable Mr. John Simcoe Macaulay brought up the petition of Thomas Markland, and others, inhabitants of the town of Kingston; which was laid on the table.

The Honourable Mr. Baldwin, brought up the petition of John Bright, and others, Messengers to the Honourable the Legislative Council; which was laid on the table.

The Honourable Mr. Crooks brought up the petition of the President and Board of Police of the town of Hamilton; and also the petition of James Ingersoll, and others, Magistrates and Freeholders of the District of Brock; which were laid on the table.

The Honourable the Speaker acquainted the House, that there was a Member without ready to be introduced;

When the Honourable Mr. Wilkins was introduced between the Honourable Mr. Crooks, and the Honourable Mr. Sullivan.

The Honourable Mr. Wilkins presented to the Speaker his writ of summons, who delivered it to the Clerk, and it was read as follows:

UPPER CANADA.

GEO. ARTHUR.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c. &c. &c.

Monday, 18th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

To our trusty and well-beloved Robert Charles Wilkins, Esquire, and to all to whom these presents shall come:

GREETING.

The writ.

KNOW YE, that as well for the special trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof concern; We have thought fit to summon you, the said Robert Charles Wilkins, to the Legislative Council of our said Province; and We do therefore command you, the said Robert Charles Wilkins, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, at the Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden.—And this you are in nowise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of our said Province, and Major General commanding our Forces therein, at Toronto, this fourteenth day of March, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

The Hon. Mr. Wilkins takes the oath prescribed by law.

Then the Honourable Mr. Wilkins came to the table and took and subscribed the oath prescribed by Law, which was administered by John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Petition of the Clergy of the Established Church, presented.

The Honourable Mr. John Simcoe Macaulay brought up the petition of the Clergy of the Established Church, assembled under the authority of the Lord Bishop of the Diocese; which was laid on the table.

On motion made and seconded, it was,

A Member added to the Select Committee upon Land Surveyors' law provision extension bill.

Ordered, that the Honourable Mr. Wilkins be added to the Select Committee appointed to report upon the bill, entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of lands, and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be surveyed."

Petition of the Committee of the House of Industry, presented.

The Honourable Mr. Allan brought up the petition of the Committee of the House of Industry, of the City of Toronto; which was laid on the table.

On motion made and seconded, it was,

Another Member added to the Select Committee upon Land Surveyors' law provision extension bill.

Ordered, that the Honourable Mr. Sullivan be added to the Select Committee appointed to report upon the last-mentioned bill.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at the hour of one of the clock, P. M.

MONDAY, 18th MARCH, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " DUNN,

" " ALLAN,

" " BALDWIN,

The Honourable Messrs. ADAMSON,

" " CROOKS,

" " MORRIS.

" " JOHN SIMCOE MACAULAY.

" " WILKINS.

Monday, 18th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Prayers were read.

The Minutes of Friday last were read.

The order of the day being read, for a third reading of the bill, entitled, "An Act to vest certain Lands in the principal officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned"; it was,

Ordnance Department land trust bill, discharged from the Order of the day;

Ordered, to be discharged; and,

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Crooks and John Simcoe Macaulay, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the bill for the relief of Adam Ainsley, was read a third time and passed; and it was,

Ainsley's relief bill, read third time and passed.

Ordered, that the title be, "An Act to authorise the Court of King's Bench to admit Adam Ainsley to practise as an Attorney in that Court, and to authorise the Vice Chancellor to admit him to practise as a Solicitor in the Court of Chancery";

Title ordered.

Whereupon the Speaker signed the bill; and it was,

Bill signed;

Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the bill, entitled, "An Act to limit the period for the owners of lands making claims for damages occasioned by the construction of the Rideau Canal, and for other purposes therein-mentioned."

Rideau Canal claims period limitation bill, re-committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House:

Amendments reported.

Ordered, that the Report be received; and,

The said amendments were then read by the Clerk, as follows:

Read first time.

In the title, line 2—After "damages" insert "already."

The Amendments.

In the bill, Press 2, line 7—After "damages" insert "already sustained."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Read second time and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the bill, entitled, "An Act to provide for the relief of disabled and infirm persons, in the several Townships within this Province," was read a second time; and it was,

Disabled persons relief bill, read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the petition of George J. Ryerse, and others, praying for a loan of one thousand pounds, for the term of ten years, to be applied in the improvement of the Harbour at the mouth of Ryerse's Creek; also the petition of the Trustees of the Ancaster Literary Institution, praying for aid; also the petition of John Counter, of the town of Kingston, praying for relief; also the petition of John Edward Carey, and another, inhabitants of the District of London, praying for an Act conferring upon them the rights and privileges of British Subjects; also the petition of Thomas Markland, and others, inhabitants of the town of Kingston, praying for an Act authorising the improvement of the Harbour thereof; also the petition of John Bright, and others, Messengers to the Honourable the Legislative Council, praying to be placed on the same footing with the Messengers of the House of Assembly in respect of pecuniary allowance; also the petition of the President and Board of Police of the town of Hamilton, praying for an Act authorising the conveyance of a certain piece of land to the Corporation, and a further loan of £1000, to be applied in paying the debts of the same; also the petition of James Ingersoll, and others, Magistrates and Freeholders of the District of Brock, praying that an Act for erecting the same into a separate District may be amended, in so far as respects the period thereby prescribed for levying a tax for the purpose of building a Gaol and Court House therein; also the petition of the Clergy of the Established Church, assembled under the authority of the Lord Bishop of the Diocese, praying against the aliena-

Petitions of George J. Ryerse, and others;

Of the Trustees of the Ancaster Literary Institution;

Of John Counter;

Of Edward Carey, and another;

Of Thomas Markland, and others;

Of John Bright, and others;

Of the President and Board of Police of the town of Hamilton;

Of James Ingersoll, and others;

Of the Clergy of the Established Church; and

Monday, 18th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

tion of the Clergy Reserves from the original object of their appropriation, (the religious instruction of the people of this Province,) and for submitting the question to a judicial tribunal, competent to pronounce a decision, or for an Act of the Provincial Legislature re-investing the Clergy Reserves in the Crown; and also the petition of the Committee of the House of Industry, of the City of Toronto, praying for aid; were severally read.

of the Committee of the House of Industry, read.

Messages from the Lieut. Governor;

Several messages from His Excellency the Lieutenant Governor were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:

GEO. ARTHUR.

Transmitting the copy of Despatch, relative to the Act of 1836, for establishing the rates at which gold and silver Coins should pass current.

No. 121.
19th August, 1839.

The Lieutenant Governor transmits, for the information of the Legislative Council, the copy of a despatch, which he has received from Her Majesty's Secretary of State for the Colonies, with its enclosure, respecting the Act passed by the Legislature of this Province in their Session of 1836, establishing the rates at which certain Gold and Silver coins should pass current, and he requests the earnest attention of the Legislative Council to the grounds on which the Act has been considered objectionable by Her Majesty's Government.

Government House,
15th March, 1839.

(For Despatch, see Appendix F.)

GEO. ARTHUR.

Transmitting the copy of a Circular Despatch, announcing the appointment of Lieut. General Sir John Colborne, as Captain General and Governor-in-Chief of British North America.

11th December, 1838.

The Lieutenant Governor transmits, for the information of the Legislative Council, the copy of a Circular Despatch, which he has received from Her Majesty's Secretary of State for the Colonies, announcing that Her Majesty has been pleased to appoint Lieutenant General Sir John Colborne, Governor of the Colonies of Upper and Lower Canada, Nova Scotia, New Brunswick, and Prince Edward Island, and to be Captain-General, and Governor-in-Chief, of British North America.

That an Officer of such extensive experience in the Civil and Military affairs of the Canadas, has been selected, as the Earl of Durham's Successor, the Lieutenant Governor is satisfied will be a subject of high gratification to the Legislative Council.

Government House,
15th March, 1839.

(For Despatch, see Appendix G.)

GEO. ARTHUR.

Transmitting a copy of a Despatch, relating to the Finances of the Province.

The Lieutenant Governor transmits to the Legislative Council, for their information, a copy of a Despatch relating to the Finances of the Province, which he addressed to Her Majesty's Principal Secretary of State for the Colonies, together with His Lordship's reply.

Government House,
March, 1839.

(For Despatches, see Appendix H.)

GEO. ARTHUR.

Transmitting an estimate of the expense of rendering the Harbour of Port Dalhousie navigable for Vessels of War and Steam-boats drawing more than eight feet water.

31st January, 1839.

The Lieutenant Governor transmits, for the information of the Legislative Council, an estimate, prepared by order of Her Majesty's Government, in compliance with a joint Address of the two Houses of the Legislature, of the expense of rendering the Harbour of Port Dalhousie capable of admitting vessels of war, and steam-boats drawing more than eight feet water, together with a letter from the Military Secretary of the Commander of the Forces, and other documents relating to the survey.

Government House,
18th March, 1839.

(For Documents, &c. see Appendix I.)

On motion made and seconded, it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several messages just received; and,

An Address of thanks ordered to be presented to the Lieut. Governor for his messages just received.

Monday, 18th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the Honourable Messieurs Adamson and Wilkins do present the same.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to draft an Address of congratulation to His Excellency Lieutenant General Sir John Colborne, upon his being called to the Government of British North America; and,

Ordered, that the Honourable Messieurs Crooks, Morris, and John Simcoe Macaulay, do compose the same for that purpose.

The Honourable Mr. Crooks, from the Select Committee, to whom was referred the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent Aliens from fishing within the waters of this Province," presented their report.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the bill, sent up from the Assembly, entitled, "An Act to regulate the inspection of Fish, and to prevent Aliens from fishing within the waters of this Province," have examined the same, and respectfully report the following Amendments, for the consideration of your Honourable House.

In the title, line 2—After "prevent" expunge "Aliens" and insert "non-residents"

In the bill, Press 1, line 2—After "the" expunge "inspection, salting, barrelling, &c." and insert "packing, salting and inspection"

Press 1, line 3—After "should be" expunge "carefully attended to" and insert "regulated by law"; after "that" expunge "Aliens" and insert "non-residents"

" " " 4—After "to" expunge "monopolize" and insert "interfere in"

" " " 16—After "District of this Province" insert "when the same may be required"

" " " 19—After "that" expunge "each" and insert "such"; after "Inspector" insert "or Inspectors"

" " " 20—After the word "office" expunge "be sworn to the faithful discharge thereof before a" and insert "take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will faithfully, truly, and impartially, according to the best of my judgment, skill and understanding, execute, do and perform, the duty and office of an Inspector of Fish, according to the true intent and meaning of the Act, entitled, "An Act to regulate the inspection of Fish, and to prevent non-residents from fishing within the waters of this Province; which oath any"

" " " 21—After "he" insert "or they"

" 2 " 1—After "Treasurer" expunge the remainder of the clause.

" " " 10—After "him" expunge "and his Deputy"

" " " 13—After "he" insert "so"

" " " 14—After "aforesaid" expunge the remainder of the clause, and insert, "That it shall be the duty of the Inspector or Inspectors, so to be appointed, on application being made to any one of them for that purpose, to proceed to inspect all Fish, by opening one of the heads of each barrel or half barrel, and if the same is found to contain sound and merchantable Fish, with a sufficient quantity of salt to preserve the same, he shall then brand the same, as hereinafter provided, on the head of such barrel or half barrel, and if the Fish are found unsound or not merchantable, the same shall be destroyed by the Inspector; and if the barrel or half barrel is not full, or not salted with a sufficient quantity of salt, that in that case the said Inspector shall fill the same with sound merchantable Fish, or add such quantity of salt as he may deem requisite, as the case may be, which barrel shall contain each two hundred pounds, or in half barrels which shall contain one hundred pounds."

" 3, " 5—After "Inspectors" expunge "and their Députies"

" " " 13—After "aforesaid" expunge the remainder of the clause, and insert "That if any person shall intermix, take out or shift any Fish of any barrel or half barrel, inspected and branded as by this Act required, or put into any barrel or half barrel inspected and branded any other Fish for sale or exportation, or alter the face of or change the brand or mark of any Inspector, contrary

Committee appointed therefor.

A Select Committee appointed to draft an Address of congratulation to His Excellency Sir John Colborne, upon his being called to the Government of British North America.

Members composing same.

Report of the Select Committee upon Fish inspection regulation bill, presented.

Read.

The report.

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to the true intent and meaning of this Act, the person or persons so offending shall for every such offence forfeit and pay the sum of Five Pounds, on conviction before any two of Her Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, which fine, if not paid in three days after conviction, to be made and levied of the goods and chattels of the person or persons so convicted as is hereinafter provided."

Press 4, line 12—After the word "cooperage" insert "and for every bushel of salt or part thereof used as aforesaid, the market price of salt at the time and place of such inspection"

" " " 14—After "aforesaid" expunge the remainder of the clause, and insert "That if any or either of the Inspectors so to be appointed under the authority of this Act, shall be guilty of any fraud or neglect in inspecting any Fish, or of offering any fee or reward to owners of Fish or their agents, or to any other person in order to obtain the profits of inspecting or repacking the same, on any pretence whatever, or shall brand any cask containing Fish contrary to the true intent and meaning of this Act, or which has not been actually inspected agreeably to the provisions of this Act, or shall permit any other person to use his brand in violation or evasion of the provisions of this Act, he shall on conviction thereof before any two of Her Majesty's Justices of the Peace residing within the District where the offence is committed, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of Ten Pounds, and in default of such payment within six days after conviction, the said Justices of the Peace or any one of them shall and may issue an execution against such Inspector's goods and chattels so convicted as by any law of this Province is authorised in judgments awarded in the Court of Requests."

" 5, " 1—After "not" expunge "a subject of Her Majesty" and insert "residing in this Province"

" " " 4—After "partner" expunge "or assistant hand"

" " " 9—After "any" expunge "one" and insert "two"

" " " 10—After "peace" expunge "on the affidavit of one" and insert "upon the oath of one or more credible"; after "witness" insert "or witnesses"

Add to the bill—"11. And be it further enacted by the authority aforesaid, That if it shall appear to the Inspector, or his Deputy, that a part of the Fish in any barrel inspected by him is sound and a part unsound, then it shall and may be lawful for the said Inspector to separate the sound from the unsound, and re-pack the sound Fish, and add such salt or pickle as he may judge necessary, and brand the same as aforesaid; and such Fish as the Inspector shall judge not capable of preservation, he shall condemn as bad."

"12. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be taken or deemed to apply to any Fish put up and packed out of this Province, and imported into the same."

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
18th March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to authorise the conveyance of old roads, in certain cases," presented their report.

Ordered, that it be received; and

The same was then read by the Clerk, as follows:

The Select Committee to whom was referred the bill sent up from the House of Assembly, entitled, "An Act to authorise the conveyance of old roads, in certain cases," beg leave to Report:

Report of Select
Committees upon old
roads conveyance
authority bill, presented.

Read.

Monday, 18th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

That in their opinion it would be unwise to facilitate in any way the alienation of high-ways, as contemplated by the said bill; that if inconvenience be suffered in consequence of the original allowances for roads being in some cases unfit therefor, and the property of individuals being therefore so appropriated, the particular cases should be brought under the notice of the Legislature, rather than an attempt be made to meet all those cases by a general enactment. The report.

In a country as yet but partially inhabited, it must happen that the sites of the highways have been departed from in very many instances to avoid obstacles, which in a more advanced stage of improvement would be of no account.

Your Committee are of opinion, that when appropriations for Macadamizing, paving, or otherwise permanently constructing any highway are made, the old lines will be followed wherever practicable, because they are the shortest; the deviations from the original allowance for road will be shewn on the plans submitted to the Legislature; the causes for those deviations will be pointed out; a sufficient opportunity for public objection to those alterations will be afforded; and your Honourable House will be in possession of all the requisite information for authorising, in any road bill that may be introduced, such exchanges of old road allowance for the property of individuals as may appear desirable.

Your Committee beg further to report, that so great was the injury experienced, by the system proposed to be re-introduced by the bill submitted to them, prior to the year 1824, that in that year a clause was inserted in the Act then passed, 4th George IV. Chapter 10, since which time no allowance for road left by the Government can be alienated, unless by special enactment, as was the case last Session of the Legislature, when an allowance for road near the town of Hamilton was alienated in exchange for lands given for roads by Sir A. N. MacNab.

It is confidently believed by your Committee, that this mode of proceeding will be found most conducive to the general good. Your Committee cannot, therefore, recommend your Honourable House to take further proceeding on the bill in question.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
18th day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors and the admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish, on a permanent footing, the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be Surveyed,'" presented their Report.

Ordered, that the it be received; and,

The same was then read by the Clerk, as follows:

The Select Committee to whom was referred the bill, entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be surveyed,'" respectfully Report:

Report of the Select Committee upon Land Surveyors' law provision extension bill, presented.

Read.

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The report.

That they have gone through the said bill, and recommend it, without any amendment, to the adoption of your Honourable House.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
18th day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

Report of the Select Committee upon Mutual Insurance Companies law amendment bill, presented.

The Honourable Mr. Crooks, from the Select Committee, to whom was referred the bill, entitled, "An Act to alter and amend an Act passed in the second Session of the twelfth Provincial Parliament, entitled, 'An Act to authorise the establishment of Mutual Insurance Companies in the several Districts of this Province,'" presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Committee, to whom was referred the bill brought up from the House of Assembly, entitled, "An Act to alter and amend an Act passed in the second Session of the twelfth Parliament, entitled, 'An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province,'" beg leave to Report:

The report.

That on reference to the petition for the law proposed to be amended, presented to your Honourable House, they find that the petitioners prayed for the establishment of a Mutual Insurance Company within the District in which they lived.

That no petition from the parties interested, calling for amendment in the existing law has been presented to your Honourable House, which the short time that the law has been in force would seem to demand; no sufficient time for ascertaining the practical working of the law having yet been allowed.

That the first enacting clause of the bill, now proposed, giving authority to the Directors of a Mutual Insurance Company, established in one District, to take risks in any other District, does in fact affect the insurances already made: for if in one District a property of a hazardous character—as a mill, for instance—can be insured only for a portion of its value, the proprietor would, under the Act in question, be enabled to carry a portion of a hazardous insurance into another District; thereby increasing the risk of parties who may have already insured in that District. Your Committee cannot, therefore, recommend this clause for adoption by your Honourable House.

The other clause of the bill gives the power of increasing the number of Directors, now fixed at seven, to not less than nine or more than fifteen.

Your Committee refer to your Honourable House the decision of the question, whether it is necessary to pass an enactment for so trivial a purpose, as merely increasing the number of Directors, particularly as the insured have annually an opportunity of electing such persons into the direction as may be willing to give their attendance, and thus avoid the inconvenience occasioned by having originally adopted another course.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
18th day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

House adjourns.

On motion made and seconded, the House adjourned.

Tuesday, 19th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

TUESDAY, 19th MARCH, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS,

The Honourable Messrs. ALLAN,

“ “ FERGUSSON,

“ “ BALDWIN,

“ “ JOHN SIMCOE MACAULAY.

“ “ ADAMSON,

“ “ WILKINS.

“ “ CROOKS,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, “An Act to limit the period for the owners of lands making claims for damages occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned”; was, as amended, read a third time; and, Rideau Canal claims period limitation bill, (as amended,) read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments; and it was, Amendments signed,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly. And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, “An Act to provide for the relief of disabled and infirm persons in the several Townships within this Province.” Disabled persons relief bill, committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, to report thereon. Reported;

Ordered, that the Report be received; and,

Ordered, that the said bill be referred to a Select Committee to report thereon; and, And referred to a Select Committee.

Ordered, that the Honourable Messieurs Morris, Fergusson and John Simcoe Macaulay, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, “An Act to regulate the inspection of Fish, and to prevent Aliens from fishing within the waters of this Province,” together with the report of the Select Committee thereon. Fish inspection regulation bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Honourable Mr. Sullivan enters. A Member enters.

The Chairman reported that the Committee had gone through the last-mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments reported by the last-mentioned Committee.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows: Read first time.

In the title, line 2—After “prevent” expunge “Aliens” and insert “non-residents” The Amendments.

In the bill, Press 1, line 2—After “the” expunge “inspection, salting, barrelling, &c.” and insert “packing, salting and inspection”

Press 1, line 3—After “should be” expunge “carefully attended to” and insert “regulated by law”; after “that” expunge “Aliens” and insert “non-residents”

“ “ “ 4—After “to” expunge “monopolize” and insert “interfere in”

“ “ “ 16—After “District of this Province” insert “when the same may be required”

“ “ “ 19—After “that” expunge “each” and insert “such”; after “Inspector” insert “or Inspectors”; after “his” insert “or their”

“ “ “ 20—After the word “office” expunge “be sworn to the faithful discharge thereof before a” and insert “take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will faithfully, truly, and impar-

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tially, according to the best of my judgment, skill and understanding, execute, do and perform, the duty and office of an Inspector of Fish, according to the true intent and meaning of the Act, entitled, "An Act to regulate the inspection of Fish, and to prevent non-residents from fishing within the waters of this Province; which oath any"

Press 1, line 21—After "he" insert "or they"

" 2 " 1—After "Treasurer" expunge the remainder of the clause.

" " " 10—After "him" expunge "and his Deputy"

" " " 12—After "specify" expunge "the qualities and"

" " " 13—Expunge "he" and insert "so"

" " " 14—After "aforesaid" expunge the remainder of the clause, and insert, "That it shall be the duty of the Inspector or Inspectors, so to be appointed, on application being made to any one of them for that purpose, to proceed to inspect all Fish, by opening one of the heads of each barrel or half barrel, and if the same is found to contain sound and merchantable Fish, with a sufficient quantity of salt to preserve the same, he shall then brand the same, as hereinafter provided, on the head of such barrel or half barrel, and if the Fish are found unsound or not merchantable, the same shall be destroyed by the Inspector; and if the barrel or half barrel is not full, or not salted with a sufficient quantity of salt, that in that case the said Inspector shall fill the same with sound merchantable Fish, or add such quantity of salt as he may deem requisite, as the case may be; each barrel shall contain two hundred pounds, and each half barrel one hundred pounds."

" 3, " 5—After "Inspectors" expunge "and their Deputies"

" " " 13—After "aforesaid" expunge the remainder of the clause, and insert "That if any person shall intermix, take out or shift any Fish of any barrel or half barrel, inspected and branded as by this Act required, or put into any barrel or half barrel inspected and branded, any other Fish for sale or exportation, or alter the face of or change the brand or mark of any Inspector, contrary to the true intent and meaning of this Act, the person or persons so offending shall for every such offence forfeit and pay the sum of Five Pounds, on conviction before any two of Her Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, such fine or penalty, if not paid in three days after conviction, may be made and levied of the goods and chattels of the person or persons so convicted in manner aforesaid, as hereinafter provided."

" 4 " 2—After "all" expunge "cask" and insert "barrels and half barrels"

" " " 12—After the word "cooperage" insert "and for every bushel of salt or part thereof so consumed as aforesaid, the value of such salt according to the market price thereof at the time and place of such inspection"; expunge "which fees" and insert "the said fees and charges"

" " " 14—After "aforesaid" expunge the remainder of the clause, and insert "That if any or either of the Inspectors so to be appointed under the authority of this Act, shall be guilty of any fraud or neglect in inspecting any Fish, or of offering any fee or reward to owners of Fish or their agents, or to any other person in order to obtain the profits of inspecting or repacking the same, on any pretence whatever, or shall brand any barrel or half barrel containing Fish contrary to the true intent and meaning of this Act, or which has not been actually inspected agreeably to the provisions of this Act, or shall permit any other person to use his brand in violation or evasion of the provisions of this Act, he shall on conviction thereof before any two of Her Majesty's Justices of the Peace residing within the District where the offence is committed, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of Ten Pounds, and in default of such payment within six days after conviction, the said Justices of the Peace or any one of them shall and may issue an execution against such Inspector's goods and chattels so convicted, as by any law of this Province is authorised in judgments awarded in the Court of Requests."

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Press 5, line 1—After “not” expunge “a subject of Her Majesty” and insert “residing in this Province”

“ “ “ 4—After “partner” expunge “or assistant hand”

“ “ “ 9—After “any” expunge “one” and insert “two”

“ “ “ 10—After “peace” expunge “on the affidavit of one” and insert “upon the oath of one or more credible”; after “witness” insert “or witnesses”

Add to the bill—“11. And be it further enacted by the authority aforesaid, That if it shall appear to the Inspector that a part of the Fish in any barrel or half barrel inspected by him is sound and a part unsound, then it shall and may be lawful for the said Inspector to separate the sound from the unsound, and re-pack the sound Fish, and add such salt or pickle as he may judge necessary, and brand the same as aforesaid; and such Fish as the Inspector shall judge not capable of preservation, he shall condemn as bad.”

“12. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be taken or deemed to apply to any Fish put up and packed out of this Province, and imported into the same.”

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Read second time and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the bill, entitled, “An Act to authorise the conveyance of old roads, in certain cases,” together with the report of the Select Committee thereon. Old roads conveyance authority bill, re-committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill again into consideration, and recommended the report of the Select Committee thereon to the adoption of the House. Reported;

Ordered, that the report be received; and,

Ordered, that the report of the Select Committee be adopted. And the report of the Select Committee adopted.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, “An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, ‘An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty’s reign, entitled, ‘An Ordinance concerning Land Surveyors and the admeasurement of Lands,’ and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty’s reign, entitled, ‘An Act to ascertain and establish, on a permanent footing, the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be Surveyed,’” together with the report of the Select Committee thereon. Land Surveyors’ law provision extension bill, committed.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time to-morrow. Adopted.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the bill, entitled, “An Act to alter and amend an Act passed in the second Session of the twelfth Provincial Parliament, entitled, “An Act to authorise the establishment of Mutual Insurance Companies, in the several Districts of this Province,” together with the report of the Select Committee thereon. Mutual Insurance Companies’ law amendment bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill again into consideration, and recommended the report of the Select Committee thereon, to the adoption of the House. Reported;

Ordered, that the report be received; and,

Ordered, that the report of the Select Committee be adopted. And the report of the Select Committee adopted.

Wednesday, 20th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Petitions of the President and Directors of the Great Western Rail-road Company; and of Elisha Harris, and others, presented.

The Honourable Mr. Fergusson brought up the petition of the President and Directors of the Great Western Rail-road Company; and also the petition of Elisha Harris, and others, inhabitants of the Townships of Barton and Saltfleet; which were laid on the table.

Report of the Select Committee appointed to present an Address of thanks for His Excellency's messages of yesterday.

The Honourable Mr. Adamson, from the Select Committee appointed to present an Address of thanks to the Lieutenant Governor for His several messages of yesterday, reported the delivery thereof.

Petitions of Ridout, Brothers and Company, and others; presented.

The Honourable Mr. Morris brought up the petition of Ridout, Brothers and Company, and others, Merchants and Inhabitants of the City of Toronto; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 20th MARCH, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. CROOKSHANK,
" " ALLAN,
" " BALDWIN,
" " ADAMSON,
" " CROOKS,

The Honourable Messrs. MORRIS,
" " SULLIVAN,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " WILKINS.

Prayers were read.

The Minutes of yesterday were read.

Fish inspection regulation bill, (as amended), discharged from the order of the day.

The order of the day being read for a third reading of the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent Aliens from Fishing within the waters of this Province," as amended, it was,

Ordered, that it be discharged; and,

Ordered, that the House be again put into a Committee of the whole, to-morrow, to take the same into further consideration.

Land Surveyors' law provision extension bill, read third time, and passed.

Pursuant to the order of the day, the bill, entitled, "An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships in this Province, and further to regulate the manner in which lands are hereafter to be surveyed,'" was read a third time and passed.

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

On motion made and seconded, it was,

Petition of John Bright, and others; referred to the Select Committee upon the Contingent Accounts.

Ordered, that the petition of John Bright, and others, Messengers to the Honourable the Legislative Council, praying to be placed on the same footing with the Messengers of the House of Assembly, in respect of pecuniary allowance, be referred to the Select Committee appointed to examine the Contingent Accounts, to report thereon.

On motion made and seconded, it was,

Members added thereto.

Ordered, that the Honourable Messieurs John Simcoe Macaulay and Wilkins, be added to the Select Committee last-mentioned.

Petitions of John F. Taylor;

The Honourable Mr. Sullivan brought up the petition of John Fennings Taylor; which was laid on the table.

Of Henry V. Mans, and others;

The Honourable Mr. Fergusson brought up the petition of Henry V. Mans, and others, of the Township of Dumfries, in the District of Gore; and also the petition of Jacob Biggar, and others, inhabitants of the Township of Trafalgar, Esquesing and Erie, in the Gore District; which were laid on the table.

And of Jacob Biggar, and others; presented.

Wednesday, 20th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to vest certain lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," presented their report.

Report of the Select Committee upon Ordnance Department Land trust bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee to whom was referred a bill, entitled, "An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned," beg leave to Report:

That this bill vests in the principal Officers of Her Majesty's Ordnance all lands purchased under their authority, for the use of the Ordnance Department; and also all lands reserved, allotted or appropriated, for military purposes throughout this Province.

The report.

That the lands so reserved, allotted or appropriated, are in fact already vested in the Crown, any enactment regarding them would, therefore, be informal as well as unnecessary, the Crown having always the authority requisite for vesting those lands in the principal Officers of the Ordnance, if so advised.

Your Committee have, therefore, prepared certain amendments, the effect of which will be to vest in the principal Officers of Her Majesty's Ordnance all lands purchased or procured by exchange for the use of the Ordnance Department, and which are now held in trust by other parties for the use of that Department.

The proposed amendments are as follows:

- Press 1, line 1—After "divers" expunge "of Her Majesty's"
- " " " 3—After "heretofore" expunge "allotted and appropriated"
- " " " 4—After "period" expunge to "conveyed" in line 8.
- " " " 9—After "Successors" insert "for the use of the Department of Her Majesty's Ordnance, and the works under their management and controul"
- " " " 17—After "so" expunge "already allotted or appropriated"
- " " " 18—After "purchased" expunge "or used and occupied"
- " " " 21—Expunge "or in any manner used and occupied"
- " 2, " 10—After "same" expunge to "that" in Press 3, line 11.
- " 4, " 10—Expunge "3" and insert "2."
- " 5, " 5—Expunge "4" and insert "3."
- " " " 15—Expunge "5" and insert "4."
- " 6, " 10—Expunge "6" and insert "5."
- " 7, " 3—Expunge "7" and insert "6."
- " " " 21—Expunge "8" and insert "7."
- " 8, " 15—Expunge "9" and insert "8."
- " 9, " 15—Expunge "10" and insert "9."
- " 10, " 14—Expunge "11" and insert 10."

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
19th day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire"; also a bill, entitled, "An Act to incorporate certain persons under the style and title of the College of Physicians and Surgeons of Upper Canada"; also a bill, entitled, "An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to

FitzGibbon's Land grant bill;

Physician's College establishment bill;

Game preservation bill;

Thursday, 21st March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

And False Ducks Light House Keeper's salary increase bill; brought up from the Assembly.

prohibit hunting and shooting on the Lord's day"; and also a bill, entitled, "An Act to increase the salary of the keeper of the Light House on the False Ducks Island"; to which they requested the concurrence of this House, and then withdrew.

Read first time. The said bills were then severally read; and it was Ordered, that the same be read a second time to-morrow.

A Member enters. The Honourable Mr. John Macaulay enters.

Petitions of William Hatchie, and others; The Honourable Mr. Crooks brought up the petition of William Hatchie, and others, inhabitants residing adjacent to that portion of the River Thames at and between the Towns of London and Chatham; which was laid on the table.

And of William Powers, presented. The Honourable Mr. John Macaulay brought up the petition of William Powers, Deputy Warden of the Provincial Penitentiary; which was laid on the table.

House adjourns. On motion made and seconded, the House adjourned.

THURSDAY, 21st MARCH, 1839.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> SULLIVAN,
	<i>The Honourable Messrs.</i> CROOKSHANK,	" " FERGUSSON,
	" " ADAMSON.	" " JOHN SIMCOE MACAULAY,
	" " CROOKS,	" " WILKINS.
	" " MORRIS,	

Prayers were read.

The Minutes of yesterday were read.

Fish inspection regulation bill, re-committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent Aliens from fishing within the waters of this Province," together with the report of the Select Committee thereon.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Further amendments, reported. The Chairman reported that the Committee had gone through the said bill, and had made some further amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time. The said further amendments were then read by the Clerk, as follows:

The further amendments. Press 1, line 22—After "Act" insert "may administer"
 " 3, " 4—After "each" expunge "cask" and insert "barrel or half barrel"
 " " " 6—After "each" expunge "cask" and insert "barrel or half barrel"
 " " " 8—After "each" expunge "cask" and insert "barrel or half barrel"
 " " " 10—After "Inspector" expunge "or Deputy as the case may be"
 " " " 23—After "which" insert "shall"

Read second time, and adopted. The said further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said bill, as further amended, read a third time to-morrow.

Ordnance Department Land trust bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole upon the bill, entitled, "An Act to vest certain lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Amendments, reported. The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Thursday, 21st March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The said amendments were then read by the Clerk, as follows:

Read first time.

- Press 1, line 1—After “divers” expunge “of Her Majesty’s”
 “ “ “ 3—After “heretofore” expunge “allotted and appropriated”
 “ “ “ 4—After “period” expunge to “conveyed” in line 8.
 “ “ “ 9—After “Successors” insert “for the use of the Department of Her Majesty’s
 Ordnance, and the works under their management and controul”
 “ “ “ 17—After “so” expunge “already allotted or appropriated”
 “ “ “ 18—After “purchased” expunge “or used and occupied”
 “ “ “ 21—Expunge “or in any manner used and occupied”
 “ 2, “ 10—After “same” expunge to “that” in Press 3, line 11.
 “ 4, “ 10—Expunge “3” and insert “2.”
 “ 5, “ 5—Expunge “4” and insert “3.”
 “ “ “ 15—Expunge “5” and insert “4.”
 “ 6, “ 10—Expunge “6” and insert “5.”
 “ 7, “ 3—Expunge “7” and insert “6.”
 “ “ “ 21—Expunge “8” and insert “7.”
 “ 8, “ 15—Expunge “9” and insert “8.”
 “ 9, “ 15—Expunge “10” and insert “9.”
 “ 10, “ 14—Expunge “11” and insert “10.”

The Amendments.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the bill, entitled, “An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire,” was read a second time; and it was,

FitzGibbon’s Land grant bill, read second time.

Ordered, that it be referred to a Select Committee, to report thereon, by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Sullivan and Fergusson, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the bill, entitled, “An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada,” was read a second time; and it was,

Physicians’ College establishment bill, read second time;

Ordered, that it be referred to a Select Committee, to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Morris and John Simcoe Macaulay, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the bill, entitled, “An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord’s day”; and also the bill, entitled, “An Act to increase the salary of the keeper of the Light House on the False Ducks Island”; were severally read a second time, and it was,

Game preservation bill;

And False Ducks Light House keeper’s salary increase bill; read second time.

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the petition of the President and Directors of the Great Western Rail-road Company, praying that a portion, or the whole of the capital stock of the said Company, may be taken by the Province, upon certain conditions; also the petition of Elisha Harris, and others, inhabitants of the Township of Barton and Saltfleet, praying that the said Elisha Harris may be naturalized by an Act of the Provincial Legislature; and also the petition of Ridout, Brothers and Company, and others, Merchants and Inhabitants of the City of Toronto, praying for the passing of a Bankrupt law, adapted to the situation and circumstances of the Province; were severally read.

Petitions of the President and Directors of the Great Western Rail-road Company;

Of Elisha Harris, and others;

And of Ridout, Brothers and Company, and others; Read.

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill, entitled, “An Act to provide for the relief of disabled and infirm persons, in the several Townships within this Province,” presented their report.

Report of the Select Committee upon Disabled persons relief bill, presented.

Ordered, that it be received; and

The same was then read by the Clerk, as follows:

Read.

Thursday, 21st March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The Select Committee to whom was referred the bill, entitled, "An Act to provide for the relief of disabled and infirm persons, in the several Townships within this Province," respectfully Report:

The report.

That it does not appear advisable or necessary to enter into detail upon a discussion of the clauses of the bill.

The preamble, in the humble opinion of the Committee, is not borne out by facts, as applicable to this Province. In certain large towns it is possible that some provision for poor and infirm persons may be required, which will be best secured by municipal provisions in such places.

The overwhelming misery and vice, and the near approach to national bankruptcy, occasioned by the operation of a Poor Law in England, may well appal Her Majesty's subjects in other parts of the Empire, at a proposal to introduce such a measure; and the melancholy degradation and demoralization consequent upon a statutory provision for the poor, however guarded, should call for the most serious and cautious investigation, before opening that flood-gate of extravagance and idleness upon such a young and rising Province as Upper Canada.

Your Committee see no reason to doubt that in all parts of the Province, (with the exception already mentioned) unfortunate individuals who are, by the hand of God, wholly or partially unable to support themselves, may be safely and most advantageously left to the charity and kindness of their neighbours; a legal provision inevitably tends to blunt the kindly feelings of human nature; it saps the foundation of filial piety, and domestic ties; and above all, it destroys the self-respect of the unfortunate recipient of statutory bounty, and is attended by a host of evils, upon which it seems unnecessary for your Committee to enlarge.

Your Committee will conclude their report with a remark referring to a general principle in this bill.

The only shadow of protection to the public purse in England was found in the Law of Settlement; a principle so entirely deviated from here, that townships might be absolutely ruined by the demands of paupers, unknown to and unconnected with the inhabitants; and who might pour in upon them in swarms, either from the adjoining Provinces or from Europe.

The harrassing duty and severe penalties which the bill proposes to lay upon Overseers, without one shilling of remuneration, appear also to your Committee to be far beyond the reasonable demands of public service, upon the time and attention of individuals.

Upon the whole, your Committee cannot recommend to the Honourable the Legislative Council to proceed any further with this bill.

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
20th day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

Report of the Select Committee upon Brock District provision extension bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock,'" presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Select Committee, appointed by your Honourable House, to enquire whether the standing rules thereof have been complied with, in regard to the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock,'" respectfully Report:

Friday, 22nd March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

That they find in the Upper Canada Gazette, a notice applicable thereto, dated tenth July last, first published in said Gazette under date the thirteenth September following, and that a petition has been presented to your Honourable House, in reference thereto, since the said bill has been under consideration. The report.

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
21st day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon be referred to a Committee of the whole House to-morrow.

The Honourable Mr. Allan enters.

The Honourable Mr. Crooks, from the Select Committee appointed to draft an Address of congratulation to His Excellency Lieutenant General Sir John Colborne, upon his being called to the Government of British North America, reported a draft thereof, which he read in his place; and, A Member enters.
Report of the Select Committee appointed to draft a congratulatory Address to His Excellency Sir John Colborne, upon his being called to the Government of British North America, presented.
Read.

The same was then again read by the Clerk; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the said Address into consideration.

The Honourable Mr. Fergusson brought up the petition of Daniel Lizars, and others, inhabitants of the County of Huron; also the petition of William Cotter, and others, inhabitants of the Western District; and also the petition of William Anderton, and others, inhabitants of the Western District; which were laid on the table. Petitions of Daniel Lizars, and others; Of William Cotter, and others; And of William Anderton, and others; presented.

On motion made and seconded, the House adjourned. House adjourns.

FRIDAY, 22nd MARCH, 1839.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. FERGUSSON,

The Honourable Messrs. ALLAN,

“ “ JOHN SIMCOE MACAULAY,

“ “ BALDWIN,

“ “ WILKINS. Members present.

“ “ ADAMSON,

Prayers were read.

The Minutes of yesterday were read.

The Honourable the Speaker acquainted the House, that there was a Member without ready to be introduced; Speaker reports a Member waiting to be introduced.

When the Honorable Mr. John McDonald was introduced between the Honourable Mr. Fergusson, and the Honourable Mr. Wilkins. Introduction of John McDonald, Esquire.

Then the Honourable Mr. McDonald presented to the Speaker his writ of summons, who delivered it to the Clerk, and it was read as follows: He presents his writ of summons.
Same read.

UPPER CANADA.

GEO. ARTHUR.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c. &c. &c.

To our trusty and well-beloved John McDonald, Esquire, and to all to whom these presents shall come:

GREETING.

KNOW YE, that as well for the special trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous The writ.

Friday, 22nd March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

affairs, which may the state and defence of our said Province of Upper Canada, and the Church thereof concern; We have thought fit to summon you, the said John McDonald, to the Legislative Council of our said Province; and We do therefore command you, the said John McDonald, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, at the Legislative Council of our said Province, at all times whensoever and wheresoever our Provincial Parliament may be therein hereafter convoked and holden. And this you are in nowise to omit.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed: WITNESS our trusty and well-beloved SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of our said Province, and Major General commanding our Forces therein, at Toronto, this twentieth day of March, in the year of our Lord one thousand eight hundred and thirty-nine, and in the second year of our reign.

G. A.

By command of His Excellency.

C. A. HAGERMAN,

Attorney General.

R. A. TUCKER,

Secretary.

The Honourable
Mr. John McDonald takes
the oath prescribed by
law.

Then the Honourable Mr. McDonald came to the table and took and subscribed the oath prescribed by Law, which was administered by John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council, and took his seat accordingly.

Fish inspection regulation
bill, as amended, read
third time, and passed.

Pursuant to the order of the day, the bill, entitled, "An Act to regulate the inspection of Fish, and to prevent Aliens from Fishing within the waters of this Province," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Game preservation bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord's Day."

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

And referred to a Select
Committee.

Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same.

Ordered, that the Honourable Messieurs Morris and Fergusson, do compose the same for that purpose.

Ordnance Department
Land trust bill,
discharged from the
order of the day;

The order of the day being read for a third reading of the bill, entitled, "An Act to vest certain lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," (as amended) it was,,

Ordered, to be discharged; and,

And referred back to the
same Select Committee.

Ordered, that the said bill be referred back to the same Select Committee, to report further thereon.

A Member enters.

The Honourable Mr. Sullivan enters.

False Ducks Light House
Keeper's salary increase
bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to increase the salary of the keeper of the Light House on the False Ducks Island."

Friday, 22nd March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and asked leave to sit again on next Monday sen'night.

Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the relief of disabled and infirm persons, in the several Townships within this Province," together with the report of the Select Committee thereon.

Disabled persons relief bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Several messages from His Excellency the Lieutenant Governor were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were then again read by the Clerk, as follows:

Messages from the Lieutenant Governor,

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Reports of the undermentioned Macadamized roads respectively, for the year 1838:

Transmitting the reports of Commissioners of certain Macadamized roads.

DUNDAS AND WATERLOO,
YONGE-STREET,
EAST YORK,
QUEENSTON AND GRIMSBY.

Government House,
20th March, 1839.

GEO. ARTHUR.

The Lieutenant Governor has great pleasure in transmitting to the Legislative Council, a copy of a Despatch (with enclosures) from His Excellency Sir John Colborne, communicating information of an Act of the most considerate munificence on the part of the Legislature of the Province of New Brunswick, in providing for the immediate relief of such of their loyal Canadian fellow Subjects as have suffered from the piratical aggressions of Foreign brigands, the sum of One Thousand Pounds, which has been placed in the hands of the the Governor General for distribution.

Transmitting the copy of a Despatch from the Governor-in-Chief, communicating a grant of money voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas.

The Lieutenant Governor is sensible that the Legislative Council, and the Country, will cordially acknowledge this gratifying testimonial of the principles which animate the gallant and warm-hearted people of New Brunswick, and readily recognize it as a token of that pervading sentiment by which the North American Provinces are linked together in a common attachment to the Throne, and in a common determination to maintain the unity of the Empire.

The present novel position of New Brunswick, occasioned by the measures of an adjoining State, is full of interest, and not without difficulty; yet under the guidance of an Officer whose qualities are not only well known but fully appreciated by the people of Upper Canada, a confident hope may be entertained that the rights of that loyal Colony, and the honour of the Crown, will be upheld, without incurring any serious interruption of those peaceful relations with a neighbouring nation which it is equally important to the best interests of all parties to preserve unimpeached.

Government House,
22nd March, 1839.

(For Despatches, &c. see Appendix K.)

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Report of the President of the Board of Directors of the Provincial Penitentiary, together with the Reports of the Warden, Surgeon, Chaplain, and Documents marked L. and M., for the year 1838.

Transmitting the report of the President of the Board of Directors of the Provincial Penitentiary, and other documents connected with that Institution.

Government House,
21st March, 1839.

Friday, 22nd March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

GEO. ARTHUR.

Transmitting the Annual Reports of the Trustees of the Public District Schools, and of the Boards of Education.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Annual Reports of the Trustees of the Public District Schools, and of the Boards of Education of the several Districts, for the past year, as stated in the annexed Schedule.

Government House,
18th March, 1839.

SCHEDULE,

Of Reports of District and Common Schools transmitted, with the Lieutenant Governor's Message to the Legislative Council, dated 18th March, 1839.

DISTRICT.	REPORT DISTRICT SCHOOL.	REPORT COMMON SCHOOL.
Eastern,	transmitted.	transmitted.
Ottawa,	do.	do.
Bathurst,	do.	do.
Johnstown,	do.	do.
Midland,	do.	not received.
Prince Edward,	not received.	transmitted.
Newcastle,	transmitted.	do.
Home,	do.	do.
Gore,	do.	not received.
London,	do.	transmitted.
Niagara,	do.	do.
Talbot,	explanatory letter.	not received.
Western,	transmitted.	transmitted.

Disabled persons relief bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the relief of disabled and infirm persons, in the several Townships within this Province."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into further consideration, and recommended the report of the Select Committee thereon, to the adoption of the House.

Ordered, that the report be received; and,

Ordered, that the said report of the Select Committee be adopted.

And the report of the Select Committee adopted.

Congratulatory Address to His Excellency Sir John Colborne, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of congratulation to His Excellency Lieutenant General Sir John Colborne, upon his being appointed to the Government of British North America.

The Honourable Mr. Sullivan took the Chair.

After some time the House resumed.

Amendments, reported.

The Chairman reported that the Committee had gone through the said Address, and had made some amendments thereto, and recommended the Address, as amended, to the adoption of the House.

Adopted.

Ordered, that the Report be received; and,

Ordered, that the said Address be engrossed, and the same, as amended, read a third time on Monday next.

Brock District provision extension bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock,'" together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time on Monday next.

Monday, 25th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the petition of John F. Taylor, praying the House to confer upon him the honorary distinction of Assistant Clerk, by an unlimited appointment, was read; and it was,

Ordered, that it be referred to a Select Committee, to report thereon; and,

Ordered, that the Honourable Messieurs Fergusson and John Simcoe Macaulay, do compose the same for that purpose.

Pursuant to the order of the day, the petition of Henry V. Mans, and others, of the Township of Dumfries, in the District of Gore, praying for an Act conferring upon them the rights and privileges of British Subjects; also the petition of Jacob Biggar, and others, inhabitants of the Township of Trafalgar, Esquesing and Erie, in the Gore District, praying for an Act authorising the Macadamization or planking of the line of road from Oakville to Owen Sound, in Lake Huron; also the petition of William Hatchie, and others, inhabitants residing adjacent to that portion of the River Thames at and between the Towns of London and Chatham, praying for an Act incorporating a Joint Stock Company, for improving the navigation of the said River from the Town of London to the Town of Chatham aforesaid, and for a grant of money from the Provincial funds, in aid of the work; and also the petition of William Powers, Deputy Warden of the Provincial Penitentiary, at Kingston, praying for relief; were severally read.

On motion made and seconded, it was,

Ordered, that the Message of His Excellency the Lieutenant Governor, received this day, transmitting the copy of a despatch from the Governor-in-Chief, be referred to a Committee of the whole House on Monday next.

On motion made and seconded, it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for His several Messages of this day, transmitting the copy of a Despatch from the Governor-in-Chief, with reference to a grant of money voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas; the Report of the President of the Board of Directors of the Provincial Penitentiary, and other documents connected with that Institution; the Reports of the Trustees of several Macadamized roads; and the Annual Reports of the Trustees of the Public District Schools, and of the Boards of Education; and,

Ordered, that the Honourable Messieurs Morris and John Simcoe Macaulay, do present the same.

The Honourable Mr. Morris brought up the petition of the Ministers and ruling Elders of the Commission of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland; which was laid on the table.

On motion made and seconded, the House adjourned until Monday next, at the hour of one of the clock, P. M.

MONDAY, 25th MARCH, 1839.

The House met pursuant to adjournment.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " ALEXANDER McDONELL,

" " MORRIS,

The Honourable Messrs. FERGUSSON,

" " JOHN SIMCOE MACAULAY,

" " WILKINS,

" " JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of Saturday last were read.

Pursuant to the order of the day, the Address of congratulation to His Excellency Lieutenant General Sir John Colborne, upon his being appointed to the Government of British North America, was read a third time and passed.

Whereupon the Speaker signed the same, and it is as follows:

(For Address, see Appendix L.)

Congratulatory Address to His Excellency Sir John Colborne, read third time, and passed.

Same signed;

The Address.

Monday, 25th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

On motion made and seconded, it was,

Ordered, that the foregoing Address be sent to the Commons House of Assembly, by the Master in Chancery, for their concurrence.

Pursuant to the order of the day, the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to authorise the crection of the County of Oxford into a separate District, by the name of the District of Brock,'" was read a third time and passed;

Whereupon the Speaker signed the same; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

The Honourable Mr. Allan enters.

Pursuant to the order of the day, the petition of Daniel Lizars, and others, inhabitants of the County of Huron, praying that the Act erecting the same into a separate District, may be amended, in so far as respects the raising of a sum of money, by way of loan, upon the credit of the rates and assessments of the said District, to be applied in building a Gaol and Court House therein; also the petition of William Cotter, and others, inhabitants of the Western District, praying for a grant of money to be applied in the making of a new road through the Townships of Maidstone, Rochester, West Tilbury, East Tilbury, and part of Raleigh, to the River Thames; also the petition of William Anderton, and others, inhabitants of the Western District, praying for a grant of £5,000, to be expended in the making of a road from Sandwich to Chatham; and also the petition of the Ministers and ruling Elders of the Commission of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, praying for a repeal of certain clauses of the Statute, 31st Geo. III. Chap. 31st, constituting and erecting Rectories in this Province, according to the establishment of the Church of England; were severally read.

The Honourable Mr. Adamson enters.

A Deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, a Message, in the following words, and then withdrew.

MR. SPEAKER:

The Commons House of Assembly communicate to the Honourable the Legislative Council, certain resolutions passed by them on Saturday last, on the subject of a union of the two Provinces of Upper and Lower Canada; and also on the subject of sending an Agent or Agents to England, to represent the interests of this Province, for the concurrence of that Honourable House.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
25th March, 1839.

The foregoing resolutions of the Assembly, were then read by the Clerk, as follows:

(For Resolutions, see Appendix M.)

On motion made and seconded, it was,

Ordered, that the above-mentioned resolutions be referred to a Committee of the whole House, on Saturday next, and that the same do stand as the first item upon the orders of that day; and,

Ordered, that the Members in Town be summoned to attend, in their places, on Saturday next.

The Honourable Mr. John Macaulay enters.

The order of the day being read for putting the House into a Committee of the whole, upon the despatch of His Excellency the Governor-in-Chief, relative to a grant of money voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas; it was,

Ordered, to be discharged; and,

Ordered, that the said despatch be referred to a Select Committee, to report thereon; and,

Ordered, that the Honourable Messieurs Morris, Sullivan and John Simcoe Macaulay, do compose the same for that purpose.

Sent to the Assembly for concurrence.

Brock District provision extension bill, read third time and passed;

Same signed;

And the Assembly acquainted thereof.

A Member enters.

Petitions of Daniel Lizars, and others;

Of William Cotter, and others;

Of William Anderton, and others;

And of the Ministers and ruling Elders of the Commission of the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland, read.

A Member enters.

Message from the Assembly;

Communicating, for concurrence, certain Resolutions on the subject of an Union of the Provinces; and on the subject of sending an agent or agents to England.

Resolutions read.

The resolutions.

Members in town summoned.

A Member enters.

Despatch of His Excellency the Governor-in-Chief, relative to a grant of money voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas, discharged from the order of the day;

And referred to a Select Committee.

Members composing same.

Tuesday, 26th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. John Macaulay brought up the petition of Joel Smith, and others, inhabitants of the Townships of Kingston, Ernestown, Fredericksburgh and Richmond, in the Midland District; which was laid on the table. Petitions of Joel Smith, and others;

The Honourable Mr. Morris brought up the petition of William Bennett Rich, and others, inhabitants of the County of Huron; which was laid on the table. Of William Bennett Rich, and others;

The Honourable Mr. Fergusson brought up the petition of A. Proudfoot, and others, inhabitants of the County of Halton: which was laid on the table. And of A. Proudfoot, and others; presented.

On motion made and seconded, the House adjourned. House adjourns.

TUESDAY, 26th MARCH, 1839.

The House met pursuant to adjournment. House meets.

PRESENT :

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Mr. CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK,

The Honourable Messrs. DUNN,

“ “ ALLAN,

“ “ ALEXANDER McDONELL,

The Honourable Messrs. ADAMSON,

“ “ MORRIS,

“ “ FERGUSSON,

“ “ JOHN SIMCOE MACAULAY.

“ “ WILKINS,

“ “ JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Fergusson, from the Select Committee to whom was referred the petition of John F. Taylor, praying the House to confer upon him the honorary distinction of Assistant Clerk, by an unlimited appointment, presented their report. Report of the Select Committee upon the petition of John F. Taylor, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows: Read.

The Select Committee to whom was referred the petition of John Fennings Taylor, praying that your Honourable House will be pleased to confer upon him the honorary distinction of Assistant Clerk, by an unlimited appointment, beg leave to Report:

That the appointment of the Officers of your Honourable House, and consequently the titles by which they shall be designated, rest with the Executive Government; your Committee cannot therefore recommend to your Honourable House any proceeding on the petition in question. The report.

All which is respectfully submitted.

ADAM FERGUSSON,
CHAIRMAN.

Committee Room, Legislative Council,
26th day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned petition, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. John Simcoe Macaulay brought up the petition of Daniel Perry, and others, members of the Reformed Methodist Church, or Society, in Upper Canada; which was laid on the table. Petition of Daniel Perry, and others;

The Honourable Mr. Fergusson brought up the petition of Dorothy E. Spawn, wife of Jacob Spawn, deceased; which was laid on the table. And of Dorothy E. Spawn, presented.

The Honourable Mr. Baldwin enters. A Member enters.

On motion made and seconded, the House adjourned. House adjourns.

Wednesday, 27th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

WEDNESDAY, 27th MARCH, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

“ “ ALLAN,

“ “ ALEXANDER McDONELL,

“ “ BALDWIN,

“ “ ADAMSON,

The Honourable Messrs. CROOKS,

“ “ MORRIS,

“ “ SULLIVAN,

“ “ FERGUSSON,

“ “ WILKINS,

“ “ JOHN McDONALD.

Prayers were read.

The Minutes of yesterday were read.

Petition of John F. Taylor, and the report thereon, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the petition of John F. Taylor, praying the House to confer upon him the honorary distinction of Assistant Clerk, by an unlimited appointment, together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said petition, and the report thereon, into consideration, and asked leave to sit again to-morrow.

Leave granted.

Ordered, that the report be received, and leave granted accordingly.

Petitions of Joel Smith, and others;

Pursuant to the order of the day, the petition of Joel Smith, and others, inhabitants of the Townships of Kingston, Ernest Town, Fredericksburgh and Richmond, in the Midland District, praying that a further sum of money may be granted, for the purpose of completing the Macadamization of the road from the Town of Kingston to the Village of Napanee; also the petition of William Bennett Rich, and others, inhabitants of the County of Huron, praying for an Act incorporating a Joint Stock Company, for the construction of a Harbour at the mouth of the River Bayfield; and also the petition of A. Proudfoot, and others, inhabitants of the County of Halton, praying that the Macadamization of the road from the City of Toronto, may be continued to the Town of Hamilton; were severally read.

Of Wm. Bennett Rich, and others;

And of A. Proudfoot, and others; Read.

Further report of the Select Committee upon Ordnance Department Land trust bill, presented.

The Honourable Mr. Crooks, from the Select Committee, to whom was again referred the bill, entitled, “An Act to vest certain lands in the principal Officers, for the time being, of Her Majesty’s Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned,” presented their further report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Select Committee to whom was referred a bill, entitled, “An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty’s Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned,” beg leave further to Report:

The further report.

That on a re-consideration of the said bill, they have thought fit to recommend the following amendments for the consideration of your Honourable House.

Press 3, line 13—After “or” expunge “taken” and insert “acquired”

“ “ “ 18—After “or” expunge “taken” and insert “acquired”

“ 4, “ 22—After “or” expunge “taken” and insert “acquired”

All which is respectfully submitted.

JAMES CROOKS,

CHAIRMAN.

Committee Room, Legislative Council,

27th day of March, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the further report thereon, be referred to a Committee of the whole House to-morrow.

Thursday, 28th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. Crooks brought up the petition of John Lister, and others, inhabitants of the Township of Darlington; and also the petition of Richard Birdsall, and others, inhabitants of the District of Newcastle; which were laid on the table.

Petitions of John Lister, and others; Of Richard Birdsall, and others;

The Honourable Mr. Fergusson brought up the petition of Christopher Leggo, Gaoler of the District of Johnstown; also the petition of the Trustees of the Hamilton and Brantford Macadamized road; and also the petition of H. Strange, and others, inhabitants of Guelph, and certain other Townships in the District of Gore; which were laid on the table.

Of Christopher Leggo; Of the Trustees of the Hamilton and Brantford Macadamized road; And of H. Strange, and others; presented.

The Honourable Mr. Morris gave notice that he would, on to-morrow, move certain resolutions on the subject of Education.

Notice of moving certain resolutions, on the subject of Education.

A deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, a Message, in the following words, and then withdrew.

Message from the Assembly;

Mr. SPEAKER:

The Commons House of Assembly has concurred in the Address to His Excellency Lieutenant General Sir John Colborne, sent down by the Honourable the Legislative Council this day, congratulating His Excellency on his appointment of Governor General, &c. &c. &c.

Concurring in the Congratulatory Address to His Excellency Sir John Colborne.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
26th day of March, 1839.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned;" also a bill, entitled, "An Act to amend an Act, entitled, 'An Act incorporating certain persons, under the style and title of the Waterloo Bridge Company';" and also a bill, entitled, "An Act to authorise the Magistrates of the Home District, to loan a sum of money, for the purpose of completing the new Gaol and Court House"; to which they requested the concurrence of this House, and then withdrew.

Hamilton Market establishment and loan bill;

Waterloo Bridge Company's Incorporation amendment bill;

And Home District Gaol loan bill; brought up from the Assembly.

The said bills were then severally read; and it was,

Read first time.

Ordered, that the same be read a second time to-morrow.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to draft an Address to the Lieutenant Governor, requesting His Excellency to transmit the congratulatory Address of the two Houses to His Excellency the Governor-in-Chief; and,

A Committee appointed to draft an Address to the Lieutenant Governor, requesting him to transmit the congratulatory Address to the Governor-in-Chief.

Ordered, that the Honourable Messieurs Baldwin and Crooks, do compose the same for that purpose.

Members composing same.

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 28th MARCH, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Mr. CROOKSHANK,

" " MORRIS,

The Hon. & Ven. The ARCHDEACON OF YORK.

" " SULLIVAN,

The Honourable Messrs. ALLAN,

" " FERGUSSON,

" " ALEXANDER McDONELL,

" " WILKINS.

" " BALDWIN,

" " JOHN McDONALD.

" " ADAMSON,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the petition of John F. Taylor, praying the House to confer upon him the honorary distinction of Assistant Clerk, by an unlimited appointment, together with the report of the Select Committee thereon.

Petition of John F. Taylor, and the report thereon, re-committed.

Thursday, 28th March, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The Honourable Mr. Baldwin took the Chair.

Message from the
Assembly;

A message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, a Message, in the following words, and then withdrew.

Mr. SPEAKER:

Communicating, for
concurrence, a further
series of Resolutions,
on the subject of an
Union of the Provinces.

The Commons House of Assembly have passed a further series of resolutions, on the subject of a union between the Provinces of Upper and Lower Canada, which they communicate to the Honourable the Legislative Council, for their concurrence thereto.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
27th March, 1839.

Same read.

The above-mentioned resolutions, were then read by the Clerk, as follows:

The resolutions.

(*For Resolutions, &c. see Appendix N.*)

Amendments to the
Rideau Canal claims
period limitation bill,
acceded to by the
Assembly.

A deputation from the Commons House of Assembly, returned the bill, entitled, "An Act to limit the period for the owners of lands making claims for damages occasioned by the construction of the Rideau Canal, and for other purposes therein-mentioned," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Petition of
John F. Taylor,
and the report thereon,
re-committed.

The House was then again put into a Committee of the whole, upon the petition of John F. Taylor, praying the House to confer upon him the honorary distinction of Assistant Clerk, by an unlimited appointment, together with the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said petition, and recommended the report of the Select Committee thereon, to the adoption of the House.

And the report of the
Select Committee
adopted.

Ordered, that the report be received; and,

Ordered, that the said report of the Select Committee be adopted.

On motion made and seconded, it was,

Ordered, that the further resolutions of the Assembly, received by message this day, on the subject of a Union of the two Provinces, be referred to a Committee of the whole House, on Saturday next.

Certain resolutions, on
the subject of Education,
moved.

Pursuant to notice, the Honourable Mr. Morris moved certain resolutions, on the subject of Education, which being seconded,

Read.

The same were then read by the Clerk, as follows:

The resolutions.

Resolved.—That it is most important to the best interests of this Province, that speedy and effectual measures be adopted for carrying into operation the benevolent intentions of His late most Gracious Majesty King George the Third, on the subject of a general system of Education.

Resolved.—That in order to promote that highly desirable object, it is proper to request that the House of Assembly unite with this House in such measures as may be found requisite for securing to the inhabitants of Upper Canada the advantages of the provision made for the support and diffusion of "sound learning and a religious education," among all classes.

Resolved.—That the foregoing resolutions be communicated to the House of Assembly, for their concurrence.

On motion made and seconded, it was,

Ordered, that the last-mentioned resolutions be referred to a Committee of the whole House, on Monday next.

Hamilton Market esta-
blishment and loan bill,
read second time.

Pursuant to the order of the day, the bill, entitled, "An Act to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned," was read a second time; and it was,

And referred to a Select
Committee.

Ordered, that the same be referred to a Select Committee, to report thereon, by amendment or otherwise; and,

Thursday, 28th March, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the Honourable Messieurs Fergusson and John McDonald, do compose the Committee for that purpose. Members composing same.

The Honourable Mr. John Macaulay enters. A Member enters.

Pursuant to the order of the day, the bill, entitled, "An Act to amend an Act, entitled, 'An Act incorporating certain persons, under the style and title of the Waterloo Bridge Company,'" was read a second time; and it was, Waterloo Bridge Company's Incorporation amendment bill, read second time.

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments, reported.

Ordered, that the Report be received; and,

The said amendments were then read by the Clerk, as follows: Read first time.

In the title, line 1—Expunge "incorporating" and insert "to incorporate" The amendments.

In the bill, Press 1, line 8—After "was" expunge "got out" in line 9 and insert "prepared"

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time on Monday next.

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the Magistrates of the Home District to loan a sum of money, for the purpose of completing a new Gaol and Court House," was read a second time, and it was, Home District new Gaol loan bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, and made some progress therein, and recommended that it be referred to a Select Committee; to report thereon by amendment or otherwise. Reported;

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill, be referred to a Select Committee, to report thereon by amendment or otherwise; and, And referred to a Select Committee.

Ordered, that the Honourable Messieurs Allan, Sullivan and Fergusson, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the petition of Daniel Perry, and others, members of the Reformed Church, or Society, in Upper Canada, praying that in future they may not be obliged to perform Militia duty; and also the petition of Dorothy E. Spawn, wife of Jacob Spawn, deceased, praying that the claims of her late husband, as one of the contractors on the Burlington Bay Canal, may be allowed; were severally read. Petitions of Daniel Perry, and others; And of Dorothy E. Spawn; Read.

The Honourable Mr. Crooks, from the Select Committee appointed to draft an Address to the Lieutenant Governor, requesting His Excellency to transmit the congratulatory Address of the two Houses, to His Excellency the Governor-in-Chief, reported a draft thereof, which he read in his place; and, Report of the Select Committee appointed to draft an Address to the Lieutenant Governor, requesting him to transmit the congratulatory Address to the Governor-in-Chief, presented.

The same was then again read by the Clerk, and it was, Draft read first and second time.

Ordered, that the said Address be engrossed, and read a third time on Saturday next.

The Honourable Mr. Baldwin brought up the petition of John Claus, of the Town of Niagara; which was laid on the table. Petitions of John Claus;

The Honourable Mr. Fergusson brought up the petition of Nancy Strobridge, widow of the late James Gordon Strobridge; which was laid on the table. Of Nancy Strobridge;

The Honourable Mr. Crooks brought up the petition of William King, as a contractor for improving the road leading from Cobourg to the Rice Lake; and also the petition of John Prince, Chairman of the Quarter Sessions for the Western District; which were laid on the table. Of William King; And of John Prince; presented.

On motion made and seconded, it was,

Monday, 1st April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Certain resolutions of the Assembly, on the subject of a Union of the Provinces, and on the subject of sending an Agent or Agents to England, discharged from the order of the day.

Ordered, that the order of this House, made on the twenty-fifth instant, and also a similar order made this day, for referring certain resolutions of the Assembly, on the subject of a Union of the two Provinces, to a Committee of the whole House, on Saturday next, be discharged; and,

Ordered, that the said resolutions be referred to a Committee of the whole House, on Tuesday next.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at the hour of one of the clock, P. M.

MONDAY, 1st APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Messrs. ALLAN,

" " MORRIS,

" " ALEXANDER McDONELL,

" " FERGUSSON,

" " BALDWIN,

" " WILKINS,

" " HAMILTON,

" " JOHN McDONALD.

" " ADAMSON,

Prayers were read.

The Minutes of Thursday last were read.

Waterloo Bridge Company's Incorporation amendment bill. (as amended,) read third time and passed.

Pursuant to the order of the day, the bill, entitled, "An Act to amend an Act, entitled, 'An Act to incorporate certain persons, under the style and title of the Waterloo Bridge Company,'" was, as amended, read a third time, and the question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Amendments, signed:

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Address to the Lieutenant Governor, requesting him to transmit the congratulatory Address to the Governor-in-Chief, read third time, and passed. Same signed.

Pursuant to the order of the day, the Address to the Lieutenant Governor, requesting His Excellency to transmit the congratulatory Address of the two Houses, to His Excellency the Governor-in-Chief; was read a third time and passed.

Whereupon the Speaker signed the same, and it is as follows:

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Address

WE, HER MAJESTY'S dutiful and loyal Subjects, the LEGISLATIVE COUNCIL and HOUSE OF ASSEMBLY of Upper Canada, in Provincial Parliament assembled, have agreed to an Address to His Excellency Sir John Colborne, &c. &c. &c. congratulating His Excellency on his appointment to the Governor Generalship of Her Majesty's North American Provinces, which we respectfully pray Your Excellency will be pleased to transmit to His Excellency the Governor General.

On motion made and seconded, it was,

Sent to the Assembly for concurrence.

Ordered, that the last-mentioned Address be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

A Member enters.

The Honourable and Venerable the Archdeacon of York enters.

False Ducks Light House keeper's salary increase bill; re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to increase the salary of the keeper of the Light House on the False Ducks Island."

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Monday, 1st April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported.

Ordered, that the report be received; and, Adopted.

Ordered, that the said bill be read a third time to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned," together with the further report of the Select Committee thereon. Ordnance Department
Land trust bill,
re-committed.

The Honourable Mr. Alexander McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the last-mentioned bill, and the further report thereon, again into consideration, had made some progress therein, and asked leave to sit again on Wednesday next. Reported, and leave asked
to sit again.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

The Honourable Mr. Dunn enters. A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the resolutions, on the subject of Education. Resolutions, on
the subject of Education,
committed.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said resolutions, and had made an amendment thereto, and recommended the resolutions, as amended, to the adoption of the House. An amendment reported.

Ordered, that the report be received; and,

The said resolutions, as amended, were then read, as follows: Resolutions, as amended,
read.

Resolved.—That it is most important to the best interests of this Province, that speedy and effectual measures be adopted for carrying into operation the benevolent intentions of His late most Gracious Majesty King George the Third, on the subject of a general system of Education, and also for the encouragement of Common Schools. The resolutions,
as amended.

Resolved.—That in order to promote that highly desirable object, it is proper to request that the House of Assembly unite with this House in such measures as may be found requisite, for securing to the inhabitants of Upper Canada the advantages of the provision made for the support and diffusion of "sound learning and a religious education," among all classes.

Resolved.—That the foregoing resolutions be communicated to the House of Assembly, for their concurrence.

On motion made and seconded; it was,

Ordered, that the foregoing resolutions be read a third time to-morrow.

Pursuant to the order of the day, the petition of John Lister, and others, inhabitants of the Township of Darlington, praying for an extension of limits to the Port Darlington Harbour; also the petition of Richard Birdsall, and others, inhabitants of the District of Colborne, praying for certain amendments to the Act creating the same into a separate District; also the petition of Christopher Leggo, Gaoler of the District of Johnstown, praying for remuneration for certain losses sustained by him during last winter; also the petition of the Trustees of the Hamilton and Brantford Macadamized road, praying for an Act granting them a further sum of money, and for certain amendments to the law by which they are appointed; also the petition of H. Strange, and others, inhabitants of Guelph, and certain other Townships in the District of Gore, praying for a grant of money to be expended in the making of a Macadamized road from the said Town of Guelph to the Town of Dundas; also the petition of John Claus, of the Town of Niagara, praying that three years may be allowed to him for paying certain arrears due to the Government; also the petition of Nancy Strobridge, widow of the late James Gordon Strobridge, deceased, praying for an Act authorising the allowance of interest upon the sum of money awarded to her late husband, as a contractor upon the Burlington Bay Canal; also the petition of William King, as a contractor for improving the road leading from Ccbourg to the Rice-Lake, praying to be remunerated for work and labour performed thereon; and also the petition of John Prince, Chairman of the Quarter Sessions Petitions of
John Lister, and others;
Of Richard Birdsall,
and others;
Of Christopher Leggo;
Of the Trustees of the
Hamilton and Brantford
Macadamized road;
Of H. Strange,
and others;
Of John Claus;
Of Nancy Strobridge;
Of William King;
And of John Prince,
read.

Monday, 1st April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

for the Western District, praying for an Act authorising the levying and collecting an additional rate, to be applied in relieving the said District from debt, and to the altering and enlarging the Gaol thereof; were severally read.

A Member enters.

The Honourable Mr. Sullivan enters.

On motion made and seconded, it was,

Petition of John Claus, referred to a Select Committee.

Ordered, that the petition of John Claus, of the Town of Niagara, praying that three years may be allowed to him for paying certain arrears due to the Government, be referred to a Select Committee, to report thereon; and,

Members composing same.

Ordered, that the Honourable Messieurs Crooks and Sullivan, do compose the same for that purpose.

Report of the Select Committee upon Game preservation bill, presented.

The Honourable Mr. Morris, from the Select Committee, to whom was referred the bill, entitled, "An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord's Day," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the bill, entitled, "An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord's Day," beg leave to report the following amendments:

The report.

Press 1, line 1—After "to" expunge the remainder of the Preamble, and insert "amend an Act passed in the second year of the reign of His late Majesty King George the Third, entitled, 'An Act for the preservation of Deer within this Province, and to prevent the practice of hunting and shooting on the Sabbath."

" " " 11—After "that" expunge the remainder of the clause, and insert "no person or persons shall within this Province, after the first day of February in every year hereafter, kill in any manner whatever any Deer *feræ naturæ* until the first day of August."

" " " 22—After "August" expunge the remainder of the clause, and insert "or any Wild Turkey, Prairie Hen or Grouse, or any Grouse commonly called Pheasant or Partridge, or any Quail or Woodcock, between the first day of March and the first day of September in every year, or shall hunt or shoot, or go out with a gun in quest or pursuit of any Deer or other Wild Animal or Wild Fowl, on the Lord's Day (commonly called Sunday) within this Province; any such person being convicted thereof before a Justice of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, (which oath or affirmation the Justice is hereby authorised to administer,) or upon view had of the offence by the said Justice himself, shall pay a fine or penalty not exceeding Five Pounds, nor less than One Pound, current money of this Province, together with the costs and charges attending the conviction."

" 5, " 4—After "committed" expunge "there to be kept to hard labour"

" " " 5—After "exceeding" expunge "three" and insert "one"; after "calendar" expunge "months" and insert "month"

" " " 9—After "within" expunge "three" and insert "one"; expunge "months" and insert "month"

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
1st day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, on Wednesday next.

Monday, 1st April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. Crooks brought up the petition of David Thompson, and others, inhabitants of the County of Haldimand; and also the petition of Jacob Turner, and others, inhabitants of the Village of York; which were laid on the table.

Petitions of David Thompson, and others; Of Jacob Turner, and others;

The Honourable and Venerable the Archdeacon of York brought up the petition of Eliza Powell, Widow of the late Grant Powell, deceased; which was laid on the table.

Of Eliza Powell;

The Honourable Mr. Hamilton brought up the petition of George Ball, and others, inhabitants of the District of Niagara; and also the petition of the members of the Board of Education for the District of Niagara; which were laid on the table.

Of George Ball, and others;

Of the members of the Board of Education for the District of Niagara;

The Honourable Mr. Sullivan brought up the petition of Ephraim Dunham, and others, inhabitants of the Town of Brockville; which was laid on the table.

And of Ephraim Dunham, and others; presented.

Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were again read by the Clerk, and are as follows:

Messages from the Lieutenant Governor;

GEO. ARTHUR.

For the information of the Legislative Council, the Lieutenant Governor now transmits copies of three Despatches, from Her Majesty's Principal Secretary of State for the Colonies, relative to the endowment of fifty-seven Rectories in this Province, and to the Clergy Reserves; also the copy of a Despatch from himself to Lord Glenelg, on the same subject, with several documents appended thereto.

Transmitting copies of three Despatches relative to the endowment of certain Rectories in this Province; and on the subject of the Clergy Reserves.

Government House,
1st April, 1839.

(For Despatches, &c. see Appendix O.)

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the copy of a Letter from the Receiver General, accompanied by copies of two communications from the House of Baring, Brothers & Co. reporting the sale, in the London market, of certain Debentures of this Province, at a depreciated price.

Transmitting the copy of a letter from the Receiver General, and two communications from the House of Baring, Brothers & Co. reporting the sale of certain Debentures of this Province.

Government House,
28th March, 1839.

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the Report of the Commissioners of the Saint Lawrence Canal, for the year 1838, with the accompanying documents.

Transmitting the report of the Commissioners of the St. Lawrence Canal.

Government House,
28th March, 1839.

GEO. ARTHUR.

The Lieutenant Governor, in laying before the Legislative Council the Annual Report of the Trustees of the Provincial Hospital in this City, and the accompanying Documents, earnestly recommends this most useful Institution to the continued support of the Legislature; and trusts that some measure may be devised for relieving it from the present pecuniary embarrassment.

Transmitting the annual report of the Trustees of the Provincial Hospital.

Government House,
23rd March, 1839.

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the accompanying printed copy of Minutes of Evidence, taken under the direction of a General Commission of Enquiry for Crown Lands and Emigration, appointed on the 21st June, 1838, by the Earl of Durham, High Commissioner and Governor General of Her Majesty's Colonies in North America.

Transmitting a printed copy of Minutes of Evidence, taken under the direction of a General Commission of Enquiry, with reference to Crown Lands and Emigration.

Government House,
1st April, 1839.

Monday, 1st April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Controverted Elections
trial continuation bill;

A deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, entitled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled, 'An Act to regulate the trial of controverted elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials"; and also a certain other Act passed in the eighth year of the reign of King George the Fourth, entitled, "An Act to continue and amend the laws now in force for the trial of controverted elections"; also a bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to revive and continue an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, 'An Act prescribing the mode of measuring the contents of Wooden Stills, also for fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province"; and also a bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of King William the Fourth, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within the Province, as relates to the office of fence viewers being discharged by overseers of highways and roads;" to which they requested the concurrence of this House, and then withdrew.

Wooden Stills measure-
ment continuation bill;

And Line Fences
regulation bill, brought
up from the Assembly.

Read first time.

The said bills were then severally read; and it was,
Ordered, that they be read a second time on Wednesday next. :
On motion made and seconded, it was,

An Address of thanks
ordered to be presented
to His Excellency for his
several Messages of this
day.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several Messages of this day, transmitting copies of Despatches, relative to the endowment of certain Rectories in this Province, and on the subject of the Clergy Reserves: also transmitting the copy of a letter from the Receiver General, and two communications from the House of Baring, Brothers and Company, reporting the sale of certain Debentures of this Province; also transmitting the Report of the Commissioners of the Saint Lawrence Canal; also transmitting the Annual Report of the Trustees of the Provincial Hospital in the City of Toronto; and also transmitting a printed copy of Minutes of Evidence, taken under the direction of a general Commission of Enquiry, with reference to Crown Lands and Emigration: and,

Committee appointed
therefor.

Ordered, that the Honourable Messieurs Baldwin and John McDonald, do present the same.

Report of the Select
Committee upon Home
District new Gaol loan bill,
presented.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act to authorise the Magistrates of the Home District to loan a sum of money, for the purpose of completing a new Gaol and Court House," presented their Report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the bill, entitled, "An Act to authorise the Magistrates of the Home District to loan a sum of money, for the purpose of completing the new Gaol and Court House," beg leave to report the following amendment for the consideration of your Honourable House:

Press 2, line 7—After "same" expunge the remainder of the clause, and insert, "That for and notwithstanding any thing in the said Letters Patent contained, the Trustees aforesaid, or their Successors in Office, shall be held and taken to have heretofore had full power and authority, under the direction of the Magistrates of the Home District, in Quarter Sessions assembled, to sell, alienate, and convey the said Gaol and Court House, piece of ground and premises, and every part thereof, freed and discharged of and from all trusts, provisions and restrictions in the said Letters Patent, and that all such alienations shall be held and taken to be good and valid in law and equity; and further that the said Trustees, and their Successors in Office, shall from henceforth hold the said parcel of land and premises, or such parts thereof as shall remain unsold or undisposed of, upon trust by sale, lease, mortgage

The report.

Tuesday, 2nd April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

or other disposal of the same, to raise and create a fund for the erection of the said new Gaol and Court House, and for the redemption and payment of any debt which has been incurred or which shall be incurred in the erection thereof; and after the expenditure upon the erection of the said new Gaol and Court House shall be fully defrayed and satisfied, then to dispose of the said piece and parcel of ground, or such part thereof as shall remain unsold or undisposed of, in such manner and for such public uses of the said District as the Magistrates of the said District, in Quarter Sessions assembled, shall from time to time direct and appoint."

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,

1st day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House on Wednesday next.

On motion made and seconded, the House adjourned.

House adjourns.

TUESDAY, 2nd APRIL, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. ADAMSON,

The Honourable Mr. DICKSON,

" " CROOKS,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " MORRIS,

The Honourable Messrs. WELLS,

" " JOHN MACAULAY,

" " DUNN,

" " SULLIVAN,

" " ALLAN,

" " FERGUSSON,

" " ALEXANDER McDONELL,

" " WILKINS.

" " BALDWIN,

" " JOHN McDONALD.

" " HAMILTON,

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Sullivan brought up the petition of the Mayor, and others, inhabitants of the City of Toronto, praying the House to take into their favourable consideration, the proceedings of a Public Meeting of the said inhabitants, on the subject of a Union of the Provinces, and to arrest the further progress of the measure, in order that an opportunity may be afforded to the people of this Province of expressing their opinions thereon; and it was,

Petition of the Mayor, and others, of the City of Toronto, presented.

Ordered, that the forty-eighth rule of this House be dispensed with, and that the said petition be read presently.

Forty-eighth Rule dispensed with;

The same was then read accordingly.

And the petition read.

On motion made and seconded, it was,

Ordered, that the last-mentioned petition be referred to the Committee of the whole House this day, upon the several resolutions of the Assembly, on the subject of a Union of the two Provinces.

The Honourable Mr. Crookshank enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the several resolutions of the Assembly, on the subject of a Union of the two Provinces, together with the petition of the Mayor, and others, presented this day in reference thereto.

The last-mentioned resolutions, and petition, committed.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed.

The Honourable Mr. Radcliffe enters.

A Member enters.

The Chairman reported that the Committee had taken the said resolutions, and also the petition, into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported, and leave asked to sit again.

Wednesday, 3rd April, 1839.

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Leave granted. Ordered, that the report be received, and leave granted accordingly.
House adjourns. On motion made and seconded, the House adjourned.

WEDNESDAY, 3rd APRIL, 1839.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> ADAMSON,
	<i>The Honourable Messrs.</i> DICKSON,	“ “ CROOKS,
	“ “ CROOKSHANK,	“ “ MORRIS,
	<i>The Hon. & Ven. The</i> ARCHDEACON OF YORK,	“ “ SULLIVAN,
	“ “ ALLAN,	“ “ FERGUSSON,
“ “ ALEXANDER McDONELL,	“ “ RADCLIFFE,	
“ “ HAMILTON,	“ “ WILKINS.	

Prayers were read.

The Minutes of yesterday were read.

Resolutions, upon Education, read third time, and adopted; Pursuant to the order of the day, the resolutions, on the subject of Education, were read a third time, and adopted by the House; and it was,

The same sent to the Assembly for concurrence. Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

Ordinance Department Land trust bill, discharged from the order of the day. The order of the day being read, for putting the House again into a Committee of the whole, upon the bill, entitled, “An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty’s Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein mentioned,” together with the further report of the Select Committee thereon; it was,

Ordered that the same be discharged, and that the said bill and report do stand upon the orders of the day for Monday next.

Game preservation bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord’s Day,” together with the report of the Select Committee thereon.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

Members enter. The Honourable Messieurs Baldwin, John Macaulay and John McDonald, enter.

Amendments, reported. The Chairman reported that the Committee had gone through the last-mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Read. Ordered, that the report be received; and,
The said amendments were then read by the Clerk, as follows:

The amendments. In the title, line 1—After “to” expunge to “and” in line 3, and insert “amend an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, ‘An Act for the preservation of Deer within this Province, and to extend the provisions of the same’”

Press 1, line 1—After “to” expunge the remainder of the Preamble, and insert, “amend and extend the provisions of an Act passed in the second year of the reign of His late Majesty King George the Third, entitled, ‘An Act for the preservation of Deer within this Province, and to prevent the practice of hunting and shooting on the Sabbath.’”

“ “ “ 11—After “that” expunge the remainder of the clause, and insert “no person or persons shall within this Province, after the first day of February in every year hereafter, kill in any manner whatever any Deer *feræ naturæ* until the first day of August.”

“ “ “ 22—After “August” expunge the remainder of the clause, and insert “or any Wild Turkey, Prairie Hen or Grouse, or any Grouse commonly called Pheasant or Partridge, or any Quail or Woodcock, between the first day of

Wednesday, 3rd April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

March and the first day of September in every year, or shall hunt or shoot, or go out with a gun in quest or pursuit of any Deer or other Wild Animal or Wild Fowl, on the Lord's Day (commonly called Sunday) within this Province; any such person being convicted thereof before a Justice of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, (which oath or affirmation the Justice is hereby authorised to administer,) or upon view had of the offence by the said Justice himself, shall pay a fine or penalty not exceeding Five Pounds, nor less than One Pound, current money of this Province, together with the costs and charges attending the conviction."

Press 5, line 4—After "committed" expunge "there to be kept to hard labour"

" " " 5—After "exceeding" expunge "three" and insert "one"; after "calendar" expunge "months" and insert "month"

" " " 9—After "within" expunge "three" and insert "one"; expunge "months" and insert "month"

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

The order of the day being read for a third reading of the bill, entitled, "An Act to increase the salary of the keeper of the Light House on the False Ducks Island"; it was

False Ducks Light House Keeper's salary increase bill, discharged from the order of the day.

Ordered, to be discharged; and that the said bill be again referred to a Committee of the whole House, to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Magistrates of the Home District to loan a sum of money, for the purpose of completing a new Gaol and Court House," together with the report of the Select Committee thereon.

Home District new Gaol loan bill, re-committed.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows:

Read first time.

In the title, line 2—After "to" expunge "loan" and insert "borrow"

In the bill, Press 2, line 7—After "same" expunge the remainder of the clause, and insert, "That for and notwithstanding any thing in the said Letters Patent contained, the Trustees aforesaid, or their Successors in Office, shall be held and taken to have heretofore had full power and authority, under the direction of the Magistrates of the Home District, in Quarter Sessions assembled, to sell, alienate, and convey the said Gaol and Court House, piece of ground and premises, and every part thereof, freed and discharged of and from all trusts, provisions and restrictions in the said Letters Patent, and that all such alienations shall be held and taken to be good and valid in law and equity; and further that the said Trustees, or their Successors in Office, shall from henceforth hold the said parcel of land and premises, or such parts thereof as shall remain unsold or undisposed of, upon trust by sale, lease, mortgage or other disposal of the same, to raise and create a fund for the erection of the said new Gaol and Court House, and for the redemption and payment of any debt which has been incurred, or which shall be incurred in the erection thereof; and after the expenditure upon the erection of the said new Gaol and Court House shall be fully defrayed and satisfied, then to dispose of the said piece and parcel of ground, or such part thereof as shall remain unsold or undisposed of, in such manner, and for such public uses of the said District, as the Magistrates of the said District, in Quarter Sessions assembled, shall from time to time direct and appoint."

The amendments.

Wednesday, 3rd April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Read second time, and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Resolutions of the Assembly, and the petition of the Mayor, and others, on the subject of a Union of the Provinces, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the several resolutions of the Assembly on the subject of a union of the two Provinces, together with the petition of the Mayor, and others, praying against the measure.

The Honourable Mr. Radcliffe took the Chair.

House resumes.

After some time the House resumed.

Controverted Elections trial continuation bill;

Pursuant to the order of the day, the bill, entitled, "An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, entitled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled, 'An Act to regulate the trial of controverted elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials'; and also a certain other Act passed in the eighth year of the reign of King George the Fourth, entitled, 'An Act to continue and amend the laws now in force for the trial of controverted elections'; also the bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to revive and continue an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, 'An Act prescribing the mode of measuring the contents of Wooden Stills, also for fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province"; and also the bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of King William the Fourth, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of fence viewers being discharged by overseers of highways and roads"; were severally read a second time, and it was,

Wooden Stills measurement continuation bill;

And Line Fences regulation bill: read second time.

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

Petitions of David Thompson, and others;

Pursuant to the order of the day, the petition of David Thompson, and others, inhabitants of the County of Haldimand, praying for a law compelling the Welland Canal Company to build a Ship Lock in the Dunnville Dam; also the petition of Jacob Turner, and others, inhabitants of the Village of York, praying that steps may be taken to compel the Grand River Navigation Company to call in the remainder of the stock subscribed, and apply the fund thus obtained, to completing the navigation of the said River, and the construction of a towing path along its banks; also the petition of Eliza Powell, Widow of the late Grant Powell, deceased, praying for pecuniary relief; also the petition of George Ball, and others, inhabitants of the District of Niagara, praying against the imposition of an additional tax thereon; also the petition of the members of the Board of Education for the District of Niagara, praying for a grant of money for the support of Common Schools in the said District; and also the petition of Ephraim Dunham, and others, inhabitants of the Town of Brockville, praying against the passing of any Act for repealing, altering or amending, the law establishing a Police therein; were severally read.

Of Jacob Turner, and others;

Of Eliza Powell; Of George Ball, and others;

Of the members of the Board of Education for the District of Niagara;

And of Ephraim Dunham, and others; read.

On motion made and seconded, it was,

Petition of Eliza Powell, referred to a Select Committee.

Ordered, that the petition of Eliza Powell, widow of the late Grant Powell, deceased, praying for pecuniary relief, be referred to a Select Committee to report thereon; and,

Members composing same.

Ordered, that the Honourable Messieurs Crookshank, Allan and Alexander McDonell, do compose the same for that purpose.

Petition of Anthony Manahan;

The Honourable Mr. Wilkins brought up the petition of Anthony Manahan, of the Town of Kingston; which was laid on the table.

And of Jacob Bouchman, and others; presented.

The Honourable Mr. Hamilton brought up the petition of Jacob Bouchman, and others, inhabitants of the Township of Walpole, in the District of Niagara; which was laid on the table.

Notice of bringing in Married Women's real estate bill.

The Honourable Mr. Sullivan gave notice that he would, on to-morrow, bring in a bill to amend the law for the alienation of real estate by married women.

House adjourns.

On motion made and seconded, the House adjourned.

Thursday, 4th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

THURSDAY, 4th APRIL, 1839.

The House met pursuant to adjournment.

House meetd.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. CROOKS,

The Honourable Mr. CROOKSHANK,

“ “ MORRIS,

The Hon. & Ven. The ARCHDEACON OF YORK,

“ “ SULLIVAN,

The Honourable Messrs. ALLAN,

“ “ FERGUSSON,

“ “ ALEXANDER McDONELL,

“ “ RADCLIFFE,

“ “ BALDWIN,

“ “ WILKINS,

“ “ ADAMSON,

“ “ JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, “An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord’s Day,” was, as amended, read a third time; and, Game preservation bill, as amended, read third time, and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments; and it was, Amendments, signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly. And sent to the Assembly for concurrence.

A Deputation from the Commons House of Assembly, returned the Address to the Lieutenant Governor, requesting His Excellency to transmit the congratulatory Address of both Houses, to His Excellency the Governor-in-Chief, and acquainted this House that the House of Assembly had made certain amendments in and to the same, to which they requested the concurrence of the Legislative Council, and then withdrew. Address to His Excellency, requesting him to transmit the congratulatory Address to the Governor in-Chief, returned by the Assembly amended.

The said amendments were then read by the Clerk, as follows: Amendments read first time.

Amendments made by the Commons House of Assembly to the Address sent down by the Honourable the Legislative Council, praying His Excellency Sir George Arthur to transmit the Address congratulating His Excellency Sir John Colborne on his appointment of Governor General of Her Majesty’s North American Provinces.

In the 14th line—Expunge “&c. &c. &c.” and insert “G. C. B. G. C. II., Governor General of all Her Majesty’s Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain General and Governor-in-Chief in and over the Provinces of Lower Canada, Upper Canada, &c. &c. &c.” The amendments.

“ 15th “ Expunge “Governor Generalship” and insert “high and responsible situation of Governor General”

“ 19th “ Expunge “His Excellency” and insert “him”

“ 20th “ Expunge “Governor General”

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
4th day of April, 1839.

On motion made and seconded, it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the foregoing amendments, and that they be read a second time this day. Forty-fourth Rule dispensed with.

Pursuant to the order of the day, the bill, entitled, “An Act to authorise the Magistrates of the Home District to loan a sum of money, for the purpose of completing the new Gaol and Court House,” was, as amended, read a third time; and, Home District new Gaol loan bill, as amended, read third time, and passed;

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments; and it was, Amendments signed;

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And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed the bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Members enter.

The Honourable Messieurs Dickson and Hamilton, enter.

False Ducks Light House Keeper's salary increase bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to increase the salary of the keeper of the Light House on the False Ducks Island."

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows:

The amendments.

In the title, line 1—After "an" expunge the remainder and insert "Act to continue and make perpetual an Act, entitled, 'An Act to increase the salary of the Keeper of the False Ducks Light House.'"

In the bill, Press 1, line 1—After "whereas" expunge the remainder of the bill, and insert, "it is expedient to continue and make perpetual a certain Act of the Parliament of this Province, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to increase the salary of the Keeper of the False Ducks Light House,' which said Act was continued by a certain other Act of the Parliament of this Province, passed in the first year of Her Majesty's reign, entitled, 'An Act to continue the expiring laws': Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, 'An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, that the said first-mentioned Act be and the same is hereby continued and made perpetual, any thing in the said Acts contained to the contrary thereof in anywise notwithstanding."

Read second time and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Controverted Elections trial continuation bill; committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, entitled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled, 'An Act to regulate the trial of controverted elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials'; and also a certain other Act passed in the eighth year of the reign of King George the Fourth, entitled, 'An Act to continue and amend the laws now in force for the trial of controverted elections'".

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time to-morrow.

Wooden Stills measurement continuation bill; committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to revive and continue an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, 'An Act prescribing the mode of measuring the contents of Wooden Stills, also for

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fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province."

The Honourable Mr. Sullivan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the said bill be read a third time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of King William the Fourth, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of fence viewers being discharged by overseers of highways and roads.'" Line Fences regulation bill, committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the said bill be read a third time to-morrow.

Pursuant to notice, the Honourable Mr. Sullivan brought in a bill to amend the law for the alienation of real estate by married women. Married Women's real estate bill, brought in.

The said bill was then read; and it was, Read first time.

Ordered, that the same be read a second time to-morrow.

Pursuant to order, the amendments of the Commons House of Assembly, made in and to the Address to the Lieutenant Governor, requesting His Excellency to transmit the congratulatory Address of both Houses to His Excellency the Governor-in-Chief, were read a second time; and it was, Amendments of the Assembly to the Address to His Excellency, requesting him to transmit the congratulatory Address to the Governor-in-Chief, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said amendments, and recommended the same to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the said amendments of the Assembly be read a third time to-morrow.

The Honourable Mr. Crooks moved that the nineteenth rule be dispensed with, to enable him to introduce the following resolution, which he read to the Committee of the whole House yesterday, on the resolutions sent up from the Assembly for a Union of the Provinces of Upper and Lower Canada. Motion for dispensing with the 19th Rule, in order to introduce a resolution relative to a Union of the Provinces.

Resolved.—That at the last Session, the Legislative Council adopted a report of a Select Committee, to whom was referred the "state of the Province," in which report (amongst other suggestions) the Union of the Provinces of Upper and Lower Canada was proposed, as one of the remedies for the evils under which this Province then laboured, and these evils still continuing, and, if possible, being greatly aggravated since last Session, it is the opinion of this House, that an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to submit to the Imperial Parliament the measure of a Union of the Provinces of Upper and Lower Canada, upon such just and equitable principles as will secure to all the inhabitants of both Provinces their religion, property and other privileges, and by an equitable division of the electoral Districts of Lower Canada, give to the inhabitants of British origin that voice in the United Assembly to which they are entitled by their numbers; and also provide, in any enactment which may pass the Imperial Parliament for that purpose, that the seat of Government shall continue and remain within the present limits of Upper Canada. The resolution.

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The said motion being seconded, and the question of concurrence put thereon, it was carried in the affirmative; and it was,

And the Nineteenth Rule dispensed with;

Ordered, that the nineteenth rule be dispensed with accordingly.

The resolution read and moved;

The said resolution, after having been first read by the Clerk, was then moved and seconded; and,

Motion in amendment thereto;

In amendment thereto, it was moved and seconded, that after the word "that" in the original resolution, the whole be expunged and the following inserted:

"this House still adheres to the sentiments, opinions and remedies, set forth in their Report on the state of the Province, and in their Address to Her most Gracious Majesty the Queen, bearing date respectively the thirteenth and twenty-eighth days of February, 1838; nor have any events happened of a nature to induce them to depart from the principles or reasonings therein contained, or the measures therein proposed, as necessary to restore peace and tranquillity to this as well as the sister Province of Lower Canada, and to promote their peace, prosperity and happiness, and perpetuate their happy connection with the British Empire."

Question put and carried.

The question of concurrence being put, the said amendment was carried in the affirmative; and it was then,

Moved and seconded, that it be,

Resolution moved for communicating a copy of the foregoing to the Lieutenant Governor, the House of Assembly, and the Chief Justice;

Resolved.—That a copy of this resolution be communicated to His Excellency the Lieutenant Governor, the House of Assembly, and the Honourable Chief Justice of this Province, now in England.

Question put and carried.

Whereupon the question of concurrence was put upon the last-mentioned resolution, and the same was carried in the affirmative.

Report of the Select Committee appointed to present an Address of thanks to the Lieutenant Governor for his Messages of Monday last.

The Honourable Mr. Baldwin, from the Select Committee appointed to present an Address to the Lieutenant Governor, thanking His Excellency for His several Messages of the first instant, reported the delivery thereof.

Report of the Select Committee upon Physicians' College establishment bill, presented.

The Honourable Mr. Morris, from the Select Committee, to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," beg leave to report the following amendments thereto, for the consideration of your Honourable House:

The report.

Press 1, line 15—After "A. B." expunge "I" and insert "James"

" " " 18—After "William" expunge "Drurie" and insert "Durie"; after "Hospitals" insert "on half pay"

" 3, " 18—After "in" expunge "the same" and insert "like"

" " " 20—After "do" insert "Provided always, the said real estate shall at no time exceed in value the sum of _____ Pounds, of lawful money of this Province."

" " " 25—After fourth clause insert: "5. And be it further enacted by the authority aforesaid, That the fellows of the said College shall annually, on the first Monday in January in each and every year, proceed to elect from among themselves a President and a Vice President, who shall preside in the absence of the President; such election to be held in the City of Toronto, and previous notice thereof to be given for one month in the Upper Canada Gazette: Provided always, that the first election of a President and Vice President, as aforesaid, shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and thirty-nine; and that on the first Monday in June, a meeting shall be held to confirm the statutes, rules and ordinances, proposed for the government of the society as aforesaid."

" 4, " 8—After "Province" insert "or to the provisions in this Act contained, and that no statute, rule or ordinance, excepting as hereinafter provided, shall have

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effect, or be binding upon the Fellows of the said College, or the Members thereof, until the same shall have been published thirty days in the Upper Canada Gazette, and confirmed by a majority of the Fellows of the Society at the next annual meeting: Provided always, that as well for the election of a President and Vice President as for the confirmation of statutes, rules and ordinances, as aforesaid, the Fellows not resident in the City of Toronto may vote by proxy."

Press 4, line 4—Expunge "8" and insert "9"

" 5, " 16—After "a" insert "Fellow or"

" 6, " 22—After "of" expunge "ten pounds" and insert "one pound to applicants licensed by virtue of a diploma, exhibited as aforesaid, nor more than five pounds to Practitioners who take their diplomas from the said College"

" 7, " 7—After "peace" expunge to "and" in line 9

" 8, " 5—After "public" insert "against the improper vending of poisonous drugs"

" " " 6—Expunge "Medicines and" and insert "such"; after "drugs" expunge the remainder of the line.

" " " 9—Expunge "acting as Apothecaries" and insert "vending such poisonous drugs as aforesaid"

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Legislative Council Committee Room,
4th day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

The Honourable Mr. Morris, from the Select Committee appointed to report upon the Despatch of the Governor-in-Chief, relative to a grant of money voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas, presented their report.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the Message of His Excellency the Lieutenant Governor, communicating a Despatch from His Excellency Sir John Colborne, and the resolutions of the Legislature of the Province of New Brunswick, granting the sum of One Thousand Pounds, to relieve the immediate necessities of the loyal sufferers in the two Canadas, beg leave to report the accompanying resolutions, for the adoption of the House.

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
4th day of April, 1839.

The resolutions, reported by the last-mentioned Committee, were then read by the Clerk, as follows:

Resolved.—That this House receives, with sentiments of unmingled gratitude and respect, from the Legislative Council and House of Assembly of New Brunswick, the warm sympathy which they have so feelingly expressed for the sufferings of their fellow-subjects in Canada, who have been exposed to the depredations of marauding incendiaries from the neighbouring States.

Resolved.—That the munificent grant of One Thousand Pounds, which the Legislature of that Colony has been pleased to make for the relief of those sufferers, accompanied, as it has been, by expressions of the most generous and friendly attachment to our interests, and of anxiety for our protection as British subjects, calls upon us to assure them of the deep gratitude we feel for their benevolent and friendly assistance and concern.

Report of the Select Committee, upon the Despatch of the Governor-in-Chief, relative to a grant voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas, presented.

Read.

The report

Certain resolutions, reported by the last-mentioned Committee, read first time.

The resolutions.

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Resolved.—That the Legislature, and loyal people of New Brunswick, by this demonstration of regard for British liberty and British Institutions, have laid the inhabitants of Canada under obligations, which they will best re-pay by uniting with the people of all parts of British North America, to maintain a lasting connexion with the Parent State, and by a noble resolution to preserve their Constitution, and defend Her Majesty's Colonial possessions, from wanton invasion.

Resolved.—That His Excellency the Lieutenant Governor, be requested to transmit the foregoing resolutions to His Excellency Sir John Harvey, Lieutenant Governor of the Province of New Brunswick, to be communicated to both Houses of the Legislature of that Colony.

Read second time and adopted.

The said resolutions being read a second time, and the question of concurrence put on each, they were severally agreed to by the House.

Petitions of the Magistrates of the District of Niagara;

The Honourable Mr. Hamilton brought up the petition of the Magistrates of the District of Niagara, in General Quarter Sessions assembled; which was laid on the table.

Of James Lilley, Junior, and others;

The Honourable Mr. Fergusson brought up the petition of James Lilley, junior, and others; which was laid on the table.

Of the Trustees of the Niagara Market reservation;

The Honourable Mr. Crooks brought up the petition of the Trustees of the Market reservation in Niagara; which was laid on the table.

And of James Calcutt; presented.

The Honourable Mr. Radcliffe brought up the petition of James Calcutt, of Cobourg; which was laid on the table.

On motion made and seconded, it was,

Petition of James Lilley, Junior, and others, referred to the Select Committee upon Indians' protection bill.

Ordered, that the petition of James Lilley, junior, and others, praying against the passing of the bill now before the House for the relief of the Indians, and that the Petitioners may be allowed to purchase from the Government the lands upon which they reside, and which are leased to them by the Indians, be referred to the Select Committee appointed to report upon the bill, entitled, "An Act for the protection of the Indians in the possession of their lands, and for the punishment of persons trespassing, or committing any unlawful or wanton injury thereon."

House adjourns.

On motion made and seconded, the House adjourned.

FRIDAY, 5th APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. ADAMSON.

The Honourable Messrs. DUNN.

" " MORRIS.

" " ALLAN.

" " FERGUSSON.

" " ALEXANDER McDONELL.

" " JOHN McDONALD.

" " BALDWIN.

Prayers were read.

The Minutes of yesterday were read.

To the rejection of the Resolution moved by the Honourable Mr. Crooks, yesterday, in relation to certain Resolutions sent up from the Commons House of Assembly, on the subject of a Union of the two Provinces:

DISSENTIENT,

Protest of the Honourable Messieurs Morris, Dickson, Hamilton, Crooks, Wilkins, John McDonald and Fergusson, against the rejection of certain resolutions moved yesterday, on the subject of a Union of the Provinces.

Because, the Act 31st George III, Chap. 31st, was passed by the Parliament of Great Britain, for the mutual benefit of all the Subjects of the Kingdom who then resided in the Province of Quebec, or who might afterwards inhabit the Provinces of Upper and Lower Canada; and the experience of nearly half a century has shewn, that the advantages anticipated by the eminent Statesmen who promoted that measure have not been realized, inasmuch as the people of Lower Canada, of French origin, are in consequence of the division of the Colony; the continuance of the feudal tenures; the use of the French language in the Legislature, and in the Courts of Justice, as much a foreign people as they were at the conquest of the country, and perhaps even less disposed to adopt the laws, customs and language, of Great Britain than they were at that period; and further, that the division of the Province of Quebec,

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deprived that part of the population resident in the Upper Province of a sea port for the landing of goods, or the shipment of the products of their fields and forests, thereby depriving them of the means of regulating their own grade of imposing, reducing or repealing, duties on imports, without the consent of the people of Lower Canada.

That these circumstances have hitherto engendered a feeling of mutual jealousy and distrust; have caused misunderstandings and dissatisfaction with regard to the division of the revenue; and have prevented the undertaking and prosecution of public improvement upon corresponding plans and principles. That although the revenue collected at the ports of Quebec and Montreal has, since the passing of the Imperial Statute, 3rd George IV. Chap. 119, been apportioned to both Provinces, upon the basis of their respective population, Upper Canada has suffered great loss by reason of the imposition of duties since that enactment was made, to which it is said she has no legal claim.

W. MORRIS,
WILLIAM DICKSON,
JOHN HAMILTON,
JAMES CROOKS,
ROBERT C. WILKINS
JOHN McDONALD,
ADAM FERGUSSON.

Pursuant to the order of the day, the bill, entitled, "An Act to increase the salary of the keeper of the Light House on the False Ducks Island," was, as amended, read a third time; and,

False Ducks Light House Keeper's salary increase bill, (as amended,) read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments; and it was,

Amendments, signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the bill, entitled, "An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, entitled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled, 'An Act to regulate the trial of controverted elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials'; and also a certain other Act passed in the eighth year of the reign of King George the Fourth, entitled, 'An Act to continue and amend the laws now in force for the trial of controverted elections'; also the bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to revive and continue an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, 'An Act prescribing the mode of measuring the contents of Wooden Stills, also for fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province"; and also the bill, entitled, "An Act to continue and make permanent an Act passed in the fourth year of the reign of King William the Fourth, entitled, 'An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of fence viewers being discharged by overseers of highways and roads," were severally read a third time and passed;

Controverted Elections trial continuation bill;

Wooden Stills measurement continuation bill;

And Line Fences regulation bill; read third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the amendments of the Commons House of Assembly, made in and to the Address to the Lieutenant Governor, requesting His Excellency to transmit the congratulatory Address of both Houses, to His Excellency the Governor-in-Chief; were read a third time and passed.

Amendments of the Assembly to the Address to His Excellency, requesting him to transmit the congratulatory Address to the Governor-in-Chief, read third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

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And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have acceded to the amendments made by the Commons House of Assembly, in and to the said Address.

Physicians' College establishment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said bill, and the report of the Select Committee thereon, into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Leave granted.

Ordered, that the report be received, and leave granted accordingly.

Married Women's real estate bill, read second time.

Pursuant to the order of the day, the bill to amend the law for the alienation of real estate by married women, was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the same into consideration.

On motion made and seconded, it was,

The resolutions of this House, relative to a grant voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas, sent to the Assembly for concurrence.

Ordered, that the resolutions adopted by this House yesterday, relative to a grant of money voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas, be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

On motion made and seconded, it was,

A Committee appointed to meet a Committee of the Assembly, to inquire when the Lieutenant Governor would receive the Address of the two Houses, requesting His Excellency to transmit the joint congratulatory Address to the Governor-in-Chief, and to present the same.

Ordered, that a Committee be appointed to meet a Committee on the part of the Commons House of Assembly, on Monday next, at the hour of two of the clock, P. M., for the purpose of waiting on His Excellency the Lieutenant Governor, to inquire when His Excellency would be pleased to receive the Joint Address, requesting him to transmit the congratulatory Address of both Houses to His Excellency the Governor-in-Chief, and to present the same; and,

Members composing the Committee, on the part of the Council;

Ordered, that the Honourable Messieurs Baldwin and Morris, do compose the Committee on the part of this House, for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have appointed the Honourable Messieurs Baldwin and Morris, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Monday next, at the hour of two of the clock, P. M., for the purpose of waiting on His Excellency the Lieutenant Governor, to inquire when His Excellency would be pleased to receive the Joint Address, requesting him to transmit the congratulatory Address of both Houses to His Excellency the Governor-in-Chief, and to present the same.

Petitions of Anthony Manahan;

Pursuant to the order of the day, the petition of Anthony Manahan, of the Town of Kingston, praying for relief, in relation to a certain seizure made of his property; and also the petition of Jacob Bouchman, and others, inhabitants of the Township of Walpole, praying that the said Township may still continue to be attached to the District of Niagara; were severally read.

And of Jacob Bouchman, and others; read.

Petition of George Adams, and others; presented.

The Honourable Mr. Allan brought up the petition of George Adams, and others, inhabitants of Saint Catharines, in the District of Niagara; which was laid on the table.

County Courts law continuation bill;

A deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to continue and make perpetual an Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled, 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to outlawry, in certain cases therein-mentioned'; and also a bill, entitled, "An Act to continue and make perpetual an Act passed in the fifth year of the reign of King William the Fourth, entitled, 'An Act to promote the public health, and to guard against infectious diseases in this Province,'" to which they requested the concurrence of this House, and then withdrew.

And Public Health promotion bill; brought up from the Assembly.

The said bills were then severally read; and it was,

Read first time.

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Ordered, that the same be read a second time on Monday next.

The Honourable Mr. Morris brought up the petition of Lewis Donelly, of the Town of Niagara; and also the petition of the Stockholders of the Cobourg Harbour Company, resident in Cobourg, and its vicinity; which were laid on the table.

Petitions of Lewis Donelly; And of the Stockholders of the Cobourg Harbour Company, presented.

On motion made and seconded, the House adjourned, until Monday next, at the hour of one of the clock, P. M.

House adjourns.

MONDAY, 8th APRIL, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. BALDWIN,

The Honourable Messrs. CROOKSHANK,

" " ADAMSON,

" " ALLAN,

" " SULLIVAN,

" " ALEXANDER McDONELL,

" " FERGUSSON,

" " ELMSLEY,

" " WILKINS.

Members present.

Prayers were read.

The Minutes of Friday last were read.

The Honourable the Speaker reported to the House the receipt of a Letter, which had been addressed to him by Sir Francis Bond Head, Baronet, the late Lieutenant Governor of this Province.

Speaker reports the receipt of a letter from Sir Francis Bond Head, Baronet.

The same was then read by the Clerk, and it is as follows :

Same read.

62, PARK-STREET, GROSVENOR SQUARE,

February 25th, 1839.

SIR,

You will no doubt remember that, in reply to an Address from the Legislative Council of Upper Canada, I felt it my duty to decline laying before the Provincial Legislature my correspondence with Her Majesty's Secretary of State for the Colonies, which led to my resignation.

The letter.

As, however, I have this day published these Despatches, I lose not a moment in begging your acceptance of a copy of the same.

I have the honour to remain,

SIR,

Your most obedient humble servant,

F. B. HEAD.

THE HONOURABLE THE SPEAKER,
of the Legislative Council,
of the Province of Upper Canada.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," and the further report of the Select Committee thereon.

Ordnance Department Land trust bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, together with the further report thereon, into consideration, had made some progress therein, and asked leave to sit again this day.

Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill to amend the law for the alienation of real estate by married women.

Married Women's real estate bill, committed.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

Monday, 8th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Reported; The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted. Ordered, that the report be received; and,
Ordered, that the said bill be engrossed, and the same read a third time to-morrow.

Members enter. The Honourable and Venerable the Archdeacon of York and the Honourable Mr. Morris, enter.

Ordnance Department Land trust bill, discharged from the order of the day. The order being read for the House to be again put into a Committee of the whole, upon the bill, entitled, "An Act to vest certain lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," together with the further report of the Select Committee thereon; it was,

Ordered, to be discharged; and that the same do stand upon the orders of the day for Wednesday next.

Physicians' College establishment bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," and the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again. The Chairman reported that the Committee had taken the said bill, and the report thereon, into consideration, had made some progress therein, and asked leave to sit again this day.

Leave granted. Ordered, that the report be received, and leave granted accordingly.

Members enter. The Honourable Messieurs Dunn, John Macaulay and John McDonald, enter.

Petty Trespass law continuation bill; Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences'; also a bill, entitled, "An Act to increase the capital stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour"; also a bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District"; also a bill, entitled, "An Act to authorise the levying a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein"; and also a bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie"; to which they requested the concurrence of this House, and then withdrew.

Amendments to Waterloo Bridge Company's Incorporation amendment bill, acceded to by the Assembly. Deputations from the Commons House of Assembly, returned the bill, entitled, "An Act to amend an Act, entitled, 'An Act incorporating certain persons, under the style and title of the Waterloo Bridge Company,'" and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and they brought up, and delivered at the bar of this House, a message in the following words, and then withdrew:

Message from the Assembly.

MR. SPEAKER:

Appointing a Committee to meet a Committee of the Legislative Council, to know when the Lieutenant Governor would receive the Address of the two Houses, requesting His Excellency to transmit the joint congratulatory Address to the Governor-in-Chief, and to present the same.

The Commons House of Assembly has appointed a Committee of four of its Members, who will be ready to meet the Committee appointed by the Honourable the Legislative Council, for the purpose of waiting upon His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive the congratulatory Address of both Houses to His Excellency the Governor-in-Chief, and to present the same, at the time appointed.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
5th day of April, 1839.

Monday, 8th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," and the report of the Select Committee thereon. Physicians' College establishment bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were again read by the Clerk, as follows: Messages from the Lieutenant Governor.

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the annual reports of the respective Trustees of the undermentioned Macadamized Roads, for the year 1838.— Transmitting the Annual Reports of the Trustees of certain Macadamized roads.

East Toronto Road.
Dundas Road, West of Toronto.
Kingston and Napance.
Brockville and Saint Francis.
West Gwillimbury Road and Bridge.

Government House,

8th April, 1839.

GEO. ARTHUR.

The Lieutenant Governor informs the Legislative Council, that he has received a Despatch from the Marquis of Normanby, acquainting him that Lord Glenelg had resigned the Seals of the Department of Secretary of State for the Colonies, and that Her Majesty had been graciously pleased to place them in His Lordship's hands. Announcing the receipt of a despatch, on the subject of the resignation of Lord Glenelg, and the appointment of the Marquis of Normanby, as Secretary of State for the Colonies.

Government House,

8th April, 1839.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," and the report of the Select Committee thereon. Physicians' College establishment bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments, reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows: Read first time.

Press 3, line 20—After "do" insert "Provided always, the said real estate shall at no time exceed in value the sum of Ten Thousand Pounds, of lawful money of this Province." The amendments.

" 4, " 8—After "Province" insert "Provided always, that as well for the election of a President and Vice President as for the confirmation of statutes, rules and ordinances, as aforesaid, the Fellows not resident in the City of Toronto may vote by proxy."

" " " 21—Expunge "8" and insert "9"

" 5, " 16—After "a" insert "Fellow or"

" 6, " 22—After "of" expunge "ten" and insert "five"

" 8, " 5—After "public" insert "against the improper vending of poisonous drugs"

" " " 9—After "corporate" insert "Town or Village containing two hundred or more inhabitants"

" " " 19—Add to the bill: "20. Provided always nevertheless, and be it further enacted by the authority aforesaid, That nothing herein-contained shall extend, or be construed to extend, to restrain the power of the Legislature at any time to repeal, alter or modify this Act in any of its provisions."

The first, second, third, fourth and fifth amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House. The first, second, third, fourth and fifth amendments, read second time, and adopted.

Monday, 5th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The sixth amendment read second time, and negatived.

The sixth amendment being read a second time, and the question of concurrence put thereon, it was carried in the negative; and,

The seventh and eighth amendments, read second time, and adopted.

The seventh and eighth amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that the said amendments be engrossed, and the bill, as amended, read a third time on Wednesday next.

County Courts law continuation bill;

Pursuant to the order of the day, the bill, entitled, "An Act to continue and make perpetual an Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled, 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to outlawry, in certain cases therein-mentioned'; and also the bill, entitled, "An Act to continue and make perpetual an Act passed in the fifth year of the reign of King William the Fourth, entitled, 'An Act to promote the public health, and to guard against infectious diseases in this Province,'" were severally read a second time; and it was,

And Public Health promotion bill; read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Petitions of the Magistrates of the District of Niagara;

Pursuant to the order of the day, the petition of the Magistrates of the District of Niagara, praying for an Act authorising the Court of General Quarter Sessions of the said District, to levy an additional rate, not exceeding one half-penny in the pound, for the space of four years; also the petition of James Lilley, junior, and others, praying against the passing of the bill now before the House for the relief of the Indians, and that the petitioners may be allowed to purchase from the Government the lands upon which they reside, and which are leased to them by the Indians; also the petition of the Trustees of the Market reservation in Niagara, praying for an Act enabling the Trustees to borrow, by security on a Mortgage of the Market lots, the sum of One Thousand Five Hundred Pounds, or less, on such terms as the said Trustees may deem expedient; also the petition of James Calcutt, of Cobourg, praying that the Legislative Council will not entertain the petition of the President, Directors and Company, of the Cobourg Harbour, and that certain lands upon the Lake shore may not be vested in the said Company; also the petition of George Adams, and others, inhabitants of Saint Catharines, in the District of Niagara, praying to be incorporated as a Banking Company, under the style and title of the Erie and Ontario Bank; also the petition of Lewis Donnelly, of the Town of Niagara, praying for remuneration for a certain loss sustained by him whilst on service in Major Dickson's Troop of Cavalry; and also the petition of the Stockholders of the Cobourg Harbour Company, resident in Cobourg and its vicinity, praying against the passing of any bill granting to the said Company any portion of the Beach or Lake shore, as prayed by certain Directors thereof; were severally read.

Of James Lilley, Junior, and others;

Of the Trustees of the Niagara Market reservation;

Of James Calcutt;

Of George Adams, and others;

Of Lewis Donnelly;

And of the Stockholders of the Cobourg Harbour Company; read.

Petty Trespass law continuation bill;

The bill, entitled, "An Act to continue in force, amend and make perpetual an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses and other offences"; also a bill, entitled, "An Act to increase the capital stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour"; also the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District"; also the bill, entitled, "An Act to authorise the levying a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein"; and also a bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie,'" were severally read, and it was,

Cobourg Harbour Company's Stock increase bill;

County of Huron erection bill;

Gore District land tax bill;

And District of Dalhousie erection bill; read first time.

Ordered, that they be read a second time to-morrow.

Petition of Thomas Markland, and others; presented.

The Honourable Mr. John McDonald brought up the petition of Thomas Markland, and others, inhabitants of the Town of Kingston; which was laid on the table.

On motion made and seconded, it was,

An Address of thanks ordered to be presented to His Excellency, for his several Messages of this day.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several Messages of this day, announcing the receipt of a Despatch from Her Majesty's Government, on the subject of the resignation of Lord Glenelg, and the

Tuesday, 9th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

appointment of the Marquis of Normanby, as Secretary of State for the Colonies, and transmitting the Annual Reports of Trustees for several Macadamized roads; and,

Ordered, that the Honourable Messieurs Fergusson and John McDonald, do present the same. Committee appointed therefor.

On motion made and seconded, the House adjourned. House adjourns.

TUESDAY, 9th APRIL, 1839.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. CROOKSHANK,

" " DUNN,

" " ALLAN,

" " ALEXANDER McDONELL,

" " BALDWIN,

The Honourable Messrs. MORRIS,

" " SULLIVAN,

" " FERGUSSON,

" " WILKINS,

" " JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Morris, from the Joint Committee, appointed to wait upon the Lieutenant Governor, to know when His Excellency would receive the Address of both Houses, requesting His Excellency to transmit the joint congratulatory Address to His Excellency the Governor-in-Chief, and to present the same, reported that they had done so, and that His Excellency had been pleased to receive the Address, and to return the following answer thereto:

Report of the Joint Committee appointed to wait upon the Lieutenant Governor to know when His Excellency would receive the Address of both Houses, requesting him to transmit the joint congratulatory Address to His Excellency the Governor-in-Chief, and to present the same.

GENTLEMEN,

I shall most readily comply with this joint Address of the two Houses of the Provincial Parliament, and it affords me the highest gratification in being the channel of communicating to His Excellency Sir John Colborne, your cordial congratulations on his appointment to the high and responsible situation of Governor General of Her Majesty's North American Provinces.

His Excellency's reply thereto.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the bill, entitled, "An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," presented their report.

Report of the Select Committee upon FitzGibbon's Land grant bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee, to whom was referred the bill, entitled, "An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," respectfully report:

The report.

That they have examined the same, and recommend it, without any amendment, to the adoption of your Honourable House.

All which is respectfully submitted.

R. B. SULLIVAN,
CHAIRMAN.

Committee Room, Legislative Council,
9th day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

Pursuant to the order of the day, the bill to amend the law for the alienation of real estate by married women, was read a third time and passed; and it was,

Married Women's real estate bill, read third time, and passed.

Ordered, that the title be, "An Act to amend the law enabling married women to convey their real estates within this Province."

Title ordered.

Whereupon the Speaker signed the bill; and it was,

Bill signed.

Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

And sent to the Assembly for concurrence.

Tuesday, 9th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

County Courts law
continuation bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue and make perpetual an Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled, 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to outlawry, in certain cases therein-mentioned.'"

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time to-morrow.

A Member enters.

The Honourable and Venerable the Archdeacon of York enters.

Public Health promotion
bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue and make perpetual an Act passed in the fifth year of the reign of King William the Fourth, entitled, 'An Act to promote the public health, and to guard against infectious diseases in this Province.'"

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time to-morrow.

Petty Trespass's law
continuation bill;

Pursuant to the order of the day, the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences'; also the bill, entitled, "An Act to increase the capital stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour"; also the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District"; also the bill, entitled, "An Act to authorise the levying a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein"; and also the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie," were severally read a second time; and it was,

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

Report of the Select
Committee appointed to
present an Address of
thanks for His Excel-
lency's Messages of
yesterday.

The Honourable Mr. Fergusson, from the Select Committee appointed to present an Address to the Lieutenant Governor, thanking His Excellency for his several Messages of yesterday, reported the delivery thereof.

Petition of
James Ekins,
presented.

The Honourable Mr. Baldwin brought up the petition of James Ekins, of the Township of Niagara; which was laid on the table.

Provincial Commissioners
appointment bill, brought
up from the Assembly.

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

Petition of
Allan Henderson,
and others;
presented.

The Honourable Mr. Morris brought up the petition of Allan Henderson, and others, inhabitants of the Townships of Dumfries, Waterloo, Puslinch and Beverley, and members and adherents of the Synod of Upper Canada, in connexion with the Church of Scotland; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

Wednesday, 10th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

WEDNESDAY, 10th APRIL, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS,

The Honourable Messrs. ALLAN,

" " SULLIVAN,

" " ALEXANDER McDONELL,

" " FERGUSSON,

" " ADAMSON,

" " WILKINS.

" " CROOKS,

" " JOHN McDONALD,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," was, as amended, read a third time; and,

Physicians' College establishment bill, as amended, read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments; and it was,

Amendments, signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

The Honourable Mr. Crookshank enters.

A Member enters.

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all Navigable Rivers in this Province, and for other purposes therein mentioned," to which they requested the concurrence of this House; and they brought up, and delivered at the bar of this House, a message in the following words, and then withdrew:

Grand River Timber felling prevention bill, brought up from the Assembly.

Mr. SPEAKER:

The Commons House of Assembly have passed the accompanying Address to Her Majesty, on the subject of certain Chelsea Pensioners, in which they request the concurrence of the Honourable the Legislative Council.

Message from the Assembly; transmitting for concurrence an Address to Her Majesty, on the subject of certain Chelsea Pensioners.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

10th day of April, 1839.

The last-mentioned bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

The Address received from the Assembly this day, was then read by the Clerk, as follows:

(For Address, see Appendix P.)

Grand River Timber felling prevention bill, read first time.

Address to Her Majesty, on the subject of certain Chelsea Pensioners, read first time. The Address

On motion made and seconded, it was,

Ordered, that the last-mentioned Address, be read a second time to-morrow.

Pursuant to the order of the day, the bill, entitled, "An Act to continue and make perpetual, an Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled, 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to outlawry, in certain cases therein-mentioned'; and also the bill, entitled, "An Act to continue, and make perpetual, an Act passed in the fifth year of the reign of King William the Fourth, entitled, 'An Act to promote the public health, and to guard against infectious diseases in this Province," were severally read a third time and passed:

County Courts law continuation bill;

And Public Health promotion bill; read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

And the Assembly acquainted thereof.

Wednesday, 10th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

- Ordnance Department
Land trust bill, discharged
from the order of the day.
- The order of the day being read for putting the House again into a Committee of the whole, upon the bill, entitled, "An Act to vest certain lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," together with the further report of the Select Committee thereon; it was,
Ordered, to be discharged; and that the same do stand upon the orders of the day for Friday next.
- FitzGibbon's land grant
bill, committed.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," together with the report of the Select Committee thereon.
The Honourable Mr. Crooks took the Chair.
After some time the House resumed.
- Amendments, reported.
- The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.
Ordered, that the report be received; and,
- Read first time.
- The said amendments were then read by the Clerk, as follows:
- The amendments.
- Press 1, line 8—After "to" expunge "this House" and insert "both Houses of the Legislature"
" " " 18—After "Governor" insert "in Her Majesty's name"
- Read second time, and
adopted.
- The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,
Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.
- Petty Trespass law
continuation bill,
committed.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses and other offences.'
The Honourable Mr. Crookshank took the Chair.
After some time the House resumed.
- Reported;
- The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, to report thereon by amendment or otherwise.
Ordered, that the report be received; and,
- And referred to a Select
Committee.
- Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,
- Members composing same.
- Ordered, that the Honourable Messieurs Crooks and Sullivan, do compose the same for that purpose.
- Cobourg Harbour
Company's Stock
increase bill,
committed.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to increase the capital stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour."
The Honourable Mr. Adamson took the Chair.
After some time the House resumed.
- Reported.
- The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted.
- Ordered, that the report be received; and,
Ordered, that the said bill be read a third time to-morrow.
- County of Huron erection
bill, committed.
- Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District.'
The Honourable Mr. Sullivan took the Chair.
After some time the House resumed.
- Reported;
- The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.
Ordered, that the report be received; and,
- And referred to a Select
Committee.
- Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Wednesday, 10th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the Honourable Messieurs Allan and Sullivan, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the levying a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein." Gore District land tax bill; committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, to report thereon by amendment or otherwise. Reported;

Ordered, that the report be received; and,

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and, And referred to a Select Committee.

Ordered, that the Honourable Messieurs Crooks and Fergusson, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie.'" District of Dalhousie erection bill; committed.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, to report thereon by amendment or otherwise. Reported;

Ordered, that the report be received; and,

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and, And referred to a Select Committee.

Ordered, that the Honourable Messieurs Crooks, Morris and Sullivan, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," was read a second time; and it was, Provincial Commissioners appointment bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

The Honourable and Venerable the Archdeacon of York enters. A Member enters.

The Chairman reported that the Committee had taken the last-mentioned bill into consideration, had made some progress therein, and asked leave to sit again on Monday next. Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

Pursuant to the order of the day, the petition of Thomas Markland, and others, inhabitants of the Town of Kingston, praying for a law repealing altogether the Act incorporating the said Town, and for re-enacting the old Police laws thereof, was read. Petition of Thomas Markland, and others; read.

The Honourable Mr. Fergusson, from the Select Committee to whom was referred the bill, entitled, "An Act to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned," presented their report. Report of the Select Committee, upon Hamilton Market establishment and loan bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows: Read.

The Select Committee, appointed to examine and report upon the bill sent up from the House of Assembly, to establish a second Market in the Town of Hamilton, have attentively considered the same, and beg leave to recommend the following amendments, for the adoption of your Honourable House: The report.

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Press 1, line 18—After “for that purpose” insert “not exceeding in all three acres”

“ 2, “ 6—After “for that purpose” insert “not exceeding in all three acres”

“ 3, “ 4—After “may require” add to the bill, “Provided always, that such rules, regulations and by-laws, shall in no respect be at variance with the laws of this Province.”

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

The Honourable Mr. Sullivan moved that the nineteenth rule of this House be dispensed with, so as to enable him to move a certain Address to His Excellency the Lieutenant Governor; which being seconded,

The question of concurrence was put thereon, and the same was carried in the affirmative, and it was,

Ordered, that the nineteenth rule be dispensed with accordingly; then,

On motion made and seconded, it was,

Ordered, that an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency to inform this House whether any measures have been taken by Her Majesty's Government to procure indemnification for the owners of property belonging to Her Majesty's Subjects in Upper Canada, destroyed or injured by bands of armed men within and coming from the territory of the United States of America; and also that His Excellency will be pleased to communicate to this House any information respecting the destruction and injury to the property of Her Majesty's Subjects suffered as aforesaid, which may be in the possession of His Excellency.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to draft an Address to His Excellency the Lieutenant Governor, founded on the foregoing motion; and,

Ordered, that the Honourable Messieurs Sullivan and Morris, do compose the same for that purpose.

The Honourable Mr. Morris, from the last-mentioned Select Committee, reported the draft of an Address, which was read by the Clerk; and it was,

Ordered, that the same be read a second time to-morrow.

On motion made and seconded, the House adjourned.

THURSDAY, 11th APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> MORRIS,
	<i>The Honourable Messrs.</i> ALEXANDER McDONELL,	“ “ FERGUSSON,
	“ “ ADAMSON,	“ “ WILKINS.
	“ “ CROOKS,	“ “ JOHN McDONALD.

Prayers were read.

The Minutes of yesterday were read.

FitzGibbon's land grant bill, as amended, read third time and passed.

Pursuant to the order of the day, the bill, entitled, “An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire, was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Amendments, signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Cobourg Harbour Company's Stock increase bill, read third time, and passed;

Pursuant to the order of the day, the bill, entitled, “An Act to increase the capital stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour,” was read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

Thursday, 11th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

Hamilton Market establishment and loan bill; committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Amendments, reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows:

Read first time.

Press 1, line 18—After "purpose" insert "not exceeding in all three acres."

" 2, " 6—After "purpose" insert "not exceeding in all three acres."

The amendments.

" 3, " 4—After "require" add to the bill "Provided always, that such rules, regulations and by-laws, shall in no respect be at variance with the laws of this Province."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time tomorrow.

The Honourable Messieurs Allan, Baldwin and Sullivan, enter.

Members enter.

Pursuant to the order of the day, the bill, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all Navigable Rivers in this Province, and for other purposes therein mentioned," was read a second time; and it was,

Grand River Timber felling prevention bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.

Reported;

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Adamson, Crooks and Fergusson, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the Address to the Queen, on the subject of certain Chelsea Pensioners, was read a second time; and it was,

Address to Her Majesty, on the subject of certain Chelsea Pensioners, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Address, and recommended the same, without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the forty-fourth rule of this House be dispensed with, so far as it respects the said Address, and that the same be read a third time presently.

Forty-fourth Rule dispensed with.

The said Address was then read a third time accordingly and passed.

Address read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have concurred in this Address.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, praying for certain information, with respect to indemnifying the owners of property, destroyed by armed men from the United States, was read a second time; and it was,

Address to His Excellency praying for certain information with respect to indemnifying the owners of property destroyed by brigands, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

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Committed.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported that the Committee had gone through the said Address, and had made an amendment thereto, and recommended the Address, as amended, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Forty-fourth rule dispensed with.

Ordered that the forty-fourth rule of this House be dispensed with, so far as it respects the said Address, and that the same, as amended, be engrossed, and read a third time this day.

A Member enters.

The Honourable Mr. Crookshank enters.

Petitions of James Ekins;

Pursuant to the order of the day, the petition of James Ekins, of the Township of Niagara, praying that a pension may be granted him, on account of an injury sustained by the Petitioner while assisting and superintending the erection of a Battery, on the second January, 1838; and also the petition of Allan Henderson, and others, inhabitants of the Townships of Dumfries, Waterloo, Puslinch and Beverley, and members and adherents of the Synod of Upper Canada, in connexion with the Church of Scotland, praying that the establishment of fifty-seven Rectories of the Church of England may be abolished; that the Church of Scotland may be admitted to a full participation with the Church of England, in all the benefits arising from the appropriation of the Clergy Reserves, and that in future the Members of the Church of Scotland may be placed, in every respect, on the same footing with the Members of the Church of England; were severally read.

And of Allan Henderson, and others, read.

Report of the Select Committee upon County of Huron erection bill, presented.

The Honourable Mr. Allan, from the Select Committee, to whom was referred the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District,'" presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District,'" respectfully report the following amendment, for the consideration of your Honourable House:

Press 1, line 1—After the word "whercas" expunge the remainder of the bill, and insert, "in and by an Act of the Parliament of this Province, passed in the first year of the reign of Her Majesty, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District,' after reciting, that whereas it is just and expedient that until the said County of Huron be declared a separate District, the said County should contribute a just proportion of the ordinary expenses of the District of London, it is enacted amongst other things, that from and out of the rates and assessments raised, levied and collected in the said County, it shall and may be lawful for the Treasurer of the London District annually to retain, for the purposes aforesaid, such a sum as the majority of the Magistrates in General Quarter Sessions assembled, in the month of April then next, should ascertain and determine to be the just and equitable proportion of such expenses to be borne and paid by the aforesaid County of Huron: And whereas, the majority of the said Magistrates did not in the said Quarter Sessions, in the said month of April, ascertain and determine the said proportion, and it is therefore expedient to extend the time for so doing: Be it therefore enacted, &c. That it shall and may be lawful for the majority of the Magistrates of the said District of London, at the next or any future Quarter Sessions of the Peace held in and for the said District, to ascertain and determine the said just and equitable proportion of such expenses to be paid by the said County of Huron, for the purposes in the said Act mentioned, any thing therein-contained to the contrary thereof in anywise notwithstanding."

Legislative Council Committee Room,
11th day of April, 1839.

W. ALLAN,
CHAIRMAN.

Thursday, 11th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House presently.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

The said amendment was then read by the Clerk, as follows:

Press 1, line 1—After the word “whereas” expunge the remainder of the bill, and insert, “in and by an Act of the Parliament of this Province, passed in the first year of the reign of Her Majesty, entitled, ‘An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District,’ after reciting, that whereas it is just and expedient that until the said County of Huron be declared a separate District, the said County should contribute a just proportion of the ordinary expenses of the District of London, it is enacted amongst other things, that from and out of the rates and assessments raised, levied and collected in the said County, it shall and may be lawful for the Treasurer of the London District annually to retain, for the purposes aforesaid, such a sum as the majority of the Magistrates in General Quarter Sessions assembled, in the month of April then next, should ascertain and determine to be the just and equitable proportion of such expenses to be borne and paid by the aforesaid County of Huron: And whereas, the majority of the said Magistrates did not in the said Quarter Sessions, in the said month of April, ascertain and determine the said proportion, it is therefore expedient to extend the time for so doing: Be it therefore enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, ‘An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That it shall and may be lawful for the majority of the Magistrates of the said District of London, at the next or any future Quarter Sessions of the Peace held in and for the said District, to ascertain and determine the said just and equitable proportion of such expenses to be paid by the said County of Huron, for the purposes in the said Act mentioned, any thing therein-contained to the contrary thereof in anywise notwithstanding.”

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to order, the Address to His Excellency the Lieutenant Governor, praying for certain information, with respect to indemnifying the owners of property, destroyed by armed men from the United States, was (as amended) read a third time and passed.

Whereupon the Speaker signed the same, and it is as follows:

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty’s Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty’s dutiful and loyal Subjects, the Legislative Council of Upper Canada, humbly pray Your Excellency to inform this House, whether any and what measures have

Bill and report, committed.

Amendment reported.

Read first time.

The amendment.

Read second time, and adopted.

Address to His Excellency praying for certain information with respect to indemnifying the owners of property destroyed by brigands, read third time, and passed.

Same signed.

The Address

Friday, 12th April, 1839.

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been taken by Her Majesty's Government, to procure indemnification for the owners of property belonging to Her Majesty's Subjects in Upper Canada, destroyed or injured by bands of armed men within and coming from the United States of America; and also that Your Excellency will be pleased to communicate to this House any information in Your Excellency's possession, respecting the destruction and injury of such property.

The Legislative Council beg further to request Your Excellency will be pleased to inform this House, whether Your Excellency is in possession of any information from Her Majesty's Government, in regard to the capture, by an armed vessel of the United States of America, of the Schooner Lord Nelson, in the year 1812, previous to the declaration of war in that year; and if so, to communicate the same to this House.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the last-mentioned Address, and to present the same; and,

Ordered, that the Honourable Messieurs Crooks and Fergusson, do compose the Committee for that purpose.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following terms:

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Legislative Council have adopted the accompanying resolution, in relation to the state of this Province, which they respectfully transmit herewith, for Your Excellency's information.

On motion made and seconded, it was,

Ordered, that a Select Committee be appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the last-mentioned Address, and to present the same; and,

Ordered, that the Honourable Messieurs Crooks and Fergusson, do compose the Committee for that purpose.

On motion made and seconded, the House adjourned.

FRIDAY, 12th APRIL, 1839.

The House met pursuant to adjournment.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. ALEXANDER McDONELL.

" " BALDWIN,

" " ADAMSON,

" " CROOKS.

The Honourable Messrs. MORRIS,

" " FERGUSSON,

" " WILKINS,

" " JOHN McDONALD.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," together with the further report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Honourable Mr. Allan enters.

The Chairman reported that the Committee had taken the last-mentioned bill, and the further report thereon, again into consideration, had made some further progress therein, and asked leave to sit again on Monday next.

A Committee appointed to know when the address would be received, and to present it.

Members composing same.

An Address ordered to be presented to His Excellency, transmitting the Resolution of the Council on the state of the Province.

The Address.

A Committee appointed to know when the address would be received, and to present it.

Members composing same.

House adjourns.

House meets.

Members present.

Ordnance Department Land trust bill, re-committed.

A Member enters.

Reported, and leave asked to sit again.

Monday, 15th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

Pursuant to the order of the day, the bill, entitled, "An Act to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned," was, as amended, read a third time; and,

Hamilton Market establishment and loan bill, as amended, read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments; and it was,

Amendments, signed;

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

The Honourable Messieurs Crookshank and Hamilton, enter.

Members enter.

A Deputation from the Commons House of Assembly returned the bill, entitled, "An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Amendments to FitzGibbon's land grant bill, acceded to by the Assembly.

The Honourable Mr. Dunn enters.

A Member enters.

Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," was, as amended, read a third time; and,

County of Huron erection bill, as amended, read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendment; and it was,

Amendment signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill with a certain amendment, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

On motion made and seconded, the House adjourned, until Monday next, at the hour of one of the clock, P. M.

House adjourns.

MONDAY, 15th APRIL, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS,

The Honourable Mr. CROOKSHANK,

" " SULLIVAN,

The Hon. & Ven. The ARCHDEACON OF YORK.

" " FERGUSSON,

The Honourable Messrs. ALLAN,

" " RADCLIFFE,

" " ALEXANDER McDONELL,

" " JOHN SIMCOE MACAULAY.

" " BALDWIN,

" " WILKINS.

" " HAMILTON,

" " JOHN McDONALD,

" " ADAMSON,

Members present.

Prayers were read.

The Minutes of Friday last were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned."

Provincial Commissioners appointment bill, re-committed.

The Honourable Mr. Wilkins took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

The Honourable Mr. Crooks enters.

A Member enters.

A Deputation from the Commons House of Assembly, brought up some bills, to which they requested the concurrence of this House, and then withdrew.

Bills brought up from the Assembly.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned."

Provincial Commissioners appointment bill, re-committed.

The Honourable Mr. Wilkins took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

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Amendments to
Hamilton Market estab-
lishment and loan bill;

And County of Huron
erection bill, acceded to
by the Assembly.

Provincial Commissioners
appointment bill,
re-committed.

Resolutions, reported.

Read first time.

The resolutions.

Deputations from the Commons House of Assembly returned the bill, entitled, "An Act to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned"; and also the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District,'" and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned."

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had passed certain resolutions, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

The said resolutions were then read by the Clerk, as follows:

Resolved.—That for the reasons set forth in the resolutions of this House on the fourth instant, it is inexpedient to pass the bill sent up from the House of Assembly, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," especially as the Report and Address to Her Majesty, referred to in those resolutions, expressed the entire confidence of the Legislative Council, that Her Majesty's Government would not carry into effect any measure deeply affecting the interests of this Province, without affording to its inhabitants an opportunity of being heard on the subject.

Resolved.—That when Her Majesty's Ministers have made the Legislature of this Province acquainted with the plan, which it is proposed to submit to the Imperial Parliament for the restoration of peace and tranquillity to the people of Upper and Lower Canada, this House will take the same into consideration, and communicate its opinion thereon to Her Majesty, either by uniting with the House of Assembly in the appointment of a Commissioner or Commissioners for that purpose, or by Address, as may seem most expedient, according to the circumstances of the case.

Read second time, and
adopted.

The same communicated
to the Assembly.

Speaker reports the
receipt of Western
District additional
assessment bill;

And of False Ducks Light
House Keeper's salary
continuation bill, from the
Assembly.

Read first time.

Forty-fourth rule
dispensed with.

Ordnance Department
Land trust bill,
re committed.

Reported;

The said resolutions being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that the same be communicated, by Message, to the Commons House of Assembly, for their information.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill, entitled, 'An Act to authorise the raising of One Thousand Pounds, by an additional rate or levy of one half-penny in the pound, upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich'; and also the bill, entitled, "An Act to continue and make perpetual an Act, entitled, 'An Act to increase the salary of the Keeper of the False Ducks Light House,'" to which they requested the concurrence of this House.

The said bills were then severally read; and it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the said bills, and that they be read a second time this day.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to vest certain lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," together with the further report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, and the further report thereon, again into consideration, had made some further progress therein, and recommended that the bill be referred back to the same Select Committee, to report again thereon.

Monday, 15th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be referred back to the same Select Committee, to report again thereon. And referred back to this Select Committee.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following terms: An Address ordered to be presented to His Excellency, requesting him to transmit the Joint Address to the Queen, on the subject of certain Chelsea Pensioners.

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and Commons House of Assembly, have agreed to an humble Address to the Queen, on the subject of certain Chelsea Pensioners, which we respectfully pray Your Excellency will be pleased to transmit to Her Majesty's Principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Ordered, that the foregoing Address be sent to the Commons House of Assembly, by the Master in Chancery, for their concurrence. Sent to the Assembly for concurrence.

The Honourable Mr. Crooks, from the Select Committees appointed to wait upon His Excellency the Lieutenant Governor with an Address, transmitting a resolution of this House, in relation to the state of the Province, and also with an Address, praying for certain information, with respect to indemnifying the owners of property destroyed by armed men from the United States, reported that His Excellency had been pleased to receive the same, and to return to the last-mentioned Address the following reply: Reports of the Select Committees appointed to present the several Addresses to His Excellency, transmitting the Resolution of the Council on the state of the Province; and praying for certain information with respect to indemnifying the owners of property destroyed by brigands.

HONOURABLE GENTLEMEN:

I have transmitted to the Secretary of State for the Colonies, in the order in which they were presented to me, the claims of those Subjects of the Queen whose property was injured or destroyed by armed men, assembled and organized within the United States of America, during the recent disturbed state of the Frontiers; but I am not in possession of any intelligence respecting the measures which Her Majesty's Government may have considered it proper to pursue, for obtaining indemnification for the sufferers. His Excellency's reply to the last-mentioned Address.

I shall direct a statement of these claims to be prepared for the information of the Legislative Council.

After a careful search, which I have caused to be made, into the records of this Government, for some years past, I do not discover any documents relating to the capture of the Schooner Lord Nelson.

Pursuant to order, the bill, entitled, "An Act to authorise the raising of one thousand pounds, by an additional rate or levy of one half-penny in the pound upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District, to repair and improve the Gaol at Sandwich"; and also the bill, entitled, "An Act to continue and make perpetual an Act, entitled, 'An Act to increase the salary of the Keeper of the False Ducks Light House,'" were severally read a second time; and it was, Western District additional assessment bill; and False Ducks Light House Keeper's salary continuation bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole upon the bill, entitled, "An Act to authorise the raising of one thousand pounds, by an additional rate or levy of one half-penny in the pound upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich." Western District additional assessment bill, committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the last-mentioned bill, and recommended the same, without any amendment, to the adoption of the House. Reported.

Tuesday, 16th April, 1839.

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Adopted. Ordered, that the report be received; and,
Ordered, that the said bill be read a third time to-morrow.

False Ducks Light House Keeper's salary continuation bill, committed. The House was then put into a Committee of the whole, upon the bill, entitled, 'An Act to continue and make perpetual an Act, entitled, 'An Act to increase the salary of the Keeper of the False Ducks Light House.'
The Honourable Mr. Radcliffe took the Chair.
After some time the House resumed.

Reported; The Chairman reported that the Committee had gone through the last-mentioned bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted. Ordered, that the report be received; and,
Ordered, that the said bill be read a third time to-morrow.

House adjourns. On motion made and seconded, the House adjourned.

TUESDAY, 16th APRIL, 1839.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> ADAMSON,
	<i>The Honourable Messrs.</i> DUNN,	" " MORRIS,
	" " ALLAN,	" " WILKINS,
	" " ALEXANDER McDONELL,	" " JOHN McDONALD.
	" " HAMILTON,	

Prayers were read.

The Minutes of yesterday were read.

Western District additional assessment bill, read third time, and passed. Pursuant to the order of the day, the bill, entitled, "An Act to authorise the raising of One Thousand Pounds, by an additional rate or levy of one half-penny in the pound, upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich," was read a third time and passed.

Same signed; Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof. Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

Members enter. The Honourable Messieurs Crookshank, Crooks, Sullivan, Fergusson and John Simcoe Macaulay, enter.

Amendments to Game preservation bill, acceded to by the Assembly. Deputations from the Commons House of Assembly returned the bill, entitled, "An Act to prevent the hunting and killing of Deer and Feathered Game, during certain seasons of the year, and to prohibit hunting and shooting on the Lord's Day," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and they brought up a bill, entitled, "An Act to authorise the Court of King's Bench to admit Adam Ainsley to practise as an Attorney in that Court, and to authorise the Vice Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province"; also a bill, entitled, "An Act to facilitate the negotiation of loans of money, authorised and required for the construction of the Grand River Navigation, and for other purposes therein-mentioned"; also a bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour"; and also a bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," to which they requested the concurrence of this House, and then withdrew.

Ainsley's admission bill; The said bills were then severally read; and it was,

Grand River loan facility bill; Ordered, that they be read a second time to-morrow.

Bayfield Harbour Company's incorporation bill; A Deputation from the Commons House of Assembly, brought up a bill, entitled, "An Act to authorise the erection of an Asylum within this Province, for the reception of insane and lunatic persons," to which they requested the concurrence of this House, and then withdrew.

And Thames Navigation Company's incorporation bill, brought up therefrom. The last-mentioned bill was then read; and it was,

Read first time. Ordered that the forty-fourth rule of this House be dispensed with, as far as it relates to the said bill, and that the same be read a second time this day.

Forty-fourth Rule dispensed with.

Tuesday, 16th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the bill, entitled, "An Act to continue and make perpetual an Act, entitled, 'An Act to increase the salary of the Keeper of the False Ducks Light House,'" was read a third time and passed.

False Ducks Light House Keeper's salary continuation bill, read third time, and passed;

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly acquainted thereof.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie,'" presented their Report.

Report of the Select Committee upon District of Dalhousie erection bill presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

Your Committee, to whom was referred the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie,'" have agreed upon the following amendments, which they respectfully recommend for the adoption of your Honourable House:

The report.

Press 1, line 14—After the word "Lewis," insert "Member of the Provincial Parliament," after the word "Petrie," in the same line, insert "Esquire, of the Ottawa District."

" " " 15—Expunge the words "William Stewart," and insert "George Longley, Esquire, of the Township of Augusta, in the Johnstown District," and after the word "purpose," in the same line, insert "or a majority of them."

All which is respectfully submitted.

JAMES CROOKS,

CHAIRMAN.

Committee Room, Legislative Council

April 15th, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, presently.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

The bill and report committed.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows:

Amendments to the bill, reported.

Line 14—After the word "Lewis," insert "Member of the Provincial Parliament," after "Petrie," insert "Esquire, of the Ottawa District."

Read first time.

" 15—Expunge the words "William Stewart," and insert "George Longley, Esquire, of the Township of Augusta, in the Johnstown District," and after the word "purpose," insert "or a majority of them."

The amendments.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Read second time, and adopted.

Ordered, that the same be engrossed, and the said bill, as amended, read a third time to-morrow.

The Honourable Mr. Radcliffe enters.

A Member enters.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences,'" presented their report.

Report of the Select Committee upon Petty Trespass law continuation bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

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The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses and other offences,'" respectfully report the following amendments for the consideration of your Honourable House:

Press 1, line 13—After "the" insert "said first-mentioned Act be and the"

" " " 14—After "that" expunge the remainder of the clause, and insert, "it shall and may be lawful for any Justice or Justices before whom any complaint as mentioned in the said Act shall be made, to summon such witness or witnesses for the complainant or defendant as shall appear to such Justice or Justices to be necessary; and upon neglect or refusal of such witness or witnesses to appear, or to give evidence when duly summoned as aforesaid, to punish such witness or witnesses for contempt of Court, by fine or imprisonment in the common Gaol of the District wherein such complaint shall be made: Provided that no such fine shall exceed five pounds, and no such imprisonment exceed in length one calendar month, which said fines shall be applied and appropriated in like manner as other fines and forfeitures levied under the said Act.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
16th day of April, 1839.

On motion made and seconded, it was,

The bill and report committed.

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House presently.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Amendments to the bill, reported.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows:

The amendments.

Press 1, line 13—After "the" insert "said first-mentioned Act be and the"

" " " 14—After "that" expunge the remainder of the clause, and insert, "it shall and may be lawful for any Justice or Justices before whom any complaint as mentioned in the said Act shall be made, to summon such witness or witnesses for the complainant or defendant as shall appear to such Justice or Justices to be necessary; and upon neglect or refusal of such witness or witnesses to appear, or to give evidence when duly summoned as aforesaid, to punish such witness or witnesses for contempt of Court, by fine or imprisonment in the common Gaol of the District wherein such complaint shall be made: Provided that no such fine shall exceed five pounds, and no such imprisonment exceed in length one calendar month, which said fines shall be applied and appropriated in like manner as other fines and forfeitures levied under the said Act."

Read second time, and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said bill, as amended, read a third time to-morrow.

Third Report of the Select Committee, upon Ordnance Department Land trust bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was again referred the bill, entitled, "An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," presented their third report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

Tuesday, 16th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Select Committee, to whom was referred a bill, entitled, "An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty and Her Successors, and for other purposes therein-mentioned," beg leave further to report, that on a re-consideration of the said bill, they have thought fit to recommend the following amendments, for the consideration of your Honourable House:

Press 1, line 8—After the word "to" insert "Her Majesty or to Her Royal Predecessors or to several"

" " " 13—After the word "be" expunge "also"

" 3, " 14—After the word "of" insert "Her Majesty"

" 10, " 18—After "Ordnance" insert the following clause:

11. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said principal Officers, for the time being, or any two or more of them, by and with the consent of the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, to set apart and appropriate a suitable piece or parcel of land in the Town of Bytown, for the erection and use of a Court House and Gaol in the said Town: Provided always, that the piece or parcel of land so set apart and appropriated shall be approved of for that purpose by any Commissioner or Commissioners who may be by law appointed to determine the site of the said Court House and Gaol, or in the event of no such Commissioner or Commissioners being appointed, then and in such case by the Justices of the Peace, or the majority of them residing in the proposed new District of Dalhousie."

All which is respectfully submitted.

JAMES CROOKS,

CHAIRMAN.

Committee Room, Legislative Council

16th April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the foregoing report of the Select Committee thereon, be referred to a Committee of the whole House, presently.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some further amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

The said further amendments were then read by the Clerk, as follows:

Press 1, line 8—After the word "to" insert "Her Majesty or to Her Royal Predecessors or to several"

" " " 13—After the word "be" expunge "also"

" 3, " 14—After the word "of" insert "Her Majesty"

" 10, " 18—After "Ordnance" insert the following clause:

11. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said principal Officers, for the time being, or any two or more of them, by and with the consent of the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, to set apart and appropriate a suitable piece or parcel of land in the Town of Bytown, for the erection and use of a Court House and Gaol in the said Town: Provided always, that the piece or parcel of land so set apart and appropriated, shall be approved of for that purpose by any Commissioner or Commissioners who may be by law appointed to determine

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the site of the said Court House and Gaol, or in the event of no such Commissioner or Commissioners being appointed, then and in such case by the Justices of the Peace, or the majority of them residing in the proposed new District of Dalhousie."

Read second time, and adopted.

The said further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered that the same be engrossed, and the said bill, as further amended, read a third time to-morrow.

Messages from the Lieutenant Governor;

Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were again read by the Clerk, as follows:

GEO. ARTHUR.

Transmitting copies of claims for losses, occasioned by the incursions of brigands;

The Lieutenant Governor transmits to the Legislative Council, in compliance with their Address, dated the 11th instant, copies of such claims for losses sustained by Her Majesty's Subjects in this Province, by the incursions of Brigands from the United States, as have been presented to him for compensation.

Government House,
16th April, 1839.

GEO. ARTHUR.

Transmitting copies of certain Ordinances of the Province of Lower Canada;

The Lieutenant Governor transmits to the Legislative Council, in conformity to the provisions of the Imperial Statute, 3rd Geo. 4th, Chap. 119, copies of the accompanying Ordinances, enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council, for the affairs of the said Province, and respectively entitled:

"An Ordinance to remove certain doubts as to the extension of the benefit of the Warehousing system, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of His late Majesty's reign, to duties imposed by Provincial Acts"; and,

"An Ordinance to suspend in part certain Acts therein-mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature."

Government House,
15th April, 1839.

GEO. ARTHUR.

Transmitting copies of the Reports made to His Excellency, relative to the transfer of the Penitentiary from Kingston to Marmora.

With reference to the first paragraph of the Address of the Commons of Upper Canada to His Excellency Sir Francis B. Head, of the 17th February, 1837, relative to the transfer of the Penitentiary from Kingston to Marmora, the Lieutenant Governor now transmits, for the information of the Legislative Council, copies of the Reports that have been made to him by the Commissioners appointed for the purpose of giving effect to that Address.

Government House,
15th April, 1839.

Lunatic Asylum erection bill, read second time.

Pursuant to order, the bill, entitled, "An Act to authorise the erection of an Asylum within this Province, for the reception of insane and lunatic persons," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Report of the Select Committee upon Crown costs payment provision bill, presented.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations at the suit of the Crown, and for other purposes therein-mentioned," beg leave to Report:

Wednesday, 17th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

That they have examined the said bill, and recommend it for the consideration of your Honourable House, without amendment.

All which is respectfully submitted.

R. B. SULLIVAN,
CHAIRMAN.

Committee Room, Legislative Council,
16th April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House presently.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill, be read a third time to-morrow.

On motion made and seconded, it was,

Ordered, that the message received this day from His Excellency the Lieutenant Governor, relative to claims for losses sustained by Her Majesty's Subjects in this Province, by the incursions of Brigands from the United States, be referred to a Select Committee to report thereon; and,

Ordered, that the Honourable Messieurs Hamilton, Sullivan and John McDonald, do compose the same for that purpose.

On motion made and seconded, it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several Messages received this day, transmitting copies of claims for losses sustained by Her Majesty's Subjects in this Province, by the incursions of Brigands from the United States; also transmitting copies of certain Ordinances of the Province of Lower Canada; and also transmitting copies of the Reports of certain Commissioners, in relation to the transfer of the Penitentiary from Kingston to Marmora; and,

Ordered, that the Honourable Messieurs Crooks and John Simcoe Macaulay, do present the same.

The Honourable Mr. Crooks brought up the petition of James W. Smith, and others, inhabitants of the District of Niagara; which was laid on the table.

On motion made and seconded, the House adjourned.

WEDNESDAY, 17th APRIL, 1839.

The House met pursuant to adjournment.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

“ “ ALLAN,

“ “ ALEXANDER McDONELL,

“ “ BALDWIN,

“ “ ADAMSON,

The Honourable Messrs. MORRIS,

“ “ JOHN MACAULAY,

“ “ FERGUSSON,

“ “ RADCLIFFE,

“ “ WILKINS,

“ “ JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Deputations from the Commons House of Assembly brought up a bill, entitled, “An Act to authorise the Judges of the Court of King's Bench in this Province, to admit Attornies of the Courts of Law at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice-Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province”; also a bill, entitled, “An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, ‘An Act to incorporate the Town of Kingston, under the name

English Attornies' admission bill;

Kingston Incorporation law amendment bill;

The bill and report committed.

Reported;

Adopted.

The Message of His Excellency, transmitting copies of claims for losses, occasioned by the incursions of brigands, referred to a Select Committee.

Members composing same.

An Address of thanks ordered to be presented to His Excellency, for his Messages of to-day.

A Committee appointed for that purpose.

Petition of James W. Smith, and others, presented.

House adjourns.

House meets.

Wednesday, 17th April, 1839.

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<p>And Niagara common School Teachers' relief bill, brought up from the Assembly.</p>	<p>of the Mayor and Common Council of the Town of Kingston"; and also a bill, entitled, "An Act for the relief of Teachers of Common Schools in the District of Niagara," to which they requested the concurrence of this House, and then withdrew.</p>
<p>Read first time.</p>	<p>The said bills were then severally read; and it was, Ordered, that the same be read a second time to-morrow.</p>
<p>A Member enters.</p>	<p>The Honourable Mr. Crooks enters.</p>
<p>District of Dalhousie erection bill, as amended;</p>	<p>Pursuant to the order of the day, the bill, entitled, "An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie'; also the bill, entitled, "An Act to continue in force, amend and make perpetual an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences"; and also the bill, entitled, "An Act to vest certain Lands in the principal Officers, for the time being, of Her Majesty's Ordnance Department, in trust for Her Majesty, and Her Successors, and for other purposes therein-mentioned," were severally (as amended) read a third time; and,</p>
<p>Petty Tres-pass law continuation bill, as amended;</p>	<p>The question being put whether these bills, as amended, should pass, it was carried in the affirmative.</p>
<p>Amendments signed;</p>	<p>Whereupon the Speaker signed the amendments; and it was, Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed these bills, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.</p>
<p>And sent to the Assembly for concurrence.</p>	<p>The Honourable and Venerable the Archdeacon of York enters.</p>
<p>A Member enters.</p>	<p>Pursuant to the order of the day, the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein-mentioned," was read a third time; and it was, Ordered, that this bill do not now pass.</p>
<p>Crown costs payment provision bill, read third time, but not passed.</p>	<p>Whereupon it was moved and seconded that the last-mentioned bill be amended, as follows:</p>
<p>An amendment to the same moved.</p>	<p>Press 3, line 13—Add to the bill: "6. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall authorise, or be construed to authorise Her Majesty's Attorney or Solicitor General to receive any fee or fees for the personal services which they may at any time render under the authority of the provisions herein-contained."</p>
<p>The amendment.</p>	<p>The said amendment having been first read by the Clerk, and afterwards read a second time, the question of concurrence was put thereon, and the same was agreed to by the House; and it was, Ordered, that the said amendment be engrossed, and the bill, as amended, read a third time this day.</p>
<p>Read first and second time.</p>	<p>The Honourable Mr. John Simcoe Macaulay enters.</p>
<p>Adopted.</p>	<p>Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the erection of an Asylum within this Province, for the reception of insane and lunatic persons."</p>
<p>A Member enters.</p>	<p>The Honourable Mr. Adamson took the Chair. After some time the House resumed.</p>
<p>Lunatic Asylum erection bill, committed.</p>	<p>The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.</p>
<p>Reported;</p>	<p>Ordered, that the report be received; and, Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,</p>
<p>And referred to a Select Committee.</p>	<p>Ordered, that the Honourable Messieurs Morris and Fergusson, do compose the same for that purpose.</p>
<p>Members composing same.</p>	<p>Pursuant to order, the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein-mentioned," was, as amended, read a third time; and,</p>
<p>Crown costs payment provision bill, as amended, read third time and passed.</p>	

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendment; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill with an amendment, to which they desire the concurrence of the Commons House of Assembly.

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the Court of King's Bench to admit Adam Ainsley to practise as an Attorney in that Court, and to authorise the Vice Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time to-morrow.

Pursuant to the order of the day, the bill, entitled, "An Act to facilitate the negotiation of loans of money, authorised and required for the construction of the Grand River Navigation, and for other purposes therein-mentioned," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," was read a second time; and it was,

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Ordered, that the Honourable Messieurs Allan, Adamson and Fergusson, do compose the same for that purpose.

Pursuant to the order of the day, the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," was read a second time; and it was,

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Ordered, that the Honourable Messieurs Morris, Radcliffe and Wilkins, do compose the same for that purpose.

The Honourable Mr. Morris brought up the petition of John Ewart, and others, Members of the Church of Scotland; which was laid on the table.

The Honourable Mr. Wilkins brought up the petition of the Mayor, Aldermen and Common Councilmen of the Town of Kingston; which was laid on the table.

On motion made and seconded, the House adjourned.

THURSDAY, 18th APRIL, 1839.

The House met pursuant to adjournment.

PRESENT :

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Messrs. ALLAN,

" " ALEXANDER McDONELL,

" " BURNHAM,

" " ADAMSON,

" " CROOKS,

The Honourable Messrs. MORRIS,

" " FERGUSSON,

" " RADCLIFFE,

" " JOHN SIMCOE MACAULAY,

" " WILKINS,

" " JOHN McDONALD.

Amendment, signed;

And sent to the Assembly for concurrence.

Ainsley's admission bill, read second time.

Committed.

Reported;

Adopted.

Grand River Navigation loan facility bill; read second time.

Bayfield Harbour Company's Incorporation bill, read second time.

And referred to a Select Committee.

Members composing same.

Thames Navigation Company's incorporation bill, read second time.

And referred to a Select Committee.

Members composing same.

Petitions of John Ewart, and others;

And of the Mayor, Aldermen and Common Councilmen, of the Town of Kingston, presented.

House adjourns.

House meets.

Members present.

Prayers were read.

The Minutes of yesterday were read.

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Ainsley's admission bill,
read third time, and
passed.

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the Court of King's Bench to admit Adam Ainsley to practise as an Attorney in that Court, and to authorise the Vice Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province," was read a third time and passed.

Same signed ;
And the Assembly
acquainted thereof.

Whereupon the Speaker signed the same; and it was,
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

Grand River Navigation
loan facility bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to facilitate the negociation of loans of money, authorised and required for the construction of the Grand River Navigation, and for other purposes therein-mentioned."

The Honourable Mr. Burnham took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

A bill brought up from the
Assembly.

Amendments to
Home District new Gaol
loan bill;

And amendments to
Crown costs payment
provision bill, acceded to
by that House.

A Deputation from the Commons House of Assembly brought up a bill, to which they requested the concurrence of this House; and they returned the bill, entitled, "An Act to authorise the Magistrates of the Home District to loan a sum of money, for the purpose of completing the new Gaol and Court House;" and also the bill, entitled, "An Act to provide for the payment of costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein-mentioned," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

A Member enters.

The Honourable and Venerable the Archdeacon of York, enters.

Grand River Navigation
loan facility bill,
re committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to facilitate the negociation of loans of money, authorised and required for the construction of the Grand River Navigation, and for other purposes therein-mentioned."

The Honourable Mr. Burnham took the Chair.

After some time the House resumed.

Reported .

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.

Ordered, that the report be received; and,

And referred to a Select
Committee.

Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing
same.

Ordered, that the Honourable Messieurs Crooks and John Simcoe Macaulay, do compose the same for that purpose.

On motion made and seconded, it was,

The Petition of Jacob
Turner, and others,
referred to the last-
mentioned Select Com-
mittee.

Ordered, that the petition of Jacob Turner, and others, inhabitants of the Village of York, praying that steps may be taken to compel the Grand River Navigation Company to call in the remainder of the stock subscribed, and apply the fund thus obtained to completing the navigation of the said River, and the construction of a towing path along its bank, be referred to the Select Committee just named.

Speaker reports the
receipt of Light House
erection law amendment
bill, from the Assembly.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act granting to His Majesty a sum of money for the erection of certain Light Houses within this Province, and for other purposes therein-mentioned,'" to which they requested the concurrence of this House.

Read first time.

The said bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

English Attornies'
admission bill,
read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the Judges of the Court of King's Bench in this Province, to admit Attornies of the Courts of Law at Westminster and Dublin, to practise as Attornies in the Courts of Law in this Province, and also to authorise the Vice Chancellor of this Province to admit Solicitors of the High Court of Chancery in England, to practise as Solicitors in the Court of Chancery in this Province," was read a second time; and it was,

And referred to a
Select Committee.

Ordered, that it be referred to a Select Committee, to report thereon by amendment or otherwise; and,

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Ordered, that the Honourable Messieurs Sullivan and Fergusson, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the bill, entitled, "An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,'" was read a second time; and it was, Kingston Incorporation law amendment bill, read second time;

Ordered, that it be referred to a Select Committee, to report thereon, by amendment or otherwise; and, And referred to a Select Committee

Ordered, that the Honourable Messieurs Burnham, Crooks and Wilkins, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the bill, entitled, "An Act for the relief of Teachers of Common Schools in the District of Niagara," was read a second time; and it was, Niagara common School Teachers' relief bill, read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the petition of James W. Smith, and others, inhabitants of the District of Niagara, praying that the same may be divided into two Districts, and that an additional tax be added to the present rates of the Western Division of the said District, was read. Petition of James W. Smith, and others; read.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a Message, in the following words, and then withdrew. Message from the Assembly;

Mr. SPEAKER:

The Commons House of Assembly have concurred in the resolutions sent down by the Honourable the Legislative Council, on the subject of Education. Concurring in the resolutions of the Council, on the subject of Education.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
17th day of April, 1839.

The Honourable Mr. Fergusson brought up the petition of Charles Prior, and others, freeholders and inhabitants of the County of Huron; which was laid on the table. Petitions of Charles Prior, and others;

The Honourable Mr. Alexander McDonell brought up the petition of John Truman, and others, inhabitants of the Townships of Bayham, Malahide and Dereham, in the London District; which was laid on the table. And of John Truman, and others, presented.

On motion made and seconded, it was,

Ordered, that the nineteenth rule of this House be dispensed with, as far as it regards moving the following resolutions: 19th Rule dispensed with;

Resolved.—That it is the opinion of this House, that the inhabitants of this Province owe a debt of gratitude and thanks to His Excellency the Lieutenant Governor, for the distinguished zeal, discretion and energy, with which the defence of this Province has been provided for throughout the late alarming crisis, and also for the firmness, combined with mercy, which has been displayed towards those predatory Brigands taken in the very act of invading and plundering our peaceful homes. And certain Resolutions of thanks to His Excellency, for his distinguished zeal in the defence of this Province, moved.

Resolved.—That an humble Address be presented to His Excellency the Lieutenant Governor, expressive of the sentiments contained in the above resolution.

The said resolutions being moved and seconded, they were then read by the Clerk, and upon being read a second time, the question of concurrence was put on each, when they were severally agreed to by the House; and it was, Read first and second time; Same adopted.

Ordered, that a Select Committee be appointed to draft an Address to His Excellency the Lieutenant Governor, founded on the first above-mentioned resolution; and, A Committee appointed to draft an address founded thereon.

Ordered, that the Honourable Messieurs Fergusson and John McDonald, do compose the same for that purpose. Members composing same.

On motion made and seconded, it was,

Ordered, that a Committee be appointed on the part of this House, for the purpose of meeting a Committee on the part of the Commons House of Assembly, in relation to certain resolutions adopted by the two Houses, on the subject of Education, and also for the encouragement of Common Schools; and, A Committee appointed by the Council, to meet a Committee of the Assembly, in relation to the joint Resolutions on Education.

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Members composing the same on the part of this House;

Ordered, that the Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Allan, Morris and Fergusson, do compose the same, on the part of this House, for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable and Venerable the Archdeacon of York, and the Honourable Messieurs Allan, Morris and Fergusson, to be a Committee on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of two of the clock P.M. in the Committee Room of the Legislative Council, in relation to certain Resolutions adopted by the two Houses on the subject of Education, and also for the encouragement of Common Schools.

On motion made and seconded, it was,

Forty-eighth rule dispensed with as it regards the petition of the Mayor, &c. of Kingston;

Ordered, that forty-eighth Rule of this House be dispensed with, as far as regards the petition of the Mayor, Aldermen and Common Councilmen, of the Town of Kingston, praying against a repeal of the law incorporating the said Town, and that the same be read presently.

And the same read.

The last-mentioned petition was then read accordingly; and it was,

Petitions of the Mayor, &c. of Kingston; and of Tho's Markland, and others, referred to the Select Committee upon Kingston incorporation law amendment bill.

Ordered, that the said petition, together with the petition of Thomas Markland, and others, inhabitants of the Town of Kingston, praying for a law repealing altogether the Act incorporating the said Town, and for re-enacting the old Police Laws thereof, be referred to the Select Committee appointed to report upon the bill, entitled, "An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston.'"

Report of the Select Committee upon Grand River Timber felling prevention bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all navigable Rivers in this Province, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Committee, to whom was referred the bill, entitled, "An Act to prevent the felling of Timber into the Grand River, River Nith, River Speed, Otter Creek, and all navigable Rivers in this Province, and for other purposes therein-mentioned," respectfully report for the consideration of your Honourable House:

That the principle of the bill seems to your Committee to be one likely to prove advantageous to the public, but have strong doubts whether it would be so were it made to apply to all "navigable Rivers" in this Province. It appears to your Committee, that the term "navigable Rivers" might involve questions of law not easily to be settled, even in Courts of Justice, from the difficulty of deciding what are and what are not "navigable Rivers." At any rate, your Committee are of opinion, that if it is the intention of the Legislature to adopt the general principle, it would be necessary to pass a separate enactment for that purpose, with proper clauses to carry out such intention, instead of doing so in one short sentence, as is the case in the bill submitted to them.

Your Committee beg further to report, that an Act similar to that submitted to them, was passed in the third Session of the eleventh Parliament of this Province, in regard to the River Thames, which, it is presumed, has proved beneficial, as it is not within the knowledge of your Committee that any petitions have been presented for its repeal.

It has been represented to your Committee, that in the bill submitted to them it is desirable to make its provisions applicable also to the Rivers Otonabee, Scugog and Trent, in the Newcastle District, and also the River Credit, in the Home District, which meets their entire concurrence.

To carry out the provisions of the bill, (except that of making it general) your Committee have deemed it necessary to propose certain amendments, which they recommend to the adoption of your Honourable House.

In the title, line 1—After the word "of" expunge "timber" and insert "trees"; after the word "into" expunge the remainder of the title and insert "certain Rivers and Creeks within this Province"

Press 1, line 2—After the word "of" expunge "timber" and insert "trees"

" " " 3—After the word "Speed" insert "in the District of Gore"; after the word

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"Creek" expunge "and all navigable Rivers" and insert "in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake; the River Scugog and River Trent, from Rice Lake to the Bay of Quinte, in the Newcastle and Midland Districts."

Press 1, line 21—After the word "shillings" insert "or such less sum as is hereafter provided in this Act"

" 2, " 2—After the word "offence" insert "upon the oath of one or more credible witness or witnesses"

" " " 5—After the word "convicted" insert "by execution under the hand and seal of either of the said Justices, which execution either of the said Justices is hereby empowered to issue"

" " " 7—After the word "fine" insert "within three days after conviction"

" " " 14—After the word "the" expunge "improvement of the roads within the same" and insert "general uses of the said District"

Add to the bill.—"Provided always, and be it further enacted, &c. That nothing in this Act contained shall apply, or be deemed to apply to any round or squared timber or trees, masts, staves, deals, boards or other sawed or manufactured lumber or saw logs got out for transportation to a market."

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
18th day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, presently.

The House was then put into a Committee of the whole accordingly.

The bill, committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows:

Read first time.

In the title, line 1—After the word "of" expunge "timber" and insert "trees"; after the word "into" expunge the remainder of the title and insert "certain Rivers and Creeks within this Province"

The amendments.

In the bill, Press 1, line 2—After the word "of" expunge "timber" and insert "trees"

Press 1, line 3—After the word "Speed" insert "in the District of Gore"; after the word "Creek" expunge "and all navigable Rivers" and insert "in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake; the River Scugog and River Trent, from Rice Lake to the Bay of Quinte, and Crow River, in the Newcastle and Midland Districts; Rivers Gananoque, Rideau and Petit Nation, in the Johnstown District; and the Rivers Tay, Mississippi, Bonnechere, Madawaska and Goodwood, in the Bathurst District."

" " " 13—After "persons" insert "or their employers."

" " " 21—After the word "shillings" insert "or such less sum as is hereinafter provided in this Act."

" 2, " 2—After the word "offence" insert "upon the oath of one or more credible witness or witnesses."

" " " 5—After the word "convicted" insert "by execution under the hand and seal of either of the said Justices, which execution either of the said Justices is hereby empowered to issue."

" " " 7—After the word "fines" insert "within three days after conviction."

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Add to the bill.—“ Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall apply, or be deemed to apply, to any round or squared timber, or trees, masts, staves, deals, boards, or other sawed or manufactured lumber or saw-logs, prepared for transportation to a market.”

Read second time, and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said bill, as amended, read a third time to-morrow.

Notice of moving for leave to bring in Clergy Reserves re-investment bill.

The Honourable Mr. John Simcoe Macaulay gave notice, that he would, on Monday next, move for leave to bring in a bill to reinvest in the Crown the lands set apart in this Province for the maintenance of a Protestant Clergy, and commonly called the “ Clergy Reserves.”

Report of the Select Committee, appointed to present an Address of thanks to His Excellency, for his Messages of the 16th instant.

The Honourable Mr. Crooks, from the Select Committee appointed to present an Address to the Lieutenant Governor, thanking His Excellency for his several messages of the sixteenth instant, reported the delivery thereof.

House adjourns.

On motion made and seconded, the House adjourned.

FRIDAY, 19th APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Messrs. CROOKSHANK,

“ “ ALEXANDER McDONELL,

“ “ BURNHAM,

“ “ ADAMSON,

“ “ MORRIS,

“ “ FERGUSSON,

“ “ WILKINS.

“ “ JOHN McDONALD,

Prayers were read.

The Minutes of yesterday were read.

Grand River Timber felling prevention bill, (as amended,) discharged from the order of the day.

The order of the day being read for a third reading of the bill, entitled, “ An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all navigable Rivers in this Province, and for other purposes therein-mentioned,” (as amended,) it was,

Ordered, that the same be discharged; and,

Ordered, that the last-mentioned bill be again referred to a Committee of the whole House, on Monday next.

Niagara Common School Teachers' relief bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, “ An Act for the relief of Teachers of Common Schools in the District of Niagara.”

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Message from the Assembly.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a Message, in the following words, and then withdrew.

Mr. SPEAKER:

Announcing the appointment of a Committee of their House to meet a Committee of the Council, in relation to the joint Resolutions on Education.

The Commons House of Assembly has appointed a Committee of eight of its Members, who will be ready to meet the Committee appointed by the Honourable the Legislative Council, on the subject of Education, at the time and place appointed.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

19th day of April, 1839.

Niagara Common School Teachers' relief bill, re-committed.

The House was then again put into a Committee of the whole upon the bill, entitled, “ An Act for the relief of Teachers of Common Schools in the District of Niagara.”

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the report be received; and,

Ordered, that the said bill be referred to a Select Committee, to report thereon; and, And referred to a Select Committee.

Ordered, that the Honourable Messieurs Crooks and Wilkins, do compose the same for that purpose. Members composing same.

The Honourable and Venerable the Archdeacon of York enters. A Member enters.

Pursuant to the order of the day, the bill, entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act granting to His Majesty a sum of money for the erection of certain Light Houses within this Province, and for other purposes therein-mentioned,'" was read a second time; and it was, Light House erection law amendment bill, read second time.

Ordered, that the same be referred to a Select Committee, to report thereon; and, And referred to a Select Committee.

Ordered, that the Honourable Messieurs Burnham, Wilkins, and John McDonald, do compose the Committee for that purpose. Members composing same.

Pursuant to the order of the day, the petition of John Ewart, and others, Members of the Church of Scotland, praying for an Act incorporating Trustees, for the purpose of holding certain real estate in this Province for the benefit of the Members of the said Church, was read. Petition of John Ewart, and others, read.

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," presented their report. Report of the Select Committee upon Thames Navigation Company's incorporation bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows: Read.

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," respectfully inform your Honourable House:

That a petition was presented on the twenty-second March last, from certain inhabitants of the London and Western Districts, praying for the enactment of a law to incorporate a Joint Stock Company, for improving the Navigation of the River Thames, notice thereof having been given in the Upper Canada Gazette on the twenty-seventh day of September last, and that they have prepared the following amendments to the bill, which they recommend for the consideration of your Honourable House: The report.

Press 2, line 5—After "are" insert "or shall be possessed of or interested in any lands or grounds which"

" 4, " 8—After "Districts" insert "and if it shall so happen that no such paper is published in the said District or Districts, in that case it shall be the duty of the said Directors to publish said notice in the Upper Canada Gazette."

" " " 19—After "appoint" insert "9. And be it further enacted by the authority aforesaid, That the Directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duty and conduct of the Officers, Clerks and Servants employed, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks and Servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: Provided that such rules and regulations be not repugnant to the laws of this Province."

" 5, " 1—After "parties" insert "or"

" " " 22—After "Districts" insert "and if it should so happen that no such paper is published in the said District or Districts, in that case it shall be the duty of the said Directors to publish such notice in the Upper Canada Gazette."

" 6, " 2—After "Directors" insert "at public auction, after having given thirty days notice thereof"

" " " 16—After "navigation" insert "14. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of

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Directors should not be made on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said Corporation."

All which is respectfully submitted.

W. MORRIS,
CHAIRMAN.

Committee Room, Legislative Council,
18th day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House on Monday next.

Motion for dispensing with the nineteenth rule, and for leave to bring in Presbyterian College establishment bill.

The Honourable Mr. Morris moved, that the nineteenth rule of this House be dispensed with, and that he may have leave presently to bring in a bill for the establishment of a College within this Province, in connexion with the Church of Scotland; which being seconded,

Question put and carried.

The question of concurrence was put, and the same was carried in the affirmative; and, A bill was then brought in accordingly, and read; and it was,

The bill brought in, and read first time.

Ordered, that the same be read a second time on Monday next, and that in the mean time one hundred copies thereof be printed for the use of Members.

Ordered to be printed.

Report of the Select Committee upon Gore District Land tax bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to authorise the levying a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the bill, entitled, "An Act to authorise the levying of a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein," beg leave to Report:

The report.

That they have taken the said bill into consideration, and recommend its adoption with certain amendments, which they beg leave to submit for the consideration of your Honourable House.

Press 1, line 16—After "land" insert "not exceeding"

" 2, " 4—After "individuals" expunge "or the Canada Company"

" 3, " 7—After "situate" insert "in twelve calendar months after the first insertion of said notice"

" " 18—After "oath" insert "or affirmation, as the case may be,"

" " 19—After "distress" insert "under the hands and seals of the said Justices, which warrant of distress they the said Justices are hereby empowered to issue,"

" 4, " 8—After "Clerk" insert "upon receiving a warrant for that purpose from the said Justices under their hands and seals"

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
19th April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, on Monday next.

Notice of moving an Address to the Lieutenant Governor, praying for annual returns of the income and expenditure of King's and Upper Canada Colleges.

The Honourable Mr. Morris gave notice that, on Monday next, he would move that an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct to be laid before this House, within the first fifteen days of each Session, a detailed account of the income and expenditure, for the preceding year, of King's College and Upper Canada College, respectively.

A Member enters.

The Honourable Mr. John Simcoe Macaulay enters.

Friday, 19th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable and Venerable the Archdeacon of York, from the Joint Committee on the subject of Education, presented their first report. First Report of the Joint Committee on Education, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows: Read.

Resolved.—That it is the opinion of the Joint Committee, on the subject of Education, that an Act to appropriate one million of acres of the waste lands of the Crown, for the support of Common Schools, be passed by the Legislature during the present Session, and that the bill submitted to the Committee be recommended to both Houses for adoption for that purpose. The report.

JOHN STRACHAN,
CHAIRMAN OF JOINT COMMITTEE.

Joint Committee Room,
19th day of April, 1839.

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," presented their report. Report of the Select Committee upon Bayfield Harbour Company's Incorporation bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows: Read.

The Select Committee, to whom was referred the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," respectfully report the following amendments, for the consideration of your Honourable House: The report.

Press 4, line 14—After "that" expunge "any" and insert "every"

" " " 18—After "provided" insert "and that the said Company shall in no case take possession of any lands the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested."

" 5, " 23—After "shillings" insert "and that all articles not enumerated, to pay in proportion to the above rates: Provided nevertheless, that the said Directors shall have power to reduce the said rates or tolls, should they see fit."

" 7, " 1—After "shares" insert "being inhabitants of this Province"

" 8, " 7—After "he" expunge the remainder of the clause and insert "or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rates, that is to say, one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten."

" 10, " 18—After "instalment" insert "or instalments"

" " " 19—After "share" insert "or shares"

" " " 20—After "share" insert "or shares"

" " " 21—After "share" insert "or shares"

" 11, " 2—After "share" insert "or shares"

" " " 4—After "share" insert "or shares"

" 13, " 5—After "void" insert "16. And be it further enacted by the authority aforesaid, That it shall remain in the power of the Legislature to make any alterations in the provisions of this Act, or any addition thereto which may seem to them expedient."

All which is respectfully submitted:

W. ALLAN,
CHAIRMAN.

Committee Room, Legislative Council,
19th day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, on Monday next.

Monday, 22nd April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Draft of an Address of thanks to His Excellency, for his distinguished zeal in the defence of this Province, reported by the Select Committee. Read first time. Read second time, and adopted.

The Honourable Mr. Fergusson, from the Select Committee appointed to draft an Address of thanks to the Lieutenant Governor, for His Excellency's distinguished zeal in the defence of this Province, reported a draft thereof, which he read in his place; and,

The same was then again read by the Clerk and adopted, as follows:

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The draft.

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada in Provincial Parliament assembled, beg leave to approach Your Excellency with an ardent expression of gratitude, in which we feel confident that the inhabitants of the Province warmly concur, for the firm, energetic and judicious measures, which have distinguished Your Excellency's administration of the affairs of this Province, during a period of unexampled difficulty and alarm.

We desire to express our unqualified approval of that happy mixture of lenity and firmness, which, under the blessing of Almighty God, would appear to have ensured as well the safety of the Province, as to have secured for Your Excellency the confidence and approbation of the people committed by our Gracious Sovereign to your charge.

On motion made and seconded, it was,

Ordered, that the foregoing Address be engrossed, and the same read a third time, on Monday next.

House adjourns.

On motion made and seconded, the House adjourned, until Monday next, at the hour of one of the clock, P. M.

MONDAY, 22nd APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " ALLAN,
" " ALEXANDER McDONELL,
" " BURNHAM,
" " BALDWIN,
" " ADAMSON,

The Honourable Messrs. JOHN KIRBY,

" " MORRIS,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " WILKINS,
" " JOHN McDONALD.

Prayers were read.

The Minutes of Friday last were read.

Oath prescribed by law administered to the Honourable Mr. Boswell.

The Honourable Mr. Boswell came to the Table, and took and subscribed the oath prescribed by the Statute of the 31st Geo. III. Chap. 31st, in the presence of John Joseph, Esquire, one of the Commissioners appointed to administer the oath to the Members of the Legislative Council.

Address of thanks to His Excellency for his distinguished zeal in the defence of this Province, Read third time, and passed. Same signed;

Pursuant to the order of the day, the Address to the Lieutenant Governor, thanking His Excellency for his distinguished zeal in the defence of this Province, was read a third time and passed.

Whereupon the Speaker signed the same; and it was,

And a Committee appointed to know when it would be received.

Ordered, that a Select Committee be appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive this House with their last-mentioned Address; and,

Members composing same.

Ordered, that the Honourable Messieurs Fergusson and John McDonald, do compose the same for that purpose.

Grand River Timber felling prevention bill, discharged from the order of the day.

The order of the day being read for the House to be again put into a Committee of the whole, upon the bill, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all navigable Rivers in this Province, and for other purposes therein-mentioned," it was,

Monday, 22nd April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, to be discharged, and that the said bill be referred back to the same Select Committee to whom it was formerly referred, to report further thereon. And referred back to the Select Committee.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the levying a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein," together with the report of the Select Committee thereon. Gore District Land tax bill, re-committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, and the report thereon, into consideration, had made some progress therein, and asked leave to sit again to-morrow. Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," together with the report of the Select Committee thereon. Bayfield Harbour Company's incorporation bill, committed.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, and the report thereon, into consideration, had made some progress therein, and asked leave to sit again this day. Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

The Honourable Mr. John Macaulay enters. A Member enters.

The Honourable Mr. Fergusson, from the Select Committee, appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive this House with their Address of thanks, for His Excellency's distinguished zeal in the defence of this Province, reported that they had done so, and that His Excellency had named a quarter past one of the clock, P.M. to-morrow, for that purpose. Report of the Select Committee appointed to know when the Lieutenant Governor would receive the House with their Address of thanks, for His Excellency's distinguished zeal in the defence of this Province.

Pursuant to the order of the day, the bill for the establishment of a College within this Province, in connexion with the Church of Scotland, was read a second time; and it was, Presbyterian College establishment bill, read second time.

Ordered, that the House be put into a Committee of the whole, on Thursday next, to take the same into consideration.

Pursuant to notice, the Honourable Mr. John Simcoe Macaulay moved for leave to bring in a bill, to reinvest in the Crown the lands set apart in this Province for the maintenance of a Protestant Clergy, and commonly called the Clergy Reserves; which being seconded, Motion for leave to bring in Clergy Reserves re-investment bill.

The question of concurrence was put, and the same was carried in the affirmative. Question put and carried.

Whereupon the bill was brought in and read; and it was, The bill brought in, and read first time.

Ordered, that the same be read a second time to-morrow.

Pursuant to notice, the Honourable Mr. Morris moved that it be resolved, that an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct to be laid before this House, within the first thirty days of each Session, a detailed account of the income and expenditure, for the preceeding year, of King's College and Upper Canada College, respectively; which being seconded, An Address to the Lieutenant Governor praying for annual returns of the income and expenditure of King's and Upper Canada Colleges, moved.

The question of concurrence was put, and the same was carried in the affirmative; and it was, Question put and carried.

Ordered, that a Select Committee be appointed to draft an Address to His Excellency the Lieutenant Governor, founded upon the last-mentioned resolution; and, A Select Committee appointed to draft an address founded thereon.

Ordered, that the Honourable Messieurs John Kirby and Morris, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the petition of Charles Prior, and others, freeholders and inhabitants of the County of Huron, praying for an Act authorising the Magistrates to levy an additional tax upon the inhabitants before the Gaol and Court House for the new District of Huron shall be commenced; and also the petition of John Truman, and others, inhabitants of the Townships of Bayham, Malahide and Dereham, in the London District, praying against renewing the Charter of the Port Burwell Harbour Company, and for authorising a Government survey of the Big Otter Creek, in order to ascertain whether the same may be made navigable from its mouth on the shore of Lake Erie to the Township of Dereham; were severally read. Petitions of Charles Prior, and others; And of John Truman, and others, read.

Tuesday, 23rd April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Bayfield Harbour
Company's incorporation
bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," together with the report of the Select Committee thereon.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

Reported, and leave asked
to sit again.

The Chairman reported that the Committee had taken the said bill, and the report thereon, again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Leave granted.

Ordered, that the report be received, and leave granted accordingly.

The possession of a copy
of the Earl of Durham's
Report on the affairs of
the Canadas, reported by
a Member in his place;

The Honourable Mr. John Simcoe Macaulay, in his place, informed the House that he was in possession of a printed copy of the Earl of Durham's Report on the affairs of the Canadas, which he laid on the table; and it was,

And referred to a
Select Committee.

Ordered, that a Select Committee be appointed to report thereon; and,

Members composing
same.

Ordered, that the Honourable Messieurs Burnham, John Kirby, Morris and Fergusson, do compose the same for that purpose.

Haldimand and Norfolk
road tax bill, brought up
from the Assembly.

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to impose a temporary tax on certain roads in the Counties of Haldimand and Norfolk, for a limited period," to which they requested the concurrence of this House, and then withdrew.

Read first time.

The said bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

On motion made and seconded, it was,

Message from the
Lieutenant Governor,
transmitting copies of
certain Ordinances of
Lower Canada, referred
to a Select Committee.

Ordered, that the Message of His Excellency the Lieutenant Governor, of the fifteenth instant, transmitting copies of certain Ordinances of the Province of Lower Canada, be referred to a Select Committee, to examine and report thereon; and,

Members composing
same.

Ordered, that the Honourable Messieurs John Simcoe Macaulay and Wilkins, do compose the same for that purpose.

On motion made and seconded, it was,

Clerk authorised to
procure 50 copies of
Mr. Fothergill's Almanac,
and 150 copies of the
Earl of Durham's Report.

Ordered, that the Clerk of this House be instructed to procure fifty copies of Mr. Fothergill's Almanac, and one hundred and fifty copies of the Earl of Durham's Report, for the use of Members.

Petition of
Warner Nelles,
and others, presented.

The Honourable Mr. Baldwin brought up the petition of Warner Nelles, and others, inhabitants of York and its vicinity, in the Niagara District; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned, until to-morrow, at the hour of eleven of the clock, A. M.

TUESDAY, 23rd APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. MORRIS,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " FERGUSSON,

The Honourable Messrs. BURNHAM,

" " JOHN SIMCOE MACAULAY,

" " BOSWELL,

" " WILKINS,

" " JOHN KIRBY,

" " JOHN McDONALD.

" " CROOKS,

Prayers were read.

The Minutes of yesterday were read.

Thames Navigation
Company's incorporation
bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," together with the report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Members enter.

The Honourable Messieurs Baldwin and Adamson, enter.

Tuesday, 23rd April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Chairman reported that the Committee had taken the last-mentioned bill, and the report thereon, into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

The Honourable Mr. Morris, from the Select Committee appointed to draft an Address to His Excellency the Lieutenant Governor, praying for certain annual returns from King's and Upper Canada Colleges, reported a draft thereof; and,

Draft of an Address to the Lieutenant Governor, praying for annual returns of the income and expenditure of King's and Upper Canada Colleges, reported.

The same was then read by the Clerk; and it was,

Read first time.

Ordered, that the said Address be read a second time presently.

The same was then read a second time accordingly and adopted; and it was,

Read second time, and adopted.

Ordered that the last-mentioned Address be engrossed, and read a third time this day.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the levying of a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein," together with the report of the Select Committee thereon.

Gore District land tax bill, re-committed.

The Honourable Mr. Morris took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the last-mentioned bill, and the report thereon, again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

Pursuant to the order of the day, the bill, to reinvest in the Crown the lands set apart in this Province for the maintenance of a Protestant Clergy, and commonly called the Clergy Reserves, was read a second time; and it was,

Clergy Reserves re-investment bill, read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the bill, entitled, "An Act to impose a temporary tax on certain roads in the Counties of Haldimand and Norfolk, for a limited period," was read a second time; and it was,

Haldimand and Norfolk road tax bill, read second time;

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Crooks and John Simcoe Macaulay, do compose the same for that purpose.

Members composing same.

On motion made and seconded, it was,

Ordered, that the Honourable Mr. Crooks be added to the Select Committee appointed yesterday, to examine and report upon Message of His Excellency the Lieutenant Governor, of the fifteenth instant, transmitting copies of certain Ordinances of the Province of Lower Canada,

A Member added to the Select Committee, appointed to report upon the Message of His Excellency, transmitting copies of certain Ordinances of Lower Canada.

The Honourable Mr. Alexander McDonell enters.

A Member enters.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a Message, in the following words, and then withdrew.

Message from the Assembly.

MR. SPEAKER:

The Commons House of Assembly inform the Honourable the Legislative Council, that they have relieved Mahlon Burwell, Esquire, from the Joint Committee of Conference, on the subject of Education, and have appointed William B. Robinson, Esquire, to act in his stead.

Acquainting this House that William B. Robinson Esquire, had been appointed to act instead of Mahlon Burwell, Esquire, upon the joint Committee of conference on Education.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
23rd day of April, 1839.

At the time appointed, the Legislative Council proceeded to the Government House with their Address of thanks to the Lieutenant Governor, for His Excellency's distinguished zeal in the defence of this Province; and having returned,

Address of thanks to the Lieutenant Governor, for His Excellency's distinguished zeal in the defence of this Province, presented.

The House formed.

The House forms.

Tuesday, 23rd April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. CROOKSHANK,
The Hon. & Ven. The ARCHDEACON OF YORK,
The Honourable Messrs. ALLAN,
 " " ALEXANDER McDONELL,
 " " BURNHAM,
 " " BALDWIN,
 " " BOSWELL,
 " " ADAMSON,

The Honourable Messrs. JOHN KIRBY,
 " " CROOKS,
 " " MORRIS,
 " " FERGUSON,
 " " RADCLIFFE,
 " " JOHN SIMCOE MACAULAY,
 " " WILKINS,
 " " JOHN McDONALD.

Speaker reports His Excellency's reply to the Address.

The Honourable the Speaker reported to the House, that His Excellency the Lieutenant Governor had been pleased to receive the last-mentioned Address, and to reply thereto, as follows:

HONOURABLE GENTLEMEN:

The reply.

I receive this most gratifying Address with feelings of the deepest satisfaction, and I return you my sincere and cordial thanks, for the favourable terms in which you are pleased to express your sense of the beneficial consequences that have resulted from my administration of the Government of this Province, during a period of extraordinary difficulty and responsibility.

The testimony you have thus borne to my exertions, for the security and welfare of the inhabitants of Upper Canada, will, I am persuaded, prove very acceptable to our most Gracious Sovereign, whose earnest desire it is, to promote the prosperity and happiness of Her People throughout all parts of Her widely-extended dominions.

Amendments of the Council to Petty Trespasses law continuation bill, amended by the Assembly.

A Deputation from the Commons House of Assembly returned the bill, entitled, "An Act to continue in force, amend and make perpetual an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of Petty Trespasses, and other offences,'" and acquainted this House that the Commons House of Assembly had made an amendment to the amendments of the Legislative Council in and to the last-mentioned bill, to which they requested the concurrence of this House.

Message therefrom.

The same Deputation brought up and delivered at the Bar of this House a certain Message, and then withdrew:

Public Lands disposition extension bill;

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to provide for the disposal of the public lands in this Province,'" and also a bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties," to which they requested the concurrence of this House, and then withdrew.

And Colborne District provision bill, brought up from the Assembly.

It was then moved and seconded, that it be,

Resolution in reference to the appointment of a Joint Committee on Education, moved.

Resolved.—That in requesting a Joint Committee on Education, this House had no intention to interfere with the endowments and privileges of the University of King's College, or its appendage Upper Canada College, but simply for the purpose of devising the best means of improving the Common and District Schools, and thus establishing a complete and beneficial system of Education throughout the Province.

In amendment thereto, it was moved and seconded,

Motion in amendment hereto.

That the resolutions of this House of the twenty-eighth March, on the subject of Education, concurred in by the Assembly, and now under the consideration of a Joint Committee of both Houses, enable that Committee to consider and report generally on the provision made by His most Gracious Majesty King George the Third, by an appropriation of land for the endowment of Grammar Schools and other Seminaries, to enquire and report to both Houses how that appropriation has been applied, and whether the intentions of the Royal donor, to confer on the inhabitants of Upper Canada the advantages of religious and moral learning, have been carried into effect in the way best calculated to promote the general good, and to suggest such alterations, if any, as appear to the Committee necessary and important.

Question put and negatived.

Whereupon the question of concurrence was put on the amendment, and the same was carried in the negative.

Original question put and negatived.

The original question was then put and carried in the negative.

It was moved and seconded,

Tuesday, 23rd April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

That the Honourable and Venerable the Archdeacon of York be relieved from serving on the Joint Committee on Education, and that the Honourable James Crooks be appointed in his stead.

Motion for relieving the Hon. and Venerable the Archdeacon of York, and for appointing the Hon. James Crooks to serve in his stead, on the Joint Committee.

In amendment thereto, it was moved and seconded, that the name "James Crooks" be expunged, and that the name "John Simcoe Macaulay" be inserted in lieu thereof.

Motion in amendment thereto.

Whereupon the question of concurrence was put on the amendment, and the same was carried in the affirmative; and it was,

Question put and carried.

Ordered, that the Honourable and Venerable the Archdeacon of York be relieved from serving on the Joint Committee on Education, and that the Honourable John Simcoe Macaulay be appointed in his stead; and,

The order.

Ordered, that the same be communicated, by Message, to the Commons House of Assembly, for their information.

Same communicated to the Assembly.

The message last received from the Commons House of Assembly, together with the report accompanying the same, were then read by the Clerk, and are as follows :

Message from the Assembly; Communicating a copy of a report of a Committee of Privilege, adopted by that House, on the subject of certain Resolutions passed by the Council, in relation to the Provincial Commissioners appointment bill, read.

MR. SPEAKER:

The Commons House of Assembly communicate to the Honourable the Legislative Council, a copy of a report of a Committee of Privilege adopted by this House, on the subject of certain Resolutions passed by your Honourable House, and communicated to the House of Assembly, in relation to the bill sent up from this House to the Honourable the Legislative Council, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned."

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
23rd day of April, 1839.

(For Report, see Appendix Q.)

The report.

On motion made and seconded, it was,

Ordered, that the foregoing Message be referred to a Committee of Privilege, with instructions to search for precedents, and report to this House thereupon; and,

The foregoing message referred to a Committee of Privilege.

Ordered, that the Honourable Messieurs Crooks, Morris and John Simcoe Macaulay, do compose the same for that purpose.

Members composing same.

The bill, entitled, "An Act to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to provide for the disposal of the public lands in this Province;'" and also the bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties," were severally read; and it was,

Public Lands disposition extension bill;

And Colborne District provision bill, read first time.

Ordered, that the same be read a second time to-morrow.

The amendment of the Commons House of Assembly, made to the amendments of the Legislative Council, in and to the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, "An Act to provide for the summary punishment of petty trespasses, and other offences," was then read by the Clerk as follows:

Amendment of the Assembly, to the amendments of the Council, to Petty Trespasses bill, read first time.

Amendment made by the Commons House of Assembly, in and to the amendments made by the Honourable the Legislative Council, in and to the bill sent up from the Commons House of Assembly, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences'":

The amendment.

Expunge all after the sixth line in the amendments.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
19th day of April, 1839.

Pursuant to order, the Address to His Excellency the Lieutenant Governor, praying for certain annual returns from King's and Upper Canada Colleges, was read a third time, and passed;

An Address to the Lieutenant Governor praying for certain annual returns from King's and Upper Canada Colleges, read third time, and passed.

Whereupon the Speaker signed the same, and it is as follows:

Same signed;

Wednesday, 24th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Address.

We, Her Majesty's most dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly request that Your Excellency may be pleased to direct, that an account in detail of the receipts and expenditure for the preceding year, of King's College, and of Upper Canada College, be laid before this House, within the first thirty days of each Session.

On motion made and seconded, it was,

A Committee appointed to know when it would be received.

Ordered, that a Select Committee be appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the last-mentioned Address, and to present the same; and,

Members composing same.

Ordered, that the Honourable Messieurs Morris and Fergusson, do compose the Committee for that purpose.

Bayfield Harbour Company's incorporation bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," and the report of the Select Committee thereon.

The Honourable Mr. Wilkins took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said bill, and the report thereon, again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Leave granted.

Ordered, that the report be received, and leave granted accordingly.

Petition of James Jackson, and others, presented.

The Honourable Mr. Crooks brought up the petition of James Jackson, and others, inhabitants of the township of Dumfries, and its vicinity; which was laid on the table.

On motion made and seconded, it was,

Ordered, that the amendment of the Commons House of Assembly, made to the amendment of the Legislative Council, in and to the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences,'" be read a second time to-morrow.

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 24th APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Hon. & Ven. The ARCHDEACON OF YORK,

The Honourable Messrs. BURNHAM,

" " BALDWIN,

" " HAMILTON,

" " BOSWELL,

" " ADAMSON,

The Honourable Messrs. JOHN KIRBY,

" " CROOKS;

" " MORRIS,

" " FERGUSSON,

" " RADCLIFFE,

" " JOHN SIMCOE MACAULAY;

" " WILKINS,

Prayers were read.

The Minutes of yesterday were read.

Thames Navigation Company's incorporation bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," together with the report of the Select Committee thereon.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Members enter.

The Honourable Messieurs Crookshank and John McDonald, enter.

Wednesday, 24th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Chairman reported that the Committee had gone through the last-mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows: Read first time.

Press 2, line 5—After “are” insert “or shall be possessed of or interested in any lands or grounds which” The amendments.

“ 4, “ 4—After “by” expunge “three” and insert “seven” after “Directors” insert “any three of whom shall be a quorum”

“ “ “ 8—After “Directors” insert “and if it shall so happen that no such paper is published in the said District or Districts, in that case it shall be the duty of the said Directors to publish such notice in the Upper Canada Gazette”

“ “ “ 9—After “and the” expunge “three” and insert “seven”

“ “ “ 12—After “persons” expunge “that” and insert “than”

“ “ “ 16—After “of” expunge “three” and insert “seven”

“ “ “ 19—After “remaining” expunge “Director or” After “appoint” insert “9. And be it further enacted by the authority aforesaid, That the Directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duty and conduct of the Officers, Clerks and Servants employed, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks and Servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: Provided that such rules and regulations be not repugnant to the laws of this Province.”

“ 5, “ 1—After “parties” insert “or”

“ “ “ 22—After “Districts” insert “and if it should so happen that no such paper is published in the said District or Districts, in that case it shall be the duty of the said Directors to publish such notice in the Upper Canada Gazette”

“ 6, “ 2—After “Directors” insert “at public auction, after having given thirty days notice thereof”

“ “ “ 16—After “navigation” insert “14. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of Directors should not be made on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said Corporation.”

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, “An Act to authorise the levying a temporary tax upon certain lands in the District of Gore, for the improvement of a certain main road therein,” together with the report of the Select Committee thereon. Gore District Land tax bill, re-committed.

The Honourable Mr. Hamilton took the Chair.

After some time the House resumed. House resumes.

The Honourable Messieurs Allan, John Macaulay and Sullivan, enter. Members enter

The order of the day being read, for putting the House into a Committee of the whole, on the bill, to reinvest in the Crown the lands set apart in this Province for the maintenance of a Protestant Clergy, and commonly called the Clergy Reserves; it was, Clergy Reserves re-investment bill, discharged from the order of the day.

Ordered, that the same be discharged.

Wednesday, 24th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Bayfield Harbour
Company's Incorporation
bill, discharged from the
order of the day.

The order of the day being read, for putting the House again into a Committee of the whole upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," together with the report of the Select Committee thereon, it was;

Ordered, that the same be discharged, and that the said bill, and the report thereon, do stand upon the order of the day for to-morrow.

Public lands disposition
extension bill;

Pursuant to the order of the day, the bill, entitled, "An Act to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to provide for the disposal of the public lands in this Province;'" and also the bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties," were severally read a second time; and it was,

And Colborne District
provision bill, read second
time.

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

Amendment of the
Assembly, to the amend-
ments of the Council, to
Petty Trespasses law
continuation bill,
read second time;

Pursuant to the order of the day, the amendment of the Commons House of Assembly, made to the amendments of the Legislative Council, in and to the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences,'" was read a second time; and it was,

And referred to a
Select Committee.

Ordered, that the same be referred to a Select Committee, to report thereon; and,

Members composing
same.

Ordered, that the Honourable Messieurs Morris and John Simcoe Macaulay, do compose the Committee for that purpose.

Petition of
Warner Nelles,
and others, read.

Pursuant to the order of the day, the petition of Warner Nelles, and others, inhabitants of York, and its vicinity, in the Niagara District, praying for an Act incorporating the petitioners as a joint Stock Company, for the purpose of erecting a Bridge over the Grand River, at York aforesaid, with a capital of one thousand five hundred pounds, was read.

Report of the Select
Committee upon
Indians' protection bill,
presented.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the bill, entitled, "An Act for the protection of the Indians in the possession of their lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon," together with the petition of John Lelley, junior, and others, praying against the passing of the same, and that the petitioners may be allowed to purchase from the Government the lands upon which they reside, and which are leased to them by the Indians, presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Committee to whom was referred the bill sent up from the Assembly, entitled, "An Act for the protection of the Indians in the possession of their lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon," have agreed upon the following amendments, which they respectfully submit for the adoption of your Honourable House.

In the title, line 1—After "of the" expunge the remainder, and insert "lands of the Crown in this Province from trespass and injury"

Press 1, line 2—Expunge from "for" to "same" in the third line, and insert "and lands of the Crown, ungranted and not under location or sold, or held by virtue of any lease or license of occupation"

" " " 18—Expunge from "or" down to "Province" in the 20th line, and insert after the last word "any" in the 18th line "of the aforesaid"

" 3, " 23—After the word "be" insert "paid into the hands of the Receiver General, and accounted for as part of the hereditary revenues of the Crown in this Province"

" " " 24—After "direct" insert "as the case may require"

R. B. SULLIVAN,

CHAIRMAN.

Committee Room,

23rd April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

Wednesday, 24th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,'" together with the petition of Thomas Markland, and others, inhabitants of the Town of Kingston, praying for a law repealing altogether the Act incorporating the said Town, and for re-enacting the old Police laws thereof; and also the petition of the Mayor, Aldermen and Common Councilmen, of the Town of Kingston, praying against a repeal of the law incorporating the said Town; presented their report.

Report of the Select Committee upon Kingston incorporation law amendment bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee, to whom was referred the bill, entitled, "An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,'" respectfully Report:

That they have gone through the said bill, and find therein several recitements referring to other Acts, which appear to your Committee to be wholly unnecessary; they are also of opinion, that the propriety of the clause of the bill, giving the Members of the Corporation the power of Justices of the Peace within the Town of Kingston, is at best doubtful, and therefore recommend that it be omitted, except the Mayor and Senior Alderman.

The report.

Amendments made in and to the bill:—

Press 1, line 1—After "Whereas" expunge the remainder of the preamble, and insert "An Act was passed at the last Session of the Provincial Legislature, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,' in which it was enacted that the Mayor, Aldermen and Common Councilmen, of the said Town of Kingston shall be sworn into their respective offices on a certain day therein named, by the Judge of the District Court, or the Chairman of the Quarter Sessions: And whereas at the Election in the month of March last past, the Officers in the Fourth Ward of the said Town, and also the Mayor of the said Corporation, were sworn into office by the Chairman of an adjourned Quarter Sessions of the Peace, in the absence of the Chairman, and doubts having arisen whether the same is lawful, for remedy whereof"

" 2, " 4—After "same" expunge to the end of the second clause in Press 3, line 19, and insert "that the said swearing into office of the Mayor of the said Town, and also the Aldermen and Common Councilmen of the Fourth Ward thereof, shall be and the same is hereby declared to be legal, valid and effectual in law, any thing in the said Act of incorporation to the contrary thereof in any-wise notwithstanding"

" 2. And whereas no power is given to the said Corporation to enforce any penalty or punishment for disobedience of the provisions of any Act or By-law, which by the aforesaid recited Act the said Corporation are authorised to make, Be it therefore further enacted by the authority aforesaid, that the fines, penalties and punishments, imposed, or to be imposed, by such Acts and By-laws, shall be made, levied and recovered, on conviction, on the oath of one or more credible witness or witnesses, of the offender or offenders, before the Mayor or either of the Aldermen of the said Town, by distress and sale of the goods and chattels of such offender or offenders, or imprisonment of his, her or their persons, (which fine shall in no case exceed five pounds, nor imprisonment more than thirty days,) at the discretion of the said Mayor or Aldermen, which warrant of distress or imprisonment the said Mayor, or either of the Aldermen are hereby empowered to grant"

" 3, " 20—After "and" expunge "Aldermen" and insert "the Senior Alderman"

Wednesday, 24th April, 1839.

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Press 4, line 5—After “qualified” expunge “and who shall have paid his taxes or rates fourteen days previously to the day of such election to supply any such vacancy” and insert “according to the before recited Act of incorporation.”

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
22nd day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

Report of the Select Committee upon Light House erection law amendment bill, presented.

The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill, entitled, “An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, ‘An Act granting to His Majesty a sum of money for the erection of certain Light Houses within this Province, and for other purposes therein-mentioned,’” presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, “An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled ‘An Act granting to His Majesty a sum of money, for the erection of certain Light Houses within this Province, and for other purposes therein mentioned,’” respectfully beg leave to report—

That they have gone through the provisions of the bill, and find its objects are to extend the duty on all British vessels navigating the Rivers St. Clair and Detroit, and the Lake St. Clair, which were not embraced in the former Act; they therefore recommend the adoption of the same, without amendment, to your Honourable House.

All which is respectfully submitted.

Z. BURNHAM,
CHAIRMAN.

Committee Room.
April 24th, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

Report of the Select Committee upon the message of His Excellency relative to certain claims for losses occasioned by the incursions of Brigands, presented.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the Message of His Excellency the Lieutenant Governor, of the 16th instant, relative to certain claims for losses sustained by Her Majesty’s Subjects in this Province, by the incursions of Brigands from the United States, presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee to whom was referred the Message of His Excellency the Lieutenant Governor, relative to claims for losses sustained by Her Majesty’s Subjects in this Province, by the incursions of Brigands from the United States, beg leave respectfully to report—

That they have taken the same into consideration, and have agreed to an Address to Her most Gracious Majesty, which they submit herewith for the adoption of your Honourable House.

R. B. SULLIVAN,
CHAIRMAN.

Committee Room,
24th April, 1839.

Address to the Queen on the same subject, read first time.

The Address to Her Majesty submitted by the last-mentioned Committee, was then read; and it was,

Ordered, that the same be read a second time presently.

Thursday, 25th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Address was then read a second time accordingly, and adopted; and it was, Ordered, that it be engrossed, and the same read a third time to-morrow.

Read second time, and adopted.

The Honourable Mr. John Simcoe Macaulay brought up the petition of Robert J. Cooke, and others, Agriculturalists, Mill-owners and Freeholders, of the County of Haldimand; and also, the petition of the Shareholders in the Welland Canal Company; which were laid on the table.

Petitions of Robert J. Cooke, and others, And of the Share-holders in the Welland Canal Company, presented.

On motion made and seconded, the House adjourned.

House adjourns.

THURSDAY, 25th APRIL, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.*
The Hon. & Ven. The ARCHDEACON OF YORK,
The Honourable Messrs. ALLAN,
" " ALEXANDER McDONELL,
" " BURNHAM,
" " BALDWIN,
" " HAMILTON,
" " BOSWELL,
" " ADAMSON,

The Honourable Messrs. JOHN KIRBY,
" " CROOKS,
" " MORRIS,
" " SULLIVAN,
" " FERGUSON,
" " RADCLIFFE,
" " JOHN SIMCOE MACAULAY,
" " WILKINS,
" " JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

The Honourable Mr. Morris, from the Select Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would receive the Address of this House praying for certain annual returns from King's and Upper Canada Colleges, and to present the same, reported that His Excellency had been pleased to receive the said Address forthwith, and to return thereto the following reply:

Report of the Select Committee, appointed to wait upon the Lieutenant Governor, to know when His Excellency would receive the Address, praying for certain annual returns from King's and Upper Canada Colleges. Same presented.

HONOURABLE GENTLEMEN:

I desire to apprise the Legislative Council of my intention to cause a full report upon the affairs of the University of King's College, and of Upper Canada College, to be annually prepared and published for the general information of the people of this Province; and in addition to such reports, I shall at all times be willing to communicate to the House such further statements respecting those important Institutions, as may be applied for.

His Excellency's reply.

A message from His Excellency the Lieutenant Governor, was delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and it was again read by the Clerk, as follows:

Message from the Lieutenant Governor.

GEO. ARTHUR.

The Lieutenant Governor transmits, for the consideration of the Legislative Council, a copy of the second Report, made to him by the Commissioners appointed under the Statute to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion, with the accompanying documents.

Transmitting a copy of the Second Report of the Commissioners, appointed to investigate the claims of certain inhabitants of this Province, for losses sustained during the late rebellion.

He also lays before the Legislative Council, the claim of the proprietors of the Wind-mill, near Prescott, for the damage sustained by them in consequence of its occupation by the Brigands.

Government House,
25th April, 1839.

On motion made and seconded, it was,

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for the message just received; and;

An Address of thanks ordered to be presented for same.

Ordered, that the Honourable Messieurs Radcliffe and John McDonald, do present the same.

Committee appointed therefor.

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to provide for the future disposal of the Clergy Reserve lands in this Province," to which they requested the concurrence of this House, and then withdrew.

Clergy Reserves lands disposition bill, brought up from the Assembly.

Thursday, 25th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

- Read first time. The said bill was then read; and it was,
 Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bill, and that the same be read a second time presently.
- Forty-fourth rule dispensed with.
- Bill read second time. The said bill was then read a second time accordingly; and it was,
 Ordered, that the House be put into a Committee of the whole, this day, to take the same into consideration.
- A Member enters. The Honourable Mr. Crookshank enters.
- Thames Navigation Company's incorporation bill, (as amended,) discharged from the order of the day. The order of the day being read, for a third reading of the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," (as amended) it was,
 Ordered, that the same be discharged, and that the said bill be referred back to the same Select Committee, to whom it was formerly referred, to report further thereon.
- Address to the Queen, relative to certain claims for losses occasioned by the incursions of Brigands, read third time and passed. Pursuant to the order of the day, the Address to the Queen, on the subject of claims for losses sustained by Her Majesty's Subjects in this Province, in consequence of the incursions of Brigands from the United States, was read a third time and passed:
 Whereupon the Speaker signed the same, and it is as follows:
(For Address, see Appendix R.)
- Same signed.
- The Address. On motion made and seconded, it was,
 Ordered, that the foregoing Address be sent to the Commons House of Assembly, by the Master in Chancery, for their concurrence.
- Sent to the Assembly for concurrence.
- Presbyterian College establishment bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill for the establishment of a College within this Province, in connexion with the Church of Scotland.
 The Honourable Mr. Crooks took the Chair.
 After some time the House resumed.
- Reported, and leave asked to sit again. The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.
 Leave granted. Ordered, that the report be received, and leave granted accordingly.
- Bayfield Harbour Company's Incorporation bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour," together with the report of the Select Committee thereon.
 The Honourable Mr. Wilkins took the Chair.
 After some time the House resumed.
- Amendments reported. The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.
 Ordered, that the report be received; and,
 The said amendments were then read by the Clerk, as follows:
- Read first time. The amendments.
 Press 4, line 14—After "that" expunge "any" and insert "every"
 " " " 18—After "provided" insert "and that the said Company shall in no case take possession of any lands the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested."
 " 5, " 23—After "shillings" insert "and that all articles not enumerated, to pay in proportion to the above rates: Provided nevertheless, that the said Directors shall have power to reduce the said rates or tolls, should they see fit."
 " 7, " 1—After "shares" insert "being inhabitants of this Province"
 " 8, " 7—After "he" expunge the remainder of the clause and insert "or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following ratio, that is to say, one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares, and one vote for every five shares above ten."
 " 10, " 18—After "instalment" insert "or instalments"
 " " " 19—After "share" insert "or shares"
 " " " 20—After "share" insert "or shares"
 " " " 21—After "share" insert "or shares"

Thursday, 25th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Press 11, line 2—After "share" insert "or shares"

" " " 4—After "share" insert "or shares"

" 13, " 5—After "void" insert "16. And be it further enacted by the authority aforesaid, That it shall remain in the power of the Legislature to make any alterations in the provisions of this Act, or any addition thereto which may seem to them expedient."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to provide for the disposal of the public lands in this Province.'" Public Lands disposition extension bill, committed.

The Honourable Mr. John Kirby took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, into consideration, had made some progress therein, and asked leave to sit again to-morrow. Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties." Colborne District provision bill, committed.

The Honourable Mr. Boswell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise. Reported.

Ordered, that the report be received; and,

Ordered, that the said bill be referred to a Select Committee, to report thereon by amendment or otherwise; and, And referred to a Select Committee.

Ordered, that the Honourable Messieurs Burnham and Boswell, do compose the same for that purpose. Members composing same.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for the protection of the Indians in the possession of their lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon," together with the report of the Select Committee on the same. Indians' protection bill, re-committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly brought up a bill, to which they requested the concurrence of this House. The same Deputation returned the Address to the Lieutenant Governor, requesting His Excellency to be pleased to transmit the joint Address to the Queen, on the subject of certain Chelsea Pensioners, and acquainted this House that the Commons House of Assembly had concurred in the same; and then withdrew. A bill brought up from the Assembly. Address to the Lieutenant Governor, requesting him to transmit the Joint Address to the Queen, on the subject of certain Chelsea Pensioners, acceded to by that House.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act for the protection of the Indians in the possession of their lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon," together with the report of the Select Committee on the same. Indians' protection bill, re-committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk as follows: Read first time.

In the title, line 1—After "of the" expunge the remainder, and insert "lands of the Crown in this Province from trespass and injury" The amendments.

In the bill, Press 1, line 2—After "lands" expunge to "have" in line 4, and insert "and lands of the Crown, ungranted and not under location or sold, or held by virtue of any lease or license of occupation"

Thursday, 25th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Press 1, line 18—After “of any” insert “of the aforesaid” after “lands” expunge to “for” in line 20.

“ 3, “ 23—After “be” insert “paid into the hands of the Receiver General, and accounted for as part of the hereditary revenues of the Crown in this Province or”

“ “ 24—After “direct” insert “as the case may require”

Read second time and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Speaker reports the receipt of Clerk of the Crown's Salary bill, from the Assembly.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill, entitled, “An Act to make certain regulations in regard to the fees of the office of the Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General,” to which they requested the concurrence of this House.

Read first time.

The said bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

On motion made and seconded, it was,

Certain items upon the order of the day, discharged.

Ordered, that the remaining items upon the order of the day be discharged, and that the same do stand upon the orders of the day for to-morrow.

Ordered, that the House be put into a Committee of the whole, presently, upon the bill, entitled “An Act providing for the future disposal of the Clergy Reserve lands in this Province.”

Clergy Reserve lands disposition bill, committed.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted.

Ordered, that the report be received, and leave granted accordingly; and,

Members summoned.

Ordered, that the Members in Town be summoned to attend in their places on that day.

Petition of the Members of the Committee of Management of the House of Industry, presented.

The Honourable and Venerable the Archdeacon of York brought up the petition of the Members of the Committee of Management of the House of Industry, in the City of Toronto; which was laid on the table.

Report of the Select Committee upon Niagara Common School Teachers' relief bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, “An Act for the relief of Teachers of Common Schools in the District of Niagara,” presented their Report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the bill sent up from the House of Assembly, entitled, “An Act for the relief of Teachers of Common Schools in the District of Niagara,” have gone through the said bill, and beg leave to report to your Honourable House:

The report.

That the bill is intended solely to authorise the Lieutenant Governor to issue His warrants upon the Receiver General, for such sum or sums of money, for the use of Common Schools in the said District, as are appropriated by law, and remaining in his hands, as well as such sums as may hereafter come into his hands for the like purpose, which the Lieutenant Governor is prevented by law from doing, in consequence of the late Treasurer of said District having omitted to make the returns required by law; in the absence of which no warrant can issue.

Your Committee beg further to report, that it has come to their knowledge, that the Treasurer, whose duty it was to have made such returns, has become bankrupt, and another appointed in his place and stead; and that a considerable sum of money remains in his hands, unpaid to the Teachers of Common Schools in the District of Niagara, as well as other public monies of the District. Your Committee therefore recommend the adoption of the bill by your Honourable House, without amendment.

All which is respectfully submitted.

JAMES CROOKS,

CHAIRMAN.

Committee Room, Legislative Council,

25th April, 1839.

Friday, 26th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

It was moved and seconded, that after Friday next, the Honourable Mr. Wilkins do have leave of absence for the remainder of the Session :

Motion for granting leave of absence to the Honourable Mr. Wilkins.

Whereupon the question of concurrence was put, and the same was carried in the affirmative ; and it was,

Question put and carried.

Ordered accordingly.

House adjourns.

On motion made and seconded, the House adjourned.

FRIDAY, 26th APRIL, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT :

The Honourable JONAS JONES, *SPEAKER.*

The Honourable Mr. CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK.

The Honourable Messrs. WELLS,

“ “ ALLAN,

“ “ ALEXANDER McDONELL,

“ “ BURNHAM,

“ “ BALDWIN,

“ “ HAMILTON,

“ “ BOSWELL,

The Honourable Messrs. ADAMSON,

“ “ JOHN KIRBY,

“ “ CROOKS,

“ “ MORRIS,

“ “ SULLIVAN,

“ “ FERGUSSON,

“ “ RADCLIFFE,

“ “ JOHN SIMCOE MACAULAY,

“ “ WILKINS,

“ “ JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the bill, entitled, “An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour,” was, as amended, read a third time ; and,

Bayfield Harbour Company's Incorporation bill, as amended, read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative :

Whereupon the Speaker signed the amendments ; and it was,

Amendments signed ;

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

Deputations from the Commons House of Assembly brought up a bill, entitled, “An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned” ; also a bill, entitled, “An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province” ; also a bill, entitled, “An Act to authorise Her Majesty's Government to negotiate a Loan of money in England, on the Revenue of the Province, and for other purposes therein-mentioned” ; and also a bill, entitled, “An Act to afford further facilities to negotiate Debentures for the completion of certain Works” ; to which they requested the concurrence of this House, and then withdrew.

Casual and Territorial Revenue disposition bill ;

Gold and Silver Coins value regulation bill ;

English loan bill ;

And Debentures negotiation facility bill, brought up from the Assembly.

The said bills were then severally read ; and it was,

Read first time.

Ordered, that they be read a second time to-morrow.

Pursuant to the order of the day, the bill, entitled, “An Act for the protection of the Indians in the possession of their lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon,” was, as amended, read a third time ; and,

Indians' protection bill, as amended, read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative :

Whereupon the Speaker signed the amendments ; and it was,

Amendments signed ;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

Friday, 26th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Kingston Incorporation
law amendment bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,'" and the report of the Select Committee thereon.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows:

The amendments.

Press 1, line 1—After "Whereas" expunge the remainder of the preamble, and insert "An Act was passed in the last Session of the Provincial Legislature, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,' in which it was enacted that the Mayor, Aldermen and Councilmen, of the said Town of Kingston shall be sworn into their respective offices on a certain day therein named, by the Judge of the District Court, or the Chairman of the Quarter Sessions: And whereas at the Election in the month of March last past, the Officers in the Fourth Ward of the said Town, and also the Mayor of the said Corporation, were sworn into office by the Chairman of an adjourned Quarter Sessions of the Peace, in the absence of the Chairman, and doubts having arisen whether the same is lawful, for remedy whereof"

" 2, " 4—After "same" expunge to the end of the second clause in Press 3, line 18, and insert "that the said swearing into office of the Mayor of the said Town, and also the Aldermen and Common Councilmen of the Fourth Ward thereof, shall be and the same is hereby declared to be legal, valid and effectual in law, any thing in the said Act of incorporation to the contrary thereof in any-wise notwithstanding"

" 2. And whereas no power is given to the said Corporation to enforce any penalty or punishment for disobedience of the provisions of any Act or By-law, which by the aforesaid recited Act the said Corporation are authorised to make: Be it therefore further enacted by the authority aforesaid, that the fines, penalties and punishments, imposed, or to be imposed, by such Acts and By-laws, shall be made, levied and recovered, on conviction, on the oath of one or more credible witness or witnesses, of the offender or offenders, before the Mayor or either of the Aldermen of the said Town, by distress and sale of the goods and chattels of such offender or offenders, or imprisonment of his, her or their persons, (which fine shall in no case exceed five pounds, nor imprisonment more than thirty days,) at the discretion of the said Mayor or Aldermen, which warrant of distress or imprisonment the said Mayor, or either of the Aldermen are hereby empowered to grant"

" 3, " 20—After "and" expunge "Aldermen" and insert "the Senior Alderman"

" 4, " 5—After "qualified" expunge "and who shall have paid his taxes or rates fourteen days previously to the day of such election to supply any such vacancy" and insert "according to the before recited Act of incorporation."

Read second time and
adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Light House erection
law amendment bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled 'An Act granting to His Majesty a sum of money for the erection of certain Light Houses within this Province, and for other purposes therein mentioned,'" together with the report of the Select Committee thereon.

The Honourable Mr. Radcliffe took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Friday, 26th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the report be received; and,

Adopted.

Ordered, that the said bill, be read a third time to-morrow.

The order of the day being read for the House to be again put into a Committee of the whole, upon the bill for the establishment of a College within this Province, in connexion with the Church of Scotland; it was,

Presbyterian College establishment bill, discharged from the order of the day.

Ordered, that the same be discharged, and that the said bill do stand upon the orders of the day, for Monday next.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to provide for the disposal of the public lands in this Province.'"

Public Lands disposition extension bill, re-committed.

The Honourable Mr. John Kirby took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province."

Clergy Reserve lands disposition bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon by amendment or otherwise.

Reported;

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Morris, Sullivan, Fergusson, John Simcoe Macaulay and John McDonald, do compose the same for that purpose.

Members composing same.

The Honourable Mr. Radcliffe, from the Select Committee appointed to present an Address to the Lieutenant Governor, thanking His Excellency for his Message of yesterday, reported the delivery thereof.

Report of the Select Committee appointed to present an Address of thanks for His Excellency's Message of yesterday

The Honourable Mr. Morris, from the Select Committee to whom was referred the bill, entitled, "An Act to authorise the erection of an Asylum within this Province, for the reception of insane and lunatic persons," presented their report.

Report of the Select Committee upon Lunatic Asylum erection bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee, appointed to consider and report on the bill sent up from the House of Assembly, entitled, "An Act to authorise the erection of an Asylum within this Province, for the reception of insane and lunatic persons," have attentively examined the several provisions of the bill, and respectfully recommend it for the adoption of your Honourable House.

The report.

W. MORRIS,

CHAIRMAN.

Committee Room, Legislative Council,

26th day of April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to facilitate the negotiation of loans of money, authorised and required for the construction of the Grand River Navigation, and for other purposes therein-mentioned," together with the petition of Jacob Turner, and others, inhabitants of the Village of York, praying that steps may be taken to compel the Grand River Navigation Company to call in the remainder of the stock subscribed, and apply the fund thus obtained to completing the navigation of the said River, and the construction of the towing path along its bank, presented their report.

Report of the Select Committee upon Grand River Navigation loan facility bill, presented.

Ordered, that it be received; and,

Saturday, 27th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Read.

The same was then read by the Clerk, as follows :

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to facilitate the negotiation of loans of money, authorised and required for the construction of the Grand River Navigation, and for other purposes therein-mentioned," beg leave to report:

That the House of Assembly having passed and sent to your Honourable House a bill, entitled, "An Act to afford further facilities to negotiate Debentures for the completion of certain works," in the which bill provision for the negotiation of the Debentures authorised by law to be issued for the completion of the Grand River Navigation is made, there no longer exists any occasion for your Honourable House to take further proceedings on the bill before brought up from the House of Assembly for the same purpose.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
26th day of April, 1839.

Report of the Select Committee upon Colborne District provision bill, presented.

The Honourable Mr. Burnham, from the Select Committee to whom was referred the bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows :

The Select Committee, to whom was referred the bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties," beg leave to report:

The report.

That they have gone through the provisions of the bill, and find its object is to form the said intended District of Colborne into two Counties, which will give to that District, when formed, five Members in place of three, as is now provided.

Your Committee find a petition has been presented to your House, and also notice has been given in the Upper Canada Gazette.

All which is respectfully submitted.

Z. BURNHAM,
CHAIRMAN.

Committee Room, Legislative Council,
26th April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of eleven of the clock, A. M.

SATURDAY, 27th APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " ALLAN,

" " ALEXANDER McDONELL,

" " JOHN KIRBY,

The Honourable Messrs. MORRIS,

" " FERGUSSON,

" " JOHN SIMCOE MACAULAY,

" " JOHN McDONALD.

Prayers were read.

The Minutes of yesterday were read.

Kingston Incorporation law amendment bill, as amended, read third time and passed.

Pursuant to the order of the day, the bill, entitled, "An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,'" was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Saturday, 27th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Whereupon the Speaker signed the amendments; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

The Honourable Mr. Adamson enters.

The Honourable Mr. Morris, from the Committee of Privilege appointed to search for precedents, and to report upon the Message of the Assembly, received on the twenty-third instant, on the subject of certain resolutions adopted by the Council, in relation to the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

The Committee of Privilege, appointed by your Honourable House to search for precedents, and report upon a Message of the Assembly, received on the twenty-third instant, on the subject of certain resolutions adopted by the Council, in relation to the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," beg leave to report:

That after a deliberate consideration of the subject of the Message, and an attentive examination of the proceedings of the Imperial Parliament, together with the precedents, as laid down by Hatsell, they cannot concur in the opinion expressed by the House of Assembly, that your Honourable House was bound to "reject, adopt or amend the bill," for nothing appears more common in either House of Parliament than to drop a bill, without a formal motion to "reject" it. Bills are often referred to Select Committees, who report that the "allegations contained in the preamble have not been proven, and that therefore they have not proceeded further with the bill." This report is ordered to lie on the table, without any expression of opinion on the part of the House, which shows that the view taken by the House of Assembly of the duty of the Legislative Council, in respect to the matter under consideration, is not borne out by the practice of the House of Lords, for a bill, under the circumstances above described, can at any moment, during the Session, be restored to the order of the day, by observing the rules in that respect, and so may the bill sent up from the House of Assembly to appoint Commissioners to proceed to London, be placed on the order of the day, and passed, if your Honourable House should desire to do so. When that bill was under consideration in a Committee of your whole House, it was deemed inexpedient to pass it without information from Her Majesty's Government, which might show a greater necessity for the proposed mission than appeared to your Honourable House to exist; and under these circumstances the Committee adopted the resolutions which were sent to the Assembly, informing that Honourable House, that if the information which was hourly expected from Her Majesty's Government, relative to measures deeply affecting the interests of this Colony, seemed to render such a mission important, that the Legislative Council would, in that case, either unite with the House of Assembly in sending a Commissioner or Commissioners to London, or in an Address to the Queen, as circumstances might require; and your Committee cannot but think that such a course was much more respectful to the House of Assembly than the rejection of the bill would have been, without conveying any reason for refusing to agree with them. The Committee are the more disposed to abide by this opinion, as they have been unable to discover a single precedent in Parliamentary practice to forbid the course which the Legislative Council pursued—a course which your Committee know was dictated by an anxious desire to avoid all cause of offence to the House of Assembly, and to show that if the Legislative Council could not, at that moment, unite with them in the proposed measure, that they were unwilling to reject the bill, and thereby put it out of their power, under altered circumstances, which were anticipated, to proceed with it.

Knowing that such feelings of respect actuated the Legislative Council, on the occasion in question, and that it is always influenced by an earnest desire to maintain its correspondence with the House of Assembly, in a sincere spirit of courtesy and good will, your Committee cannot but regret that in the instance in question, intentions and motives, so proper and necessary in a Legislative body, should have been so greatly misunderstood by the Assembly; and if, after an expression of these sentiments, the House of Assembly are not satisfied,

Amendments signed;

And sent to the Assembly for concurrence.

A Member enters.

Report of the Committee of Privilege, upon the Message of the Assembly, on the resolution of the Council, in relation to Provincial Commissioners appointment bill, presented.

Read.

The report.

Saturday, 27th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

but shall persist in viewing the course adopted by the Legislative Council, as an interference with their privileges, your Committee would recommend that the resolutions of the fifteenth day of April, instant, be withdrawn from the Assembly, not because they contain anything which ought to give offence, but rather to remove any obstacle, however unimportant, which could at all interrupt the friendly intercourse which has long subsisted between the two Houses, and which it is the special duty of both Houses to promote, without too great a sacrifice of established principles.

W. MORRIS,
CHAIRMAN.

Legislative Council Committee Room,
27th April. 1839.

Ordered, that the foregoing report of the Committee of Privilege be adopted.

Same adopted.

On motion made and seconded, it was,

A Conference ordered on the report of the Committee of Privilege of the Assembly, on the last-mentioned subject.

Ordered, that a conference be requested with the Commons House of Assembly, on the subject matter of a report of a Committee of Privilege adopted by that House, and transmitted to the Legislative Council by the last-mentioned message of the Assembly; and,

Conferrees appointed;

Ordered, that the Honourable Messieurs Fergusson and John Simcoe Macaulay, be appointed the Conferrees on the part of this House for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council request a conference with the Commons House of Assembly, on the subject matter of a report of a Committee of Privilege, adopted by that House, relative to certain resolutions of the Legislative Council, with respect to the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," and have appointed the Honourable Messieurs Fergusson and John Simcoe Macaulay, to be the conferrees on the part of this House, who will be ready to meet a Committee of Conference on the part of the Commons House of Assembly, on Monday next, at the hour of two of the clock, A. M., in the Committee Room of the Legislative Council, for that purpose.

On motion made and seconded, it was,

A Select Committee appointed to draft instructions for the Committee of Conference.

Ordered, that a Select Committee be appointed, for the purpose of drafting instructions for the Committee of Conference last-named; and,

Members composing same.

Ordered, that the Honourable Messieurs Fergusson and John Simcoe Macaulay, do compose the same for that purpose.

Dundas and Waterloo road grant bill;

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District"; and also a bill, entitled, "An Act to authorise the issue of Bills of Credit," to which they requested the concurrence of this House, and then withdrew.

And bills of Credit issue bill, brought up from the Assembly.

Dundas and Waterloo road grant bill, read first time.

The bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," was read; and it was,

Forty-fourth rule dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bill, and that the same be read a second time presently.

Bill read second time.

The said bill was then read a second time accordingly; and it was,

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the same into consideration.

Bills of Credit issue bill, read first time.

The bill, entitled, "An Act to authorise the issue of Bills of Credit," was read; and it was, Ordered, that the same be read a second time on Monday next.

Light House erection law amendment bill;

Pursuant to the order of the day, the bill, entitled, "An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled 'An Act granting to His Majesty a sum of money for the erection of certain Light Houses within this Province, and for other purposes therein mentioned'; and also the bill, entitled, "An Act to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to provide for the disposal of the public lands in this Province,'" were severally read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

Saturday, 27th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment. And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act for the relief of Teachers of Common Schools in the District of Niagara," together with the report of the Select Committee thereon. Niagara Common School Teachers' relief bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time on Monday next. Adopted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the erection of an Asylum within this Province, for the reception of insane and lunatic persons"; together with the report of the Select Committee thereon. Lunatic Asylum erection bill, re-committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the last-mentioned bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time on Monday next. Adopted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties," together with the report of the Select Committee thereon. Colborne District provision bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the last-mentioned bill, and recommended the same without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and,

Ordered, that the said bill be read a third time on Monday next. Adopted.

Pursuant to the order of the day, the bill, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned"; and also the bill, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province"; were severally read a second time; and it was, Casual and Territorial Revenue disposition bill; And Gold and Silver Coins value regulation bill, read second time.

Ordered, that the House be put into Committees of the whole, on Monday next, to take the same into consideration.

Pursuant to the order of the day, the bill, entitled, "An Act to authorise Her Majesty's Government to negotiate a Loan of money in England, on the Revenue of the Province, and for other purposes therein-mentioned"; also the bill, entitled, "An Act to afford further facilities to negotiate Debentures for the completion of certain Works"; and also the bill, entitled, "An Act to make certain regulations in regard to the fees of the office of the Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General," were severally read a second time; and it was, English loan bill; Debentures negotiation facility bill; And Clerk of the Crown's salary bill, read second time.

Ordered, that the House be put into Committees of the whole, on Tuesday next, to take the same into consideration.

Pursuant to the order of the day, the petition of James Jackson, and others, inhabitants of the town of Dumfries, and its vicinity, praying for the abolition of certain Rectories established in this Province, and that the proceeds of the Clergy Reserves may be applied to purposes of general Education, and internal improvement; also the petition of Robert J. Cooke, and others, Agriculturalists, Mill-owners and Freeholders, of the County of Haldimand, praying for a protecting duty upon the article of Wheat, when exported from this Province; also, the petition of the Shareholders in the Welland Canal Company, praying that the Stock may be purchased by the Government, and that the Canal may thereby become a public work; and also the petition of the Members of the Committee of Management of the House of Industry, in the City of Toronto, praying for a grant of money in aid of the said Institution, and for the erection of new Buildings therefor; were severally read. Petitions of James Jackson, and others; Robert J. Cooke, and others; Of the Shareholders in the Welland Canal Company; And of the Members of the Committee of Management of the House of Industry, read.

Monday, 29th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Motion for granting leave of absence to the Honourable Mr. Morris.

It was moved and seconded, that the Honourable Mr. Morris do have leave of absence, from his Legislative duties, in consequence of the occurrence of a domestic calamity :

Question put and carried.

Whereupon the question of concurrence was put, and the same was carried in the affirmative ; and it was,

Ordered accordingly.

On motion made and seconded, it was,

Honourable Mr. Crooks substituted for the Honourable Mr. Morris, upon the Joint Committee on education ; And the Assembly informed thereof.

Ordered, that the Honourable Mr. Crooks be substituted for the Honourable Mr. Morris, upon the joint Committee on the subject of Education ; and,

Ordered, that the same be communicated by message to the Commons House of Assembly, for their information.

On motion made and seconded, it was,

Honourable Mr. Crooks substituted for the Honourable Mr. Morris, upon the Select Committee on Clergy Reserve lands disposition bill.

Ordered, that the Honourable Mr. Crooks be substituted for the Honourable Mr. Morris, upon the Select Committee to whom was referred the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province."

Report of the Select Committee appointed to draft instructions for the Committee of Conference, on the report of the Committee of Privilege of the Assembly, in relation to Provincial Commissioners appointment bill, presented. Read and adopted.

The Honourable Mr. John Simcoe Macaulay, from the Select Committee appointed to draft Instructions for the Committee of Conference, on the subject matter of a report of a Committee of Privilege adopted by the House of Assembly, in relation to the bill, entitled, "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein-mentioned," presented a draft of same ; and it was then read, and adopted as follows :

The instructions.

The Committee appointed to prepare a draft of the Instructions to be given to the Committee of Conference, appointed by your Honourable House on the 27th instant, beg leave to report the following Instructions :

The Legislative Council have desired this Conference for the purpose of presenting to the House of Assembly, the copy of a report of a Select Committee of the Legislative Council, adopted by their House, on the subject of the message from the House of Assembly transmitting the copy of a report of a Committee of Privilege, on the Resolutions of the Legislative Council, on a bill, entitled, "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein-mentioned."

J. S. MACAULAY.

Committee Room,
27th April, 1839.

House adjourns.

On motion made and seconded, the House adjourned until Monday next, at the hour of one of the clock, P. M.

MONDAY, 29th APRIL, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT :

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Mr. CROOKSHANK,
The Hon. & Ven. The ARCHDEACON OF YORK.
The Honourable Messrs. ALEXANDER McDONELL.
" " BALDWIN,

The Honourable Messrs. ADAMSON,

" " JOHN KIRBY,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD.

Prayers were read.

The Minutes of Saturday last were read.

Midland District Gaol Wall bill;

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act to authorise the Magistrates of the Midland District to borrow a sum of money to build a wall around the Gaol and Court House of the Midland District"; also a bill, entitled, "An Act to authorise the Receiver General to dispose of the Provincial Stock in the Bank of Upper Canada"; also a bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District"; and also a bill, entitled, "An Act to extend the period for imposing an additional rate upon the intended new District of Colborne," to which they requested the concurrence of this House.

Provincial Bank Stock disposition bill;

Erie and Ontario Bank incorporation bill;

And Colborne District additional tax bill, brought up from the Assembly.

Monday, 29th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The same Deputations brought up and delivered at the Bar of this House two Messages, Messages therefrom. in the following words, and then withdrew.

Mr. SPEAKER:

The Commons House of Assembly have passed an Address to His Excellency the Lieutenant Governor, expressing their satisfaction at the energetic representations made by Her Majesty's Minister at Washington, to procure the interference of the Government of the United States, to prevent the wrongs being done by the people of that Republic, to the peaceable inhabitants of this Province, which they communicate to the Honourable the Legislative Council for their concurrence.

Transmitting for concurrence an Address to the Lieutenant Governor, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
29th day of April, 1839.

(For Address, see Appendix S.)

The Address.

Mr. SPEAKER:

The Commons House of Assembly have acceded to the request of the Honourable the Legislative Council, for a conference on the subject matter of a report of a Committee of Privilege, adopted by this House, relative to certain resolutions of your Honourable House, with respect to the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," and have appointed a Committee of four of their Members, who will be ready to meet the Conferrees on the part of the Honourable the Legislative Council, at the time and place appointed.

Acceding to a conference on the Report of the Committee of Privilege of the Assembly, in relation to Provincial Commissioners appointment bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
29th day of April, 1839.

A Deputation from the Commons House of Assembly returned the bill, entitled, "An Act to incorporate certain persons, under the style and title of the College of Physicians and Surgeons of Upper Canada," and acquainted this House, that they had made an amendment to the amendments of the Legislative Council in and to this bill, to which they requested the concurrence of this House, and then withdrew.

Amendments of the Council to Physicians' College establishment bill, amended by the Assembly.

The bill entitled, "An Act to authorise the Magistrates of the Midland District to borrow a sum of money to build a wall around the Gaol and Court House of the Midland District"; also the bill, entitled, "An Act to authorise the Receiver General to dispose of the Provincial Stock in the Bank of Upper Canada"; also the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District"; and also the bill, entitled, "An Act to extend the period for imposing an additional rate upon the intended new District of Colborne"; were severally read; and it was,

Midland District Gaol Wall bill;

Provincial Bank Stock disposition bill;

Erie and Ontario Bank incorporation bill;

And Colborne District additional tax bill, read first time.

Ordered, that they be read a second time to-morrow.

The amendment of the Commons House of Assembly, to the amendments of the Legislative Council, made in and to the bill, entitled, "An Act to incorporate certain persons under the style and title of the College of Physicians and Surgeons of Upper Canada," was then read by the Clerk, as follows:

Amendment of the Assembly to the amendments of the Council made to Physicians' College establishment bill, read first time.

Amendment made by the Commons House of Assembly, in and to the amendments made by the Honourable the Legislative Council, in and to the bill sent up from this House, entitled, "An Act to incorporate certain persons under the style and title of the College of Physicians and Surgeons of Upper Canada":—

In the amendments—Expunge the fifteenth and sixteenth lines.

The amendment.

On motion made and seconded, it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned amendment of the Assembly, and that the same be read a second time this day.

Forty-fourth rule dispensed with.

Monday, 29th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Niagara Common School
Teachers' relief bill,

Pursuant to the order of the day, the bill, entitled, "An Act for the relief of Teachers of Common Schools in the District of Niagara"; also the bill, entitled, "An Act to authorise the erection of an Asylum within this Province, for the reception of insane and lunatic persons"; and also the bill, entitled, "An Act to make provision for the division of the intended new District of Colborne into two Counties"; were severally read a third time and passed:

Lunatic Asylum erection
bill,

Whereupon the Speaker signed the same; and it was,

And Colborne District
provision bill,
read third time and
passed.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Same signed;

And the Assembly
acquainted thereof.

The order of the day being read, for the House to be again put into a Committee of the whole, upon the bill for the establishment of a College within this Province, in connexion with the Church of Scotland; it was,

Presbyterian College
establishment bill,
discharged from the order
of the day.

Ordered, that the same be discharged.

Dundas and Waterloo
road grant bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District."

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon.

Ordered, that the report be received; and,

And referred to a
Select Committee

Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon; and,

Members composing
same.

Ordered, that the Honourable Messieurs Adamson and John Simcoe Macaulay, do compose the same for that purpose.

Casual and Territorial
Revenue disposition bill;
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned."

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon.

Ordered, that the report be received; and,

And referred to a
Select Committee.

Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon; and,

Members composing
same.

Ordered, that the Honourable Messieurs Baldwin, Sullivan and John Simcoe Macaulay, do compose the same for that purpose.

Gold and Silver Coins
value regulation bill,
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province."

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee, to report thereon.

Ordered, that the report be received; and,

And referred to a
Select Committee.

Ordered, that the last-mentioned bill be referred to a Select Committee, to report thereon; and,

Members composing
same.

Ordered, that the Honourable Messieurs Allan, Fergusson, John Simcoe Macaulay and John McDonald, do compose the same for that purpose; and,

The Message of
His Excellency, on the
subject of the currency,
referred to the last-
mentioned Committee.

Ordered, that the message of His Excellency the Lieutenant Governor, of the fifteenth day of March last, transmitting the copy of a Despatch on the subject of the Currency, be referred to the Select Committee last named.

Bills of Credit issue bill,
read second time.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the issue of Bills of Credit," was read a second time; and it was,

Ordered, that the House be put into Committee of the whole, to-morrow, to take the same into consideration.

Monday, 29th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Pursuant to order, the amendment of the Commons House of Assembly, to the amendments of the Legislative Council, made in and to the bill, entitled, "An Act to incorporate certain persons under the style and title of the College of Physicians and Surgeons of Upper Canada," was read a second time and adopted; and it was,

Amendment of the Assembly to the amendments of the Council made to Physicians' College establishment bill, read second time, and adopted.

Ordered, that the same be read a third time presently.

The said amendment to the amendments was then read a third time accordingly, and passed:

Same read third time, and passed.

Whereupon the Speaker signed the amendment of the Assembly; and it was,

Amendment signed;

Ordered, that the Master in Chancery do go down to that House, and acquaint them that the Legislative Council have acceded to the amendment of the Commons House of Assembly, made to the amendments of this House, in and to the last-mentioned bill.

And the Assembly acquainted thereof.

On motion made and seconded, it was,

Ordered, that a Committee be appointed to meet a Committee of the Commons House of Assembly, to-morrow, at the hour of two of the clock P. M. for the purpose of waiting on the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses with their Address, requesting him to transmit the joint Address to the Queen, on the subject of certain Chelsea Pensioners; and,

A Committee appointed to meet a Committee of the Assembly, to know when His Excellency would receive the two Houses with their Address, requesting him to transmit the Joint Address to the Queen, on the subject of certain Chelsea Pensioners.

Ordered, that the Honourable Messieurs Baldwin and Adamson, do compose the same on the part of this House for that purpose; and,

Members composing the same on the part of this House;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Baldwin and Adamson, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of two of the clock P. M. for the purpose of waiting on the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses with their Address, requesting him to transmit the joint Address to the Queen, on the subject of certain Chelsea Pensioners.

And the Assembly acquainted thereof.

The Honourable Mr. John Simcoe Macaulay, from the Select Committee to whom was referred the amendment of the Commons House of Assembly, to the amendments of the Legislative Council, made in and to the bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences,'" presented their report.

Report of the Select Committee upon the amendment of the Assembly to the amendments of the Council, made to Petty Trespass Law continuation bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee to whom was referred the amendment made by the House of Assembly, to the amendments of the Legislative Council, to a bill, entitled, "An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled, 'An Act to provide for the summary punishment of petty trespasses, and other offences,'" beg leave to report a recommendation, that your Honourable House do concur in the amendment made by the House of Assembly.

The report.

All which is respectfully submitted.

J. S. MACAULAY.

Committee Room,

29th April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned amendment of the Assembly be read a third time presently.

The same was then read a third time accordingly, and passed:

The last-mentioned amendment of the Assembly, read third time, and passed.

Whereupon the Speaker signed the said amendment; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint them that the Legislative Council have acceded to the amendment of the Commons House of Assembly, made to the amendments of this House in and to the bill last-mentioned.

And that House acquainted thereof.

The Honourable Mr. John Simcoe Macaulay gave notice that he would, on to-morrow, move that an humble Address be presented to His Excellency the Lieutenant Governor, requesting His Excellency to call the attention of the Provincial Secretary to the practice of Parliament requiring that when the subject of a Message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that the communication should be made to both on the same day.

Notice of moving an Address to the Lieutenant Governor, on the subject of communicating Messages to both Houses on the same day.

Tuesday, 30th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Members enter. The Honourable Messieurs John Macaulay and Sullivan, enter.
 Petition of Joseph Turton, presented. The Honourable Mr. Fergusson brought up the petition of Joseph Turton, of the City of Toronto, Builder; which was laid on the table.
 House adjourns. On motion made and seconded, the House adjourned.

TUESDAY, 30th APRIL, 1839.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> JOHN KIRBY,
	<i>The Honourable Messrs.</i> ALLAN,	" " CROOKS,
	" " ALEXANDER McDONELL,	" " SULLIVAN,
	" " BURNHAM,	" " FERGUSSON,
	" " BALDWIN,	" " JOHN SIMCOE MACAULAY,
	" " ADAMSON,	" " JOHN McDONALD.

Prayers were read.

The Minutes of yesterday were read.

English loan bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise Her Majesty's Government to negotiate a loan of money in England on the revenue of the Province, and for other purposes therein-mentioned."

The Honourable Mr. John McDonald took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Members enter. The Honourable Mr. Crookshank and the Honourable and Venerable the Archdeacon of York, enter.

Message from the Assembly; A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House a Message, in the following words, and then withdrew.

Mr. SPEAKER:

Transmitting a resolution, in relation to the Report of the Committee of Conference, on the subject of the Message of that House, relative to the resolution of the Council, respecting Provincial Commissioners appointment bill. The Commons House of Assembly have passed the accompanying Resolution, in relation to the Report of the Committee of Conference, on the subject of the Message of the House of Assembly, relative to the Resolution of the Honourable the Legislative Council, respecting the bill sent up to that Honourable House, entitled, "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein-mentioned."

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
30th day of April, 1839.

The resolution. (*For Resolution, see Appendix T.*)

English loan bill, re-committed. The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise Her Majesty's Government to negotiate a loan of money in England on the revenue of the Province, and for other purposes therein-mentioned."

The Honourable Mr. John McDonald took the Chair.

House resumes. After some time the House resumed.

On motion made and seconded, it was,

The resolution of the Council, on the subject of Provincial Commissioners appointment bill, withdrawn. Ordered, that the Resolutions of this House, sent down to the Commons House of Assembly, in relation to the bill, entitled, "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned," be withdrawn; and,

Ordered, that the same be communicated by message to the Commons House of Assembly.

And the Assembly acquainted thereof.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill be again referred to a Committee of the whole House, and that the same do stand upon the orders of the day for to-morrow.

Debentures negotiation facility bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to afford further facilities to negotiate Debentures for the completion of certain Works."

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Tuesday, 30th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that the same be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District."

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District"; and,

Ordered, that the Honourable Messieurs Crooks and Sullivan, be added thereto.

The Honourable Mr. Sullivan brought up the petition of Charles Coxwell Small, Clerk of the Crown and Pleas; which was laid on the table.

On motion made and seconded, it was,

Ordered, that the forty-eighth rule of this House be dispensed with, in so far as it respects the foregoing petition, and that the same be read presently.

The petition of Charles Coxwell Small, Clerk of the Crown and Pleas, praying against the passing of the bill, as sent up from the Commons House of Assembly, entitled, "An Act to make certain regulations in regard to the fees of the office of the Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General," was then read accordingly.

A Deputation from the Commons House of Assembly returned the bill, entitled, "An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, 'An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston,'" and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

The order of the day being read, for putting the House into a Committee of the whole upon the bill, entitled, "An Act to make certain regulations in regard to the fees of the office of the Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General"; it was,

Ordered, that the same be discharged, and that the said bill, together with the petition of Charles Coxwell Small, presented to the House and read this day, be referred to a Select Committee to report thereon; and,

Ordered, that the Honourable Messieurs Crooks, Sullivan and Fergusson, do compose the same for that purpose.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the issue of Bills of Credit."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and recommended that it be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," to report thereon.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be referred to the Select Committee just named, to report thereon.

A message from His Excellency the Lieutenant Governor, was delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and it was again read by the Clerk, as follows:

GEO. ARTHUR.

In forwarding to the Legislative Council a number of papers, relative to the cession of the Casual and Territorial Revenue of Her Majesty to the control of the Provincial Parliament; and also copies of a correspondence with Her Majesty's Minister at Washington, respecting the invasion of the Canadas by the people of the United States of America; the Lieutenant Governor very much regrets that through mistake the transmission of these documents has been so long delayed.

Tuesday, 30th April, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The Lieutenant Governor also finds, with concern, that some other communications which ought to have been made to the Legislative Council have not yet been sent down, and he has in consequence directed that they shall be prepared and forwarded as soon as possible.

Government House,
30th April, 1839.

The papers and correspondence.

(For papers relative to Casual and Territorial Revenue, see Appendix U.)

(For correspondence respecting the invasion of the Canadas, see Appendix V.)

On motion made and seconded, it was,

The motion for an Address to the Lieutenant Governor, on the subject of communicating Messages to both Houses on the same day, discharged.

Ordered, that the moving an Address to His Excellency the Lieutenant Governor, on the subject of communicating Messages to both Houses on the same day, pursuant to notice given yesterday, be discharged from the orders of this day; and,

A Select Committee appointed to draft an Address to the Lieutenant Governor for his Message of to-day.

Ordered, that a Select Committee be appointed to draft an Address to the Lieutenant Governor, respectfully thanking His Excellency for his message just received; and,

Members composing same.

Ordered, that the Honourable Messieurs John Simcoe Macaulay and John McDonald, do compose the same for that purpose.

Midland District Gaol Wall bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the Magistrates of the Midland District to borrow a sum of money to build a wall around the Gaol and Court House of the Midland District," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

On motion made and seconded, it was,

English loan bill, referred to the Select Committee upon Dundas and Waterloo road grant bill.

Ordered, that the bill entitled, "An Act to authorise Her Majesty's Government to negotiate a loan of money in England on the revenue of the Province, and for other purposes therein-mentioned," be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road from the Village of Dundas to the Township of Waterloo, in the Gore District," to report thereon.

Provincial Bank Stock disposition bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the Receiver General to dispose of the Provincial Stock in the Bank of Upper Canada," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

Committed.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted.

Ordered, that the report be received, and leave granted accordingly.

Erie and Ontario Bank incorporation bill, read second time;

Pursuant to the order of the day, the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District," was read a second time; and it was,

And referred to a Select Committee.

Ordered, that the same be referred to a Select Committee, to report thereon by amendment or otherwise; and,

Members composing same.

Ordered, that the Honourable Messieurs Crooks and Sullivan, do compose the same for that purpose.

Colborne District additional tax bill, read second time.

Pursuant to the order of the day, the bill, entitled, "An Act to extend the period for imposing an additional rate upon the intended new District of Colborne"; was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Report of the Joint Committee appointed to know when the two Houses would be received with their Address to His Excellency, requesting him to transmit the Joint Address to the Queen, on the subject of certain Chelsea Pensioners.

The Honourable Mr. Baldwin, from the joint Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses with their Address, requesting him to transmit the joint Address to the Queen, on the subject of certain Chelsea Pensioners, reported that they had done so, and that His Excellency had appointed Saturday next, at the hour of twelve of the clock at noon, for that purpose.

Tuesday, 30th April, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. Allan, from the Select Committee to whom was referred the bill, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," and the message of His Excellency the Lieutenant Governor, of the fifteenth ultimo, transmitting the copy of a Despatch on the subject of the Currency, presented their report.

Report of the Select Committee upon Gold and Silver Coins value regulation bill, and the message of His Excellency, transmitting the copy of a despatch, on the subject of the currency, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee to whom was referred the bill, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," beg leave to Report:

The report.

That having examined the several provisions of the bill in question, they recommend the same for the adoption of your Honourable House, with the following amendment:

Press 1, line 15—After "pennyweight" insert "and all other Gold Coins therein enumerated, at the rate deduced from the weights and rates setforth in the said Schedule A."

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room,
30th April, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Sullivan, from the Select Committee to whom was referred the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," presented their report.

Report of the Select Committee upon Clergy reserve lands disposition bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

Your Committee, to whom was referred the bill sent up from the Assembly, relating to the disposal of the Clergy Reserves in this Province, have prepared the following amendments, which they respectfully recommend for the adoption of your Honourable House:

The report.

After "Whereas" in the preamble, strike out the remainder of the bill, and insert as in the annexed draft.

R. B. SULLIVAN,
CHAIRMAN.

Committee Room,
30th April. 1839.

"For the advancement of the Christian Religion, and the promotion of good morals in Upper Canada, it is expedient to appropriate the lands called Clergy Reserves, and the yearly income arising from the interest, rents and proceeds of sales thereof, in aid of the maintenance of the Ministers of Religion: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all, or any portion of the Clergy Reserves in this Province, in like manner as other lands of the Crown now are, or shall be sold or alienated: Provided always, that the necessary expenses attending such sale, shall be defrayed out of the first monies arising therefrom.

"2. And be it further enacted, &c. That the Letters Patent alienating such lands, shall describe the same as Clergy Reserves, and that no further reservation in respect of such lands shall be necessary.

"3. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to cause to be invested, the monies proceeding from such sales, and also, all monies which have heretofore arisen from such sales, in the public funds, in

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the name of the Receiver General, in England, or in the public Debentures of the Province; and such investment to withdraw and change, in the whole or in part, from time to time, as circumstances may require.

“4. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with such advice as aforesaid, in the name of Her Majesty, Her Heirs and Successors, to grant and appropriate portions of the said Reserves, not exceeding one hundred acres in each case, as residences for officiating Clergymen or Ministers of Religion, and for the building Churches, Chapels, and places of public Worship therein; and in case such Clergy Reserves shall not be found in the neighbourhood required, to procure by exchange of such Clergy Reserve, not exceeding one hundred acres, or by purchase, for any sum not exceeding ———, in each case, convenient sites for the purposes in this clause mentioned, and to grant and appropriate the lands so required for such purposes; which grant or appropriation shall be made to the officiating Clergyman, and his successors, as a Corporation sole, or to Trustees named for the purpose by the respective Congregations, as the tenets and discipline of such Churches, or denomination of Christians, shall respectively require.

“5 And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, with the advice of the Executive Council, to order and direct, by his warrant, the payment of the yearly stipends at present payable to the Clergy or Ministers of Religion, out of public funds in this Province, to be paid out of the yearly interest accruing on sales of the said Clergy Reserves, and upon the investment of the proceeds thereof, during the incumbency of the present Clergymen or Ministers.

“6. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to appropriate and direct the payment, out of the said interest money, of stipends, towards the support of Clergymen and Ministers of Religion, duly appointed, according to the rules of their respective Church or Congregation, in the following cases: that is to say—whenever there shall be shewn to the said Lieutenant Governor in Council, that there is resident within reasonable distance of any Church, Chapel, or place of public Worship, a population of adults, who shall subscribe a declaration, setting forth their desire to attend such Church, Chapel, or place of public Worship, and shall subscribe and pay to the said Clergyman or Minister of Religion, a yearly sum of money, not less than ——— Pounds, then and in such case, the public stipend or salary to be paid to such Clergyman or Minister of Religion, shall be equal to the said private subscription: Provided always, that in no case shall such public stipend amount to more than ——— Pounds.

“7: And be it further enacted, &c. That the interest money aforesaid shall be chargeable in the first place with the stipends or salaries of the Clergy, or Ministers of Religion, now paid out of any public funds in this Province; and that in the case of alteration, by death, or removal of any of the said incumbents, and also in case of the establishment of new Churches, Chapels, and places of public Worship, the interest money aforesaid shall be paid and distributed as in this Act directed, preference and priority being given according to the priority of time in the building such Church, Chapel, or place of public Worship, and to the priority of time in subscribing and paying a Clergyman or Minister of Religion attached thereto, out of private funds as aforesaid.

“8. And be it further enacted, &c. That a book shall be kept in the office of the Provincial Secretary and Registrar, in which shall be yearly entered the Township or place at which each Church, Chapel, or place of public Worship, shall be erected; the name of the officiating Clergyman; the number of adults attached to his Congregation; and the name of the Church or denomination of Christians to which he belongs; which entries shall be founded on yearly returns, signed by the respective Clergymen or Ministers of

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Religion, certified under the hands of at least twelve Freeholders of his Congregation.

" 9. And be it further enacted, &c. That no public aid, under this Act, shall be given to any Clergyman or Minister of Religion, who shall not in the first place, take and subscribe the oath of Allegiance, and who is not a natural born, or naturalized Subject of the British Crown.

" 10. And be it further, enacted &c. That no public aid shall be extended to any Clergyman or Minister of Religion, who shall not produce satisfactory proof of his ordination and appointment, by authority of some Church or denomination of Christians, having within this Province, or within Her Majesty's dominions, due power of ordination and appointment, or unless such Clergyman or Minister of Religion shall be wholly devoted to his religious duties, without secular employment.

" 11. And be it further enacted, &c. That in any case of one Clergyman or Minister of Religion having the care of two or more congregations, amounting in number to one hundred adults, who shall subscribe and declare as in the sixth clause of this Act mentioned, and who shall subscribe and pay towards the support and maintenance of such Clergyman or Minister of Religion, a sum not less than ———, as in the said clause mentioned, then and in such case, and until the said congregation shall increase, so as respectively to come within the scope and meaning of the said sixth clause, it shall and may be lawful for such public aid and stipend to be paid to such Clergyman or Minister of Religion, in like manner as if the private aid and subscription came from one congregation.

" 12. And be it further enacted, &c. That nothing in this Act contained shall extend, or be construed to extend, to interfere with or deprive any Bishop, Synod, Conference or other Church Government, of any power of appointment, suspension, or deprivation of any Clergyman or Minister of Religion, but that the functions of Church Government in the several Churches and denominations of Christians, shall continue to be exercised as heretofore; and that no Clergyman or Minister of Religion shall be considered as having any right to any of the public aid, stipend, or land, or benefit, other than he shall hold under, during, and by virtue of his incumbency.

" 13. And be it further enacted, &c. That accounts of the receipt and expenditure, state of investment, together with a full report of all proceedings under this Act, shall be laid before the Houses of the Provincial Parliament, within one month from the beginning of such Session.

" 14. And be it further enacted, &c. That the thirty-fifth, thirty-sixth and thirty-seventh clauses of an Act passed in the Parliament of Great Britain, in the thirty-first year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' be, and the same are hereby repealed, in so far as the said clauses confine the disposition of the lands mentioned therein to the support and maintenance of a Protestant Clergy.

" 15. And be it further enacted, &c. That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any Act, law or usage, to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any tithes, or Church dues, or other compulsory payments, for the support of Religion, or exercise any temporal or ecclesiastical jurisdiction over the Laity, or over any Clergy or Ministers, not belonging to his or their Church or denomination of Christians."

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On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, on Thursday next; and,

Same ordered to be printed.

Ordered, that one hundred copies of the report be in the mean time printed for the use of Members.

On motion made and seconded, it was,

Petition of the Clergy of the Established Church, ordered to be read in full.

Ordered, that the petition of the Clergy of the Established Church, assembled under the authority of the Lord Bishop of the Diocese, be now read in full by the Clerk; and,

The same read;

The same was then read accordingly; and it was,

And ordered to be entered at length upon the Journal of to-day.

Ordered, that the said petition be entered at length upon the Journal of this day, as follows:

The petition.

(For Petition, see Appendix W.)

On motion made and seconded, it was,

The several petitions, on the subject of the Clergy Reserves, ordered to be entered at length upon the Journal of to-day.

Ordered, that the several petitions presented to this House, during the present Session, on the subject of the Clergy Reserves, be entered at full length upon the Journal of this day; and,

The said petitions are accordingly entered as follows:

The petitions.

(For Petitions, see Appendix X.)

On motion made and seconded, it was,

The Message of His Excellency, transmitting certain papers, relative to the surrender by the Crown of the Casual and Territorial revenue, referred to the Select Committee upon Casual and Territorial Revenue disposition bill.

Ordered, that the Message of His Excellency the Lieutenant Governor, transmitting several papers relative to the surrender by the Crown of the Casual and Territorial Revenue, be referred to the Select Committee appointed to report upon the bill, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned."

On motion made and seconded, it was,

Ordered, that the Address to His Excellency the Lieutenant Governor, received from the Assembly, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province, together with the message and documents on the same subject transmitted by His Excellency this day, be referred to a Committee of the whole House, to-morrow.

House adjourns.

On motion made and seconded, the House adjourned.

WEDNESDAY, 1st MAY, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. JOHN KIRBY,

The Honourable Messrs. CROOKSHANK,

" " CROOKS,

" " ALLAN,

" " SULLIVAN,

" " ALEXANDER McDONELL,

" " FERGUSSON,

" " BURNHAM,

" " JOHN SIMCOE MACAULAY,

" " BALDWIN,

" " JOHN McDONALD.

" " ADAMSON,

Prayers were read.

The Minutes of yesterday were read.

Provincial Commissioners appointment bill, committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein-mentioned."

The Honourable Mr. John McDonald took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

A bill brought up from the Assembly;

A Deputation from the Commons House of Assembly brought up a bill, to which they requested the concurrence of this House. And they brought up and delivered at the bar of this House, a message in the following words, and then withdrew.

And a message therefrom;

Mr. SPEAKER:

Requesting that the Honourable and Venerable the Archdeacon of York, may have leave to attend a Select Committee of that House.

The Commons House of Assembly request, that the Honourable the Legislative Council will permit the Honourable and Venerable the Archdeacon of York, to attend a Select Com-

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mittee of this House, appointed on the subject of the message and documents sent down by His Excellency the Lieutenant Governor, relative to the Toronto General Hospital.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

1st day of May, 1839.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein-mentioned." Provincial Commissioners appointment bill, re-committed;

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill again into consideration, had made some further progress therein, and asked leave to sit again this day three months. Reported, and leave asked to sit again in three months.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

On motion made and seconded, it was,

Ordered, that the Honourable and Venerable the Archdeacon of York, do have leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their message received this day, if he thinks fit; and, Leave granted to the Honourable & Venerable the Archdeacon of York, for the purpose of attending a Select Committee of the Assembly;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Honourable and Venerable the Archdeacon of York has leave to attend a Select Committee of the Commons House of Assembly, as desired by that House in their message received this day, if he thinks fit. And that House acquainted of same.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing bridges thereon," to which they requested the concurrence of this House. Speaker reports the receipt of Amherstburgh road bill, from the Assembly.

The said bill was then read; and it was, Read first time.

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to authorise the Magistrates of the Midland District to borrow a sum of money, to build a wall around the Gaol and Court House of the Midland District." Midland District Gaol Wall bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to authorise the Receiver General to dispose of the Provincial Stock in the Bank of Upper Canada." Provincial Bank Stock disposition bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the last-mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House. Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows: Read first time.

Line 11—After "Province" expunge the remainder of the clause, and insert "with the sanction of His Excellency the Lieutenant Governor in Council" The amendments.

" 20—After "repealed" add to the bill, "4. Provided always nevertheless, and be it further enacted by the authority aforesaid, that the Directors appointed under the authority of the said last-recited clause shall be named in the manner therein provided, so long as the stock in this Act authorised to be sold shall not be disposed of; and that when the said stock shall be sold or disposed of, as is

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herein-before provided, then the whole number of fifteen Directors elected or appointed for the management of the said Bank, shall be elected in the manner now prescribed for the election of Directors, by the Stockholders of the said Institution, any thing in the said recited Act or in this Act to the contrary notwithstanding."

Read second time, and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

Colborne District additional tax bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the period for imposing an additional rate upon the intended new District of Colborne."

The Honourable Mr. Burnham took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Bills brought up from the Assembly.

Deputations from the Commons House of Assembly brought up some bills, to which they requested the concurrence of this House. And they returned the bill, entitled, "An Act for the protection of the Indians in the possession of their lands, and for the punishment of persons trespassing or committing any unlawful or wanton injury thereon," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Amendments of the Council to Indians' protection bill, acceded to by the Assembly.

Colborne District additional tax bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to extend the period for imposing an additional rate upon the intended new District of Colborne."

The Honourable Mr. Burnham took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time to-morrow.

Speaker reports the receipt of Brown's relief bill;

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to afford relief to Robert Brown, Esquire" and also a bill, entitled, "An Act to grant a pension to the Widow and Children of the late Captain Edgeworth Usher"; to which they requested the concurrence of this House.

And Widow Usher's pension bill, from the Assembly.

Read first time.

The said bills were then severally read; and it was,

Ordered, that the same be read a second time to-morrow.

Gold and Silver Coins value regulation bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

A bill brought up from the Assembly.

A Deputation from the Commons House of Assembly brought up a bill, to which they requested the concurrence of this House, and then withdrew.

Gold and Silver Coins value regulation bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had taken the said bill again into consideration, had made some further progress therein, and recommended that the same be referred back to the Select Committee to whom it was formerly referred, to report further thereon.

Ordered, that the report be received; and,

And referred back to the Select Committee.

Ordered, that the last-mentioned bill be referred back to the Select Committee to whom it was formerly referred, to report further thereon.

Speaker reports the receipt of Bytown Bridge grant bill, from the Assembly.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act granting a sum of money to erect a Bridge over the River Ottawa, at Bytown," to which they requested the concurrence of this House.

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The said bill was then read ; and it was,

Read first time.

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of the Commons House of Assembly to His Excellency the Lieutenant Governor, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province, together with the message of His Excellency on the same subject.

Address of the Assembly to the Lieutenant Governor, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province, committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Address, and recommended the same, without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the said Address be read a third time, to-morrow.

Pursuant to the order of the day, the petition of Joseph Turton, of the City of Toronto, Builder, praying that a certain balance claimed by him for work and labour performed, and materials furnished in the erection of the Parliament Buildings, may be paid to the petitioner, was read.

Petition of Joseph Turton, read.

The Honourable Mr. Crooks, from the Select Committee, to whom was again referred the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," presented their further report.

Further report of the Select Committee upon Thames Navigation Company's incorporation bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows :

Read.

The Select Committee, to whom was again referred the bill sent up from the Commons House of Assembly, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," beg leave to report the following amendments for the consideration of your Honourable House ;

The further report.

Press 3, line 7—After the word "judgment" insert "Provided always, that any award made under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner, and on the same grounds, as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators, as hereinbefore provided; and that the said Company shall in no case take possession of any land, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties interested therein."

" " " 13—After the word "navigation" insert "Provided always, that if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their Officer, Clerk or Servant, duly appointed, to seize and detain the goods, vessels or boats, or other craft, on which the same were due and payable, until such tolls are paid, and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant, as aforesaid, may sell and dispose of the said goods, vessels or boats, or other craft, or such part thereof as may be necessary to pay the tolls, by public auction, giving ten days notice thereof, and return the overplus (if any) to the owner or owners thereof."

" " " 18—After "Delaware" insert "and at such other places within this Province as the petitioners may think fit"

" 4, " 19—After the word "appoint" insert "Provided always, that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held, until that amount of stock shall have been taken up; and at least thirty days notice thereof shall be given in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the London or Western Districts."

" 5, " 9—After "or" insert "the"

" 6, " 4—After the word "Corporation" insert "the said work shall be commenced within two years after the passing of this Act, and shall be finished within ten

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years after the passing of this Act; and that nothing in this Act shall be construed to authorise the said Company to carry on the business of Banking."

Press 6, line 12—After "twenty" expunge "five"

Add to the bill—"And be it further enacted, &c. that whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his, her, or their property, rights or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which such sum of money was awarded shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company."

"Provided always, and be it further enacted, &c. That nothing in this Act contained shall extend, or be construed to extend, to affect, or in any manner to interfere with the provisions of any Act already passed by the Legislature of this Province, authorising the construction of certain Mill-dams on the said River Thames, any thing herein contained to the contrary thereof in anywise notwithstanding."

"And be it further enacted, &c. That notwithstanding the privileges hereby conferred, the Legislature of this Province may at any time hereafter make such addition to this Act, or such alteration in any of its provisions, as they may think proper, for affording just protection to the public, or to any person or persons, body Corporate or Politic, in respect to their estate, property or rights, or interest therein, or any advantage, privilege or convenience, connected therewith, or any right of way, public or private, that may be affected by any of the powers given by this Act."

All which is respectfully submitted.

JA'S. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
1st day of May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the further report thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was again referred the bill, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all Navigable Rivers in this Province, and for other purposes therein-mentioned," presented their further report.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

The Select Committee, to whom was again referred the bill sent up from the Commons House of Assembly, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all Navigable Rivers in this Province, and for other purposes therein-mentioned," beg leave to report the following amendments for the consideration of your Honourable House:

Press 1, line 14—After the word "Speed" insert "in the District of Gore"

" " " 15—After the word "Creek" expunge "or any navigable Rivers" and insert "in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake; the River Scugog, and the River Trent, from Rice Lake to the Bay of Quinté, and Crow River, in the Newcastle and Midland Districts; the Rivers Gananoque, Rideau and Petit

Further report of the Select Committee upon Grand River timber felling prevention bill, presented.

Read.

The further report.

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Nation, in the Johnstown District; and the Rivers 'Tay, Mississippi, Bonne Chère, Madawaska and Goodwood, in the Bathurst District."

All which is respectfully submitted.

JA'S. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
1st May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the further report thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the Message of His Excellency the Lieutenant Governor, of the fifteenth ultimo, transmitting copies of certain Ordinances of the Province of Lower Canada, presented their report.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the Message of His Excellency the Lieutenant Governor, transmitting copies of certain Ordinances of Lower Canada, dated 15th April, 1839, beg leave to Report:

That they have examined the Ordinance consolidating the duties levied on goods imported into the Ports of Quebec and Montreal, and find that the several duties levied under the Acts proposed to be suspended by the said Ordinance, are therein consolidated.

All which is respectfully submitted.

JA'S. CROOKS,
CHAIRMAN.

Committee Room,
1st May, 1839.

The Honourable Mr. John Simcoe Macaulay, from the Select Committee, appointed to draft an Address to the Lieutenant Governor, respectfully thanking His Excellency for His Message of the thirtieth ultimo, reported a draft thereof, which he read in his place; and,

The same was then again read by the Clerk, and adopted, as follows:

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council, in Provincial Parliament assembled, return our respectful thanks for Your Excellency's message of the thirtieth ultimo, transmitting several papers relative to the cession of the Casual and Territorial Revenue of Her Majesty to the control of the Provincial Legislature; and also copies of a correspondence with Her Majesty's Minister at Washington, respecting the invasion of the Canadas by the people of the United States of America.

The Legislative Council feel assured, that the delay which has occurred in the transmission of these and other communications, alluded to in your Excellency's message, has arisen from mistake, and that your Excellency is especially desirous to afford at all times, to the two branches of the Legislature, such information as may be required for the convenient despatch of public business.

Ordered, that the last-mentioned Address be engrossed, and the same read a third time, to-morrow.

The Honourable Mr. Crooks gave notice that he would, on to-morrow, move for leave to bring in a bill, for appointing certain Commissioners in the room of the late Commissioners appointed for the purchase of a Steam Dredging Machine.

On motion made and seconded, the House adjourned.

Report of the Select Committee upon the message of His Excellency, transmitting copies of certain Ordinances of the Province of Lower Canada, presented.

Read.

The report.

Report of the Select Committee appointed to draft an Address of thanks for His Excellency's message of 30th ult. Draft read first time.

Read second time, and adopted.

The Address.

Notice of moving for leave to bring in Steam Dredge Commissioners bill.

House adjourns.

Thursday, 2nd May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

THURSDAY, 2nd MAY, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. JOHN KIRBY,

The Honourable Messrs. ALEXANDER McDONELL.

" " BURNHAM,
" " BALDWIN,
" " HAMILTON,
" " ADAMSON,

" " CROOKS,
" " SULLIVAN,
" " FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD.

Prayers were read.

The Minutes of yesterday were read.

Midland District Gaol
Wall bill, read third
time and passed;

Pursuant to the order of the day, the bill entitled, "An Act to authorise the Magistrates of the Midland District to borrow a sum of money, to build a wall around the Gaol and Court House of the Midland District," was read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

A Member enters.

The Honourable and Venerable the Archdeacon of York enters.

Provincial Bank Stock
disposition bill,
(as amended,) read third
time and passed.

Pursuant to the order of the day, the bill entitled, "An Act to authorise the Receiver General to dispose of the Provincial Stock in the Bank of Upper Canada," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Colborne District
additional tax bill, read
third time and passed;

Pursuant to the order of the day, the bill, entitled, "An Act to extend the period for imposing an additional rate upon the intended new District of Colborne," was read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint the House, that the Legislative Council have passed this bill, without any amendment.

Members enter.

The Honourable Messieurs Crookshank and Allan, enter.

Address of the Assembly to
the Lieutenant-Governor,
relative to the measures
taken by Her Majesty's
Minister at Washington,
for preventing further
outrages upon the inhabi-
tants of this Province,
read third time and
passed.

Pursuant to the order of the day, the Address of the Commons House of Assembly, to His Excellency the Lieutenant Governor, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province, was read a third time and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly
acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have concurred therein.

On motion made and seconded, it was,

A Committee appointed
to meet a Committee of
the Assembly, to know
when His Excellency
would receive the
foregoing address, and
to present the same.

Ordered, that a Committee be appointed on the part of this House, to meet a Committee on the part of the Commons House of Assembly, on Friday next, at the hour of twelve of the clock, at noon, for the purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the last-mentioned Joint Address, and to present the same; and,

Members composing the
same on the part of this
House;

Ordered, that the Honourable Messieurs John Kirby and John McDonald, do compose the Committee on the part of this House for that purpose; and,

And the Assembly
acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs John Kirby and John McDonald, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Friday next, at the hour of twelve of the clock at noon, for the purpose of waiting upon the Lieutenant Governor, to know when His Excel-

Thursday, 2nd May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

lency would be pleased to receive the Joint Address relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province, and to present the same.

Pursuant to the order of the day, the Address to the Lieutenant Governor, thanking His Excellency for His Message of the thirtieth ultimo, was read a third time and passed :

Whereupon the Speaker signed the same ; and it was,

Ordered, that a Committee be appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the last-mentioned Address, and to present the same ; and,

Ordered, that the Honourable Messieurs Hamilton, and John Simcoe Macaulay, do compose the Committee for that purpose.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House. And they returned the bill, entitled, "An Act to alter and amend an Act passed in first year of Her Majesty's reign, entitled, 'An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie,'" and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

The Honourable Mr. Wells enters.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, and the report thereon, into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Ordered, that the report be received, and leave granted accordingly.

The Honourable the Speaker reported to the House, that he had received a communication from the Government Office, stating the intention of His Excellency the Lieutenant Governor to prorogue the present Session of the Legislature, on Thursday next, being the 9th day of May, instant.

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a bill, entitled, "An Act to make provision for the payment of certain losses sustained by sundry individuals therein named"; also a bill, entitled, "An Act to extend the limits of the Port Darlington Harbour"; also a bill, entitled, "An Act granting to Her Majesty a sum of money to improve the Cayuga Road, from Drummondville to Simcoe"; also a bill, entitled, "An Act to make good certain monies advanced in compliance with two several addresses of the House of Assembly during the last Session, for the Contingent expenses of the Legislature of this Province"; also a bill, entitled, "An Act granting a further sum, by way of loan, to complete the Hamilton and Brantford Road, and for other purposes therein-mentioned"; also a bill, entitled, "An Act authorising the Trustees of certain lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same"; and also a bill, entitled, "An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Orignal"; to which they requested the concurrence of this House.

The said bills were then severally read; and it was,

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the bill, entitled, "An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing bridges thereon," was read a second time; and it was,

Address of thanks for His Excellency's Message of 30th ultimo, read third time and passed.

Same signed;

And a Committee appointed to know when the Address would be received, and to present it.

Members composing same.

Clergy Reserve lands disposition bill, re-committed.

Bills brought up from the Assembly.

And amendments to District of Dalhousie erection bill, acceded to by that House.

A Member enters.

Clergy Reserve lands disposition bill, re-committed.

Reported, and leave asked to sit again.

Leave granted.

Speaker reports the receipt of a communication from the Government Office, on the subject of the prorogation.

Speaker reports the receipt of certain Losses payment bill;

Port Darlington Harbour limits extension bill;

Cayuga Road grant bill;

Contingency covering bill;

Hamilton and Brantford Road further grant bill;

Roman Catholic's Trustee bill;

And Cornwall and L'Orignal Road grant bill, from the Assembly.

Read first time.

Amherstburgh Road bill, read second time.

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FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

And referred to the Select Committee upon Dundas and Waterloo road grant bill.

Ordered, that the same be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road from the Village of Dundas to the Township of Waterloo, in the Gore District," to report thereon.

Brown's relief bill, read second time;

Pursuant to the order of the day, the bill entitled, "An Act to afford relief to Robert Brown," was read a second time; and it was,

And referred to a Select Committee.

Ordered, that the same be referred to a Select Committee, with power to send for persons and papers, and to report thereon; and,

Members composing same.

Ordered, that the Honourable Messieurs Hamilton and John McDonald, do compose the Committee for that purpose.

Widow Usher's pension bill, read second time.

Pursuant to the order of the day, the bill entitled, "An Act to grant a pension to the Widow and Children of the late Captain Edgeworth Usher," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Bytown Bridge grant bill, read second time;

Pursuant to the order of the day, the bill entitled, "An Act granting a sum of money to erect a Bridge over the River Ottawa, at Bytown," was read a second time; and it was,

And referred to the Select Committee upon Dundas and Waterloo Road grant bill.

Ordered, that the same be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," to report thereon.

First report of the Select Committee upon Dundas and Waterloo Road grant bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," presented their first report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," beg leave to Report:

That they have examined the several provisions of the said bill, and recommend the same for adoption by your Honourable House, with certain amendments herein-after detailed:

Press 1, line 17—After "General" insert "by and with the advice and consent of the Lieutenant Governor in Council."

" " " 21—Insert "2."

All which is respectfully submitted.

JA'S. CROOKS,
CHAIRMAN.

Committee Room,
2nd May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

Further report of the Select Committee upon Gold and Silver Coins value regulation bill, presented.

The Honourable Mr. Allan, from the Select Committee to whom was again referred the bill entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," together with the message of His Excellency the Lieutenant Governor, of the fifteenth day of March last, transmitting the copy of a Despatch on the subject of the Currency, presented their further report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Committee, to whom was again referred the bill, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," beg leave to Report:

The further report.

That they have prepared a table of assay of the several Coins enumerated in Schedule A, of the said bill, and an amendment, which they recommend for the adoption of your Honourable House:

Thursday, 2nd May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

TABLE OF ASSAY, TO BE ANNEXED TO SCHEDULE A.

	Carats.	Grains.
Sovereign	22	0
Guinea	22	0
Seven Shilling Piece.....	22	0
Eagle, coined before 1834	22	0
Eagle, coined after	21	5 $\frac{1}{4}$
Souverain	21	3 $\frac{3}{4}$
Double Ducat	23	2 $\frac{3}{4}$
Hungarian Ducat.....	23	3 $\frac{1}{2}$
Carolin.....	18	2
Max d'Or, or Maximilian.....	18	1 $\frac{3}{4}$
Ducat	23	2 $\frac{1}{2}$
Ducat, double in proportion	23	1 $\frac{3}{4}$
Pistole	21	2 $\frac{1}{2}$
Johannes.....	21	3 $\frac{3}{4}$
Dobraon	22	0
Dobra	22	0
Moidore, one-half in proportion.....	22	0
Crusado	21	3 $\frac{3}{4}$
Pistole, double in proportion	21	2 $\frac{1}{2}$
Ducat	23	0 $\frac{1}{2}$
Ducat	23	2
Doubloons	20	3
Ducat, current	21	0 $\frac{1}{2}$
Ducat, specie	23	2
Christian d'Or.....	21	3
Rupee, 1818.....	22	0 $\frac{1}{2}$
Rupee Madras	22	0
Pagoda Star	19	0
Double Louis, 1786.....	21	2
Louis,..... 1786.....	21	2
Double Louis, after 1786	21	2 $\frac{1}{2}$
Louis	21	2 $\frac{1}{2}$
Double Napoleon	21	2 $\frac{1}{2}$
Napoleon	21	2 $\frac{1}{2}$
Ducat	23	2 $\frac{1}{2}$
Pistole, old.....	21	2
Pistole, new.....	21	3 $\frac{1}{2}$
Ducat, double in proportion	23	2 $\frac{1}{2}$
Sequin.....	23	3 $\frac{3}{4}$
Double George d'Or.....	21	2 $\frac{3}{4}$
Ducat	23	3 $\frac{1}{4}$
Gold Florin, double in proportion	18	3 $\frac{1}{2}$
Double Ryder	22	0
Ryder	22	0
Ducat	23	2 $\frac{1}{4}$
Ten Guilder Piece	21	2 $\frac{1}{4}$
Double Louis.....	20	0 $\frac{3}{4}$
Louis	20	1
Demi Louis	20	1 $\frac{3}{4}$
Doubloons	20	3
Sequin	23	3
Doppia, or Pistole.....	21	3
Forty Livre Piece, 1808.....	21	2 $\frac{1}{4}$
Six Ducat Piece, ..1783.....	21	1 $\frac{3}{4}$
Two Ducat,.....1762.....	20	1 $\frac{1}{4}$
Three, or Oncetta, 1818.....	23	3 $\frac{3}{4}$
Gold Livre.....	22	0
Ten Florin Piece, 1820.....	21	2 $\frac{1}{4}$
Quadruple Pistole.....	21	0
Pistole, or Doppia, 1787.....	21	1
Pistole, or Doppia, 1796.....	20	3 $\frac{3}{4}$
Maria Theresa, ...1818.....	21	2 $\frac{1}{4}$
Pistole, since 1785.....	21	2 $\frac{1}{8}$
Sequin.....	23	2 $\frac{1}{2}$
Carlino, since 1785	21	2 $\frac{3}{4}$

Thursday, 2nd May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

TABLE OF ASSAY, TO BE ANNEXED TO SCHEDULE A.—(CONTINUED.)		
	Carats.	Grains.
Piece of Twenty Francs, or Marengo	20	0
Ducat	23	2½
Dobraon	22	0
Dobra	22	0
Johannes	21	3¾
Moidore	22	0
Piece of Sixteen Testoons	21	3⅝
Old Crusado	21	3¼
New Crusado	21	3⅜
Milree,1755	22	0
Ducat,1748	23	2½
Ducat,1787	23	2
Frederick, double,1769	21	2½
Frederick, double,1800	21	2
Frederick, single,1778	21	2½
Frederick, single,1800	21	2
Sequin, since1760	23	3½
Scudo, of Republic	21	2¼
Ducat,1796	23	2½
Ducat,1763	23	2
Gold Ruble,1756	22	0
Gold Ruble,1799	21	3¾
Gold Polten,1777	22	0
Imperial,1801	23	2½
Half Imperial,1801	23	2¼
Half Imperial,1818	22	0⅞
Carlino	21	1¼
Ducat,1784	23	2
Ducat,1797	23	2½
Augustus,1754	21	1⅞
Augustus,1784	21	2¼
Ounce,1751	20	1½
Double Ounce,1758	20	2
Quadruple Pistole,1772	21	2½
Doubloons	20	3
Pistole	20	3
Corovilla Gold Dollar, .1801	20	1½
Ducat	23	2
Pistole of Helvetic Republic, 1800	21	2½
Ducat	23	2
Sequin,1773	19	1½
Sequin,1789	19	0¾
Half Missier, .1818	16	0½
Sequin Fonducli	19	1
Teermeblekblek	22	3½
Zechino, or Sequin	23	3¾
Ruspone	23	3⅞
Zechino, or Sequin	23	3¼
Carolin	18	2
Ducat	23	2
Ducat	23	2

Press 6, line 3—Expunge “Doubloons” and insert “Quadruple Pistole, 1772.”

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN.

Committee Room,
2nd May, 1839.

On motion made and seconded, it was,
Ordered, that the last-mentioned bill, and the further report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

On motion made and seconded, it was,

Friday, 3rd May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the several items upon the orders of this day, not proceeded with, be discharged, and that the same do stand upon the orders of the day for to-morrow. Certain items discharged from the order of the day.

On motion made and seconded, the House adjourned until to-morrow, at the hour of twelve of the clock, at noon. House adjourns.

FRIDAY, 3rd MAY, 1839.

The House met pursuant to adjournment. House meets.

PRESENT:

The Honourable JONAS JONES, *SPEAKER.**The Honourable Messrs.* CROOKS,*The Honourable Messrs.* ALLAN,

" " SULLIVAN,

" " ALEXANDER McDONELL,

" " FERGUSSON,

" " BURNHAM,

" " JOHN SIMCOE MACAULAY,

" " ADAMSON,

" " JOHN McDONALD.

" " JOHN KIRBY,

Members present.

Prayers were read.

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," together with the further report of the Select Committee thereon. Thames Navigation Company's incorporation bill, re-committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Honourable and Venerable the Archdeacon of York, and the Honourable Mr Crookshank, enter. Members enter.

The Chairman reported that the Committee had gone through the last-mentioned bill, and had made some further amendments thereto, which they recommended to the adoption of the House. Further amendments reported.

Ordered, that the report be received; and,

The said further amendments were then read by the Clerk, as follows: Read first time.

Press 3, line 7—After the word "judgment" insert "Provided always, that any award made under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner, and on the same grounds, as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators, as hereinbefore provided" The further amendments.

" " " 13—After the word "navigation" insert "Provided always, that if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their Officer, Clerk or Servant, duly appointed, to seize and detain the goods, vessels or boats, or other craft, on which the same were due and payable, until such tolls are paid, and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant, as aforesaid, may sell and dispose of the said goods, vessels or boats, or other craft, or such part thereof as may be necessary to pay the tolls, by public auction, giving ten days notice thereof, and return the overplus (if any) to the owner or owners thereof."

" " " 18—After "Delaware" insert "and at such other places within this Province as the Commissioners may think fit"

" 4, " 19—Add to the clause "Provided always, that if shares to the amount of one thousand pounds of the capital stock of the said Company shall not be taken, then the said meeting shall not be held, until that amount of stock shall have been taken up; and at least thirty days notice thereof shall be given in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the London or Western Districts."

" 5, " 9—After "or" insert "the"

Friday, 3rd May, 1839.

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Press 6, line 4—After the word "Corporation" insert "the said work shall be commenced within two years after the passing of this Act, and shall be finished within ten years after the passing of this Act; and that nothing in this Act shall be construed to authorise the said Company to carry on the business of Banking."

" " " 12—After "twenty" expunge "five"

" " " 19—After "duty" add to the bill "16. And be it further enacted by the authority aforesaid, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his, her, or their property, rights or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which such sum of money was awarded shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company."

" 17. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to affect, or in any manner to interfere with the provisions of any Act already passed by the Legislature of this Province, authorising the construction of certain Mill-dams on the said River Thames, any thing herein contained to the contrary thereof in anywise notwithstanding."

" 18. And be it further enacted by the authority aforesaid, That notwithstanding the privileges hereby conferred, the Legislature of this Province may at any time hereafter make such addition to this Act, or such alteration in any of its provisions, as they may think proper, for affording just protection to the public, or to any person or persons, body Corporate or Politic, in respect to their estate, property or right, or interest therein, or any advantage, privilege or convenience, connected therewith, or any right of way, public or private, that may be affected by any of the powers given by this Act."

Read second time and adopted.

The said further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as further amended, read a third time to-morrow.

Grand River timber felling prevention bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all Navigable Rivers in this Province, and for other purposes therein-mentioned," together with the further report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Further amendments reported.

The Chairman reported that the Committee had gone through the said bill, and had made some further amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said further amendments were then read by the Clerk, as follows:

The further amendments.

Press 1, line 14—After the word "Speed" insert "in the District of Gore"

" " " 15—After the word "Creek" expunge "or any navigable Rivers" and insert "in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake; the River Scugog, and the River Trent, from Rice Lake to the Bay of Quinté, and Crow River, in the Newcastle and Midland Districts; the Rivers Gananoque, Rideau and Petit Nation, in the Johnstown District; and the Rivers Tay, Mississippi, Bonne Chère, Madawaska and Goodwood, in the Bathurst District."

Friday, 3rd May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The said further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Read second time and adopted.

Ordered, that they be engrossed, and the said bill, as further amended, read a third time to-morrow.

Pursuant to notice, the Honourable Mr. Crooks brought in a bill, for appointing certain Commissioners in the room of the late Commissioners appointed to purchase a Steam Dredging Machine. Steam Dredge Commissioners' bill, brought in.

The Honourable Mr. Baldwin enters. A Member enters.

A Deputation from the Commons House of Assembly brought up a bill, to which they requested the concurrence of this House, and then withdrew. A bill brought up from the Assembly.

The bill for appointing certain Commissioners in the room of the late Commissioners appointed for the purchase of a Steam Dredging Machine, was then read; and it was, Steam Dredge Commissioners' bill, read first time.

Ordered, that the same be read a second time to-morrow.

The Honourable the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a bill, entitled, "An Act to alter and amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act granting a sum of money, by way of loan, to Macadamize Hurontario Street, South of Dundas Street, to the Lake Shore,'" to which they requested the concurrence of this House. Speaker reports the receipt of Hurontario Street Macadamization bill, from the Assembly.

The said bill was then read; and it was, Read first time.

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," together with the report of the Select Committee thereon. Clergy Reserve lands disposition bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly brought up some bills, to which they requested the concurrence of this House, and then withdrew. Bills brought up from the Assembly.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," together with the report of the Select Committee thereon. Clergy Reserve lands disposition bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

The Honourable Mr. John Macaulay enters. A Member enters.

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew. Message from the Assembly;

MR. SPEAKER:

The Commons House of Assembly have appointed a Committee of four of its Members, who will meet the Committee on the part of the Honourable the Legislative Council, to wait upon the Lieutenant Governor, to know when His Excellency would receive the Joint Address relative to the measures taken by Her Majesty's Minister at Washington for preventing further outrages upon the inhabitants of this Province, and present the same. Announcing the appointment of a Committee to meet a Committee of the Council, to know when His Excellency would receive the Joint Address, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
2nd day of May, 1839.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," together with the report of the Select Committee thereon. Clergy Reserve lands disposition bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said bill, and the report thereon, again into consideration, had made some progress therein, and asked leave to sit again to-morrow. Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

Friday, 3rd May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

- Speaker reports the receipt of Niagara Market Trustee bill; The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a bill, entitled "An Act to authorise the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of money for certain purposes therein-mentioned"; and also a bill, entitled, "An Act granting one thousand pounds for opening and improving a road from London, in the London District, to the River Saint Clair, in the Western District," to which they requested the concurrence of this House.
- And London road grant bill, from the Assembly. The said bills were then severally read; and it was, Ordered, that the same be read a second time to-morrow.
- Read first time. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled, "An Act to grant a pension to the Widow and Children of the late Captain Edgeworth Usher."
- Widow Usher's pension bill, committed. The Honourable Mr. Sullivan took the Chair. After some time the House resumed.
- Reported; The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and, Ordered, that the said bill be read a third time to-morrow.
- Dundas and Waterloo road grant bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," together with the report of the Select Committee thereon. The Honourable Mr. Crooks took the Chair. After some time the House resumed.
- Reported, and leave asked to sit again. The Chairman reported that the Committee had taken the said bill, and the report thereon into consideration, had made some progress therein, and asked leave to sit again on Monday next.
- Leave granted. Ordered, that the report be received, and leave granted accordingly.
- Gold and Silver Coins value regulation bill, re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," together with the further report of the Select Committee thereon. The Honourable Mr. Fergusson took the Chair. After some time the House resumed.
- Amendments reported. The Chairman reported that the Committee had gone through the said bill, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered, that the report be received; and,
- Read first time. The said amendments were then read by the Clerk, as follows:
- The amendments. In the bill, Press 1, line 15—After "pennyweight" insert "and all other Gold Coins therein enumerated, at the rate deduced from the weights and rates set forth in the Schedule A."
- In the schedule, Press 1, line 3—Between the column headed "Names of Coins" and the column headed "weight" insert the following, as an additional column:

Friday, 3rd May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

TABLE OF ASSAY.

"Twenty-two carats.
 Twenty-two carats.
 Twenty-two carats.
 Twenty-two carats.
 Twenty-one carats, two grains and fourteen forty-thirds.
 Twenty-one carats, three grains and three-quarters.
 Twenty-three carats two and three quarter grains.
 Twenty-three carats three and one quarter grains.
 Eighteen carats and two grains.
 Eighteen carats and one and three quarter grains.
 Twenty-three carats two grains and one quarter.
 Twenty-three carats one grain and three quarters.
 Twenty-one carats two grains and one half.
 Twenty-one carats three grains and three quarters.
 Twenty-two carats.
 Twenty-two carats.
 Twenty-two carats.
 Twenty-one carats three grains and three eighths.
 Twenty-one carats two and one half grains.
 Twenty-three carats and one half grain.
 Twenty-three carats two grains.
 Twenty carats three grains.
 Twenty-one carats and one quarter grain.
 Twenty-three carats and two grains.
 Twenty-one carats three grains.
 Twenty-two carats and one half grain.
 Twenty-two carats.
 Nineteen carats.
 Twenty-one carats two grains.
 Twenty-one carats two grains.
 Twenty-one carats two and one half grains.
 Twenty-one carats two and one half grains.
 Twenty-one carats two grains and one quarter.
 Twenty-one carats two grains and one quarter.
 Twenty-three carats two grains and one half.
 Twenty-one carats two grains.
 Twenty-one carats three grains and one half.
 Twenty-three carats two grains and one half.
 Twenty-three carats three grains and one half.
 Twenty-one carats two grains and three quarters.
 Twenty-three carats three grains and one quarter.
 Eighteen carats three grains and one half.
 Twenty-two carats.
 Twenty-two carats.
 Twenty-three carats two and one quarter grains.
 Twenty-one carats and two grains and one quarter.
 Twenty carats and three quarters of one grain.
 Twenty carats one grain.
 Twenty carats one grain and three quarters.
 Twenty carats three grains.
 Twenty-three carats three grains.
 Twenty-one carats three grains.
 Twenty-one carats two and one quarter grains.
 Twenty-one carats one and three quarter grains.
 Twenty carats one and one quarter grain.
 Twenty-three carats three and one half grains.
 Twenty-two carats.
 Twenty-one carats two and one quarter grains.
 Twenty-one carats.
 Twenty-one carats one grain.
 Twenty carats three and three quarter grains.
 Twenty-one carats two and one quarter grains.
 Twenty-one carats two and one eighth grains.
 Twenty-three carats two and one half grains.
 Twenty-one carats two and three quarter grains.

Friday, 3rd May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

TABLE OF ASSAY—(CONTINUED.)

Twenty carats.
 Twenty-three carats and two and one half grains.
 Twenty-two carats.
 Twenty-two carats.
 Twenty-one carats three grains and three quarters.
 Twenty-two carats.
 Twenty-one carats three grains and five eighths.
 Twenty-one carats three grains and one half.
 Twenty-one carats three grains and three eighths.
 Twenty-two carats.
 Twenty-three carats two and one half grains.
 Twenty-three carats two grains.
 Twenty-one carats two grains and one quarter.
 Twenty-one carats two grains.
 Twenty-one carats two and one half grains.
 Twenty-one carats two grains.
 Twenty-three carats three and one half grains.
 Twenty-one carats two and one quarter grains.
 Twenty-three carats two and one half grains.
 Twenty-three carats two grains.
 Twenty-two carats.
 Twenty-one carats three and three quarter grains.
 Twenty-two carats.
 Twenty-three carats two grains and one quarter.
 Twenty-three carats two grains and one quarter.
 Twenty-two carats and one eighth of one grain.
 Twenty-one carats one grain and one quarter.
 Twenty-three carats two grains.
 Twenty-three carats two and one half grains.
 Twenty-one carats one grain and three eighths of one grain.
 Twenty-one carats two grains and one quarter.
 Twenty carats and one grain and one half.
 Twenty carats and two grains.
 Twenty-one carats two and one half grains.
 Twenty carats three grains.
 Twenty carats three grains.
 Twenty carats one grain and one half.
 Twenty-three carats two grains.
 Twenty-one carats two and one half grains.
 Twenty-three carats two grains.
 Nineteen carats one and one half grains.
 Nineteen carats and three quarters of one grain.
 Sixteen carats and one half of one grain.
 Nineteen carats one grain.
 Twenty-two carats three and one half grains.
 Twenty-three carats three and three quarter grains.
 Twenty-three carats three grains and seven eighths.
 Twenty-three carats three grains and one quarter.
 Eighteen carats two grains.
 Twenty-three carats two grains.
 Twenty-three carats two grains."

Press 2, line 20—Expunge this line.

" 5, " 3.—Expunge "Doubleloon" and insert "Quadruple Pistole, one thousand seven hundred and seventy-two."

Read second time and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that same be engrossed, and the said bill, as amended, read a third time to-morrow.

Certain losses payment bill;

Pursuant to the order of the day, the bill, entitled, "An Act to make provision for the payment of certain losses sustained by sundry individuals therein named"; also the bill, entitled,

Port Darlington Harbour limits extension bill;

"An Act to extend the limits of the Port Darlington Harbour"; and also the bill, entitled, "An

And Cayuga road grant bill, read second time.

Act granting to Her Majesty a sum of money to improve the Cayuga Road, from Drummondville to Simcoe"; were severally read a second time; and it was,

Friday, 3rd May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the bill, entitled, "An Act to make good certain monies advanced in compliance with two several addresses of the House of Assembly during the last Session, for the Contingent expenses of the Legislature of this Province," was read a second time; and it was,

Contingency covering bill, read second time;

Ordered, that the said bill be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Adamson and Crooks, do compose the same for that purpose.

Members composing same.

Pursuant to the order of the day, the bill, entitled, "An Act granting a further sum, by way of loan, to complete the Hamilton and Brantford Road, and for other purposes therein-mentioned," was read a second time; and it was,

Hamilton and Brantford road further grant bill, read second time;

Ordered, that the same be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," to report thereon.

And referred to the Select Committee upon Dundas and Waterloo road grant bill.

Pursuant to the order of the day, the bill, entitled, "An Act authorising the Trustees of certain lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same"; and also the bill, entitled, "An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Orignal"; were severally read a second time; and it was,

Roman Catholic trustee bill;

And Cornwall and L'Orignal road grant bill, read second time.

Ordered, that the House be put into Committees of the whole, to-morrow, to take the same into consideration.

The Honourable Mr. Baldwin, from the Select Committee to whom was referred the bill, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned," together with the message of His Excellency the Lieutenant Governor on the same subject, presented their report.

Report of the Select Committee upon Casual and Territorial revenue disposition bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee, appointed to examine and report upon the bill sent up from the House of Assembly, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned," beg leave to report the following Resolutions, which they respectfully recommend for the adoption of your Honourable House:

The report.

Resolved—That a Conference be requested with the House of Assembly, and that the Committee of Conference of this House be instructed to inform the Committee of the House of Assembly, that this House find in the bill sent up from the Assembly, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of the Province, and for other purposes therein-mentioned":—1st. That the said bill in purporting to provide for the payment of annuities to certain Indians, charges the said annuities upon a fund which does not at present exist, and upon which they cannot justly be charged, should monies arising from the sale of Indian lands be vested as mentioned in the said bill.—And further, that the annuities aforesaid are now charged upon the hereditary revenues of the Crown in this Province, as consideration for cessions of territory to a very large amount, and that the security for the payment of these annuities to the Indians cannot be decreased, without breach of bona fide contract entered into with the said Indians by the Crown. And further, that certain annuities and payments in aid of the several religious Churches and denominations of Christians, charged by Her Majesty's Government upon the Casual and Territorial Revenues, are not provided for in the bill sent up, although the temporary provision for these charges is mentioned in the Despatch laid before this House from Her Majesty's Secretary of State for the Colonies, as a condition upon which the said Revenue is to be surrendered. And further, that the sum of ten thousand pounds, required to be paid as a condition upon which the proceeds of the Military Reserve at the City of Toronto are to be given up, is charged upon the first proceeds of the sale of such Reserve, but that the immediate payment thereof is not provided for. And further, to suggest to the Committee on the part of the House of Assembly the following amendments to the said bill, to meet the objections which appear to the Legislative Council to exist to the passage of the bill in its present shape:

Friday, 3rd May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Press 4, line 14—After “Majesty” expunge to “the following” in line 17, and insert “out of the joint revenues aforesaid, for the purpose of enabling Her Majesty to pay”

“ 5, “ 18—After the 3rd clause insert “4. And be it further enacted by the authority aforesaid, That during the incumbency of the present Annuitants, or until the annuities in this clause mentioned shall be provided for otherwise, there be granted to Her Majesty, Her Heirs and Successors, out of the joint revenues aforesaid, to enable Her Majesty, Her Heirs and Successors, to pay and discharge the following annuities, in current money of this Province, that is to say :—

“Missionaries of the Church of England, two thousand eight hundred and fifty pounds.”

“House-rent for the Bishop, two hundred pounds.”

“Ministers of the Church of Scotland, one thousand five hundred pounds.”

“Ministers of the United Synod of Upper Canada, Seven hundred and seventy-seven pounds, fifteen shillings and sixpence.”

“Roman Catholic Bishop, five hundred and fifty-five pounds, eleven shillings and twopence.”

“Roman Catholic Priests, one thousand one hundred and eleven pounds, two shillings and threepence.”

“ 6, “ 9—Expunge the 5th clause.

“ S, “ 20—After “out of the” expunge to “to such” in line 21, and insert “out of the joint revenue aforesaid.”

All which is respectfully submitted.

A. BALDWIN,
CHAIRMAN.

Committee Room, Legislative Council,
3rd day of May, 1839.

On motion made and seconded, it was,

The same adopted.

Ordered, that the foregoing report of the Select Committee be adopted; and,

A Conference ordered on the bill.

Ordered, that a Conference be desired with the Commons House of Assembly, on the subject matter of the last-mentioned bill; and,

Conferrees appointed;

Ordered, that the Honourable Messieurs Allan and John Simcoe Macaulay, be appointed the Conferrees on the part of this House for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council request a Conference with the Commons House of Assembly, upon the subject matter of the bill sent up to this House, entitled, “An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned,” and have appointed the Honourable Messieurs Allan and John Simcoe Macaulay, to be the Conferrees on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of three of the clock, P. M., in the Committee Room of the Legislative Council, for that purpose; and,

Instructions to the Committee on the part this House.

Ordered, that the instructions to the Committee of Conference just named, be founded upon the Report of the Select Committee on the bill last-mentioned.

Further report of the Joint Committee on Education, presented.

The Honourable Mr. Allan, from the Joint Committee in relation to certain resolutions adopted by the two Houses on the subject of Education, and also for the support of Common Schools, presented their further report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The further report.

The Joint Committee of the Honourable the Legislative Council, and Commons House of Assembly, appointed to examine and report upon such measures as may be found requisite for securing to the inhabitants of Upper Canada, the advantages of the provision made for the support and diffusion of sound learning, and a religious education among all classes, have agreed to the following resolutions, which they recommend for the consideration of your Honourable House:

Friday, 3rd May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Resolved.—That much inconvenience has long been felt in the remote Districts of this Province, for want of Schools of a higher description than the District Schools, where young men destined for the learned professions, and others, might receive the advantages of a liberal education.

Resolved.—That the expense of sending the youth of the Province to the seat of Government for education, is only one of the many objections which are suggested to the mind, and which force parents into the reluctant necessity of depriving their children of an inestimable blessing, which can never be acquired in after life.

Resolved.—That as Upper Canada College is now incorporated with, and forms a part of King's College, it is important to consider how far it may be practicable so to enlarge the accommodations of the former, that with a suitable endowment for the support of the necessary Professors, the intention of erecting, at great cost, other buildings for the latter, may be postponed.

Resolved.—That in order to carry into operation the benevolent design of His most gracious Majesty, King George the Third, to establish and endow free Grammar Schools in the several Districts, it is just that a portion of the revenues of King's College be appropriated to that object, for such limited period as may be necessary for realizing funds from the School Lands for that purpose.

Resolved.—That by thus extending the foundation of Upper Canada College, the most pressing objects for which King's College was contemplated will immediately be attained, and the means of bestowing a liberal education in other parts of the Province thereby speedily secured.

Resolved.—That to give efficiency to the free Grammar Schools, it is necessary that they should be placed under such control as may ensure a uniformity of system in the education therein.

Resolved.—That the present District Schools be considered Grammar Schools, and further endowed from the free Grammar School fund, and from the funds heretofore mentioned, in order that an additional Master may be employed, and other means of instruction provided.

Resolved.—That the inconvenient accommodation and delapidated state of many of the houses used for District Schools in the Province, call for the immediate attention of the Legislature, and suggest the necessity of the application of a part of the available School funds, to aid in the erection of a suitable building for that purpose in such of the Districts as require it; and also that the Teacher of each District School shall receive the sum of one hundred pounds, in addition to the sum already appropriated by law for the several District Schools in this Province, to enable him to employ an Assistant: Provided nevertheless, that it shall not be lawful to apply a sum exceeding two hundred pounds for each District, and upon the express condition that the inhabitants shall provide at least an equal amount, and insure the building so to be erected for at least that amount.

Resolved.—That whenever the inhabitants of any Town or Village, other than District Towns, shall make it appear to the satisfaction of the General Board of Education, that they have erected, at their own cost, a suitable building for a School-house, and have the School in operation, with at least sixty Scholars, it shall be lawful to pay to the Trustees of every such School, from the School Land funds, an amount equal to the sum paid from such funds for the endowment of the District Grammar Schools; and that not more than two such additional Schools shall be entitled to endowment in any one District, unless the funds admit of an additional number.

Resolved.—That detailed accounts of all monies received and expended under the provisions of this Act shall be rendered to the Lieutenant Governor annually, to be by him laid before the Legislature, within thirty days after the commencement of each Session.

Resolved.—That an Act of the Legislature be passed to carry into effect the objects of the foregoing Resolutions, and that Messieurs Morris, Rykert and Boulton, be a Committee to prepare the same.

All which is respectfully submitted.

W. ALLAN,
CHAIRMAN OF THE JOINT COMMITTEE.

Joint Committee Room,

3rd May, 1839.

Saturday, 4th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Report of the Select
Committee appointed to
present to A. Excellency
thanks for His Excellency's
Message of the 30th ult'o.

The Honourable Mr. John Simcoe Macaulay, from the Select Committee appointed to present an Address to the Lieutenant Governor, respectfully thanking His Excellency for his message of the thirtieth ultimo, reported the delivery thereof.

Petitions of Duncan
McFarlane, and others :

The Honourable Mr. John Simcoe Macaulay brought up the petition of Duncan McFarlane, and others, Freeholders and inhabitants of the District of Niagara; which was laid on the table.

Of the Mayor, &c. of
Toronto :

The Honourable Mr. Sullivan brought up the petition of the Mayor, Aldermen and Commonalty, of the City of Toronto; which was laid on the table.

And of Robert F. Gourlay,
presented.

The Honourable Mr. Fergusson brought up the petition of Robert F. Gourlay; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of twelve of the clock, at noon.

SATURDAY, 4th MAY, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Messrs. ALLAN,

" " SULLIVAN,

" " ALEXANDER McDONELL,

" " FERGUSSON,

" " BURNHAM,

" " JOHN SIMCOE MACAULAY,

" " BALDWIN,

" " JOHN McDONALD.

" " ADAMSON,

Prayers were read.

The Minutes of yesterday were read.

Joint Address to the
Lieutenant Governor,
praying His Excellency to
transmit the Address of
both Houses to the Queen,
on the subject of certain
Chelsea Pensioners,
presented.

At the time appointed, the Legislative Council and Commons House of Assembly proceeded to the Government House with their Joint Address, praying His Excellency the Lieutenant Governor to be pleased to transmit the Address of both Houses to the Queen, on the subject of certain Chelsea Pensioners; and,

The Legislative Council having returned;

The House formed.

House forms.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKS,

The Honourable Messrs. ALLAN,

" " SULLIVAN,

" " ALEXANDER McDONELL,

" " FERGUSSON,

" " BURNHAM,

" " JOHN SIMCOE MACAULAY,

" " BALDWIN,

" " JOHN McDONALD.

" " ADAMSON,

Speaker reports His
Excellency's reply to the
last-mentioned Address.

The Honourable the Speaker reported to this House, that His Excellency the Lieutenant Governor had been pleased to receive the two Houses with their Joint Address, and to return thereto the following reply:

HONOURABLE GENTLEMEN AND GENTLEMEN:

The reply.

I shall not fail to transmit your Address to the Queen, to Her Majesty's Principal Secretary of State for the Colonies, in compliance with your request; and I have the satisfaction to inform you, that some measures for the relief of the commuted Pensioners are already under the consideration of Her Majesty's Government.

Thames Navigation
Company's incorporation
bill, discharged from the
order of the day;

The order of the day being read, for reading the bill, entitled, "An Act to incorporate a Joint Stock Company, by the style of the Thames Navigation Company," a third time, (as further amended,) it was,

And ordered for a third
reading (as amended) in
three months.

Ordered, that the same be discharged, and that the said bill, as further amended, be read a third time this day three months.

Grand River timber
felling prevention bill,
(as further amended) read
third time and passed.

Pursuant to the order of the day, the bill, entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all Navigable Rivers in this Province, and for other purposes therein-mentioned," was, as further amended, read a third time; and,

Saturday, 4th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Pursuant to the order of the day, the bill entitled, "An Act to grant a pension to the Widow and Children of the late Captain Edgeworth Usher," was read a third time and passed:

Whereupon the Speaker signed the same; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were again read by the Clerk, as follows:

GEO. ARTHUR.

With reference to the latter clause of his message of the thirtieth ultimo, the Lieutenant Governor now forwards to the Legislative Council, several of the communications adverted to in that message.

Government House,
3rd May, 1839.

GEO. ARTHUR.

In compliance with the desire of His Excellency Sir John Colborne, the Lieutenant Governor hastens to transmit to the Legislative Council, the reply of His Excellency to the Joint Address of the two Houses of the Provincial Legislature.

Government House,
3rd May, 1839.

(For Communication, see Appendix Y.)

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the copy of a return prepared by the Chief Superintendent of Indian Affairs, shewing the Lands ceded by the Indians to the Crown, for which the yearly payment of £5,401 are charged upon the Territorial Revenue.

Government House,
3rd May, 1839.

GEO. ARTHUR.

The Lieutenant Governor informs the Legislative Council, that it is of paramount importance that a good communication should at all times be kept open between Drummondville and Port Dover, for the movement of Troops and Artillery.

Upon this important object an expense of nearly £2000 was incurred at the commencement of the winter, and defrayed from the Military Chest.

But as a further outlay is required to put the road in such a condition as to render it permanently useful, and as the Commercial and Agricultural interests of the Country will also be materially advanced by this line of communication, the Lieutenant Governor recommends to the Legislative Council to concur in any grant that may be made by the House of Assembly for that object.

Government House,
3rd May, 1839.

Amendments signed;

And sent to the Assembly for concurrence.

Widow Usher's pension bill, read third time and passed.

Same signed;

And the Assembly acquainted thereof.

Clergy Reserve lands disposition bill, re-committed.

Messages from the Lieutenant Governor

Forwarding several of the Communications adverted to in His Excellency's Message of the 30th ult'o.

Transmitting the reply of His Excellency the Governor in Chief, to the congratulatory Address of the two Houses.

Transmitting the copy of a return from the Chief Superintendent of Indian Affairs.

On the subject of the Communication between Drummondville and Port Dover.

Saturday, 4th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

GEO. ARTHUR.

Transmitting the copy of a Letter from the Provincial Secretary, relative to the danger from fire to which the Records and other Muniments of his Office, are at present exposed.

In transmitting to the Legislative Council the copy of a letter from the Provincial Secretary, relative to the danger from fire to which the Records and other Muniments of his Office are at present exposed, together with a copy of a minute of the Executive Council thereon, the Lieutenant Governor deems it necessary, to draw the attention of the Legislative Council to the important subject of this Communication.

Government House,

3rd May, 1839.

GEO. ARTHUR.

On the subject of the Communication from the Head of the River St. Clair to the Town of London.

Impressed with a deep sense of the great advantage which would result to the agricultural and commercial interests of the Province, from the establishment of a good line of communication from the Head of the River St. Clair to the Town of London; through the facilities which would thus be afforded to the settlers in that quarter of procuring their supply of all articles of consumption from London, instead of being compelled, as they now are, to draw them from Detroit; and adverting also to the importance of such a road in a Military point of view—the Lieutenant Governor strongly recommends this subject to the favourable consideration of the Legislative Council.

Government House,

3rd May, 1839.

GEO. ARTHUR.

On the subject of certain disbursements, by the Sheriff of Quebec, for the conveyance of certain Upper Canada Convicts to England, on their way to Van Dieman's Land.

The Lieutenant Governor recommends to the consideration of the Legislative Council, the accompanying copy of a letter from Major Goldie, Civil Secretary of Lower Canada, transmitting two certified Accounts of Disbursements by the Sheriff of Quebec, for the conveyance of certain Upper Canada Convicts to England, on their way to Van Dieman's Land, amounting in the whole to the sum of £646 2s. 7d. Currency.

Government House,

3rd May, 1839.

GEO. ARTHUR.

On the subject of the communication, by water, along the shores of Lake Erie.

The Lieutenant Governor believes that there are few subjects at present more deserving the consideration of the Legislative Council, than the state of communication by water along the shores of Lake Erie.

Possessing several situations extremely eligible for the construction of safe and commodious Harbours, and for the establishment of depôts of fuel, there is not at this moment, through the whole line of coast from the Grand River to Amherstburgh, one Port capable of affording secure shelter to our Steamers and Sailing Vessels, from those violent storms which are of such frequent occurrence on that Lake.

With reference, therefore, merely to the Commercial and Agricultural interests of the Province, the application of an early remedy to this evil, seems to be exceedingly desirable; but there are other circumstances connected with this subject, too obvious to require explanation, which cannot fail to procure for it the serious attention of the Legislative Council.

Government House,

3rd May, 1839.

GEO. ARTHUR.

Transmitting copies of a correspondence, between Her Majesty's Principal Secretary of State for the Colonies, and the Earl of Durham.

The Lieutenant Governor transmits, for the information of the Legislative Council, copies of a Correspondence, between Her Majesty's Principal Secretary of State for the Colonies and the Earl of Durham, relating to His Lordship's resignation of the Offices of Governor General of Her Majesty's Colonies in North America, and of High Commissioner within the Provinces of Upper and Lower Canada.

For the further information of the Legislative Council on so important a subject, the Lieutenant Governor has also deemed it proper to annex to the copies of that Correspondence, the copy of a Despatch to himself, from the Secretary of State for the Colonies, enclosing copies of the answers which had been returned by Lord Glenelg to the Earl of Durham's Despatches to His Lordship, Nos. 66, 67 and 68, of the 25th, 26th, and 28th of September last, together with the copy of a Despatch addressed by Lord Glenelg to the Earl of Durham,

Saturday, 4th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

on the 15th of December following, in reference to His Lordship's Proclamation of the 9th of the preceding month of October.

Government House,
3rd May, 1839.

(*For Correspondence, see Appendix Z.*)

The Honourable Mr. Crookshank, and the Honourable and Venerable the Archdeacon of York, enter. Members enter.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," together with the report of the Select Committee thereon. Clergy Reserve lands disposition bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House. Amendment reported.

Ordered, that the report be received; and,

The said amendment was then read by the Clerk, as follows :

Read first time.

Press 1, line 1.—After "Whereas" expunge the remainder, and insert "for the advancement of the Christian Religion, and the promotion of good morals in Upper Canada, it is expedient to appropriate the lands called Clergy Reserves, and the yearly income arising from the interest, rents and proceeds of sales thereof, in aid of the maintenance of the Ministers of Religion: Be it therefore enacted, &c. That it shall and may be lawful for the Lieutenant Governor of this Province, by and with the advice of the Executive Council, to cause to be sold and alienated, granted and conveyed, all, or any portion of the Clergy Reserves in this Province, in like manner as the Clergy Reserve Lands have hitherto been sold: Provided always, that the necessary expenses attending such sale, shall be defrayed out of the first monies arising therefrom: Provided always, that nothing herein contained shall be taken or held to interfere with any incomplete Grant, Order of Council, or other act or undertaking of Government heretofore made, for the granting or alienating any portion of the said Reserves, notwithstanding that the same may be found to contain more than one hundred acres. The amendment.

"2. And be it further enacted, &c. That the Letters Patent alienating such lands, shall describe the same as Clergy Reserves, and that no further reservation in respect of such lands shall be necessary.

"3. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to cause to be invested, the monies proceeding from such sales, and also, all monies which have heretofore arisen from such sales, in the public funds, in the name of the Receiver General, in England, or in the public Debentures of the Province; and such investment to withdraw and change, in the whole or in part, from time to time, as circumstances may require.

"4. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with such advice as aforesaid, in the name of Her Majesty, Her Heirs and Successors, to grant and appropriate portions of the said Reserves, not exceeding one hundred acres in each case, as residences for officiating Clergymen or Ministers of Religion, and for the sites of Churches, Chapels, and places of public Worship therein; and in case such Clergy Reserves shall not be found in the neighbourhood required, to procure by exchange of such Clergy Reserve, not exceeding one hundred acres, or by purchase, for any sum not exceeding £200, in each case, convenient sites for the purposes in this clause mentioned, and to grant and appropriate the lands so required for such purposes; which grant or appropriation shall be made to the officiating Clergyman, and his successors, as a Corporation sole, or to Trustees named for the purpose by the respective

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Congregations, as the tenets and discipline of such Churches, or denomination of Christians, shall respectively require.

" 5 And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, with the advice of the Executive Council, to order and direct, by his warrant, the payment of the yearly stipends at present payable to the Clergy or Ministers of Religion, out of any public funds in this Province, to be paid out of rents of said Reserves, and out of the yearly interest accruing on sales of the said Clergy Reserves, and upon the investment of the proceeds thereof, during the incumbency of the present Clergymen or Ministers.

" 6. Provided always, and be it further enacted, &c. That nothing in this Act contained shall extend, or be construed to extend, to authorise the payment of any stipend towards the support of Clergymen, and Ministers of Religion, other than such as belong to the Churches of England and Ireland; the Church of Scotland; the United Synod Presbyterians of Upper Canada; the Roman Catholic Clergy; and the Ministers of the Wesleyan Methodists: Provided further, that no Sect or Denomination shall be recognized or receive any aid from the said Fund, unless the parties representing such Sects shall acknowledge and subscribe their belief in the doctrine of the Holy Trinity.

" 7. And be it further enacted, &c. That notwithstanding any thing in this Act contained, it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to extend occasional assistance to the support and maintenance of the Christian Religion, and its Ministers, belonging to denominations of Christians, other than those for whom aid is by this Act permanently provided, in the way of grants of portions of the said Reserves for Religious purposes, or by appropriations of money out of the said interest money.

" 8. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to appropriate and direct the payment, out of the said rents and interest money, of stipends, towards the support of Clergymen and Ministers of Religion, duly appointed, according to the rules of their respective Church or Congregation, in the following cases: that is to say—Whenever there shall be shewn to the said Lieutenant Governor in Council, that there is resident within reasonable distance of any Church, Chapel, or place of Public Worship, a population of adults, who shall subscribe a declaration, setting forth their desire to attend such Church, Chapel, or place of Public Worship, and shall subscribe and pay to the said Clergyman or Minister of Religion, a yearly sum of money, not less than £50, then and in such case, the public stipend or salary to be paid to such Clergyman or Minister of Religion, shall be equal to the said private subscription: Provided always, that in no case shall such public stipend amount to more than £200: And provided also, that the money so subscribed shall be paid to the Treasurer of the District in which such Church, Chapel, or place of Public Worship may be situated, for the use of such Clergyman or Minister; and the certificate of the said Treasurer to that effect transmitted to the Lieutenant Governor, before any payment is made, as provided for in this Act; but no such stipend shall exceed the amount mentioned in such certificate, as being actually paid to the Treasurer; which sum shall be paid over to the Clergyman by said District Treasurer, within ten days after receiving the same.

" 9. And be it further enacted, &c. That the rents and interest money aforesaid shall be chargeable, in the first place, with the stipends or salaries of the Clergy, or Ministers of Religion, now paid out of any public funds in this Province: Provided always, that such Church, Chapel, or place of Public Worship, whose officiating Clergyman or Minister is paid out of any public funds of this Province, shall, upon the death or removal of such Clergyman or

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Minister, be entitled to priority over all new claimants, as contemplated by this Act.

" 10. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, and he is hereby required to appropriate and set apart, such portion of the Clergy Reserves, or proceeds thereof, as may be required to form a suitable provision for a Bishop of the Church of England, and Roman Catholic Bishop in this Province: Provided always, that the annual income to be derived from such appropriation, shall not exceed £800 for the former, and £500 for the latter, and that until such Bishops shall be consecrated, the income so appropriated or set apart, shall form part of the general fund, applicable to the purposes of this Act.

" 11. And be it further enacted, &c. That all applications for public aid, under this Act, shall be made by Memorial, to the Lieutenant Governor in Council, on or before the thirtieth day of June, in each and every year, and the private contributions for the support of the respective Clergymen and Ministers of Religion, shall be proved to have been duly paid before that time, and that until the fund arising from the rents and interest aforesaid, shall be fully equal, after paying the stipends and annuities hereby charged upon the said fund, to pay an equal amount of stipends to the amounts contributed privately, the funds remaining in the hands of the Receiver General, shall be distributed amongst the applicants, in proportion to the amount of the private contributions, in their favour, respectively: Provided always, that no new applications shall be favourably entertained, until, by the increase of the said Fund, the stipends payable to the Clergymen or Ministers of Religion, whose applications shall have been approved, shall equal the full amount of the private contributions, according to the true intent and meaning of this Act.

" 12. And be it further enacted, &c. That a book shall be kept in the office of the Provincial Secretary and Registrar, in which shall be yearly entered the Township or place at which each Church, Chapel, or place of Public Worship, shall be erected; the name of the officiating Clergyman; the number of adults attached to his Congregation; and the name of the Church or denomination of Christians to which he belongs; which entries shall be founded on yearly returns, signed by the respective Clergymen or Ministers of Religion, certified under the hands of at least twelve Freeholders of his Congregation.

" 13. And be it further enacted, &c. That no public aid, under this Act, shall be given to any Clergyman or Minister of Religion, who shall not in the first place, take and subscribe the oath of Allegiance, and who is not a natural born, or naturalized Subject of the British Crown.

" 14. And be it further, enacted &c. That no public aid shall be extended to any Clergyman or Minister of Religion, who shall not produce satisfactory proof of his ordination and appointment, by authority of some Church or denomination of Christians, having within this Province, or within Her Majesty's dominions, due power of ordination and appointment, or unless such Clergyman or Minister of Religion shall be wholly devoted to his religious duties, without secular employment, other than the education of youth.

" 15. And be it further enacted, &c. That in any case of one Clergyman or Minister of Religion having the care of two or more congregations, amounting in number to one hundred adults, who shall subscribe and declare as in the sixth clause of this Act mentioned, and who shall subscribe and pay towards the support and maintenance of such Clergyman or Minister of Religion, a sum not less than £50, as in the said clause mentioned, then and in such case, and until the said congregation shall increase, so as respectively to come within the scope and meaning of the said sixth clause, it shall and may be lawful for such public aid and stipend to be paid to such Clergyman or

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Minister of Religion, in like manner as if the private aid and subscription came from one congregation.

" 16. And be it further enacted, &c. That nothing in this Act contained shall extend, or be construed to extend, to interfere with or deprive any Bishop, Synod, Conference or other Church Government, of any power of appointment, suspension, or deprivation of any Clergyman or Minister of Religion, but that the functions of Church Government in the several Churches and denominations of Christians, shall continue to be exercised as heretofore; and that no Clergyman or Minister of Religion shall be considered as having any right to any of the public aid, stipend, or land, or benefit, other than he shall hold under, during, and by virtue of his incumbency.

" 17. And be it further enacted, &c. That accounts of the receipt and expenditure, state of investment, together with a full report of all proceedings under this Act, shall be laid before the Houses of the Provincial Parliament, within one month from the beginning of each Session.

" 18. And be it further enacted, &c. That the thirty-fifth, thirty-sixth and thirty-seventh clauses of an Act passed in the Parliament of Great Britain, in the thirty-first year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," be, and the same are hereby repealed, in so far as the said clauses confine the disposition of the lands mentioned therein to the support and maintenance of a Protestant Clergy.

" 19. And be it further enacted, &c. That for and notwithstanding any thing in the said last-mentioned Act contained, and also for and notwithstanding any Act, law or usage, to the contrary, no Bishop, Rector, Priest, Synod, Conference, or other Church Dignitary or Government, shall levy any tithes, or Church dues, or other compulsory payments, for the support of Religion, or exercise any temporal or ecclesiastical jurisdiction over the Laity, or over any Clergy or Ministers, not belonging to his or their Church or denomination of Christians.

" 20. And be it further enacted, &c. That it shall be lawful for any Clergyman or Minister of Religion, belonging to any Church, or denomination of Christians, named in this Act, to celebrate Marriage, according to the forms of their respective Churches or denominations, without any license from the Quarter Sessions, or qualification, other than their respective ordination or appointment, any law or usage to the contrary thereof in anywise notwithstanding."

Read second time and adopted.

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House.

Bills (as amended) ordered to be printed.

On motion made and seconded, it was,

Ordered, that two hundred copies of the last-mentioned bill, (as amended) be printed for the use of Members.

Certain losses payment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make provision for the payment of certain losses sustained by sundry individuals therein named."

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time on Monday next.

Port Darlington Harbour limits extension bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to extend the limits of the Port Darlington Harbour."

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

House resumes.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting to Her Majesty a sum of money to improve the Cayuga Road, from Drummondville to Simcoe."

Cayuga road grant bill, committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act authorising the Trustees of certain lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same."

Roman Catholic trustee bill, committed.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment to the adoption of the House.

Reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Orignal."

Cornwall and L'Orignal road grant bill, committed.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

House resumes.

The Honourable Mr. Crookshank, from the Joint Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the Address of the two Houses, relative to the measures taken by Her Majesty's Minister at Washington for preventing further outrages upon the inhabitants of this Province, reported that they had done so, and that His Excellency was pleased to receive the Joint Address forthwith, and to reply thereto as follows:

Report of the Joint Committee appointed to know when His Excellency would receive the Address of the two Houses, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province. And the Address presented.

HONOURABLE GENTLEMEN AND GENTLEMEN:

The expression conveyed by this Joint Address of the two Houses of the Legislature, of their deep sense of the great obligations the people of Upper Canada are under to His Excellency Mr. Fox, Her Majesty's Minister at Washington, for the strong interest he has manifested, by his correspondence, in the affairs of this Province, and for his able and judicious exertions to promote its security and welfare, is in most perfect unison with my own feelings, and will accordingly be communicated by me to his Excellency with peculiar satisfaction.

His Excellency's reply thereto.

I lament with you, that the measures adopted by the Government of the United States of America, to prevent the lawless aggressions of many of the Border population of that Country upon the inhabitants of this Province, were attended with so little success; but I am willing to indulge the hope, that the more respectable American Citizens are now disposed to co-operate zealously with their Government in repressing a flagitious course of proceeding, which they are sensible reflects disgrace upon themselves, and discredit upon their nation.

You may however in every case implicitly rely on the continuance of the powerful protection and support of Her Majesty's Government; and you may be assured that there shall not be the smallest relaxation of my efforts to make them constantly acquainted with every thing affecting your safety and prosperity.

Pursuant to the order of the day, the bill for appointing certain Commissioners, in the room of the late Commissioners appointed for the purchase of a Steam-Dredging Machine, was read a second time, and it was—

Steam Dredge Commissioners's bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

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Amendment reported.

The Chairman reported that the Committee had gone through the said bill, and had made an amendment thereto, and recommended the bill, as amended, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill, as amended, be engrossed, and the same read a third time on Monday next.

Huronoria Street
Macadamization bill;

Pursuant to the order of the day, the bill entitled, "An Act to alter and amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled 'An Act granting a sum of money, by way of loan, to Macadamize Hurontario Street, South of Dundas Street, to the Lake Shore;" and also, the bill entitled "An Act to authorise the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of money for certain purposes therein-mentioned," were severally read a second time; and it was,

And Niagara Market
trustees bill,
read second time.

Ordered, that the House be put into Committees of the whole, on Monday next, to take the same into consideration.

London road grant bill,
read second time.

Pursuant to the order of the day, the bill entitled, "An Act granting one thousand pounds for opening and improving a road from London, in the London District, to the River Saint Clair, in the Western District," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

Committed.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Allan took the Chair.

House resumes.

After some time the House resumed.

Report of the Select
Committee upon English
loan bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill entitled, "An Act to authorise Her Majesty's Government to negotiate a loan of money in England, on the revenue of the Province, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The Report.

The Select Committee to whom was referred the bill sent up from the Assembly, entitled, "An Act to authorise Her Majesty's Government to negotiate a loan of money in England, on the revenue of the Province, and for other purposes therein-mentioned," have taken the said bill into consideration, and beg leave to report to your Honourable House—

That although the said bill purports to be an amendment of the Act passed last session for the purpose of consolidating the debt of the Province into one stock, under the guarantee of the Imperial Government, yet the principles of the said Act appear to your Committee to be greatly departed from, inasmuch as by its provisions it is proposed to authorise the Receiver General of this Province, in the event of the Imperial Government declining to lend its credit, to dispose of the Debentures authorised to be issued under it, to the amount of £1,000,000, Sterling, at such prices, and in such a manner, as he may think fit.

Your Committee beg leave further to report, that the said bill authorises the appropriation of one-half of the amount proposed under its provisions to be borrowed, say £500,000, sterling, for the purpose of carrying on internal improvement in this Province, which is a departure from the Act of last year, as it appears to have been solely intended to bring the public debt of the Province into one fund, and to reduce the present rate of interest,—instead of which, an addition to the debt of the Province, to the extent of half a million, sterling, would be made, were the bill from the Assembly concurred in.

Your Committee, therefore, beg leave to recommend to your Honourable House, to take no further proceedings in the bill, more particularly as the Act of last session authorises the sale of the Debentures mentioned in it, for the best price that can be obtained for the same.

All which is respectfully submitted.

JAMES CROOKS,

CHAIRMAN.

Committee Room, Legislative Council,

4th May, 1839.

On motion made and seconded, it was.

Monday, 6th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House on Monday next.

On motion made and seconded, the House adjourned until Monday next, at the hour of eleven of the clock, A. M. House adjourns.

MONDAY, 6th MAY, 1839.

The House met pursuant to adjournment.

House meets.

PRESENT:

The Honourable JONAS JONES, SPEAKER.

The Honourable Mr. CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK.

The Honourable Messrs. ALLAN,

" " ALEXANDER McDONELL,

" " BURNHAM,

" " BALDWIN,

The Honourable Messrs. ADAMSON,

" " CROOKS,

" " SULLIVAN,

" " FERGUSSON,

" " JOHN SIMCOE MACAULAY,

" " JOHN McDONALD.

Members present.

Prayers were read.

The Minutes of Saturday last were read.

Pursuant to the order of the day, the bill entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," was, as amended, read a third time; and, Gold and Silver Coins value regulation bill, (as amended,) read third time and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was, Amendments signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly. And sent to the Assembly for concurrence.

A Deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, two Messages in the following words, and then withdrew: Messages from the Assembly;

Mr. SPEAKER:

The Commons House of Assembly accede to the request of the Honourable the Legislative Council, for a Conference on the subject matter of the bill, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned," and have appointed Messieurs Merritt, Prince, Bockus and McKay, who will be ready to meet the Committee on the part of the Honourable the Legislative Council, at the time and place appointed. Acceding to a Conference upon Casual and Territorial revenue disposition bill;

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Fourth day of April, 1839.

Mr. SPEAKER:

The Commons House of Assembly have passed several Addresses to Her Majesty, on the subject of the introduction of Wheat into the Ports of Great Britain; on the subject of the importation of Tobacco into the Ports of Great Britain; on the subject of negotiating a loan in Great Britain; on the subject of investing all the public monies now in England in the Debentures of this Province; and on the subject of the Post Office Department; all of which they communicate to the Honourable the Legislative Council, and request their concurrence to the same. And transmitting for concurrence several Addresses to Her Majesty, on the subject of the introduction of Wheat into the Ports of Great Britain; On the subject of the importation of Tobacco into the Ports of Great Britain; On the subject of negotiating a loan in Great Britain; On the subject of investing all the public monies now in England in the Debentures of this Province; And on the subject of the Post Office Department.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Fourth day of April, 1839.

Monday, 6th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Pursuant to the order of the day, the bill entitled, "An Act to make provision for the payment of certain losses sustained by sundry individuals therein-named"; also the bill entitled, "An Act granting to Her Majesty a sum of money, to improve the Cayuga road from Drummondville to Simcoe"; and also the bill entitled, "An Act authorising the Trustees of certain lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same," were severally read a third time, and passed:

Certain losses payment bill;
Cayuga road grant bill;

And Roman Catholic Trustee bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Same signed;
And the Assembly acquainted thereof.

Pursuant to the order of the day, the bill for appointing certain Commissioners, in the room of the late Commissioners appointed for the purchase of a Steam-Dredging Machine, was read a third time and passed; and it was,
Ordered, that the title be—"An Act to authorise the appointment of Commissioners to carry into effect an Act passed in the fifth year of His late Majesty's reign, King William the Fourth, entitled, 'An Act granting to His Majesty a sum of money, for the purchase of a Steam-Dredging Machine':

Steam Dredge Commissioners' bill, read third time, and passed.

Title ordered.

Whereupon the Speaker signed the bill; and it was,
Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

Bill signed;
And sent to the Assembly for concurrence.

The Addresses to the Queen, received by Message from the Commons House of Assembly, this day, were severally read by the Clerk, as follows:
(For the Addresses, see Appendix A. A.)

The Addresses.

On motion made and seconded, it was,
Ordered, that the forty-fourth rule of this House be dispensed with in so far as it respects the foregoing Addresses, and that they be severally read a second time this day.

Forty-fourth rule dispensed with.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," and the report of the Select Committee thereon.

Dundas and Waterloo road grant bill, re-committed.

The Honourable Mr. Baldwin took the Chair.
After some time the House resumed.

The Chairman reported that the Committee had taken the last-mentioned bill, and the report thereon, again into consideration, had made some further progress therein, and asked leave to sit again to-morrow.

Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to alter and amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act granting a sum of money, by way of loan, to Macadamize Hurontario Street, South of Dundas Street, to the Lake Shore.'"

Hurontario Street Macadamization bill, committed.

The Honourable Mr. Allan took the Chair.
After some time the House resumed.

House resumes.

Ordered, that the amendment made by this House in and to the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," be engrossed, and the said bill, as amended, read a third time this day.

Niagara Market trustee bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of money for certain purposes therein-mentioned."

The Honourable Mr. Fergusson took the Chair.
After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time to-morrow.

Adopted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise Her Majesty's Government to negotiate a loan of money in England, on the Revenue of the Province, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

English loan bill, re-committed.

Monday, 6th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Honourable Mr. Wells enters.

A Member enters.

The Chairman reported, that the Committee had taken the last-mentioned bill, and the report thereon, into consideration, and recommended the report of the Select Committee to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Ordered, that the said report of the Select Committee be adopted.

And the report of the Select Committee thereon adopted.

Pursuant to the order of the day, the petition of Duncan McFarlane and others, Freeholders and inhabitants of the District of Niagara, praying for an Act granting a sum of money for the improvement of the Great Canboro' road; also the petition of the Mayor, Aldermen and Commonalty, of the City of Toronto, praying for a law repealing the limitation clause of the Act for incorporating the Town of York, and erecting the same into a City; and also the petition of Robert F. Gourlay, praying for the appointment of a Commission, or a Committee, for the investigation of all the circumstances attending his imprisonment in the Gaol at Niagara, in the year 1819—were severally read.

Petitions of Duncan McFarlane, and others;

Of the Mayor, &c. of the City of Toronto; and

Of Robert F. Gourlay, read.

Pursuant to order, the Address of the Commons House of Assembly to the Queen, on the subject of the introduction of Wheat into the Ports of Great Britain, was read a second time; and it was,

Address of the Assembly to the Queen, on the subject of the introduction of Wheat into the Ports of Great Britain, read second time.

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Address into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee, to report thereon.

Reported;

Ordered, that the report be received; and,

Ordered, that the last-mentioned Address be referred to a Select Committee, to report thereon; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Crooks, Sullivan, Fergusson and John McDonald, do compose the same for that purpose.

Members composing same.

Deputations from the Commons House of Assembly brought up a bill, entitled, "An Act to continue and make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to continue and amend the law for attaching the property of Absconding Debtors;'" also, a bill entitled "An Act to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled 'An Act to prevent the consumption of Spirituous Liquors in Shops;'" also, a bill entitled "An Act to continue and make permanent an Act passed in the third year of the reign of King William the Fourth, entitled 'An Act to continue the duty upon Licences to Hawkers and Pedlers;'" and also a bill entitled "An Act to authorise the purchase of the Private Stock in the Welland Canal, on the part of this Province, and for other purposes therein-mentioned," to which they requested the concurrence of this House, and then withdrew.

Absconding Debtors law continuation bill;

Spirituous Liquor consumption bill;

Hawkers' Licence continuation bill; and

Welland Canal private stock bill, brought up from the Assembly.

The said bills were then severally read; and it was,

Read first time.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bills, and that they be read a second time this day.

Forty-fourth rule dispensed with.

A Deputation from the Commons House of Assembly returned the bill entitled, "An Act to prevent the felling of timber into the Grand River, River Nith, River Speed, Otter Creek, and all Navigable Rivers in this Province, and for other purposes therein-mentioned," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same, and then withdrew.

Amendments of the Council to Grand River Timber felling prevention bill, acceded to by the Assembly

Pursuant to order, the Address of the Commons House of Assembly, to Her Majesty, on the subject of the importation of Tobacco into the Ports of Great Britain, was read a second time; and it was,

Address of the Assembly to the Queen, on the subject of the importation of Tobacco into the Ports of Great Britain, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

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- Committed. The House was then put into a Committee of the whole accordingly.
The Honourable Mr. John Simcoe Macaulay took the Chair.
- House resumes. After some time the House resumed.
- Address of the Assembly to the Queen, on the subject of negotiating a loan in Great Britain, read second time. Pursuant to order, the Address of the Commons House of Assembly to Her Majesty, on the subject of negotiating a loan in Great Britain, was read a second time; and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
- Committed. The House was then put into a Committee of the whole accordingly.
The Honourable Mr. John McDonald took the Chair.
After some time the House resumed.
- Reported; The Chairman reported that the Committee had gone through the last-mentioned Address, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and,
Ordered, that the said Address be read a third time, presently; and,
- Read third time, but not passed. The same was then read a third time accordingly; and it was,
Ordered, that the said Address do not now pass, but that the same be again referred to a Committee of the whole House, presently.
- The same re-committed. The House was then again put into a Committee of the whole accordingly.
The Honourable Mr. John McDonald took the Chair.
After some time the House resumed.
- Amendment reported. The Chairman reported that the Committee had gone through the said Address, and had made some amendments thereto, which they recommended to the adoption of the House.
Ordered, that the report be received; and,
- Read first time. The said amendments were then read by the Clerk, as follows:
- The amendments. Page 1, line 4.—After "the" insert "Legislative Council and"
" " " 11.—After "we" expunge the words "the Representatives of the people of Upper Canada"
" 2, " 19.—After "subject" expunge to "and" in the twenty-second line,
" 3, " 10.—After "of" expunge "their Representatives" and insert "the Legislature."
- Read second time and adopted. The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,
Ordered, that the same be engrossed, and the said Address, as amended, read a third time this day.
- Address of the Assembly to the Queen, on the subject of investing all the public monies now in England in the Debentures of this Province, read second time. Pursuant to order, the Address of the Commons House of Assembly, to Her Majesty, on the subject of investing all the public monies now in England, in the Debentures of this Province, was read a second time; and it was,
Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
- Committed. The House was then put into a Committee of the whole accordingly.
The Honourable Mr. Baldwin took the Chair.
- House resumes. After some time the House resumed.
- Messages from the Lieutenant Governor. Several messages from His Excellency the Lieutenant Governor, were delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and they were again read by the Clerk, and are as follows:
- GEO. ARTHUR.
- Adverting to his Message of the 30th ultimo. With further reference to the last clause of his Message of the 30th ultimo, the Lieutenant Governor transmits to the Legislative Council, several more of the communications alluded to in that Message.
Government House,
6th May, 1839.
- GEO. ARTHUR.
- And transmitting the copy of a report, on the subject of a proposed alteration in the distribution of the duties of the offices of Civil and Provincial Secretary. The Lieutenant Governor transmits, for the consideration of the Legislative Council, the accompanying copy of a report made to him, on the subject of a proposed alteration in the distribution of the duties of the offices of Civil and Provincial Secretary.
Government House,
6th May, 1839.

Monday, 6th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the copy of a statement prepared by the Surveyor General of Woods, of the amount of Duties collected for Timber cut on Crown Lands, on the Ottawa and other Rivers throughout the Province, and of the expenses attendant upon the collection of the same.

Transmitting the copy of a statement of the duties collected for Timber cut on Crown Lands, on the Ottawa and other Rivers throughout this Province.

Government House,
6th May, 1839.

GEO. ARTHUR.

The Lieutenant Governor transmits, for the information of the Legislative Council, the accompanying papers, on the subject of the suspension of specie payments by the Chartered Banks in this Province.

Transmitting certain papers, on the subject of the suspension of Specie Payments by the Chartered Banks in this Province.

Government House,
6th May, 1839.

(For Papers, see Appendix BB.)

GEO. ARTHUR.

The Lieutenant Governor transmits, for the consideration of the Legislative Council, the accompanying copy of the claim of Mr. Duncan McGregor, for the loss sustained by him in consequence of the destruction of the Steam-boat "Thames," by the Brigands, at Windsor, in the month of December last.

Transmitting a copy of the claim of Mr. Duncan McGregor, for the loss of his Steam-boat "Thames," by the Brigands.

Government House,
6th May, 1839.

(For Documents, see Appendix CC.)

Pursuant to order, the Address of the Commons House of Assembly, to Her Majesty, on the subject of the Post Office Department, was read a second time; and it was,

Address of the Assembly to the Queen, on the subject of the Post Office Department, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Address, and recommended the same without any amendment to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned Address be read a third time, presently.

The same was then read a third time accordingly, and passed:

Read third time, and passed.

Whereupon the Speaker signed the said Address; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have concurred in this Address, without any amendment.

And the Assembly acquainted thereof.

Pursuant to order, the bill, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," was, as amended, read a third time:

Clergy Reserve lands disposition bill, read third time, as amended.

Whereupon it was,

Moved and seconded, that this bill, as amended, do not now pass, but that it be again referred to a Committee of the whole House, for the purpose of taking into consideration the following resolution:

Motion against passing the same, and for referring the bill again to a Committee of the whole, for the purpose of considering a certain resolution in reference thereto.

"That the Legislative Council, confiding in the wisdom and justice of Her Majesty, and the Imperial Parliament, think it expedient and proper to address Her Majesty, and both Houses of Parliament, representing, that the Legislature of this Province has been unable to concur in any measure respecting the Clergy Reserves, and earnestly requesting that the Imperial Parliament will, with as little delay as possible, make such enactment on the subject, as cannot appear to leave any room for doubt or question in regard to the objects to which the proceeds of the Clergy Reserves are to be applied."

The question of concurrence being put, the same was carried in the negative; and it was then,

Question put and negatived.

Ordered, that the amendments to the last-mentioned bill be amended as follows:

Amendment to the last-mentioned bill amended.

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In the amendment—

The amendments.	Press 3, line 15—Expunge “Methodists” and insert “Methodist Church in connexion with the British Conference”
	“ 6, “ 3—After “Clergyman” insert “or Minister”
	“ “ “ 16—After “appointment” expunge “or” and insert “and”
	On motion made and seconded, it was, Ordered, that the last-mentioned amendments to the amendment be engrossed, and the bill, as amended, read a third time presently.
Bill (as amended) read third time, and passed.	The same was then read a third time accordingly; and, The question being put whether this bill, as amended, should pass, it was carried in the affirmative:
Amendment signed;	Whereupon the Speaker signed the amendment; and it was,
And sent to the Assembly for concurrence.	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.
Absconding Debtors law continuation bill, read second time.	Pursuant to order, the bill, entitled, “An Act to continue and make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, ‘An Act to continue and amend the law for attaching the property of Absconding Debtors,’” was read a second time; and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed.	The House was then put into a Committee of the whole accordingly. The Honourable Mr. Crooks took the Chair. After some time the House resumed.
Reported;	The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the said bill be read a third time, presently.
Read third time, and passed.	The same was then read a third time accordingly, and passed:
Same signed;	Whereupon the Speaker signed the said bill; and it was,
And the Assembly acquainted thereof.	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.
Hawkers' license continuation bill, read second time.	Pursuant to order, the bill, entitled, “An Act to continue and make permanent an Act passed in the third year of the reign of King William the Fourth, entitled, ‘An Act to continue the duty upon Licenses to Hawkers and Pedlers,’” was read a second time; and it was, Ordered that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed.	The House was then put into a Committee of the whole accordingly. The Honourable Mr. Sullivan took the Chair. After some time the House resumed.
Reported;	The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
Adopted.	Ordered, that the report be received; and, Ordered, that the last-mentioned bill be read a third time, presently.
Read third time, and passed.	The same was then read a third time accordingly, and passed:
Same signed;	Whereupon the Speaker signed the same; and it was,
And the Assembly acquainted thereof.	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that the Legislative Council have passed this bill, without any amendment.
Spirituous Liquors consumption bill, read second time.	Pursuant to order, the bill, entitled, “An Act to continue and make permanent, an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, ‘An Act to prevent the consumption of Spirituous Liquors in Shops,’” was read a second time, and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed.	The House was then put into a Committee of the whole accordingly. The Honourable Mr. Allan took the Chair. After some time the House resumed.

Monday, 6th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, presently.

The same was then read a third time accordingly, and passed: Read third time, and passed.

Whereupon the Speaker signed the said bill; and it was, Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

Pursuant to order, the bill, entitled "An Act to authorise the purchase of the private stock in the Welland Canal, on the part of this Province, and for other purposes therein-mentioned," was read a second time; and it was, Welland Canal private stock bill, read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

On motion made and seconded, it was,

Ordered that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several Messages received on Saturday last, and also on this day; and, An Address of thanks ordered to be presented to the Lieutenant-Governor, for his Messages of Saturday last and this day.

Ordered, that the Honourable Messieurs John Simcoe Macaulay, and John McDonald, do present the same. Committee appointed therefor.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly during the last Session, for the Contingent expenses of the Legislature of this Province," presented their report. Report of the Select Committee upon Contingency covering bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows: Read.

The Select Committee, to whom was referred the bill from the Assembly, entitled, "An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly during the last Session, for the Contingent expenses of the Legislature of the Province," have taken the said bill into consideration, and beg leave to report to your Honourable House: The report.

That it appears by the Journals of the last Session, that an Address of the Commons House of Assembly was presented to His Excellency the Lieutenant Governor, praying that His Excellency would be pleased to advance, for the Contingent expenses of your Honourable House,—

To the Clerk thereof,	£2,200 0 0
To the Gentleman Usher of the Black Rod,	350 0 0
And a further sum (by a second Address) to the Clerk,	437 15 10

In the whole,.....£2,987 15 10

But by referring to the said Journals, it appears that the whole sum for Contingencies, amounted to.....£2,887 15 10

£100 0 0

Leaving a balance of one hundred pounds over-drawn by the said Clerk.

Your Committee beg leave further to report, that the Commons House of Assembly had estimated the expenditure, by the Clerk of your Honourable House, at £2,200, and by the Gentleman Usher of the Black Rod at £350, when in fact the former had expended £2,680 7s. and the latter, only £207 9s. 10d. making together the sum of £2,887 15s. 10d.; but by some mistake, the sum of £2,987 15s. 10d. was the amount received by these Officers, upon two several Addresses to His Excellency the Lieutenant Governor, from the Commons House of Assembly.

All which is respectfully submitted.

JAMES CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
6th May, 1839.

Tuesday, 7th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

Petition of
Walter O'Hara,
presented.

The Honourable Mr. Crooks brought up the petition of Walter O'Hara; which was laid on the table.

Report of the Committee
of Conference upon
Casual and Territorial
revenue disposition bill.

The Honourable Mr. Allan, from the Committee of Conference upon the bill, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the control of the Legislature of this Province, and for other purposes therein-mentioned," reported that they had met the Conferrees on the part of the Commons House of Assembly, and delivered to them the Instructions of this House.

Address of the Assembly
to the Queen, on the
subject of negotiating
a loan in Great Britain,
(as amended), read third
time, and passed.

Pursuant to order, the Address of the Assembly to Her Majesty, on the subject of negotiating a loan in Great Britain, was, as amended, read a third time; and,

The question being put whether this Address, as amended, should pass, it was carried in the affirmative:

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly
for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Address, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of twelve of the clock, at noon.

TUESDAY, 7th MAY, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. BALDWIN,

The Hon. & Ven. The ARCHDEACON OF YORK,

" " FERGUSSON,

The Honourable Messrs. ALLAN,

" " JOHN SIMCOE MACAULAY,

" " ALEXANDER McDONELL,

" " JOHN McDONALD.

" " BURNHAM,

Prayers were read.

The Minutes of yesterday were read.

To the bill passed yesterday, entitled, "An Act providing for the future disposal of the Clergy Reserve lands in this Province," (as amended)—

Protest of the Honourable
and Venerable the
Archdeacon of York, and
of the Honourable John
Simcoe Macaulay, against
the passing of Clergy
Reserve lands disposition
bill, as amended.

DISSENTIENT:

Because, we believe the principle of the bill to be subversive of the form of Government under which we live, inasmuch as an Established Church is part and parcel of the Constitution of Great Britain and Ireland, and all their dependencies: for without such a Church, and a Protestant Church too, the British Constitution cannot be enjoyed either at home or abroad.

Because, in our opinion, the bill is founded on an assumption of authority, which is not conferred upon the Provincial Legislature, by the 31st Geo. III. chap. 31, which grants a certain power, under special restraints, in respect to future Clergy Reservations; but not that of distributing those already made to purposes not contemplated in the Constitutional Act—much less of appropriating them in a manner that leads to the utter extinction of the Church of the Sovereign as the Established Church of the Province.

Because, it was evidently the design of the Imperial Legislature, as became a Christian Government, to establish the intimate connection of Church and State in this distant portion of the Empire; but this bill, by compelling the rapid sale of the Clergy Reserves, at a trifling price, compared to what they would in time obtain as endowments, all hope of ever having an endowed Church is not only cut off, but the wise and holy intention of the Parent State, which was to make provision for the maintenance of a Protestant Clergy, to instruct the inhabitants of this Colony in the doctrines and duties of Christianity, to the latest posterity, is entirely frustrated.

Tuesday, 7th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Because, the recognition of the Roman Catholics, as sharers in the proceeds of the Clergy Reserves, is in direct opposition to the spirit and enactments of the 31st Geo. III. chap. 31: for this body, however respectable, is expressly excluded, as being otherwise provided for.

Because, the division of the Church property, contemplated in the bill, among various sects and denominations, while it compromises the principles as well as the interests of the Established Church, endangers the cause of Protestantism: and leads to a religious discord, which must prove the fruitful source of civil dissension, instead of peace and tranquillity.

Because, in a financial point of view, the provisions of the bill are delusive, and cannot fail of producing the most cruel disappointments: for instead of twelve or sixteen Clergymen in each Township, to whom it proposes to give stipends, the funds derived from the sale, or in other words, the sacrifice of the Church property, will scarcely bear the charge of one.

Because, while the bill makes all the Clergy and Ministers of Religion stipendiaries and dependants on the Colonial Government, it invests the funds in Provincial Debentures, which are at this moment unsaleable: and which the first financial difficulty will sweep away, leaving the Clergy and their families in helpless and irremediable poverty.

Because, the bill imposes a burthen on the Provincial Government, which it will be unable to bear: and which will involve it in endless disputes with all the denominations of professing Christians in the Province.

Because, we are decidedly convinced, that the agitation produced by the discussion of the Clergy Reserve question, and the excitement of which it has been rendered the instrument, are to be chiefly ascribed to misrepresentations and the abuse of the public mind, for interested and unhallowed purposes.

Because, this bill compromises the faith of the British Government, by destroying the birthright of all the members of the Established Church, who either are now in the Province or who may hereafter come into it—to all of whom the ministrations of religion are secured by the most solemn pledges, and by the law of the land: and who are entitled to the same protection, in regard to their religious institutions, as their Roman Catholic fellow-subjects in Lower Canada—to whom the pledges of the British Government, for the securing of their form of worship, and the support of their Clergy, are not stronger than those held by the members of the Church of England.

Because, the experience of twenty years proves that this question can never be satisfactorily settled in this Colony, where the influence of conflicting opinions, prejudices and interests, together with the political and religious animosity to which the matter has given rise, so extensively prevail; and were further proof wanting, it is supplied by the unjust provisions of this bill, which demonstrate that an impartial and equitable adjustment of the question of the Clergy Reserves, by the Provincial Legislature, is altogether hopeless—and prove the necessity of re-investing them in the Queen in Parliament, to be appropriated for the support of a Protestant Clergy, according to the spirit and intention of the Constitutional Act.

In fine, we dissent from this bill, because it promotes and encourages error, schism and dissent, against which all Christians are bound to pray—because, it sacrifices to *expediency* the highest and holiest principles: and because, it degrades the Clergy of the Church of England to an equality with unauthorised Teachers—and sanctions, as far as human enactment can sanction, the impious conduct of wicked Jeroboam, who made Priests of the lowest of the people.

JOHN STRACHAN.

J. S. MACAULAY.

Pursuant to the order of the day, the bill, entitled, "An Act to authorise the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of money for certain purposes therein-mentioned," was read a third time and passed:

Whereupon the Speaker signed the same; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

The Honourable Messieurs Crookshank, Adamson and Crooks, enter.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," and the report of the Select Committee thereon.

Niagara Market trustees bill, read third time, and passed.

Same signed;

And the Assembly acquainted thereof.

Members enter.

Dundas and Waterloo road grant bill, re-committed.

Tuesday, 7th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The Honourable Mr. Baldwin took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

Bills brought up from the Assembly.

Amendments of the Council to the Address to the Queen, on the subject of negotiating a loan in Great Britain, acceded to by the Assembly.

Deputations from the Commons House of Assembly brought up some bills, to which they requested the concurrence of this House; and they returned the Address to Her Majesty, on the subject of negotiating a loan in Great Britain, and acquainted this House that the Commons House of Assembly had acceded to the amendments, made by the Legislative Council in and to the same, and then withdrew.

Dundas and Waterloo road grant bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District," and the report of the Select Committee thereon.

The Honourable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported, that the Committee had gone through the last-mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendments were then read by the Clerk, as follows:

The amendments.

Press 1, line 17—After "General" insert "by and with the advice and consent of the Lieutenant Governor in Council"

" 1, " 21—Insert "2"

Read second time, and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as amended, read a third time on Thursday next.

On motion made and seconded, it was,

A list of the Select Committees, from time to time appointed, ordered to be placed behind the Throne.

Ordered, that a list of the Select Committees, from time to time appointed, be placed and kept in this House behind the Throne, for the information of Members.

Members enter.

The Honourable Messieurs John Macaulay and Sullivan, enter.

Speaker reports the receipt of Newcastle Inland Navigation bill;

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to make further provision for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle"; also a bill, entitled, "An Act granting a sum of money for the maintenance and support of the General Hospital, of the City of Toronto"; also a bill, entitled, "An Act to provide for the further support of the Provincial Penitentiary"; also a bill, entitled, "An Act granting a further sum of money for the purpose of completing the Macadamized Road between the Town of Kingston and the Village of Napanee, in the Midland District"; also a bill, entitled, "An Act to provide for the payment of certain sums, in support of the Civil Government of the Province"; also a bill, entitled, "An Act to indemnify from loss, sufferers in property by the late unnatural Rebellion, and Invasions of this Province, and to provide for the payment of all just claims and demands in consequence thereof"; and also a bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty, entitled, 'An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, 'An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts of this Province"—to which they requested the concurrence of this House.

Toronto Hospital grant bill;

Penitentiary provision bill;

Kingston and Napanee road further grant bill;

Civil List bill;

Rebellion losses indemnity bill;

And road law provision extension bill, from the Assembly.

The bill, entitled, "An Act to make further provisions for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle," was read; and it was,

Forty-fourth rule dispensed with.

Ordered, that the forty-fourth Rule of this House be dispensed with, as far as it regards this bill, and that the same be read a second time, presently.

The bill read second time;

The said bill was then read a second time accordingly; and it was,

And referred to the Select Committee upon Dundas and Waterloo road grant bill.

Ordered, that the same be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money, to complete the construction of a Macadamized Road from the Village of Dundas to the Township of Waterloo, in the Gore District," to report thereon.

Toronto Hospital grant bill; And Penitentiary provision bill, read first time.

The bill, entitled, "An Act granting a sum of money, for the maintenance and support of the General Hospital, of the City of Toronto"; and also the bill, entitled, "An Act to provide for the further support of the Provincial Penitentiary," were severally read; and it was,

Tuesday, 7th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards these bills, and that the same be read a second time this day.

Forty-fourth rule dispensed with.

The bill, entitled, "An Act granting a further sum of money, for the purpose of completing the Macadamized Road between the Town of Kingston, and the Village of Napanee, in the Midland District," was read; and it was,

Kingston and Napanee road further grant bill, read first time.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards this bill, and that the same be read a second time presently.

Forty-fourth rule dispensed with.

The said bill was then read a second time accordingly; and it was,

The bill read second time;

Ordered, that the same be referred to the Select Committee upon the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road from the Village of Dundas to the Township of Waterloo, in the Gore District," to report thereon.

And referred to the Select Committee upon Dundas and Waterloo road grant bill.

The bill, entitled, "An Act to provide for the payment of certain sums in support of the Civil Government of this Province"; also the bill, entitled, "An Act to indemnify from loss sufferers in Property by the late unnatural Rebellion and Invasions of this Province, and to provide for the payment of all just claims and demands in consequence thereof"; and also the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty, entitled, 'An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, 'An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts in this Province,'" were severally read; and it was,

Civil List bill;

Rebellion losses indemnity bill;

And road law provision extension bill, read first time.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards these bills, and that the same be read a second time this day.

Forty-fourth rule dispensed with.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following terms:

An Address to His Excellency, praying him to transmit the Joint Addresses to the Queen, on the subject of the Post Office Department, and respecting the negotiation of a loan in Great Britain, ordered.

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and Commons House of Assembly, have agreed to two several Addresses to Her Majesty, on the subject of the Post Office Department, and respecting the negotiation of a loan in Great Britain, which we respectfully pray your Excellency will be pleased to transmit to Her Majesty's Principal Secretary of State for the Colonies, in order that they may be laid at the foot of the Throne.

The Address.

Ordered, that the foregoing Address be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House; and,

Sent to the Assembly for concurrence.

Ordered, that a Committee be appointed on the part of this House, to meet a Committee of the Commons House of Assembly, to-morrow, at the hour of twelve of the clock, at noon, for the purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses, with their last-mentioned Address; and,

A Committee appointed to meet a Committee of the Assembly, to know when His Excellency would receive the two Houses with the same.

Ordered, that the Honourable Messieurs Burnham and Baldwin, do compose the same on the part of this House, for that purpose; and,

Members composing the Committee on the part of this House;

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Burnham and Baldwin, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of twelve of the clock at noon, for the purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses with their last-mentioned Address.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled "An Act to authorise the purchase of the Private Stock in the Welland Canal, on the part of this Province, and for other purposes therein-mentioned."

Welland Canal private stock bill, committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Reported.

Tuesday, 7th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

- Adopted. Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time, to-morrow.
- Contingency covering bill, committed. Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly, during the last session, for the contingent expenses of the Legislature of this Province."
The Honourable Mr. John Simcoe Macaulay took the Chair.
After some time the House resumed.
- Reported; The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time, to-morrow.
- Toronto Hospital grant bill, read second time. Pursuant to order, the bill, entitled "An Act granting a sum of money for the maintenance and support of the General Hospital of the City of Toronto," was read a second time; and it was,
Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
- Committed. The House was then put into a Committee of the whole accordingly.
The Honourable Mr. Allan took the Chair.
After some time the House resumed.
- Reported; The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.
- Adopted. Ordered, that the report be received; and,
Ordered, that the last-mentioned bill be read a third time, to-morrow.
- Rebellion losses indemnity bill, read second time. Pursuant to order, the bill, entitled "An Act to indemnify from loss, sufferers in property, by the late unnatural Rebellion, and Invasions of this Province, and to provide for the payment of all just claims and demands in consequence thereof," was read a second time; and it was,
Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
- Committed. The House was then put into a Committee of the whole accordingly.
The Honourable Mr. John Simcoe Macaulay took the Chair.
After some time the House resumed.
- Amendment reported. The Chairman reported that the Committee had gone through the last-mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House.
Ordered, that the report be received; and,
The said amendments were then read by the Clerk, as follows:
- Read first time. The said amendments were then read by the Clerk, as follows:
- The amendments. Press 3, line 4.—After "Commissioners" expunge to "whose" in line 6.
" " " 9.—After "thereof" insert "and in respect of any loss, destruction, or damage of property, occasioned by violence on the part of Brigands or Pirates, on the waters of the Lakes or Rivers dividing this Province from the Territories of the United States".
" 4, " 15.—Expunge "County" and insert "District"
" " " 22.—Expunge "County" and insert "District"
" 7, " 15.—Expunge "several" and insert "said"
" " " 15.—After "Commissioners" expunge "for each County"
" " " 19.—After "of" expunge "their" and insert "the"
" 8, " 11.—Expunge "County" and insert "District"
" 9, " 2.—After "direct" insert "Provided always, that any claims arising under this Act, may be paid whenever the same shall be practicable, in the whole or in part, in any Debentures or public Bills of Credit, which shall or may hereafter be issued, in aid of the public service; and such Debentures or Bills of Credit shall be a legal tender for the whole or in part of any such claims.
- Read second time, and adopted. The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,
Ordered, that the same be engrossed, and the said bill, as amended, read a third time to-morrow.

Tuesday, 7th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Pursuant to order, the bill, entitled, "An Act to provide for the further support of the Provincial Penitentiary," was read a second time; and it was, Penitentiary provision bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Sullivan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, to-morrow.

Pursuant to order, the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty, entitled, 'An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, 'An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts of this Province,'" was read a second time; and it was, Road law provision extension bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, to-morrow.

Pursuant to order, the bill, entitled, "An Act to provide for the payment of certain sums, in support of the Civil Government of the Province," was read a second time; and it was, Civil List bill, read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

On motion made and seconded, it was,

Ordered, that the forty-eighth Rule of this House be dispensed with, so far as it regards reading the petition of Walter O'Hara, praying that the Militia Law of this Province may be amended; and, Forty-eighth rule dispensed with;

Ordered, that the said petition be read presently.

The same was then read accordingly.

The Honourable Mr. John McDonald, from the Select Committee to whom was referred the bill, entitled, "An Act to afford relief to Robert Brown, Esquire," presented their report. And the petition of Walter O'Hara, read. Report of the Select Committee upon Brown's relief bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows: Read.

The Select Committee, to whom was referred a bill, entitled, "An Act to afford relief to Robert Brown, Esquire," beg leave to report:

That having enquired into the circumstances of Mr. Robert Brown's case, they find that without the passage of a law, similar to the bill on which they have been ordered to report, the per centage to which he would be entitled, on payment of the balance due to the public by him, could not be allowed; and that, under like circumstances, similar enactments have heretofore been passed; they recommend, therefore, that the bill in question be favourably entertained by your Honourable House. The report.

JOHN McDONALD,
CHAIRMAN.

Committee Room,
7th May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Adamson gave notice that he would, on to-morrow, move for leave to bring in a Bill to amend the Militia Law of this Province. Notice of moving for leave to bring in Militia law amendment bill.

On motion made and seconded, the House adjourned until to-morrow, at the hour of eleven of the clock, A. M. House adjourns.

Wednesday, 8th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

WEDNESDAY, 8th MAY, 1839.

House meets. The House met pursuant to adjournment.

PRESENT:

Members present.	<i>The Honourable</i> JONAS JONES, SPEAKER.	<i>The Honourable Messrs.</i> BALDWIN,
	<i>The Honourable Messrs.</i> CROOKSHANK,	" " ADAMSON,
	" " ALEXANDER McDONELL,	" " JOHN MACAULAY.
	" " BURNHAM,	

Prayers were read.

The Minutes of yesterday were read.

Welland Canal private stock bill, read third time, but not passed.

Pursuant to the order of the day, the bill, entitled "An Act to authorise the purchase of the private stock in the Welland Canal, on the part of this Province, and for other purposes therein-mentioned," was read a third time; and it was,

Ordered, that this bill do not now pass, but that the same be again referred to a Committee of the whole House, to-morrow.

A Member enters.

The Honourable and Venerable the Archdeacon of York, enters.

Contingency covering bill;

Pursuant to the order of the day, the bill, entitled, "An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly during the last Session, for the Contingent expenses of the Legislature of this Province"; and also the bill, entitled, "An Act granting a sum of money for the maintenance and support of the General Hospital, of the City of Toronto," were severally read a third time, and passed:

And Toronto Hospital grant bill, read third time, and passed.

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

A Member enters.

The Honourable Mr. John McDonald, enters.

Rebellion losses in indemnity bill, (as amended,) read third time, and passed.

Pursuant to the order of the day, the bill, entitled, "An Act to indemnify from loss, sufferers in property by the late unnatural Rebellion, and Invasions of this Province, and to provide for the payment of all just claims and demands in consequence thereof," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Amendments signed;

Whereupon the Speaker signed the amendments; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Penitentiary provision bill;

And road law provision extension bill, read third time, and passed.

Pursuant to the order of the day, the bill, entitled, "An Act to provide for the further support of the Provincial Penitentiary"; and also the bill, entitled, "An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty, entitled, 'An Act to alter and amend an Act passed during the last session of the Legislature, entitled, 'An Act granting to His Majesty a sum of money, for the improvement of the Roads and Bridges in the several Districts of this Province,'" were severally read a third time, and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Militia law repeal bill, brought up from the Assembly.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," to which they requested the concurrence of this House; and they returned the bill, entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Bayfield Harbour"; and also the bill, entitled, "An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council, in and to the same, and then withdrew.

Amendments to Bayfield Harbour Company's Incorporation bill; And to Gold and Silver Coins value regulation bill, acceded to by that House.

Militia law repeal bill, read first time.

The bill, entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," was read; and it was,

Wednesday, 8th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Ordered, that the forty-fourth Rule of this House be dispensed with, so far as it regards the last-mentioned bill, and that the same be read a second time, presently.

Forty-fourth rule dispensed with.

The said bill was then read a second time accordingly; and it was,

The bill read second time;

Ordered, that it be referred to a Select Committee, to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honourable Messieurs Baldwin, Adamson and Crooks, do compose the same for that purpose.

Members composing same.

Ordered, that the petition of Walter O'Hara, praying that the Militia Law of this Province may be amended, be referred to the last-mentioned Committee.

Petition of Walter O'Hara, referred to the same Committee.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to afford relief to Robert Brown, Esquire."

Brown's relief bill, committed.

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time, presently.

The same was then read a third time accordingly, and passed:

Read third time, and passed.

Whereupon the Speaker signed the said bill; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly acquainted thereof.

The Honourable Mr. Allan, from the Select Committee appointed to examine and report upon the Contingent Accounts of this House, for the present Session, presented their report, together with certain resolutions.

Report of the Select Committee upon the Contingent Accounts, presented.

Ordered, that the said report and resolutions be received; and,

The same were then read by the Clerk, as follows:

Read.

The Select Committee, appointed to examine and report on the Contingencies of the present Session, beg leave to inform your Honourable House, that among the accounts brought forward, there was one dated in 1835: your Committee recommend, that the Officers of the House should be informed, that if such delay in bringing forward an account again occur, it will be charged against the person by whom the expenditure shall have been authorised. Some irregularity seems to have prevailed, in consequence of subordinate Officers of your Honourable House having taken on themselves the authority of ordering articles for the use of the House. Your Committee are of opinion, that no expenditure should be incurred, without the direct sanction of the Clerk, or Gentleman Usher of the Black Rod—each in his particular department; and that those Officers should certify to the accuracy of each account brought into their respective schedules.

The Report.

Your Committee have learned, that the senior Clerk has, during the recess, been occupied elsewhere than in the Office of the Clerk of your Honourable House. The allowance of a yearly salary to that Officer, was made under the impression that he would daily attend during the recess, at his post, in your Clerk's Office; your Committee recommend, therefore, that if the senior Clerk shall accept of other situations during the recess, a deduction for the period during which he may be absent, with permission of your Clerk, should be made from his salary. Your Committee have observed, during the Session, that the Messengers of your Honourable House are not clothed in the respectable manner which their liberal allowances would seem to require; they recommend, therefore, that at least one of the Messengers should be required to appear decently dressed, whose duty it would be to bring in all Messages during the time your Honourable House is in Session.

The charges for printing papers for your Honourable House, appear to your Committee to be generally high. Your Committee cannot close their report, therefore, without calling the attention of your Honourable House to this subject.

The sum of £100 excess of grant, over contingencies of last session, appears to your Committee to have been divided between the late Clerk and Gentleman Usher of the Black Rod;—by what authority, your Committee have been unable to discover.

Wednesday, 8th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

The amount of contingent expenses of the present session, are—

The Clerk's Account,.....	£1,407	11	2
The Gentleman Usher's,	311	4	11
	<hr/>		
	£1,718	16	1
	<hr/>		

W. ALLAN,
CHAIRMAN.

Committee Room,
8th May, 1839.

Certain resolutions
submitted by the same
Committee.

The resolutions.

Resolutions submitted by the Select Committee on the Contingent Accounts of the Honourable the Legislative Council:

Resolved—That the sum of fifty pounds be paid to the Gentleman Usher of the Black Rod, for the present session, in addition to the salary allowed by special enactment.

Resolved—That twelve pounds ten shillings be granted to the Senior Messenger, of the Legislative Council, as a compensation for his services during the summer session of 1837.

Resolved—That the sum of fifty pounds be paid to the Reverend Chaplain of this House, for the present session, in addition to the salary allowed by special enactment.

Resolved—That the Journals of the House be printed, and that one hundred pounds be allowed to the Clerk thereof, for his trouble in superintending the same; and that he be directed to send to the Clerk of the Assembly, a copy for each Member of that House.

Resolved—That one hundred pounds be paid to the Clerk of the Legislative Council, for the present Session, in addition to the salary allowed by special enactment.

Resolved—That the Master in Chancery be allowed fifty pounds, for the present Session, in addition to the salary allowed by special enactment.

Resolved—That the Door-keeper be allowed the sum of forty pounds, for the present Session, in addition to the salary allowed by special enactment.

Resolved—That no Clerks employed in the Clerk's Office, shall be considered as permanently engaged, excepting the senior Clerk: the Clerk of this House being, however, hereby authorised to employ a junior Clerk, and extra Clerks, when the press of business shall require such assistance.

Resolved—That not more than fifteen shillings per diem shall be allowed to the junior Clerk, during the Session, or more than ten shillings per day to the junior Clerk, during the recess, and to the other Clerks, while employed in the Office of the Clerk.

Resolved—That out of the extra sum allowed to the Clerk, the sum of £57 8s. 10d. or so much thereof as shall be due and payable to the representatives of the late Clerk, be retained by Mr. Joseph, and appropriated towards the contingent expenses of the Legislative Council.

On motion made and seconded, it was,

Ordered, that the foregoing report and resolutions be adopted.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to impose a temporary tax on certain roads in the Counties of Haldimand and Norfolk, for a limited period," presented their report.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

The Select Committee, to whom was referred the bill, entitled, "An Act to impose a temporary tax on certain roads in the Counties of Haldimand and Norfolk, for a limited period," beg leave to report:

That the said bill has for its object to impose a tax on all unsettled lots of land on certain lines of road therein-mentioned, "whether belonging to Corporate bodies or to individuals, or to the Canada Company, or being Clergy Reserves, or land vested in Her Majesty, or what are known as Indian Lands."

That the ratio of taxation (if unpaid) is to be increased from ten shillings the first year to thirty-two and six-pence the tenth year; but by the fifth clause it is enacted, that so much as may be necessary of each lot to defray arrears of tax, shall be sold at Dunnville, on the first day of January, in the years eighteen hundred and forty-two, eighteen hundred and forty-five, and eighteen hundred and forty-eight.

The report and
resolution adopted.

Report of the Select
Committee upon
Haldimand and Norfolk
road tax bill, presented.

Read.

The report.

Wednesday, 8th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Your Committee are at a loss to comprehend how such sales being effected, any accumulation of taxes for ten years could accrue.

Your Committee are of opinion, that common justice requires, that all unsettled lands in the Province should, as regards taxation, be placed on the same footing.

All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
8th May, 1839.

On motion made and seconded, it was,

Ordered, that the Message of His Excellency the Lieutenant Governor, on the subject of the Civil and Provincial Secretary, be referred to a Committee of the whole House presently, upon the bill, entitled, "An Act to provide for the payment of certain sums in support of the Civil Government of the Province."

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill last-mentioned, together with the said Message of His Excellency the Lieutenant Governor.

The Honourable Mr. John Simcoe Macaulay, took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

A Deputation from the Commons House of Assembly brought up some bills, to which they requested the concurrence of this House; and they returned the bill sent down from this House, entitled, "An Act to amend the law, enabling Married Women to convey their real estates within this Province," and acquainted this House that the Commons House of Assembly had made an amendment in and to the same, to which they requested the concurrence of the Legislative Council. The same Deputation brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew:

MR. SPEAKER:

The Commons House of Assembly do concur in the Addresses sent down from the Honourable the Legislative Council, to His Excellency the Lieutenant Governor, requesting His Excellency to transmit the several Joint Addresses to Her Majesty, agreed upon by both Houses; and have appointed Messieurs Rykert, Bockus, Wickens and Shade, a Committee on the part of this House, who will be ready to meet a Committee on the part of the Honourable the Legislative Council, to wait upon His Excellency, to know when he will be pleased to receive the two Houses with the same.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Eighth day of May, 1839.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the payment of certain sums, in support of the Civil Government of the Province," together with the Message of His Excellency the Lieutenant Governor, on the subject of the Civil and Provincial Secretary.

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said bill and message into consideration, had made some progress therein, and had agreed to a certain Resolution, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

The said resolution was then read by the Clerk, as follows:

Resolved—That a Conference be requested with the Assembly, on the subject of the Supply bill sent up to this House, and that the Committee of Conference be instructed to represent to the Committee on the part of the House of Assembly, the following objections, which appear to this House to exist to the passage of the bill in its present shape:

FIRST—*In the estimate for Government Office, and in that for Secretary and Registrar:*

It appears by a Message now before this House, from His Excellency the Lieutenant Governor, that His Excellency contemplates such an alteration in the respective duties of the

Civil List bill, and the Message of His Excellency on the subject of the Civil and Provincial Secretary, committed.

Bills brought up from the Assembly;

And married women's real estate bill, amended by that House.

Message from the Assembly;

Concurring in the Addresses to the Lieutenant Governor, requesting His Excellency to transmit certain Joint Addresses to Her Majesty, and appointing a Committee of the Council, to know when the two Houses would be received with same.

Civil List bill, and the Message of His Excellency on the subject of the Civil and Provincial Secretary, re-committed.

A resolution reported.

Read first time.

The resolution.

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Office of Civil and Provincial Secretary, as will render both more efficient for the dispatch of public business.

The Legislative Council, in anticipation of some such change, or at least of the discussion of the measure, object to a vote of supply, which takes away the salary of one of the Officers, and gives him a sum of £600 only, out of his fees—the duties remaining as at present; or if altered, upon a new appointment—the fees appearing necessary to carry into effect the proposed arrangement.

Executive Council Office.

The Legislative Council object to the reduction of one of the Clerks of the Executive Council, which they think cannot fail to be injurious to the public service, in a Department, the business of which is necessarily increasing.

Surveyor General's Office.

Pending the negotiation with the Provincial Legislature, for the surrender of the Casual and Territorial Revenue, the Legislative Council object to the making an additional charge upon that fund, which has heretofore been borne out of the general revenue.

Estimate for the Arrest, Trial, &c. of State Prisoners.

The Legislative Council object, that a service which has hitherto been found so imperatively necessary, should be left altogether unprovided for.

Advances on the same account from the Crown Fund.

The Legislative Council object that advances made by the Government in expectation of their recognition by the Assembly, should be omitted in the Supply. This omission appears not only to embarrass the Government as to the advances already made, but renders it impossible for it to discharge the sums yet remaining due, or to carry on the public service in this important branch, should occasion therefor unhappily arise during the present year.

Secret Services.

The Legislative Council object, that these services have not been provided for, as the Government must thereby be considered as left altogether powerless for the future, should a necessity arise such as the occurrences of the past year have exhibited, for the exercise of the vigilance of the Executive Government, or the discovery of the treasonable designs of the enemy.

The Committee are further instructed, to express the hopes of the Legislative Council, that a Supply Bill may be sent up from the Assembly, with such modifications as will remove the objections suggested on the part of the Legislative Council, or such of them as may appear upon a consideration of the subject, to be of sufficient weight to make an alteration in the Supply to be granted, desirable.

The said resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered, that a conference be requested with the Commons House of Assembly, on the subject matter of the last-mentioned bill; and,

Ordered, that the Honourable Messieurs Crooks and John Simcoe Macaulay, be appointed the Conferrees on the part of this House for that purpose; and,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council request a conference with the Commons House of Assembly, on the subject matter of the bill sent up to this House, entitled "An Act to provide for the payment of certain sums in support of the Civil Government of the Province" and have appointed the Honourable Messieurs Crooks and John Simcoe Macaulay, to be the Conferrees on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of ten of the clock, A. M. in the Committee Room of the Legislative Council, for that purpose.

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly, had brought up a bill, entitled, "An Act granting a sum of money, to improve and keep in repair the Kettle Creek Harbour, at Port Stanley"; and also a bill, entitled "An Act to alter and amend an Act, passed in the sixth year of the reign of His late Majesty, King William the Fourth, entitled 'An Act to incorporate sundry persons, under the

Read second time, and adopted.

A Conference ordered.

Conferrees appointed;

And the Assembly acquainted thereof.

Speaker reports the receipt of Kettle Creek Harbour grant bill;

And Gore Bank law alteration bill, from the Assembly.

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style and title of the President, Directors and Company, of the Gore Bank," to which they requested the concurrence of this House.

The said bills were then severally read; and it was,

Read first time.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the same, and that the said bills be read a second time, this day.

Forty-fourth rule dispensed with.

The amendment made by the Commons House of Assembly, in and to the bill sent down from this House, entitled "An Act to amend the law enabling Married Women to convey their real estate within this Province," was then read as follows:

Amendment of the Assembly to married women's real estate bill, read first time.

Amendment made by the Commons House of Assembly in and to the bill sent down from the Honourable the Legislative Council, entitled "An Act to amend the law enabling Married Women to convey their Real Estates within this Province."

The amendment.

Add to the bill—"And whereas it is expedient to provide greater facilities for barring dower:

Be it therefore further enacted by the authority aforesaid, that from and after the passing of this Act, whenever any married woman shall join with her husband, in any deed of conveyance whatever, (wherein a release of dower is contained) it shall not be necessary to acknowledge the same before any Court, Judge, or Justice of the Peace, but such execution shall be deemed a valid and effectual bar of dower, of and in the premises mentioned and described in such deed or conveyance, any law, usage or custom, to the contrary thereof in anywise, notwithstanding.

"And whereas it is necessary, by Legislative provision, to legalize the bar of dower in certain deeds and conveyances, where the wife has not been a party to such deed or conveyance, but has acknowledged the same before some competent authority: Be it therefore further enacted by the authority aforesaid, that all acknowledgments which have been taken before any competent authority, shall be taken and deemed to be a valid and effectual bar of dower, to all intents and purposes whatever, although the said wife shall not have joined in the execution of such deed or conveyance, or shall not have acknowledged the same on the day of the execution of such deed or conveyance."

On motion made and seconded, it was,

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the foregoing amendment, and that the same be read a second time, this day.

Forty-fourth rule dispensed with.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act granting a further sum of money for the purpose of completing the Macadamized road between the Town of Kingston and the Village of Napanee, in the Midland District," presented their report.

Report of the Select Committee upon Kingston and Napanee road further grant bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk as follows:

Read.

The Select Committee, to whom was referred the bill, entitled, "An Act granting a further sum of money for the purpose of completing the Macadamized road between the Town of Kingston and the Village of Napanee, in the Midland District," beg leave to report:

The report.

That they have gone through the said bill, and recommend the adoption of the same, with the amendment appended to this their report, by your Honourable House.

All which is respectfully submitted.

JA'S. CROOKS,

CHAIRMAN.

Committee Room, Legislative Council,

8th May, 1839.

Press 1, line 16—After the word "General" insert "by and with the advice of the Lieutenant Governor in Council"

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, this day.

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Report of the Select
Committee upon
Newcastle Inland
Navigation bill,
presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to make further provision for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to make further provision for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle," beg leave to report:

That they have taken the said bill into consideration, and recommend the same for the adoption of your Honourable House, without any amendment.

All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
8th May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, this day.

Report of the Select
Committee upon
Amherstburgh road bill,
presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing bridges thereon," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing Bridges thereon," beg leave to report:

That they have examined the several clauses of the said bill, and recommend the same, without amendment, for the adoption of your Honourable House.

All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
7th May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

Report of the Select
Committee upon
Debentures negotiation
facility bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to afford further facilities to negotiate Debentures, for the completion of certain works," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to afford further facilities to negotiate Debentures, for the completion of certain works," beg leave to report:

That the object of the bill seems solely to be to authorise certain Debentures, already provided by certain Acts of the Parliament of this Province, to be issued, to be sold in England for the best price that can be obtained for the same. The Debentures authorised to be issued by the Act of last Session, for the completion of the Saint Lawrence Canal, are made payable in London, but limited to be sold at par, and bearing an interest of five per centum. By the latest accounts from England, the Debentures of this Province were only worth ninety-two pounds per centum—consequently, it is impossible to realize their par value; your Committee, therefore, submit to your Honourable House the consideration, whether it will be better to dispose of the Debentures of this Province, at the market price, in England, or discontinue the works, for the advancement of which they were authorised to be issued.

The Debentures for the other works enumerated in the bill, were limited to be sold in this Province, at the lawful rate of interest; but a small proportion of them have been sold—and

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the bill submitted to them proposes, that they also should be sold in England at the best price that can be got for them.

Your Committee are, however, of opinion, that the Debentures proposed to be issued under the provisions of this bill, should not be so issued unless with the sanction of the Executive Government of this Province, to which effect they have prepared an amendment, which they beg leave to append to this report.

All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
7th May, 1839.

Press 1, line 9.—After the word "General" insert "by and with the advice of the Lieutenant Governor of this Province, in Council,

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act granting a sum of money to erect a Bridge over the River Ottawa, at Bytown," presented their report.

Report of the Select Committee upon Bytown Bridge grant bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee, to whom was referred the bill, entitled, "An Act granting a sum of money to erect a Bridge over the River Ottawa, at Bytown," respectfully report—

The report.

That they have examined the several provisions of the said bill, and recommend it, without any amendment, for the adoption of your Honourable House.

All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
7th May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled "An Act to authorise the issuing of Bills of Credit," presented their report.

Report of the Select Committee upon Bills of Credit issue bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee, to whom was referred a bill, entitled, "An Act to authorise the issue of Bills of Credit," beg leave to report:

The report.

That the object of this bill is to enable the Lieutenant Governor in Council, to authorise the Receiver General to issue notes of small amount, bearing interest, to an amount much greater than appears necessary. Your Committee are of opinion, that the practice of issuing Bills of Credit, where they are not strictly a simple anticipation of the revenue, ought not, as a general rule, to be countenanced; but in the present embarrassed state of the Provincial Finances, your Committee refrain from pressing their views more strongly on your Honourable House, trusting that the necessity for adopting the course proposed may not be of long duration.

All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
7th May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

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FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Report of the Select Committee upon Hamilton and Brantford road further grant bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled "An Act granting a further sum, by way of loan, to complete the Hamilton and Brantford road, and for other purposes therein-mentioned," presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act granting a further sum, by way of loan, to complete the Hamilton and Brantford road, and for other purposes therein-mentioned," beg leave to report—

That they have examined into the several provisions of the said bill, and recommend the same for the adoption of your Honourable House, with an amendment hereto subjoined.

All which is respectfully submitted.

JA'S. CROOKS,

CHAIRMAN.

Committee Room, Legislative Council,

7th May, 1839.

Press 1, line 16—After "General" insert "by and with the advice and consent of the Lieutenant Governor in Council."

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

Report of the Select Committee upon Clerk of the Crown's salary bill, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to make certain regulations in regard to the fees of the Office of Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General," together with the petition of Charles Coxwell Small, Clerk of the Crown and Pleas, praying against the passing of the said bill, presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

The Select Committee, to whom was referred the bill, entitled, "An Act to make certain regulations in regard to the fees of the Office of Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General," beg leave to report.

That they have taken the said bill into consideration, and find that the—

1st clause of the bill requires the Clerk of the Crown, and his Deputies, to render an account on oath of all monies received by them, on or before the last day of each term, to the Inspector General, and pay the amount of all fees received up to the first day of such term to the Receiver General of this Province, for the general uses thereof, after paying certain salaries enumerated in a schedule appended to said bill, and marked B.

2nd clause refers to a schedule of fees hereafter to be taken by the said Clerk and his Deputies, also appended to said bill, and marked A.

3rd clause limits the salaries of the Clerk of the Crown and his Deputies to sums mentioned in schedule B, and provides, that in case of a new appointment of Clerk of the Crown his salary shall be £600.

4th clause limits the fees to be taken by the Clerk of the Crown, and his Deputies, to those contained in schedule A, which schedule is required to be exhibited in each of their offices, for the information of the public.

5th clause authorises the Lieutenant Governor to appoint the Deputy Clerks of the Crown under the Great Seal of the Province, and provides, that they shall act as Clerks of Assize, in their respective Districts, after the first day of August next.

6th clause gives authority to the Lieutenant Governor, to issue Warrants half-yearly, for the payment of the salaries granted under the bill, unless the party claiming the same shall neglect to make the returns, and pay over the money, as required under the provisions contained in it.

7th clause refers to certain fees enumerated in schedule C, to be taken by the Secretary of the Province, and also to fees enumerated in schedule D, to be taken by the Surveyor General—and to be by those Officers collected and paid over to the Receiver General, half-yearly, within ten days after each period, except the fees on the Great Seal, which shall be placed to the credit of a fund, of which they have heretofore formed a part, for the public uses

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of the Province, and an account rendered thereof to the Inspector General, upon oath, every six months.

8th clause provides, that the hours in which the Crown Office shall be kept open, shall be from ten in the morning, to four in the afternoon, in vacation, and till eight in the evening, in Term time.

9th clause—By this clause of the bill it is provided, that when the fees of any deputy Clerk of the Crown shall exceed twenty-five pounds per annum, and his salary is limited to that sum, he shall then and in that case receive twenty-five pounds per annum additional.

10th clause—That nothing in the bill shall be construed to interfere with the practice of the Court of King's Bench, or authorise the Clerk of the Crown to receive any part of the fees attached to that office for business done in term time, or in vacation.

11th clause limits the duration of the Act (should it become a law) to four years, and thence to the end of the next ensuing Session of Parliament.

Your Committee refrain from giving any opinion on the merits of the bill, and submit, for the consideration of your Honourable House, some amendments in the wording of it, which seem necessary should the same become a law :

Press 1, line 12—After the word "fees" expunge "authorised to be" and insert "by him"

which they relate"

" 2, " 3—After the word "officers" expunge "comprised in this Act" and insert "to All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
8th May, 1839.

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, to-morrow.

On motion made and seconded, it was,

Ordered, that the bill, entitled "An Act granting one thousand pounds for opening and improving a road from London, in the London District, to the River Saint Clair, in the Western District"; and also the bill, entitled "An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Original," be restored to the order of the day: and,

London road grant bill;

And Cornwall and L'Original road grant bill, restored to the order day.

Ordered, that the House be again put into Committees of the whole, to-morrow, to take same into further consideration.

Pursuant to order, the amendment made by the Commons House of Assembly in and to the bill sent down from this House, entitled: "An Act to amend the law enabling Married Women to convey their real estates within this Province," was read a second time; and it was

Amendment of the Assembly to married women's real estate bill, read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Pursuant to order, the bill entitled "An Act to alter and amend an Act passed in the sixth year of the reign of His late Majesty, King William the Fourth, entitled 'An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank"; and also the bill, entitled, "An Act granting a sum of money, to improve and keep in repair the Kettle Creek Harbour, at Port Stanley," were severally read a second time; and it was,

Gore Bank law alteration bill;

And Kettle Creek Harbour grant bill, read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

On motion made and seconded, it was,

Ordered that an Address be presented to His Excellency the Lieutenant Governor, in the following terms:

An Address to the Lieutenant Governor, requesting His Excellency to transmit the Address to the Queen, on the subject of losses occasioned by the incursions of Brigands, ordered.

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To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Address.

The Legislative Council have agreed to an humble Address to Her Majesty, on the subject of losses occasioned by the incursions of certain Brigands from the United States of America, which they humbly pray your Excellency will be pleased to transmit to Her Majesty's Principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

On motion made and seconded, it was,

A Committee appointed to know when the House would be received with same.

Ordered, that a Select Committee be appointed, to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive this House with their foregoing Address; and,

Members composing it.

Ordered, that the Honourable Messrs. Crooks, and John Simcoe Macaulay, do compose the same for that purpose.

Kingston and Napanee road further grant bill, committed.

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a further sum of money, for the purpose of completing the Macadamized Road between the town of Kingston and the village of Napanee, in the Midland District," together with the report of the Select Committee thereon.

The Honourable Mr. John Macaulay took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported that the Committee had gone through the said bill, and had made amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendment was then read by the Clerk, as follows:

The amendment.

Press 1, line 16—After "General" insert "by and with the consent of the Lieutenant Governor in Council"

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was

Ordered, that the same be engrossed, and the said bill, as amended, read a third time, to-morrow.

Newcastle Inland Navigation bill, committed.

Pursuant to order, the House was put into a Committee of the whole upon the bill, entitled, "An Act to make further provision for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the ast-mentioned bill be read a third time, to-morrow.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A. M.

THURSDAY, 9th MAY, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. JOHN MACAULAY,

The Honourable Messrs. CROOKSHANK,

" " FERGUSSON,

" " ALLAN,

" " JOHN SIMCOE MACAULAY,

" " BURNHAM,

" " JOHN McDONALD.

" " BALDWIN,

Prayers were read.

The Minutes of yesterday were read.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable the Speaker reported to the House, that he had received a further communication from the Government Office, announcing the intention of His Excellency the Lieutenant-Governor to prorogue the present Session of the Provincial Legislature, on Saturday next, the eleventh instant, at the hour of one of the clock, P.M.

Speaker reports the receipt of a further communication from the Government Office, on the subject of the prorogation.

Pursuant to the order of the day, the bill, entitled, "An Act granting a sum of money to complete the construction of a Macadamized road from the Village of Dundas to the Township of Waterloo, in the Gore District," was, as amended, read a third time; and it was,

Dundas and Waterloo road grant bill, (as amended,) read third time, but not passed.

Ordered, that this bill do not now pass, but that the same be further amended, as follows:

Press 1, line 2—After "nine" insert "entitled an Act to authorise the construction of a Macadamized road from Dundas to Waterloo, in the Gore District."

The bill further amended.

The Honourable Mr. Alexander McDonell, enters.

A Member enters.

On motion made and seconded, it was,

Ordered, that the last-mentioned amendment be engrossed, and the said bill, as further amended, read a third time, presently.

The same was then read a third time accordingly.

The latter bill, (as amended,) read third time, and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

The Honourable Messieurs Crooks and Sullivan, enter.

Members enter.

Pursuant to the order of the day, the bill, entitled, "An Act granting a further sum of money, for the purpose of completing the Macadamized Road between the Town of Kingston, and the Village of Napanee, in the Midland District," was, as amended, read a third time; and,

Kingston and Napanee road further grant bill, (as amended,) read third time, and passed.

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendment; and it was,

Amendment signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.

And sent to the Assembly for concurrence.

The Honourable Mr. Adamson, enters.

A Member enters.

Pursuant to the order of the day, the bill, entitled, "An Act to make further provision for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle," was read a third time, and passed:

Newcastle Inland Navigation bill, read third time, and passed.

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly acquiesced thereof.

Ordered, that the Honourable Mr. Adamson's motion, for leave to bring in a bill to amend the Militia Law of this Province, be discharged from the orders of the day.

Motion for leave to bring in Militia law amendment bill, discharged from the order of the day.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled "An Act to authorise the purchase of the Private Stock in the Welland Canal, on the part of this Province, and for other purposes therein-mentioned."

Welland Canal private stock bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

A message being announced, the Chairman left the Chair, and the House formed.

Deputations from the Commons House of Assembly brought up several bills, to which they requested the concurrence of this House; and they brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew:

Bills brought up from the Assembly.

Message from the Assembly, transmitting for concurrence an Address to Her Majesty, in reference to Captain Drew.

MR. SPEAKER:

The Commons House of Assembly have passed the accompanying Address to Her Majesty, praying Her Majesty to confer upon Captain Drew a mark of Her Royal Favour, and request the concurrence of the Honourable the Legislative Council therein.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
Eighth day of May, 1839.

Thursday, 9th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

Mr. SPEAKER:

Message from the Assembly, acceding to a Conference upon Civil List bill.

The Commons House of Assembly accede to the request of the Honourable the Legislative Council, for a Conference on the subject matter of the bill sent up from this House, entitled, "An Act to provide for the payment of certain sums in support of the Civil Government of the Province," and have appointed a Committee of four of their Members, who will be ready to meet the Conferrees on the part of the Honourable the Legislative Council, at the time and place appointed.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
Eighth day of May, 1839.

Welland Canal private stock bill, re-committed.

The House was then again put into a Committee of the whole, upon the bill, entitled "An Act to authorise the purchase of the private stock in the Welland Canal, on the part of this Province, and for other purposes therein-mentioned."

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Reported;

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, presently.

Read third time, and passed.

The said bill was then read a third time accordingly, and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

On motion made and seconded, it was,

Instructions to the Conference, on the part of the House, upon Civil List bill, ordered.

Ordered, that the Committee of Conference on the part of this House, on the subject-matter of the bill, entitled, "An Act to provide for the payment of certain sums, in support of the Civil Government of the Province," be instructed to represent to the Committee on the part of the House of Assembly the following objections, which appear to the Legislative Council to exist to the passage of the bill in its present shape:

In the Estimate for Government Office, and in that for Secretary and Registrar:

It appears by a message, now before this House, from His Excellency the Lieutenant Governor, that His Excellency contemplates such an alteration in the respective duties of the Office of Civil and Provincial Secretary, as will render both more efficient for the dispatch of public business.

The Legislative Council, in anticipation of some such change, or at least of the discussion of the measure, object to a vote of supply which takes away the salary of one of the Officers, and gives him a sum of £600 only, out of his fees—the duties remaining, as at present; or if altered, upon a new appointment—the fees appearing necessary to carry into effect the proposed arrangement.

Executive Council Office.

The Legislative Council object to the reduction of one of the Clerks of the Executive Council, which they think cannot fail to be injurious to the public service, in a Department the business of which is necessarily increasing.

Surveyor General's Office.

Pending the negotiation with the Provincial Legislature, for the surrender of the Casual and Territorial Revenue, the Legislative Council object to the making an additional charge upon that fund, which has heretofore been borne out of the general revenue.

Estimate for the Arrest, Trial, &c. of State Prisoners.

The Legislative Council object, that a service which has hitherto been found so imperatively necessary, should be left altogether unprovided for.

Advances from the Crown Fund on the same account.

The Legislative Council object that advances made by the Government, in expectation of their recognition by the Assembly, should be omitted in the Supply. This omission appears

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

not only to embarrass the Government as to the advances already made, but renders it impossible for it to discharge the sums yet remaining due, or to carry on the public service in this important branch, should occasion therefor unhappily arise during the present year.

Secret Services.

The Legislative Council object, that these services have not been provided for, as the Government must thereby be considered as left altogether powerless for the future, should a necessity arise such as the occurrences of the past year have exhibited, for the exercise of the vigilance of the Executive Government, in the discovery of the treasonable designs of the enemy.

The Address of the Commons House of Assembly to Her Majesty, transmitted this day by Message, was then read, as follows :

Address of the Assembly to Her Majesty, in reference to Captain Drew, read first time.

(For the Address, see Appendix DD.)

The Address.

On motion made and seconded, it was,

Ordered, that the foregoing Address be read a second time, presently.

The said Address was then read a second time accordingly; and it was,

Read second time.

Ordered, that the House be put into a Committee of the whole, this day, to take the same into consideration.

The Honourable the Speaker reported to the House, that Deputations from the Commons House of Assembly had brought up a bill, entitled "An Act to provide for the completion of the Gull Island Light-house"; also, a bill, entitled "An Act to continue in force for a limited period, the laws authorising the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations"; also, a bill, entitled "An Act to increase the salary of the Adjutant General of Militia of this Province"; also, a bill, entitled, "An Act to assign duties to certain Commissioners, and for other purposes therein-mentioned"; also, a bill, entitled, "An Act granting a sum of money to remunerate Bernard Turquand, for certain services therein-mentioned"; also, a bill, entitled "An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasion of this Province"; also, a bill, entitled "An Act to continue and make permanent, an Act passed in the eleventh year of the reign of King George the Fourth, entitled 'An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's reign, entitled "An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences"; and also, a bill, entitled, "An Act to revive and continue, with certain limitations, an Act passed in the seventh year of the reign of his late Majesty King William the Fourth, entitled, 'An Act granting to His Majesty a sum of money, for the erection of certain Light-houses within the Province, and for other purposes therein-mentioned"—to which they requested the concurrence of this House.

Speaker reports the receipt of Gull Island Light House provision bill;

Chartered Banks specie payments suspension bill;

Adjutant General's salary bill;

Certain Commissioners' duty bill;

Turquand's remuneration bill;

Rebellion claims payment bill;

Inkeepers' license law continuation bill;

And Light House law revival bill, from the Assembly.

The said bills were then severally read; and it was,

Read first time.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the same, and that they be read a second time, presently.

Forty-fourth rule dispensed with.

The said bills were then severally read a second time accordingly; and it was,

The bills read second time;

Ordered, that the House be put into Committees of the whole, this day, to take the same into consideration.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the bill, entitled, "An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing bridges thereon," together with the report of the Select Committee thereon.

Amherstburgh road bill, committed.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Amendment reported.

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Ordered, that the report be received; and,

Read first time.

The said amendment was then read by the Clerk, as follows:

The amendment.

Press 10—Expunge the thirty-second clause.

Read second time, and adopted.

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said bill, as amended, read a third time, this day.

Debentures negotiation facility bill, re-committed.

Pursuant to the order of the day, the House again put into a Committee of the whole, upon the bill, entitled, "An Act to afford further facilities to negotiate Debentures, for the completion of certain works," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Amendment reported.

The Chairman reported, that the Committee had gone through the said bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said amendment was then read by the Clerk, as follows:

The amendment.

Press 1, line 9—After the word "General" insert "by and with the consent of the Lieutenant Governor of this Province, in Council"

Read second time, and adopted.

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said bill, as amended, read a third time, to-morrow.

Report of the Select Committee appointed to know when His Excellency would receive this House with their Address, requesting him to transmit the Address to the Queen, on the subject of losses, occasioned by the incursions of Brigands.

The Honourable Mr. John Simcoe Macaulay, from the Select Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive this House with their Address, praying His Excellency to transmit the Address to the Queen, on the subject of losses occasioned by the incursions of certain Brigands from the United States of America, reported that they had done so, and that His Excellency had appointed Saturday next, at the hour of eleven of the clock, A. M. for that purpose.

Bytown Bridge grant bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to erect a Bridge over the River Ottawa, at Bytown," together with the report of the Select Committee thereon.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

House resumes.

On motion made and seconded, the House adjourned until this evening, at six o'clock.

House adjourns.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. SULLIVAN,

The Honourable Messrs. ALLAN,

" " FERGUSSON,

" " BURNHAM,

" " JOHN SIMCOE MACAULAY,

" " BALDWIN,

" " JOHN McDONALD.

On motion made and seconded, it was,

Nineteenth rule dispensed with, as it regards Clergy Reserves re-investment bill.

Ordered, that the nineteenth Rule of this House be dispensed with, and that the bill to re-invest in the Crown the Lands set apart in this Province for the maintenance of a Protestant Clergy, and commonly called the Clergy Reserves, be referred to a Committee of the whole House this day.

Members enter.

The Honourable Messieurs Crookshank, Adamson and Crooks, enter.

Hamilton and Brantford road further grant bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a further sum, by way of loan, to complete the Hamilton and Brantford road, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

Thursday, 9th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Chairman reported, that the Committee had taken the said bill, and report thereon, into consideration, had made some progress therein, and asked leave to sit again to-morrow. Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly. Leave granted.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to authorise the issue of Bills of Credit," together with the report of the Select Committee thereon. Bills of Credit issue bill, re-committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the said bill be read a third time, to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to make certain regulations in regard to the fees of the Office of Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General," together with the report of the Select Committee thereon. Clerk of the Crown's salary bill, committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and had made some some amendments thereto, which they recommended to the adoption of the House. Amendments reported.

Ordered, that the report be received; and,

The said amendments were then read by the Clerk, as follows; Read first time.

Press 1, line 12—After "fees" expunge "authorized to be" and insert "by him" The amendments.

" 2, " 4—After "offices" expunge "comprised in this Act" and insert "to which they relate."

" " " 7 —After "by" expunge the remainder of the clause, and insert "the Clerk of the Crown."

" " " 23—After "be" expunge the remainder of the clause, and insert "regulated by the Judges of the Court of King's Bench."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Read second time, and adopted.

Ordered, that they be engrossed, and the said bill, as amended, read a third time to-morrow.

The Honourable and Venerable the Archdeacon of York, enters. A Member enters.

A Deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew: Message from the Assembly;

Mr. SPEAKER:

The Commons House of Assembly have passed the accompanying resolutions, in relation to the report of the Committee of Conference with the Honourable the Legislative Council, on the subject of the bill, entitled, "An Act to provide for the payment of certain sums, in support of the Civil Government of the Province," and communicate the same for the information of the Honourable the Legislative Council. Communicating certain resolutions, in relation to the Report of the Committee of Conference upon Civil List bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Ninth day of May, 1839.

(*For Resolutions, see Appendix E. E.*) The resolutions.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act granting one thousand pounds for opening and improving a road from London, in the London District, to the River Saint Clair, in the Western District." London road grant bill, re-committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

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Ordered, that the last-mentioned bill be read a third time, to-morrow.

Cornwall and L'Original
road grant bill,
re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Original."

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, to-morrow.

Clergy Reserves
re-investment bill,
committed.

Pursuant to order, the House was put into a Committee of the whole, upon the bill to re-invest in the Crown the Lands set apart in this Province, for the maintenance of a Protestant Clergy, and commonly called the Clergy Reserves.

The Honourable Mr. John McDonald, took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the said bill be engrossed, and the same read a third time, to-morrow.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at the hour of ten of the clock, A. M.

FRIDAY, 10th MAY, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Mr. CROOKSHANK,

The Hon. & Ven. The ARCHDEACON OF YORK.

The Honourable Messrs. ALLAN,

" " ALEXANDER McDONELL,

" " BURNHAM,

The Honourable Messrs. BALDWIN,

" " ADAMSON,

" " FERGUSSON,

" " JOHN SIMCOE MACAULAY,

" " JOHN McDONALD.

Prayers were read.

The Minutes of yesterday were read.

Debentures negotiation
facility bill, (as amended,)
read third time, and
passed.

Pursuant to the order of the day, the bill, entitled, "An Act to afford further facilities to negotiate Debentures, for the completion of certain works," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative.

Amendment signed;

Whereupon the Speaker signed the amendment; and it was,

And sent to the Assembly
for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.

Bills of Credit issue bill,
read third time, and
passed.

Pursuant to the order of the day, the bill, entitled "An Act to authorise the issue of Bills of Credit," was read a third time and passed:

Whereupon the Speaker signed the same; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly
acquainted thereof.

To the bill just passed, entitled, "An Act to afford further facilities to negotiate Debentures, for the completion of certain works," (as amended)—

Protest of the Honourable
Messieurs Crookshank,
Allan, Alexander
McDonell, and Adamson,
against the passing of
Debentures negotiation
facility bill, (as amended.)

DISSENTIENT:

Because, the large sums raised on Debentures seem to us to have been expended in many instances without a proper and judicious control, and consequently, without a due regard to the true interests of the Province, either as respects the objects to which that expenditure has been directed, or the system of management under which it has taken place.

Friday, 10th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Because, the absence of due economy in the disbursement of the public monies, under the hitherto adopted system of management, is strikingly illustrated by the notable fact, that upon an expenditure somewhat exceeding £358,829, extra allowances to Contractors, and contingent charges, causes an excess of expenditure over the original estimate, of £155,000 odd.

Because, under such circumstances, a public debt has been incurred, which already exceeds the sum of £1,200,000, the interest on which must entirely absorb the whole existing revenues of the Province, whilst no provision, however trifling, has yet been made for the eventual liquidation of the principal.

Because, this formidable debt is liable to be further swelled, under the operation of several unrepealed statutes, which authorise the Receiver General to raise the sums of £74,701, and £163,000, respectively, on Debentures, upon the same pledge of the Provincial Revenue, which is already more than exhausted, since it cannot meet all the charges placed upon it.

Because, any increase of such a debt, unaccompanied with adequate security for the regular discharge of the interest, and the ultimate payment of the principal, is irreconcilable with every principle of sound Legislation, and must necessarily tend to degrade the moral character of the Legislature, which has resource to so exceptionable a measure.

Because, the creation of more Debentures, of necessity depreciates the value of those now in circulation, which it is well known are, even now, at a discount of ten per cent, and upwards, in England, and in this country, not negotiable at all.

Because, one of the objects to which a large part of this new debt is to be directed, viz. the improvement of the Navigation of the River St. Lawrence, can never be expected to make a pecuniary return in any way adequate to the immense expense attending it, or indeed any return at all, until corresponding improvements shall be made by the Province of Lower Canada, on the navigation from Montreal to the limits of this Province, of which there is not, at this time, the slightest expectation.

Because, measures for the public works ought always to originate with the Executive Government, and not with the Representative Branch of the Legislature, which, from the very nature of its construction, must be always subject to strong local influences and prejudices, upon such subjects; nor ought any new measure to pass, unless adequate provision be made for the regular payment of the interest, or the debt they occasion, and a sinking-fund for the liquidation of the principal in a reasonable period.

Because, the discretionary power with which the Receiver General is invested, of raising money upon such terms as he may deem proper, is altogether unprecedented, and far greater than ought to be confided to any individual.

Because, we do not desire to share any part of the responsibility incurred in thus increasing the public debt of the Province, so far beyond our means of paying even the legal interest thereon.

W. ALLAN.

P. ADAMSON.

GEO. CROOKSHANK.

ALEX'R. McDONELL.

To the bill just passed, entitled "An Act to authorise the issue of Bills of Credit"—

DISSENTIENT :

Because, whenever the expedient of issuing public paper, without providing a sufficient fund for the payment of interest and principal, has been resorted to, however specious the pretext, or cogent the necessity may have been, the results have been such as ought to deter all those who are capable of profiting by experience, from repeating an experiment hitherto fraught with ruin to the Government which have ventured to adopt it.

Because, in the present state of our monetary system, an emission of paper money, (by which we mean paper issued by the Government) inconvertible into metallic coin, is not only to be deprecated as most injurious to the interest of our Chartered Banks, by seriously affecting their paper, and by retarding their return to cash payments, but as committing a fraud on the

And also their protest
against the passing of
Bills of Credit issue bill.

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public, by enhancing the price of all commodities, and thus oppressing the poor, and those who live upon fixed incomes; all which evils can only have the effect of accelerating Provincial Bankruptcy, and aggravating ten-fold the desolation such Bankruptcy must produce.

Because, the pages of History, and the example of modern times, concur in furnishing awful warnings of the fatal consequences of a fictitious credit, based on such a currency as this bill has an inevitable tendency to create.

Because, we are opposed to this, and all other measures that have been or may be adopted during this Session, to increase our public debt, the effect of which will by-and-by be, that the public creditor cannot be paid his due, and anticipating such consequences, we wish to record our sentiments.

W. ALLAN,
P. ADAMSON,
GEO. CROOKSHANK,
ALEX'R. McDONELL.

Third reading of Clerk of the Crown's salary bill, (as amended,) discharged from the order of the day;

The order of the day being read, for reading the bill, entitled, "An Act to make certain regulations in regard to the fees of the Office of Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General," a third time, as amended, it was,

Ordered, that the same be discharged; and,

Ordered, that the said Bill be again referred to a Committee of the whole House, presently.

And the same re-committed.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. John Simce Macaulay took the Chair

After some time the House resumed.

Further amendments reported.

The Chairman reported, that the Committee had gone through the said bill, and had made some further amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received; and,

Read first time.

The said further amendments were then read by the Clerk, as follows:

The further amendments.

Press 4, line 7—In schedule A, after the word "search" expunge "by a person not being an Attorney, or party in a cause"

" " " 11—After the word "six-pence" insert "on the admission of Attorney or Barrister, 25s.; Attorney's certificate to Practice, 5s.; Certificate under the Seal of the Court, 2s. 6d.; Allocatur, 1s."

Read second time, and adopted.

The said further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the said bill, as further amended, read a third time this day.

London road grant bill;

Pursuant to the order of the day, the bill, entitled, "An Act granting one thousand pounds for opening and improving a road from London, in the London District, to the River Saint Clair, in the Western District"; and also, the bill, entitled, "An Act granting to Her Majesty a sum of money for the improvement of the Post Road between Cornwall and L'Original," was read a third time, and passed:

Same signed;

Whereupon the Speaker signed the same; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Amherstburgh road bill, (as amended,) read third time, and passed.

Pursuant to the order of the day, the bill, entitled, "An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing Bridges thereon," was, as amended, read a third time; and,

The question being put whether this bill, as amended, should pass, it was carried in the affirmative:

Amendment signed;

Whereupon the Speaker signed the amendment; and it was,

And sent to the Assembly for concurrence.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, with an amendment, to which they desire the concurrence of the Commons House of Assembly.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Pursuant to the order of the day, the bill to re-invest in the Crown the Lands set apart in this Province for the maintenance of a Protestant Clergy, and commonly called the Clergy Reserves, was read a third time.

Clergy Reserves re-investment bill, read third time.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendment made by the Commons House of Assembly in and to the bill sent down from this House, entitled "An Act to amend the law enabling Married Women to convey their real estates within this Province."

Amendment of the Assembly to married women's real estate bill, committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said amendment, and recommended the same to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the said amendment be read a third time, presently.

The same was then read a third time accordingly, and passed:

Read third time, and passed.

Whereupon the Speaker signed the said amendment; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have concurred in the amendment of the Commons House of Assembly, made in and to the last-mentioned bill.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill entitled "An Act to alter and amend an Act passed in the sixth year of the reign of His late Majesty, King William the Fourth, entitled, 'An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank.'"

Gore Bank law alteration bill, committed.

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the last-mentioned bill, and had made an amendment thereto, which they recommended to the adoption of the House.

Amendment reported.

Ordered, that the report be received; and,

The said amendment was then read by the Clerk, as follows:

Read first time.

Line 20.—Add to the bill—"Provided always, that nothing in this Act contained shall authorise any Incorporated Company holding any stock in the said Bank, to vote for the election of any Directors for the said Bank; or in case any stock now held by any such Incorporated Company, shall be sold or transferred previous to the next election of Directors, such purchaser, or the holder of such stock, shall not be entitled to vote for Directors, or be eligible to be elected a Director, at the ensuing election of Directors for the management of the affairs of the said Bank."

The amendment.

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Read second time, and adopted.

Ordered, that the same be engrossed, and the said bill, as amended, read a third time, this day.

Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to dispose of the Lands commonly called Clergy Reserves, and for other purposes therein-mentioned," to which they requested the concurrence of this House: and they brought up and delivered at the bar of this House, a message in the following words, and then withdrew:

Clergy Reserves disposition bill, brought up from the Assembly;

And a Message therefrom;

Mr. SPEAKER:

The Commons House of Assembly have passed certain Resolutions, in relation to the Report of the Committee of Conference on the subject matter of the bill, entitled, "An Act to place the disposal of the Casual and Territorial Revenue under the controul of the Legislature of this Province, and for other purposes therein-mentioned," and communicate the same for the information of the Honourable the Legislative Council."

Transmitting, for the information of the Council, certain resolutions, in relation to the report of the Committee of Conference, upon Casual and Territorial revenue disposition bill.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

Ninth day of May, 1839.

(For Resolutions, see Appendix F.F.)

The resolutions.

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Clergy Reserves disposition bill, read first time. Forty-fourth rule dispensed with.	The bill, entitled, "An Act to dispose of the lands commonly called Clergy Reserves, and for other purposes therein-mentioned," was then read; and it was, Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the same, and that the said bill be read a second time, presently.
Bill read second time.	The same was then read a second time accordingly; and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the said bill into consideration.
Committed.	The House was then put into a Committee of the whole accordingly. The Honourable Mr. John McDonald took the Chair. After some time the House resumed.
Amendments reported.	The Chairman reported, that the Committee had gone through the last-mentioned bill, and had made some amendments thereto, which they recommended to the adoption of the House. Ordered, that the report be received; and,
Read first time.	The said amendments were then read by the Clerk, as follows:
The amendments.	Press 5, line 16—Expunge "Provincial Legislature" and insert "Imperial Parliament"— Expunge "Religion and Education" and insert "Religious purposes"
Read second time, and adopted.	The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was, Ordered, that the same be engrossed, and the said bill, as amended, read a third time this day.
Common School land appropriation bill;	Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to appropriate One Million of Acres of the Waste Lands of the Crown, to provide a Fund, for the establishment, maintenance and permanent support, of Common Schools throughout this Province"; and also a bill, entitled, "An Act to provide for the advancement of Education in this Province"—to which they requested the concurrence of this House, and then withdrew.
And Education advancement bill, brought up from the Assembly.	The Honourable Messrs. Crooks and John Macaulay, enter.
Members enter.	The last-mentioned bills were then severally read; and it was, Ordered, that the forty-fourth Rule of this House be dispensed with, as far as it regards the last-mentioned bills, and that they be read a second time, this day.
The last-mentioned bills read first time. Forty-fourth rule dispensed with.	The bill, entitled, "An Act to provide for the advancement of Education in this Province," was then read a second time accordingly; and it was, Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Education advancement bill, read second time.	The House was then put into a Committee of the whole accordingly. The Honourable Mr. Allan took the Chair. After some time the House resumed.
Committed.	The Chairman reported, that the Committee had taken the said bill into consideration, and had agreed to a certain resolution, which they recommended to the adoption of the House. Ordered, that the report be received; and, The said resolution was then read by the Clerk, as follows:
A resolution reported.	<i>Resolved</i> —That the bill is one of great importance, and one on which this Committee looks most favourably; but at this advanced period of the Session (the day before the one appointed for the prorogation of the Legislature,) the bill having been only this day brought from the Assembly, this Committee cannot give the subject that consideration and investigation which its great importance demand, and therefore recommend to the House, that the bill be not further proceeded on this Session, and that the same be printed.
Read first time.	The said resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was, Ordered, that five hundred copies of the last-mentioned bill be printed, for the use of Members.
The resolution.	
Read second time, and adopted.	
The bill ordered to be printed.	
Bristowe's admission bill;	Deputations from the Commons House of Assembly, brought up a bill, entitled, "An Act to make valid, and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery, in this Province"; also a bill, entitled, "An Act granting a certain sum of money for the maintenance and support of the House of Industry, in the City of Toronto"; also a bill, entitled, "An Act granting a certain sum of money, to defray the expenses of the Civil Government, for the year 1839, and for other purposes therein-mentioned"; and also a
House of Industry grant bill;	
Second Civil List bill;	

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bill, entitled, "An Act to revive and continue, for a limited time, the second clause of an Act passed in the ninth year of the reign of King George the Fourth, entitled, 'An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects'—to which they requested the concurrence of this House. The same Deputations returned the bill, entitled, "An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing bridges thereon"; also the bill, entitled, "An Act to afford further facilities to negotiate Debentures, for the completion of certain works"; also the bill, entitled, "An Act granting a sum of money, to complete the construction of a Macadamized road from the Village of Dundas to the Township of Waterloo, in the Gore District; and also the bill, entitled, "An Act granting a further sum of money, for the purpose of completing the Macadamized road between the Town of Kingston, and the Village of Napanee, in the Midland District," and acquainted this House, that the Commons House of Assembly had acceded to the amendments made by the Legislative Council, in and to the same, and then withdrew.

And Civil rights law revival bill, brought up from the Assembly.

Amendments to Amherstburgh road bill;

Also to Debentures negotiation facility bill;

Also to Dundas and Waterloo road grant bill;

And also to Kingston and Napanee road further grant bill, acceded to by the Assembly.

Pursuant to order, the bill, entitled, "An Act to alter and amend an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank'; also the bill, entitled, "An Act to make certain regulations in regard to the fees of the Office of Clerk of the Crown, as also of the Secretary of the Province, and of the Surveyor General"; and also the bill, entitled, "An Act to dispose of the Lands, commonly called 'Clergy Reserves,' and for other purposes therein-mentioned," were severally (as amended) read a third time; and,

Gore Bank law alteration bill;

Clerk of the Crown's salary bill;

And Clergy Reserves disposition bill, (as amended,) read third time, and passed.

The question being put whether these bills, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, with certain amendments, to which they desire the concurrence of the Commons House of Assembly:

And sent to the Assembly for concurrence.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money, to improve and keep in repair the Kettle Creek Harbour, at Port Stanley."

Kettle Creek Harbour grant bill, committed.

The Honourable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported; that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House:

Reported:

Ordered, that the report be received; and;

Adopted.

Ordered, that the last-mentioned bill be read a third time, presently:

The same was then read a third time accordingly, and passed:

Read third time, and passed.

Whereupon the Speaker signed the bill; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly acquainted thereof.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to repeal; alter and amend, the Militia Laws of this Province," together with the petition of Walter O'Hara, presented their report.

Report of the Select Committee upon Militia law repeal bill, presented.

Ordered, that it be received; and,

The same was then read by the Clerk, as follows:

Read.

The Select Committee to whom was referred the bill, entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province," and also the memorial of Colonel O'Hara, beg leave to report:

That in taking the said bill into their consideration, your Committee find that it embraces nearly all the clauses of the Act passed last Session of the Provincial Legislature, for re-organizing the Militia of this Province, and enacts several new clauses, which, if adopted, may render the system more complete than it is at present; such being the case, your Committee respectfully submit that the Act of last Session be retained, more particularly as its provisions are becoming familiar to the inhabitants of the Province; adopting such parts of the bill as appear to be improvements on that of last Session, and confining themselves to such alterations in the Act of last Session as appear necessary, under the existing circumstances of the Province.

The report.

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Your Committee have also taken the said memorial, which suggests a new system for the organization of the Militia of this Province, into their consideration, and although it is understood to work well in other Countries, yet, at this late period of the Session, they feel that they cannot go into its details, but recommend that it be printed during the recess, for the information of the Legislature.

Your Committee, under the view expressed by them, beg leave to submit the amendments appended to this their report.

All which is respectfully submitted.

A. BALDWIN,
CHAIRMAN.

Committee Room, Legislative Council,
10th May, 1839.

Press 1, line 1—After the word “Whereas” expunge the remainder of the bill, and insert, “it is expedient to amend an Act passed at the last Session of the Parliament of this Province, entitled “An Act to amend and reduce into one Act of Parliament, the Militia Laws of this Province”: Be it therefore enacted, &c. That whenever a part only of the Militia shall be called out, then and in such case, the number shall be ballotted for, or such other manner as the Lieutenant Governor may direct; and when any Colonel, or other Officer in command of a Regiment or Battalion of Militia, shall remove from the District in which such Regiment or Battalion is situated, he shall no longer continue to hold or enjoy such command, or any authority in regard to the same; and in like manner where any other officer shall remove from the District in which his Regiment or Battalion is situated, he shall from thenceforward cease to hold any command therein: Provided, nevertheless, that the Lieutenant Governor may, at his discretion, allow such Commanding or other Officer, to remain on the strength of such Regiment or Battalion, by a General Order, to be issued by him for that purpose, should he see fit.

“2. And be it further enacted, &c. That all Officers of Militia appointed under or by virtue of any Act of the Parliament of this Province, shall hold their Commissions during pleasure.

“3. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, at his discretion, to form Rifle Companies, within the limits assigned to any Regiments or Battalions of Militia, to be independent of, or attached to such Regiment or Battalion, according to such orders or directions as the Lieutenant Governor may from time to time make in that behalf.

“4. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, if he thinks proper, when any complaint may be made against any Officer of Militia, or when any application may be made to him to assemble a Militia Court Martial, according to the provisions of any Act of the Parliament of this Province, to appoint a Court of Enquiry, consisting of at least three Officers of the Militia, to examine into and report upon any such complaint.

“5. And be it further enacted, &c. That it shall and may be lawful for any Commanding Officer of a District, Garrison, Post, Regiment, Battalion or Detachment, to direct a District, Garrison, or Regimental Court Martial, to assemble to try any Non-Commissioned Officer, or Private Militia-man, called out and embodied for actual service, charged with drunkenness, neglect of duty, or disobedience or orders, or all crimes not capital; and if such person so charged shall be convicted of the offence or offences alleged against him, it shall and may be lawful for the said Court, under a warrant signed by the President of the said Court, to imprison him in the Common Gaol of the District, or in any other place of confinement, (except the Provincial Penitentiary,) for a period not exceeding two weeks, and to reduce any Non-Commissioned Officer to the ranks: Provided always, that the Court shall consist of a President, who shall, at the least, be of the rank of Captain, and not less than three Commissioned Officers of the Militia; and who shall, before pro-

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ceeding to the trial of such offender or offenders, take the oath prescribed by the 26th clause of the before-recited Act; And provided also, that nothing herein-contained shall be construed to interfere with the provisions of the said Act for the trial of offenders.

"6. And be it further enacted, &c. That all persons not natural-born Subjects of Her Majesty, or not Subjects of Her Majesty naturalized by any Act of the Imperial Parliament, or the Parliament of this Province, or the Legislative Body of any Colony of Great Britain, having authority so to do, or who have not taken the Oath of Allegiance, and have been resident in this Province for the period of one year, shall, on or before the fourth day of June, in every year, give in his name and place of residence to the Colonel, or Officer Commanding the Regiment or Battalion, within the limits of which he may reside, and pay at the same time to the said Colonel or Officer Commanding, the sum of ten shillings; and in default of such return and payment as aforesaid, such Colonel or Officer Commanding is hereby required to cause to be summoned and tried, the party offending, by a Regimental Court Martial; and upon conviction by the said Court, such offender shall forfeit and pay the sum of ten shillings, besides the costs and charges of conviction, in the manner pointed out by the provisions of the before-mentioned Act; and if it shall become a question on any trial, whether such person is a natural-born Subject of Her Majesty, or naturalized as aforesaid, or whether he has taken the Oath of Allegiance, it shall be incumbent upon him to prove the fact.

"7. And be it further enacted, &c. That when it becomes necessary to call out any portion of the Militia of this Province, and to ballot for the same, the names of all persons liable to serve as Militia-men, within the division of the Regiment to which he belongs, shall be written on slips of white paper and folded up, and put into a box, glass or hat, out of which the number to serve shall be drawn by the Adjutant of the Regiment, in the presence of at least three Officers of the Regiment: Provided always, that nothing herein-contained shall be construed to prevent the Lieutenant Governor from calling out the Militia, or any portion of them, without resorting to the ballot.

"8. And be it further enacted, &c. That any person who shall have been dismissed from Her Majesty's Service, by sentence of a Court Martial, or otherwise, shall not be eligible to hold a Commission in the Militia of this Province.

"9. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor to reduce, mitigate or remit, any fine or penalty heretofore adjudged, or that may hereafter be adjudged, against any person or persons for any offence against the Militia Laws of this Province; and that any fine authorised to be levied under the Act of last Session of the Provincial Parliament for the government of the Militia, may be reduced, at the discretion of the Courts Martial authorised to decide upon the same; to any sum less than is in the said Act mentioned.

"10. And be it further enacted, &c. That in all cases where the Colonel, or other Officer in command of a Regiment or Battalion of Militia, shall have neglected, or may hereafter neglect or refuse to make a return, as required by the Laws of this Province, or pay over the monies by him received, according to the requirements of the said Laws, the Lieutenant Governor shall cause to be assembled a Court of enquiry, as is hereinbefore provided, whose duty it shall be to investigate any charge that may be made against any such Officer, and the evidence and finding of the said Court transmitted to the Lieutenant Governor; and if it shall appear to the Lieutenant Governor that such returns have not been made, or such monies not paid over, then and in such case the Lieutenant Governor shall cause such Officer to be cashiered.

"11. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor, to appoint and Commission a Commodore of the

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Provincial Navy, who shall rank with Colonels of Militia; and all other Officers of the Provincial Navy shall take rank with Officers of Militia, according to the rules of Her Majesty's Regular Service.

"12. And be it further enacted, &c. That the Lieutenant Governor may, at his discretion, permit Officers of Militia to retain their respective rank, although they may not have provided themselves with Regimentals, in accordance with the 13th clause of the Act of last session, any thing therein contained to the contrary thereof in anywise notwithstanding."

On motion made and seconded, it was,

Ordered, that the last-mentioned bill, and the report of the Select Committee thereon, be referred to a Committee of the whole House, presently.

Militia law repeal bill, committed.

The House was then put into a Committee of the whole accordingly. The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, this day.

Civil rights law revival bill, read first time.

The bill, entitled "An Act to revive and continue for a limited time, the second clause of an Act passed in the ninth year of the reign of King George the Fourth, entitled, 'An Act to secure to and confer upon certain inhabitants of this Province, the Civil and Political Rights of natural-born British Subjects,'" was read; and it was,

Forty-fourth rule dispensed with;

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bill, and that the same be read a second time, presently.

And the bill read second time.

The same was then read a second time accordingly; and it was,

Ordered, that the House be put into a Committee of the whole this day, to take the same into consideration.

House adjourns.

On motion made and seconded, the House adjourned until this evening, at the hour of six of the clock.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.
The Honourable Messrs. ADAMSON,
" " BALDWIN,
" " SULLIVAN,

The Honourable Messrs. FERGUSSON,
" " JOHN SIMCOE MACAULAY,
" " JOHN McDONALD.

Bristowe's admission bill;

The bill, entitled, "An Act to make valid, and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery, in this Province"; and also the bill, entitled, "An Act granting a certain sum of money for the maintenance and support of the House of Industry, in the City of Toronto," were severally read; and it was,

And House of Industry grant bill, read first time.

Forty-fourth rule dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards these bills, and that the same be read a second time, this day.

Second Civil List bill, read first time.

The bill, entitled, "An Act granting a certain sum of money, to defray the expenses of the Civil Government, for the year 1839, and for other purposes therein-mentioned," was read; and it was,

Forty-fourth rule dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards the last-mentioned bill, and that the same be read a second time, presently.

Bill read second time.

The said bill was then read a second time accordingly; and it was,

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

Committed.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Fergusson took the Chair.

A Message being announced, the Chairman left the Chair, and the House formed.

A Member enters.

The Honourable Mr. Crooks enters.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

A Message from His Excellency the Lieutenant Governor, was delivered by the Honourable Mr. Secretary Tucker, who being retired, the Speaker read the same, and it was again read by the Clerk, as follows :

Message from the Lieutenant-Governor;

GEO. ARTHUR.

The Lieutenant Governor hastens to transmit, for the information of the Legislative Council, the copy of a late communication from Messrs. Baring, Brothers & Co. to the Receiver General, on the subject of the negotiation of the Public Debentures of this Province.

Transmitting the copy of a communication from Messrs Baring, Brothers and Company, on the subject of the negotiation of the public Debentures of the Province.

Government House,

Toronto, 10th May, 1839.

The Honourable Messrs. Crookshank and Allan enter.

Members enter.

The House was then again put into a Committee of the whole, upon the bill, entitled, "An Act granting a certain sum of money to defray the expenses of the Civil Government, for the year 1839, and for other purposes therein-mentioned."

Second Civil List bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the said bill be read a third time, presently.

The same was then read a third time accordingly, and passed:

Read third time, and passed.

Whereupon the Speaker signed the last-mentioned bill; and it was,

Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

And the Assembly acquainted thereof.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act granting a further sum of money, by way of loan, to complete the Hamilton and Brantford road, and for other purposes therein-mentioned," together with the report of the Select Committee thereon.

Hamilton and Brantford road further grant bill, re-committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time, this day.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Address of the Commons House of Assembly to Her Majesty, on behalf of Captain Drew.

Address of the Assembly to Her Majesty, in reference to Captain Drew, committed.

The Honourable Mr. Baldwin, took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Address, and recommended the same, without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned Address be read a third time, this day.

The Honourable Mr. Burnham enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the completion of the Gull Island Light-house."

Gull Island Light House provision bill, committed.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Reported;

Ordered, that the report be received; and,

Adopted.

Ordered, that the last-mentioned bill be read a third time, this day.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue in force for a limited period, the laws authorising the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations."

Chartered Banks specie payment suspension bill, committed.

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The Honourable Mr. Allan took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, this day.

Adjutant General's salary bill, committed.

Pursuant to the order of the day, the House put into a Committee of the whole, upon the bill, entitled, "An Act to increase the salary of the Adjutant General of Militia of this Province."

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, this day.

Certain Commissioners' duty bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to assign duties to certain Commissioners, and for other purposes therein-mentioned."

The Honourable Mr. John Simcoe Macaulay took the Chair.

After some time the House resumed.

Reported.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, this day.

Amendments to Gore Bank law alteration bill, acceded to by the Assembly.

A Deputation from from the Commons House of Assembly, returned the bill, entitled, "An Act to alter and amend an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, 'An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank.'" and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council, in and to the same, and then withdrew.

Tarquand's remuneration bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act granting a sum of money to remunerate Bernard Turquand, for certain services therein-mentioned."

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, this day.

Rebellion claims payment bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasion of this Province."

The Honourable Mr. Sullivan took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, this day.

Innkeepers' license law continuation bill, committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to continue and make permanent, an Act passed in the eleventh year of the reign of King George the Fourth, entitled, 'An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, "An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences.'"

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed.

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The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, this day.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to revive and continue, with certain limitations, an Act passed in the seventh year of the reign of his late Majesty King William the Fourth, entitled, 'An Act granting to His Majesty a sum of money, for the erection of certain Light-houses within the Province, and for other purposes therein-mentioned.'" Light House law revival bill, committed.

The Honourable Mr John Simcoe Macaulay took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, this day.

Pursuant to order, the bill, entitled, "An Act appropriating One Million of Acres of the Waste Lands of the Crown, to provide a Fund, for the establishment, maintenance and permanent support, of Common Schools throughout this Province," was read a second time; and it was, Common School land appropriation bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Fergusson took the Chair.

After some time the House resumed. House resumes.

Pursuant to order, the House was put into a Committee of the whole, upon the bill, entitled, "An Act to revive and continue for a limited time, the second clause of an Act passed in the ninth year of the reign of King George the Fourth, entitled, 'An Act to secure to and confer upon certain inhabitants of this Province, the Civil and Political Rights of natural-born British Subjects.'" Civil rights law revival bill, committed.

The Honourable Mr. John McDonald took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, this day.

Pursuant to order, the bill, entitled, "An Act to make valid and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery in this Province," was read a second time; and it was, Bristowe's admission bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Sullivan took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, this day.

Pursuant to order, the bill, entitled, "An Act granting a certain sum of money for the maintenance and support of the House of Industry, in the City of Toronto," was read a second time; and it was, House of Industry grant bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

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Ordered, that the last-mentioned bill be read a third time, presently.

Read third time, and passed.

The same was then read a third time accordingly, and passed :

Same signed ;

Whereupon the Speaker signed the said bill ; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

Hamilton and Brantford road further grant bill, read third time.

Pursuant to order, the bill, entitled, "An Act granting a further sum of money, by way of loan, to complete the Hamilton and Brantford Road, and for other purposes therein-mentioned," was read a third time ; and,

Question for passing the bill ;

The question being put, whether this bill should now pass, it was,

Motion in amendment thereto.

Moved and seconded, in amendment, that the same do pass this day three months :

Same negatived.

Whereupon the question of concurrence was put, and carried in the negative.

Original question put and carried.

The original question then being put, the same was carried in the affirmative ; and,

Bill passed.

The said bill passed accordingly :

Same signed ;

Whereupon the Speaker signed the same ; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

Militia law repeal bill ;

Pursuant to order, the bill, entitled, "An Act to repeal, alter and amend, the Militia Laws of this Province"; also, the bill, entitled, "An Act to assign duties to certain Commissioners, and for other purposes therein-mentioned"; also, the bill, entitled, "An Act to increase the salary of the Adjutant General of Militia of this Province"; also, the bill, entitled,

Certain Commissioners' duty bill ;

"An Act to continue in force for a limited period, the laws authorising the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations"; also, the bill, entitled,

Adjutant General's salary bill ;

"An Act to provide for the completion of Gull Island Light-house"; also, the bill, entitled,

Chartered Banks specie payment suspension bill ;

the bill, entitled, "An Act to make valid, and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery, in this Province"; also, the bill, entitled, "An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion, and Invasions of this Province"; also, the bill, entitled, "An Act to continue and make permanent,

Gull Island Light House provision bill ;

an Act passed in the eleventh year of the reign of King George the Fourth, entitled, 'An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, 'An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences"; also, the bill, entitled, "An Act granting a sum of money to remunerate Bernard Turquand, for certain services therein-mentioned"; also, the bill, entitled, "An Act to revive and continue, with certain limitations, an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, 'An Act granting to His Majesty a sum of money for the erection of certain Light-houses within the Province, and for other purposes therein-mentioned"; and also, the bill, entitled, "An Act to revive and continue, for a limited time, the second clause of an Act passed in the ninth year of the reign of King George the Fourth, entitled, 'An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects"—were severally read a third time, and passed :

Bristowe's admission bill ;

Whereupon the Speaker signed the same ; and it was,

Rebellion claims payment bill ;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these bills, without any amendment.

Innkeepers' license law continuation bill ;

Turquand's remuneration bill ;

Light House law revival bill ;

And Civil rights law revival bill, read third time, and passed.

Same signed ;

And the Assembly acquainted thereof.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the bill, entitled, "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District," presented their report.

Ordered, that it be received ; and,

Read.

The same was then read by the Clerk, as follows :

The report.

The Select Committee to whom was referred the bill, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Erie and Ontario Bank of the Niagara District," beg leave to report—

That in considering the bill submitted to them, they were at once struck with the anomaly of chartering a new Bank in the Province, at a time when it is evident there is a want of capital for its ordinary purposes, as is evinced by the difficulty experienced in disposing of the Public Debentures—a circumstance which leads your Committee to believe that it would be

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impossible for such an Institution to go into operation at this time, more particularly as the instructions from Her Majesty's Government require that a large portion of the capital be paid in before it began business.

Your Committee are also aware, that the practice of the Legislature has heretofore been to confine such establishments to the District Towns, and are of opinion that if such a course is now to be departed from, those Joint Stock Banks not recognized by law, but which have their capital subscribed, and have been transacting the ordinary business of Banking for many years, are entitled to a preference; your Committee, therefore, recommend to your Honourable House, that the bill be no further proceeded with.

All which is respectfully submitted.

JAS. CROOKS,
CHAIRMAN.

Committee Room, Legislative Council,
10th May, 1839.

Pursuant to order, the Address of the Commons House of Assembly to Her Majesty, on behalf of Captain Drew, was read a third time and passed:

Whereupon the Speaker signed the same; and it was,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have concurred therein.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following words:

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Legislative Council, and Commons House of Assembly, have agreed upon an humble Address to Her Majesty on behalf of Captain Drew, which they pray Your Excellency will be pleased to transmit to Her Majesty's Principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

On motion made and seconded, it was,

Ordered, that the foregoing Address be sent to the Commons House of Assembly, by the Master in Chancery, for their concurrence; and,

Ordered, that a Committee be appointed on the part of this House, to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of ten o'clock, A.M. for the purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses, with their last-mentioned Address; and,

Ordered, that the Honourable Messieurs Baldwin and John Simcoe Macaulay, do compose the same for that purpose; and,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs Baldwin and John Simcoe Macaulay, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, to-morrow, at the hour of ten o'clock, A.M. for the purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the two Houses, with their Address, praying him to transmit the Joint Address to the Queen, on behalf of Captain Drew, to Her Majesty's Principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

The Honourable Mr. John Simcoe Macaulay gave notice, that he would, on to-morrow, move, that an humble Address be presented to the Lieutenant Governor, praying that His Excellency will be pleased to instruct the Honourable the Chief Justice, now in England, to take such measures as he may deem most fitting, for informing Her Majesty's Government of the true condition and desires of the people of this Province, and to advise with Her Majesty's Ministers, on any measures which may be introduced into the Imperial Parliament, affecting their political condition.

On motion made and seconded, it was,

Address of the Assembly to Her Majesty, on behalf of Captain Drew, read third time, and passed.
Same signed;

And the the Assembly acquainted thereof.

An Address ordered by the Council, requesting His Excellency to transmit the foregoing Address to the Queen.

The Address.

Same sent to the Assembly for concurrence.

A Committee appointed to meet a Committee of the Assembly, to know when the last-mentioned Address would be received.

Members composing the same on the part of the Council;

And the Assembly acquainted thereof.

Notice of moving an Address to the Lieutenant Governor, requesting His Excellency to instruct the Honourable the Chief Justice, to represent the interests of this Province, and to advise with Her Majesty's Government in relation thereto.

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Committee appointed to present an Address of thanks for His Excellency's Message of to-day.

Members composing same.

House adjourns.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his Message of this day; and,

Ordered, that the Honourable Messieurs Baldwin and John Simcoe Macaulay, do present the same.

On motion made and seconded, the House adjourned until to-morrow, at half an hour past nine of the clock, A. M.

SATURDAY, 11th MAY, 1839.

House meets.

The House met pursuant to adjournment.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " ALEXANDER McDONELL,

" " BURNHAM,

" " ADAMSON,

The Honourable Messrs. CROOKS,

" " FERGUSSON,

" " JOHN SIMCOE MACAULAY,

" " JOHN McDONALD.

Prayers were read.

Speaker reports a communication from the Clerk, on the subject of reading the Minutes of yesterday's proceedings.

The Honourable the Speaker reported to the House, that he had received a communication from the Clerk, stating his inability to furnish the Minutes of yesterday's proceedings in a fit shape to be read at the table, on account of a pressure of business suddenly occurring in his Office:

Whereupon it was,

Same dispensed with.

Ordered, That the reading of the Minutes of yesterday be dispensed with.

Amendments to Clergy Reserves disposition bill, acceded to by the Assembly;

Deputations from the Commons House of Assembly, returned the bill, entitled, "An Act to dispose of the Lands, commonly called 'Clergy Reserves,' and for other purposes therein-mentioned," and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council in and to the same; and they brought up a bill, entitled, "An Act granting a sum of money for the support of Common Schools, for the year one thousand eight hundred and thirty-nine,"—to which they requested the concurrence of this House, and then withdrew.

Read first time.

The last-mentioned bill was then read; and it was,

Forty-fourth rule dispensed with.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards this bill, and that the same be read a second time, presently.

Bill, read second time.

The said bill was then read a second time accordingly; and it was,

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

Committed.

The House was then put into a Committee of the whole accordingly.

The Honourable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported;

The Chairman reported, that the Committee had gone through the said bill, and recommended the same without any amendment, to the adoption of the House.

Adopted.

Ordered, that the report be received; and,

Ordered, that the last-mentioned bill be read a third time, presently.

Read third time, and passed.

The same was then read a third time accordingly, and passed:

Same signed;

Whereupon the Speaker signed the said bill; and it was,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment.

Address to the Lieutenant Governor, requesting His Excellency to transmit the Joint Address to the Queen, on behalf of Captain Drew, concurred in by the Assembly.

A Message therefrom;

A Deputation from the Commons House of Assembly, returned the Address to the Lieutenant Governor, requesting His Excellency to transmit the Joint Address to the Queen, on behalf of Captain Drew, and acquainted this House that the Commons House of Assembly had concurred therein; and they brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew:

Appointing a Committee to meet the Committee of the Council, to know when the foregoing Address would be received.

Mr. SPEAKER:

The Commons House of Assembly have appointed Messieurs Hunter, Malloch, Boulton, and Chisholm, of *Haltou*, who will be ready to meet the Committee on the part of the Honou-

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rable the Legislative Council, at the time and place appointed, to wait on the Lieutenant Governor, to know when he would be pleased to receive the two Houses with the Address to His Excellency, praying him to transmit to Her Majesty the Address on behalf of Captain Drew.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
10th May, 1839.

The Honourable Messieurs Allan, Baldwin and Sullivan, enter.

On motion made and seconded, it was,

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following terms :

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, have passed a bill for the sale of the Clergy Reserves, and for placing the proceeds of such sales in the hands of the Receiver General of this Province, subject to the disposition of the Imperial Parliament, for religious purposes; and we humbly request that, in order to give effect to the same, this bill may be transmitted to England without delay, for the purpose of being laid before Parliament, previous to the signification of Her Majesty's assent thereto.

Ordered, that the foregoing Address be sent by the Master in Chancery, to the Commons House of Assembly, for their concurrence.

It was moved and seconded, that it be,

Resolved, That the cordial thanks of this House be respectfully tendered to the Honourable Jonas Jones, for the able, zealous and impartial manner, in which he has discharged the arduous duties of Speaker of the Legislative Council during this Session; and to assure that Honourable Gentleman, that this House will ever entertain a grateful recollection of his valuable services, and courteous demeanour in the Chair.

The foregoing Resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered accordingly,

It was moved and seconded, that it be,

Resolved, That the Resolution of yesterday, in regard to the bill for the advancement of Education, and upon which this House looked most favourably, be rescinded, as it is found that from the prorogation being delayed to a late hour this day, thereby sufficient time is given for considering the same.

The last-mentioned Resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered accordingly.

On motion made and seconded, it was,

Ordered, that the nineteenth Rule of this House be dispensed with, so far as it regards the bill, entitled, "An Act to provide for the advancement of Education in this Province," and that the House be again put into a Committee of the whole, this day, to take the said bill into further consideration.

The Honourable Mr. Baldwin, from the Joint Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when His Excellency would receive the two Houses with their Address, requesting him to transmit the Address to the Queen, on behalf of Captain Drew, reported that they had done so, and that His Excellency had been pleased to appoint this day, at the hour of twelve of the clock at noon, for that purpose.

A Deputation from the Commons House of Assembly, returned the Address to His Excellency the Lieutenant Governor, on the subject of the bill entitled, "An Act to dispose of the lands commonly called 'Clergy Reserves,' and for other purposes therein-mentioned,"

Members enter.

An Address to the Lieutenant Governor, ordered, requesting His Excellency to transmit to England, without delay, the Clergy Reserves disposition bill.

The Address.

Same sent to the Assembly for concurrence.

Resolution of thanks to the Speaker, moved.

And adopted.

Resolution moved for rescinding the order of yesterday, in reference to Education advancement bill.

And adopted.

Nineteenth rule dispensed with.

Report of the Joint Committee, appointed to know when His Excellency would receive the two Houses with their Address, requesting him to transmit the Joint Address to the Queen, on behalf of Captain Drew.

Address to the Lieutenant Governor, requesting His Excellency to transmit to England, without delay, the Clergy Reserves disposition bill, acceded to by the Assembly.

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and acquainted this House, that the Commons House of Assembly had concurred in the same, and then withdrew.

On motion made and seconded, it was,

A Committee appointed to meet a Committee of the Assembly, to know when His Excellency would receive the last-mentioned Address.

Ordered, that a Committee be appointed, to meet a Committee of the Assembly, this day, at half-past eleven o'clock, A. M. for the purpose of waiting on the Lieutenant Governor, to know when His Excellency would receive the last-mentioned Address, and to present the same; and,

Members composing the same on the part of the Council;

Ordered, that the Honourable Messieurs John Simcoe Macaulay and John McDonald, do compose the Committee on the part of this House, for that purpose; and,

And the Assembly acquainted thereof.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have appointed the Honourable Messieurs John Simcoe Macaulay and John McDonald, to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly, this day, at the hour of half-past eleven of the clock, A. M. for the purpose of waiting upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the Joint Address on the subject of the bill, entitled, "An Act to dispose of the Lands commonly called 'Clergy Reserves,' and for other purposes therein-mentioned," and to present the same.

On motion made and seconded, it was,

An Address to the Lieutenant Governor ordered, requesting His Excellency to communicate to the Governor, Lieutenant Governor, or Person administering the Government of Lower Canada, the concurrence of the Legislative Council and Commons House of Assembly of this Province, to certain Ordinances passed by the Governor General and Council, in Lower Canada.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor, in the following terms:

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Address.

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council, and Commons House of Assembly, in Provincial Parliament assembled, humbly request that Your Excellency will be pleased to communicate to the Governor, Lieutenant Governor, or Person Administering the Government of the Province of Lower Canada, our concurrence in and to an Ordinance passed by the Governor General and Council, in Lower Canada, on the nineteenth day of March last, entitled, "An Ordinance to suspend, in part, certain Acts therein-mentioned, and to consolidate the Laws relating to duties levied under the authority of the Provincial Legislature"; and also an Ordinance passed by the said Governor General and Council of Lower Canada, on the third day of April, entitled, "An Ordinance to remove certain doubts as to the extension of the benefit of the Warehousing system, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of His late Majesty's reign, to duties imposed by Provincial Acts," the said Ordinances being passed under the authority of the Imperial Statute, passed in the third year of the reign of His late Majesty George the Fourth, entitled, "An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces."

Same sent to the Assembly for concurrence.

Ordered, that the foregoing Address be sent to the Commons House of Assembly, by the Master in Chancery, for their concurrence.

Protest of the Honourable John Simcoe Macaulay, against the resolution of this day, for rescinding the order made yesterday, in reference to Education advancement bill.

To the resolution adopted this day, for rescinding the resolution adopted yesterday, on the subject matter of the bill, entitled, "An Act to provide for the advancement of Education in this Province"—

DISSETTIENT:

Because, it is not in accordance with Parliamentary practice to expunge resolutions formally adopted by the House, for the purpose of restoring postponed bills to the order of the day, and establishes a precedent most dangerous to the privileges of Parliament: for should such practice prevail, there can be no security against that surprise which Parliamentary rules are especially designed to prevent.

J. S. MACAULAY.

Education advancement bill, re-committed.

Pursuant to order, the House was again put into a Committee of the whole, upon the bill, entitled, "An Act to provide for the advancement of Education in this Province."

The Honourable Mr. Allan took the Chair.

After some time the House resumed.

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The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, presently.

The same was then read a third time accordingly, and passed: Read third time, and passed.

Whereupon the Speaker signed the said bill; and it was, Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

A Deputation from the Commons House of Assembly brought up a bill, entitled, "An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein-mentioned," to which they requested the concurrence of this House, and then withdrew. Second Casual and Territorial Revenue appropriation bill, brought up from the Assembly.

The said bill was then read; and it was, Read first time.

Ordered, that the forty-fourth rule of this House be dispensed with, as far as it regards this bill, and that the same be read a second time, presently. Forty-fourth rule dispensed with;

The last-mentioned bill was then read a second time accordingly; and it was, Bill, read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly. Committed.

The Honourable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said bill, and recommended the same, without any amendment, to the adoption of the House. Reported;

Ordered, that the report be received; and, Adopted.

Ordered, that the last-mentioned bill be read a third time, presently.

The same was then read a third time accordingly, and passed: Read third time, and passed.

Whereupon the Speaker signed the said bill; and it was, Same signed;

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this bill, without any amendment. And the Assembly acquainted thereof.

A Deputation from the Commons House of Assembly, brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew: Message from the Assembly;

Mr. SPEAKER:

The Commons House of Assembly have appointed four of its Members, who will be ready to meet the Committee on the part of the Honourable the Legislative Council, to wait on His Excellency the Lieutenant Governor, to know when he will be pleased to receive the two Houses with their Address to Her Majesty, on the subject of the bill respecting the disposal of the Clergy Reserves. Appointing a Committee to meet the Committee of the Council, to know when the Lieutenant Governor would receive the Joint Address, requesting His Excellency to transmit to England, without delay, the Clergy Reserves disposition bill.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,

Eleventh day of May, 1839.

Pursuant to notice, it was moved and seconded, that it be,

Resolved—That the Honourable John Beverley Robinson, Chief Justice of this Province, now in England, and ——— be Commissioners on the part of this Province, to bring under the notice of our Most Gracious Queen, the financial affairs of this Province, with a view of inducing Her Majesty's Government to extend its credit to obtain a loan, by means of which our present embarrassments may be relieved, and our public works completed, and generally to represent the interests of this Province. The resolution.

The foregoing resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was, Adopted;

Ordered accordingly; and,

Ordered, that the same be sent to the Commons House of Assembly by the Master in Chancery, for their concurrence. And sent to the Assembly for concurrence.

The Honourable Mr. John Simcoe Macaulay moved, that the nineteenth rule of this House be dispensed with, as far as regards moving the following Resolution; which being seconded, Motion for dispensing with the nineteenth rule.

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Same adopted;

And a resolution moved for requesting the Honourable the Chief Justice to represent the interests of this Province, and to advise with Her Majesty's Government in relation thereto.

The resolution.

The question of concurrence was put, and the same carried in the affirmative.

Whereupon the Resolution was moved and seconded, and it is as follows:

Resolved—That the Honourable John Beverley Robinson, Chief Justice of this Province, now in England, be requested, on behalf of this House, to bring under the notice of our Most Gracious Queen, the financial affairs of this Province, with a view of inducing Her Majesty's Government to extend its credit to obtain a loan, by means of which our present embarrassments may be relieved, and our public works completed, and generally to represent the interests of this Province.

The last-mentioned resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered accordingly.

Adopted.

Report of the Select Committee, upon the report of the Right Honourable the Earl of Durham, presented.

The Honourable Mr. Crooks, from the Select Committee to whom was referred the Report of the Right Honourable the Earl of Durham, Her Majesty's late High Commissioner, and Governor in Chief of British North America, presented their report.

Ordered, that it be received; and,

Read.

The same was then read by the Clerk, as follows:

The report.

(For Report, see Appendix GG.)

On motion made and seconded, it was,

Same ordered to be printed.

Ordered, that five hundred copies of the foregoing report of the Select Committee, be printed, for the use of Members.

Report of the Joint Committee, appointed to know when His Excellency would receive the Addresses of the two Houses, on the subject of Clergy Reserves disposition bill, and on the subject of certain Ordinances of Lower Canada.

The Honourable Mr. John Simcoe Macaulay, from the Joint Committee appointed to wait upon the Lieutenant Governor, to know when His Excellency would be pleased to receive the Addresses of both Houses, on the subject of the bill, entitled, "An Act to dispose of the Lands, commonly called 'Clergy Reserves,' and for other purposes therein-mentioned"; and on the subject of certain Ordinances of Lower Canada, passed by the Governor-in-Chief and Council, in that Province, reported that they had done so, and that His Excellency had been pleased to receive the same, and forthwith to reply thereto as follows:

Addresses presented.

HONOURABLE GENTLEMEN AND GENTLEMEN:

His Excellency's reply to the former Address.

I shall transmit, without delay, in compliance with this Joint Address of the Legislative Council, and Commons House of Assembly, to the Secretary of State for the Colonies, the bill therein referred to, for the purpose of being laid before the Imperial Parliament, previous to the signification of Her Majesty's assent thereto.

HONOURABLE GENTLEMEN, AND GENTLEMEN:

His Excellency's reply to the last-mentioned Address.

I shall not fail to communicate to His Excellency the Governor General, the concurrence of the Legislative Council, and House of Assembly, in the Ordinances of Lower Canada, mentioned in this Address.

Address of the Council to His Excellency, praying him to transmit their Address to the Queen, on the subject of losses sustained by the incursions of Brigands, presented.

At the time appointed, the Legislative Council proceeded to the Government House, with their Address to His Excellency, praying him to transmit the Address to the Queen, on the subject of losses sustained by the incursions of certain Brigands from the United States of America.

Joint Addresses to His Excellency, praying him to transmit the Addresses to the Queen, on the subject of the Post Office Department; respecting the negotiation of a loan in Great Britain, and on behalf of Captain Drew, presented.

At the time appointed, the two Houses proceeded to the Government House, with their Joint Addresses to His Excellency, praying him to transmit their several Addresses to the Queen, on the subject of the Post Office Department, respecting the negotiation of a loan in Great Britain, and on behalf of Captain Drew.

The Council returns.

The Legislative Council having returned,

House forms.

The House formed.

PRESENT:

Members present.

The Honourable JONAS JONES, SPEAKER.

The Honourable Messrs. CROOKSHANK,

" " ALLAN,

" " ALEXANDER McDONELL,

" " BURNHAM,

" " BALDWIN,

The Honourable Messrs. ADAMSON,

" " CROOKS,

" " SULLIVAN,

" " FERGUSON,

" " JOHN SIMCOE MACAULAY,

" " JOHN McDONALD.

Saturday, 11th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Honourable the Speaker reported to the House, that His Excellency the Lieutenant Governor had been pleased to receive the four last-mentioned Addresses, and to reply thereto as follows :

Speaker reports His Excellency's replies;

HONOURABLE GENTLEMEN :

In compliance with your request, I shall transmit to the Secretary of State for the Colonies, your Address to Her most Gracious Majesty, on the subject of the losses sustained by inhabitants of this Province, from the incursions of Brigands from the United States, to be laid at the foot of the Throne.

To the Address of the Council, praying him to transmit their Address to the Queen, on the subject of losses sustained by the incursions of Brigands;

HONOURABLE GENTLEMEN, AND GENTLEMEN :

I shall avail myself of an early opportunity of transmitting, in compliance with your request, to the Secretary of State for the Colonies, your two Addresses to the Queen, on the subject of the Post Office Department; and respecting the negotiation of a loan in Great Britain, to be laid at the foot of the Throne.

To the Joint Address, praying him to transmit the Addresses to the Queen, on the subject of the Post Office Department, and respecting the negotiation of a loan in Great Britain;

HONOURABLE GENTLEMEN, AND GENTLEMEN :

In compliance with your wishes, I will, as soon as possible, forward this Joint Address of the two Houses of the Provincial Legislature, praying Her Majesty to confer some mark of her approbation on Andrew Drew, Esquire, a Commander in the Royal Navy, to the Secretary of State for the Colonies, to be laid at the foot of the Throne.

And to the Joint Address praying him to transmit the Address to the Queen, on behalf of Captain Drew.

At six of the clock, P. M. His Excellency the Lieutenant Governor having come to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was commanded to let the Assembly know, it was His Excellency's pleasure that they forthwith attend at the Bar of this House :

His Excellency comes to the House, and commands the attendance of the Assembly.

Who being come thereto,

His Excellency the Lieutenant Governor was pleased, in Her Majesty's name, to assent to the following bills, viz :

Royal assent given to

1.—An Act to regulate the name and style of the Court established under the authority of an Act of the Provincial Parliament, passed in the thirty-fourth year of the reign of King George the Third, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."

Court of King's Bench style alteration bill.

2.—An Act to provide for the payment of Costs in certain cases of Informations, at the suit of the Crown, and for other purposes therein-mentioned.

Crown costs payment provision bill.

3.—An Act to alter and amend the law relating to the appointment of Commissioners of the Court of King's Bench, in the several Districts of this Province.

King's Bench Commissioners' law alteration bill.

4.—An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock."

Brock District provision extension bill.

5.—An Act to render valid the late Elections for Aldermen and Council-men for the Town of Kingston.

Kingston elections validity bill.

6.—An Act to limit the period for the owners of lands making claims for damages already occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned.

Rideau Canal claims period limitation bill.

7.—An Act to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of Lands'; and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, 'An Act to ascertain, and establish on a permanent footing, the boundary lines of the different Townships in this Province, and further to regulate the manner in which Lands are hereafter to be Surveyed.'"

Land Surveyors' law provision extension bill.

8.—An Act for the protection of the Lands of the Crown in this Province, from trespass and injury.

Crown Lands protection bill.

9.—An Act to incorporate certain persons under the style and title of the College of Physicians and Surgeons of Upper Canada.

Physicians' College establishment bill.

Saturday, 11th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

- Game preservation bill. 10.—An Act to amend an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act for the preservation of Deer within this Province," and to extend the provisions of the same, and to prohibit Hunting and Shooting on the Lord's Day.
- Hamilton Market establishment and loan bill. 11.—An Act to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned.
- Waterloo Bridge Company's incorporation amendment bill. 12.—An Act to amend an Act, entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company."
- Home District new Gaol loan bill. 13.—An Act to authorise the Magistrates of the Home District to borrow a sum of money, for the purpose of completing the new Gaol and Court House.
- Controverted elections trial continuation bill. 14.—An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, entitled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled, 'An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials'; and also a certain other Act, passed in the eighth year of the reign of King George the Fourth, entitled, "An Act to continue and amend the Laws now in force for the trial of controverted Elections."
- Wooden stills measurement continuation bill. 15.—An Act to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to revive and continue an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, 'An Act prescribing the mode of measuring the contents of wooden Stills, also for fixing the rate of Duty to be paid on all Stills used for the distillation of Spirituous Liquors within this Province."
- Line fences regulation bill. 16.—An Act to make permanent an Act passed in the fourth year of the reign of King William the Fourth, entitled, "An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers, within this Province,' as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads."
- County Courts law continuation bill. 17.—An Act to continue and make perpetual an Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled, 'An Act to supply, in certain cases, the want of County Courts in this Province,' and to make further provision for proceeding to Outlawry, in certain cases therein mentioned."
- Public health promotion bill. 18.—An Act to continue and make perpetual an Act passed in the fifth year of the reign of King William the Fourth, entitled, "An Act to promote the Public Health, and to guard against Infectious Diseases, in this Province."
- Petty Trespass law continuation bill. 19.—An Act to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's Reign, entitled, "An Act to provide for the summary punishment of petty trespasses and other offences."
- Cobourg Harbour Company's stock increase bill. 20.—An Act to increase the Capital Stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour.
- County of Huron erection bill. 21.—An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District."
- District of Dalhousie erection bill. 22.—An Act to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to erect certain Townships, now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie."
- Timber felling prevention bill. 23.—An Act to prevent the felling of Trees into certain Rivers and Creeks within this Province.
- Western District additional assessment bill. 24.—An Act to authorise the raising of one thousand pounds, by an additional rate or levy of one half-penny in the pound, upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District, to repair and improve the Gaol at Sandwich.

Saturday, 11th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

- 25.—An Act to continue and make perpetual, an Act entitled, "An Act to increase the salary of the Keeper of the False Ducks Light-house." False Ducks Light-house Keeper's salary continuation bill.
- 26.—An Act to authorise the Court of King's Bench to admit Adam Ainsley to practise as an Attorney in that Court, and to authorise the Vice-Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province. Ainsley's admission bill.
- 27.—An Act to incorporate certain persons, under the style and title of the President, Directors and Company, of the Bayfield Harbour. Bayfield Harbour Company's incorporation bill.
- 28.—An Act to authorise the erection of an Asylum within this Province, for the reception of Insane and Lunatic persons. Lunatic Asylum erection bill.
- 29.—An Act to amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston." Kingston incorporation law amendment bill.
- 30.—An Act for the relief of Teachers of Common Schools in the District of Niagara. Niagara Common School teachers' relief bill.
- 31.—An Act to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act granting to His Majesty a sum of money, for the erection of certain Light-houses within this Province, and for other purposes therein mentioned." Light-house erection law amendment bill.
- 32.—An Act to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled, "An Act to provide for the disposal of the Public Lands in this Province." Public Lands disposition extension bill.
- 33.—An Act to authorise the Magistrates of the Midland District to borrow a sum of money, to build a Wall around the Gaol and Court House of the Midland District. Midland District Gaol Wall bill.
- 34.—An Act to extend the period for imposing an additional rate upon the intended new District of Colborne. Colborne District additional tax bill.
- 35.—An Act to afford relief to Robert Brown, Esquire. Brown's relief bill.
- 36.—An Act to grant a Pension to the Widow and Children of the late Captain Edgeworth Usher. Widow Usher's pension bill.
- 37.—An Act to make provision for the payment of certain losses sustained by sundry individuals, therein-named. Certain losses payment bill.
- 38.—An Act granting to Her Majesty a sum of money, to improve the Cayuga Road, from Drummondville to Simcoe. Cayuga road grant bill.
- 39.—An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly, during the last Session, for the contingent expenses of the Legislature of this Province. Contingency covering bill.
- 40.—An Act authorising the Trustees of certain Lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same. Roman Catholic trustee bill.
- 41.—An Act to authorise the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of money for certain purposes therein-mentioned. Niagara Market trustee bill.
- 42.—An Act to continue and make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to continue and amend the law for attaching the property of Absconding Debtors." Absconding Debtors' law continuation bill.
- 43.—An Act to continue and make permanent, an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the consumption of Spirituous Liquors in Shops." Spirituous Liquor consumption bill.
- 44.—An Act to continue and make permanent, an Act passed in the third year of the reign of King William the Fourth, entitled, "An Act to continue the duty upon Licences to Hawkers and Pedlars." Hawkers' License continuation bill.
- 45.—An Act to make further provision for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle." Newcastle inland navigation bill.
- 46.—An Act granting a sum of money for the maintenance and support of the General Hospital of the City of Toronto. Toronto Hospital grant bill.
- 47.—An Act to provide for the further support of the Provincial Penitentiary. Penitentiary provision bill.
- 48.—An Act to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty, entitled, "An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, "An Act granting to His Majesty a sum of money, for the improvement of the Roads and Bridges in the several Districts of this Province." Road law provision extension bill.

Saturday, 11th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

- London road grant bill. 49.—An Act granting one thousand pounds, for opening and improving a Road from London, in the London District, to the River Saint Clair, in the Western District.
- Cornwall and L'Original road grant bill. 50.—An Act granting to Her Majesty a sum of money, for the improvement of the Post Road between Cornwall and L'Original.
- Married women's real estate bill. 51.—An Act to amend the law enabling Married Women to convey their Real Estates within this Province.
- Amherstburgh road bill. 52.—An Act for making, repairing and improving, the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing bridges thereon.
- Dundas and Waterloo road grant bill. 53.—An Act granting a sum of money, to complete the construction of a Macadamized road, from the Village of Dundas to the Township of Waterloo, in the Gore District.
- Kingston and Napanee road further grant bill. 54.—An Act granting a further sum of money, for the purpose of completing the Macadamized road between the Town of Kingston, and the Village of Napanee, in the Midland District.
- Kettle Creek Harbour grant bill. 55.—An Act granting a sum of money, to improve and keep in repair the Kettle Creek Harbour, at Port Stanley.
- Civil List bill. 56.—An Act granting a certain sum of money, to defray the expenses of the Civil Government, for the year 1839, and for other purposes therein mentioned.
- Gore Bank law alteration bill. 57.—An Act to alter and amend an Act passed in the sixth year of the reign of His late Majesty, King William the Fourth, entitled, "An Act to incorporate sundry persons, under the style and title of the President, Directors and Company, of the Gore Bank."
- House of Industry grant bill. 58.—An Act granting a certain sum of money for the maintenance and support of the House of Industry, in the City of Toronto.
- Hamilton and Brantford road further grant bill. 59.—An Act granting a further sum of money, by way of loan, to complete the Hamilton and Brantford road, and for other purposes therein mentioned.
- Militia law repeal bill. 60.—An Act to repeal, alter and amend, the Militia Laws of this Province.
- Certain Commissioners' duty bill. 61.—An Act to assign duties to certain Commissioners, and for other purposes therein mentioned.
- Adjutant General's salary bill. 62.—An Act to increase the salary of the Adjutant General of Militia of this Province.
- Chartered Banks specie payment suspension bill. 63.—An Act to continue in force for a limited period, the laws authorising the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations.
- Gull Island Light House provision bill. 64.—An Act to provide for the completion of the Gull Island Light-house.
- Bristowe's admission bill. 65.—An Act to make valid, and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery, of this Province.
- Innkeepers' license law continuation bill. 66.—An Act to continue and make permanent, an Act passed in the eleventh year of the reign of King George the Fourth, entitled, "An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, 'An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences.'"
- Turquand's remuneration bill. 67.—An Act granting a sum of money to remunerate Bernard Turquand, for certain services therein mentioned.
- Light House law revival bill. 68.—An Act to revive and continue, with certain limitations, an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act granting to His Majesty a sum of money for the erection of certain Light-houses within the Province, and for other purposes therein mentioned."
- Civil rights law revival bill. 69.—An Act to revive and continue, for a limited time, the second clause of an Act passed in the ninth year of the reign of King George the Fourth, entitled, "An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects."
- Common School grant bill. 70.—An Act granting a sum of money for the support of Common Schools, for the year one thousand eight hundred and thirty-nine.
- Education advancement bill. 71.—An Act to provide for the advancement of Education in this Province.

Saturday, 11th May, 1839.

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

And His Excellency the Lieutenant Governor was pleased to reserve the following Bills for the signification of Her Majesty's pleasure thereon, viz :

His Excellency reserves:

- 1.—An Act to enable Her Majesty to make a grant of Land to James Fitzgibbon, Esquire. FitzGibbon's land grant bill.
- 2.—An Act to make provision for the division of the intended new District of Colborne, into two Counties. Colborne District provision bill.
- 3.—An Act to authorise the purchase of the Private Stock in the Welland Canal, on the part of this Province, and for other purposes therein mentioned." Welland Canal private stock bill.
- 4.—An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province. Gold and Silver Coins value regulation bill.
- 5.—An Act to authorise the issue of Bills of Credit. Bills of Credit issue bill.
- 6.—An Act to afford further facilities to negotiate Debentures, for the completion of certain works. Debentures negotiation facility bill.
- 7.—An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion, and Invasions of this Province. Rebellion claims payment bill.
- 8.—An Act to dispose of the Lands commonly called "Clergy Reserves," and for other purposes therein mentioned. Clergy Reserves disposition bill.
- 9.—An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned. Casual and Territorial revenue appropriation bill.

After which, His Excellency the Lieutenant Governor, was pleased to deliver a gracious Speech to both Houses, in the following words:

*Honourable Gentlemen of the Legislative Council: and,
Gentlemen of the House of Assembly:*

In relieving you from your Legislative duties, I desire to express my satisfaction at the zeal and patience you have displayed, in considering the important subjects which have engaged your attention.

Speech of His Excellency at the prorogation.

It has not surprised me, that conscientious differences of opinion have so long led to much embarrassment in the disposal of the Clergy Reserves.

You were right, certainly, to leave no means unattempted, in order finally to settle this great question by the Provincial Legislature; but every expedient having failed, and all hope being excluded of unanimity here, I rejoice greatly that this Parliament has resolved, that the difficulties of this subject shall not longer be suffered to excite and encourage antagonist feeling in a community, whose common safety requires the greatest concord.

I shall feel it to be my duty, to the utmost of my knowledge and ability, to put Her Majesty's Government in possession of the desires and opinions of the people of Upper Canada, regarding the public aid to be afforded to the maintenance of the Christian Religion in the Colony: and will, without loss of time, transmit that Bill, together with your Address thereon.

The Bill which you have passed, accepting the cession of the Casual and Territorial Revenue, upon condition of a permanent supply for the support of the Government, in its ordinary and most necessary details, will, I hope, prove satisfactory to Her Majesty.

The omission, however, in the Bill, to provide for certain annuities charged upon these Revenues, renders it necessary for me to reserve the Bill for the signification of Her Majesty's pleasure thereon.

I have derived great satisfaction from the Bill which you have passed, for the promotion of liberal Education, and the extension of Schools, of a highly useful character, to every District in the Province; and I most sincerely hope, that another Session of the Legislature will not be allowed to pass over, without your making a similar wise and liberal provision for Common Schools.

Among the measures of the Session, I am happy to observe a Bill for the establishment of a Lunatic Asylum, which will have the humane effect of rescuing many unhappy beings from incurable wretchedness; and I have no doubt, that the burden, consequent on carrying this beneficent design into operation, will be cheerfully submitted to by the people of the Country.

Saturday, 11th May, 1839.

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

In sustaining the great interests of the Country, no object of legislation requires more care and precaution than the due regulation of its system of Banking; and nothing is more hazardous to those interests than a prolonged issue of inconvertible Bank paper.

Impressed with this truth, I consider it would have been better to fix a much earlier day, for the return to a sound system of Banking—but have, nevertheless, determined not to withhold my concurrence to the Bill, which both Houses of the Legislature have agreed in thinking necessary.

Gentlemen of the House of Assembly:

I thank you, in Her Majesty's name, for the Supplies granted for the service of the present year.

In superintending the ordinary disbursements, I shall economically restrict them within the narrowest limits, which are consistent with a due regard to the efficient administration of public affairs; and I trust there will be no recurrence of the distressing events which caused an expenditure last year, unexampled at any former period.

The serious doubts expressed by Her Majesty's Government as to passing any measures calculated to affect, and especially to derange, the monetary system of the Province, render it my duty to reserve, till Her Majesty's pleasure be known, such of the Bills as you have passed, which appear to me to have that tendency.

I will lose no time in transmitting these Bills, to Her Majesty's Secretary of State for the Colonies, that the decision upon them may be known with the least possible delay.

In the mean time, I trust that the sale of the Stock in the Bank of Upper Canada, and the other resources of the Province, will enable me, during the interval, to carry on the Public Service without any material inconvenience.

Having felt it my duty to adopt this course in reference to these Bills, it has become necessary for me also to reserve, for the signification of Her Majesty's pleasure, the Bill for the relief of sufferers by the late insurrection, or by foreign aggression, or otherwise claims under that Act might be presented before there were any means provided for their liquidation.

It is my deliberate opinion, that at this crisis you must seek for, and rely upon, the protection and advice of Her Majesty's Government, in your money concerns.

Honourable Gentlemen, and Gentlemen:

In returning to your homes, and among those whom you represent, I wish earnestly to impress upon you, that your exertions in maintaining the same constitutional spirit, which has actuated you in your Parliamentary labours, will materially serve and promote the welfare of the Country; and I firmly hope and believe, that in any measures which Her Majesty's Government may recommend, and the Imperial Parliament may adopt, for the future regulation of these important Colonies, you will find that your loyalty to your Sovereign, and your faithful attachment to the Empire, will be pre-eminently regarded, and will ensure to you the maintenance and protection of those political institutions and constitutional principles, which you so justly appreciate and revere.

The Honourable the Speaker of the Legislature Council then said, it is His Excellency the Lieutenant Governor's will and pleasure, that this Provincial Parliament be prorogued to Thursday, the thirteenth day of June next, to be then here holden; and this Provincial Parliament is prorogued, accordingly.

A P P E N D I X

TO THE

JOURNAL OF THE LEGISLATIVE COUNCIL:

1839.

APPENDIX A.—(See Journal, Page 29.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

(Copy.)

No. 61.

DOWNING STREET,
25th April, 1838.

APPENDIX A.

SIR,

I have to acknowledge Sir Francis Head's Despatch, of 12th March last, (No. 31,) enclosing two Addresses from the Legislative Council, and House of Assembly of Upper Canada—the first praying that a bill may be introduced into the Imperial Parliament, for surrendering the surplus profits of the Post Office, in that Province, to the control of the local Legislature; the second suggesting the imposition of a duty of two and a half per cent *ad valorem*, on all goods imported into Lower Canada—to be applied to the payment of the interest of the debt contracted by Upper Canada, in the construction of public works, and the improvement of the channels of internal communication.

Copy of a Despatch, on the subjects of the Post Office Department, and the imposition of a duty of two and a half per cent on goods imported into Lower Canada.

I have had the honour to lay these Addresses at the foot of the Throne, and Her Majesty was pleased to receive them very graciously, and to direct that they should be referred for the consideration of the Lords Commissioners of Her Majesty's Treasury.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,

&c. &c. &c.

(Copy.)

No. 63.

DOWNING STREET,
27th April, 1838.

SIR,

I have to acknowledge Sir Francis Head's Despatch, of the 8th March, (No. 25,) enclosing a Joint Address to the Throne from the Legislative Council, and House of Assembly, of Upper Canada, praying that a grant may be made to Colonel FitzGibbon, of five thousand acres of the waste lands of the Crown.

Copy of a Despatch, relative to the grant of five thousand acres of land to Colonel FitzGibbon.

I have laid this Address at the foot of the Throne, and Her Majesty has commanded me to express Her gratification at the honourable testimony borne by both Branches of the Provincial Legislature, to the services of Colonel FitzGibbon.

If it should be the pleasure of the two Houses of the local Legislature, to mark their sense of that Officer's services by a pecuniary grant, it will afford Her Majesty much satisfaction to give her assent to any Act which may be passed for that purpose; but Her Majesty is advised that, consistently with the terms of the Act of the local Legislature, on the subject of the alienation of the waste lands of the Crown, and with the principles on which that Act proceeds, Her Majesty could not make the proposed compensation to Colonel FitzGibbon, in the form of a grant of a land.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,

&c. &c. &c.

(Copy.)

No. 65.

DOWNING STREET,
29th April, 1838.

SIR,

I have to acknowledge Sir F. Head's Despatch, of 17th March last, (No. 36,) enclosing an Address to the Throne, from the two Houses of the Provincial Legislature, praying that instructions may be issued for a survey of the Harbour at Port Dalhousie, at the western extremity of Lake Ontario.

Copy of a Despatch, on the subject of the Survey of Dalhousie Harbour.

APPENDIX A.—(See Journal, Page 29.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX A.

I have had the honour to lay this Address at the foot of the Throne, and Her Majesty has been pleased to command, that in conformity with the wish of Her faithful Subjects, the Legislative Council and House of Assembly of Upper Canada, the Commander-in-Chief of Her Majesty's Forces in Canada, should be directed to cause a survey of that Harbour to be forthwith made.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,

&c. &c. &c.

(Copy.)

No. 106.

DOWNING STREET,
30th June, 1838.

SIR,

With reference to my Despatch, of the 25th April last, (No. 61,) I transmit herewith, for your information, a copy of the letter addressed to this Office, by direction of the Lords Commissioners of the Treasury, on the subject of the Addresses to Her Majesty, from the Legislative Council and House of Assembly, of Upper Canada, relative to the surrender of the surplus revenue, arising from the Post Office, and the imposition of an import duty, applicable to the interest of the debt contracted by Upper Canada, in the construction of public works. In conformity with the suggestions of the Lords of the Treasury, I have referred these Addresses to the Earl of Durham: and I have to request that you will put yourself in communication with His Lordship, and afford him every information in your power, on the subjects to which they refer.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,

&c. &c. &c.

(Copy.)

TREASURY CHAMBERS,
13th June, 1838.

SIR,

The Lords Commissioners of Her Majesty's Treasury, having had under their consideration your letter, dated 30th April, with the two Addresses from the Legislative Council and House of Assembly, of Upper Canada, therein enclosed—the first praying that a bill may be introduced into the Imperial Parliament, for surrendering the surplus profits of the Post Office, in that Province, to the control of the local Legislature; the second suggesting the imposition of a duty of two and a half per cent *ad valorem*, on all goods imported into Lower Canada—to be applied to the payment of the interest of the debt contracted by Upper Canada, in the construction of public works, &c. I have it in command from their Lordships to request you will state to Lord Glenelg, that as regards the question of the surplus revenue of the Post Office, it appears to my Lords, that the subject can only be satisfactorily disposed of by some conjoint arrangement of the Legislatures of the Canadian Provinces, on the basis contemplated by the Act 4th and 5th Wm. IV. chap. 7, and that my Lords cannot doubt, but that the early attention of the Earl of Durham will be given to the subject; and they will be fully prepared to enter upon the consideration of any measures that may be proposed, for the adoption of the Legislatures of the North American Provinces, in conformity with the principles recognized by that Act.

With respect to the proposition relating to an additional duty of two and a half per cent *ad valorem*, on articles imported into the ports of Lower Canada, I am directed to request, that you will further observe to Lord Glenelg, that it appears to my Lords, that any such measure ought likewise to be the subject of mutual arrangement between the Legislatures of the Canadian Provinces, and they would suggest that the Address should be referred for the consideration of the Earl of Durham.

I am, &c.

(Signed) A. G. SPEARMAN.

JAMES STEPHEN, Esquire,

&c. &c. &c.

Copy of a Despatch, respecting the surrender of the surplus revenue, arising from the Post Office.

APPENDIX B.—(See Journal, Page 29.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX B.—(See Journal, Page 29.)

APPENDIX B.

(Copy.)

No. 6.

DOWNING STREET,
28th December, 1837.

SIR,

On your arrival in Upper Canada, it is necessary that you should be prepared to communicate to the Legislative Council and Assembly, the answer of the Queen to the joint Address of the two Houses of the 16th of February last, praying that the Instructions which, on the 31st of August 1836, I addressed to Sir Francis Head, on the subject of Bills incorporating Banking Companies, and otherwise affecting the monetary system of the Province might be revoked. I have therefore received Her Majesty's commands to address to you the following communication, as comprising Her Majesty's answer to that Address.

Copy of a Despatch, on the subject of Sir Francis Head's instructions relative to the Monetary system of the Province.

The motives by which His late Majesty's Instructions on this subject were dictated, were of no light or ordinary kind. Anxiously observing the progress of commercial speculations, in different parts of the world, and especially on the North American Continent, the Ministers of the Crown perceived but too much reason, to anticipate the rapid approach of a period at which the multiplication of various conventional substitutes for Gold and Silver money, would involve the British North American Provinces in Financial difficulties of the most serious character. The effect of such a state of things upon the operations of the Commissariat, and upon the Commercial relations of Great Britain, not only with the British Provinces, but with many Foreign States, became the subject of serious concern.

The single resource of which the Crown could avail itself to avert the apprehended danger, was to be found in the power of disallowing any Legislative Acts which might be unadvisedly passed for purposes of this nature. But the objections to resorting to this resource were of the most weighty character; the Prerogative in question is, for obvious reasons, always most reluctantly employed, and independently of the dissatisfaction which the frequent use of it must occasion, it would, in the cases to which my instructions referred, have been productive of very serious embarrassments.

The disallowance of Acts on the credit of which large Capitals had already been embarked, and many commercial transactions undertaken, would have been a measure of the most extreme difficulty. The reservation of these Laws for the sanction of the Crown before they actually came into operation, appeared, therefore, to be the only practicable resource.

The occurrences of the Spring and Summer of the present year, sufficiently shew that there were not wanting the most powerful motives for this precautionary regulation. It prevented the establishment of Banks with nominal Capitals of more than four millions sterling, on the eve of the most remarkable Commercial crisis which has ever occurred on the North American Continent. Thus, if it could not avert, it has at least mitigated, to a very great extent, the calamities with which the Province was visited in consequence of the suspension of cash payments in the United States of America.

It was not, however, in reference to occasional motives only, or to a policy merely temporary, that the instructions in question were written. Reasons too obvious and familiar to demand particular explanation, require that the monetary system of every country should be regulated by fixed and uniform principles, and the Royal Prerogative of determining the standard of the current coin, would be practically taken away, or rendered useless to the great ends for which it is vested in the Sovereign, if Legislative Acts passed in the different Provinces should confide to various Corporate Bodies the power of creating a paper currency, without all the necessary limitations upon its extent and legal character.

Powerful as these motives seemed to His late Majesty, and great as is the weight which the Queen still attaches to them, Her Majesty commands me to acknowledge that it would not be without extreme reluctance that she would persevere in maintaining the Instructions in question, in opposition to the concurrent opinion, and earnest, though most respectful advice, of the two Houses of the local Legislature. Receiving with the utmost deference their judgment on all questions of which the interest is chiefly, though not exclusively, local, the Queen gives the most conclusive proof of Her reliance on the wisdom of the Upper Canadian Legislature, by commanding you to apprise them, that if on more mature consideration, and adverting

APPENDIX B.—(See Journal, Page 29.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX B.

to the commercial events of the present year, they should still retain the opinions which they have already expressed, Her Majesty is content that the Instructions of the 31st of August, 1836, should be withdrawn. In that case, however, it appears to the Queen indispensable, that the local Legislature should adopt for their own guidance some general principles which would pervade all legislation on subjects of this nature. I enclose for your and their information a series of rules, drawn up by the Lords of the Committee of Privy Council for Trade, for the guidance of Her Majesty's Government, as to the terms on which they ought to insist in all Charters for the Incorporation of Banking Companies, and those Rules Her Majesty commands me to recommend to the serious attention of the local Legislature, as prescribing various principles on this subject, which are recommended by great experience, and much careful reflection.

Such is the answer which it is Her Majesty's pleasure to return to the joint Address of the Council and Assembly—an answer which I trust will be received by them as a proof of the earnest desire by which Her Majesty is animated to act in accordance with them for the promotion of the welfare of that important portion of the British Empire, to the advancement of the interests of which the labours of the Legislative Council and Assembly are more immediately directed.

I have, &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,
&c. &c. &c.

Extract of a Letter from the Board of Trade, to JAMES STEPHEN, Esquire,

Dated 26th April, 1837.

1st. That the sum to which the personal responsibility of the respective Shareholders may be limited, should not be less than twice the amount of the shares held by each.

2nd. That the Bank should be bound to make up and publish, for the information of the proprietors, in some public Newspaper, circulating in the Colony where the Bank may be established, and in certain cases also in the London Gazette, general half yearly accounts, shewing the whole of the amount of its debts and assets, at the close of each half year; shewing also the amount of its notes payable on demand, which had been in circulation in each week of such half year, together with the amount of the specie and other assets immediately available in each such week, for the discharge of such notes; and that copies of such half yearly accounts should be laid before the Government of the Colony in which such Bank shall be established.

3rd. That such Banks should be at all times liable to furnish to the Governor of the Colony, on his requisition, similar accounts.

4th. That the funds of the Bank should not be employed in loans or advances upon land, or other property not readily convertible into money, nor in the purchase of any property; but be confined to what are understood to be the legitimate operations of Banking, viz.: advances upon Commercial Paper or Government Securities, and general dealings in money and Bills of Exchange.

5th. The introduction of provisions for the forfeiture of the Charter on any suspension of Cash payments which may continue for the space of sixty days.

6th. For the conversion into Specie on demand of Paper issued by any Branch Banks at the place of issue, as well as at the principal Establishment.

7th. For the payment of one half at least of the subscribed Capital prior to the Bank being opened for business, and of the whole within a period not exceeding twelve months from the date of such opening.

8th. For the restriction of the amount of paper discounted on which the names of Directors or Officers of the Bank shall appear as Drawers, Acceptors, or Indorsers, to an amount not exceeding one third part of the whole discounts of the Bank.

9th. The prohibiting the Bank in its Corporate capacity, from purchasing or holding its own stock.

10th. A provision to be made for the responsibility of each shareholder continuing till a certain time: say one year after his share is transferred.

11th. No Notes under a specific amount (£1 or \$5) to be issued by the Company.

APPENDIX C. & D.—(See Journal, Pages 29 & 30.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX C.—(See Journal, Page 29.)

APPENDIX C.

(Copy.)

No. 184.

DOWNING STREET,
14th December, 1838.

SIR,

The Act of the Legislature of Upper Canada, passed in the month of March last, entitled, "An Act to authorise a loan of money in London, and for other purposes therein-mentioned," has engaged the serious attention of Her Majesty's Government, and especially of the Lords Commissioners of the Treasury.

Copy of a Despatch, relative to the Act of last Session, for authorising a loan of money in London.

By this Act the Receiver General of Upper Canada is authorised to issue certain Debentures, to the amount of £1,000,000 sterling, and the Lieutenant Governor is then to direct those Debentures to be transmitted to Her Majesty's Government, to be sold for the benefit of the Province, in such manner as they should please to direct, and for the best price that can be obtained for the same. It is further enacted, "that so soon as any sum or sums of money shall be received by the Lords Commissioners of Her Majesty's Treasury, upon any loan authorised to be raised by this Act, such sum or sums shall be applied towards redeeming the outstanding Debentures of the Government of the Province, which may then be due to the holders thereof, and for no other purpose whatever."

Independently of other objections to this law, the Lords of the Treasury are not prepared to authorise the transaction in their department of the business of any such agency as that contemplated by the Act, so that the Act must necessarily become inoperative.

Her Majesty's Government are, however, unwilling to advise the Queen to proceed at once to the actual disallowance of this law.

That is a measure to which they would most reluctantly resort under any circumstances. You will therefore avail yourself of all your legitimate influence to induce the Provincial Legislature to repeal this Act, and until I shall be apprised of the results of those efforts, Her Majesty's decision upon it will be suspended.

The occasion suggests other important considerations of a more general nature. The enactment of Laws anticipating by loans the future revenues of the Province, and sanctioning the issue of saleable Debentures, is a measure which may be productive of the most serious inconvenience, especially when, as in the present case, the amount of the transaction is very considerable. It is impossible but that the financial interests of the Empire at large should be seriously affected by such operations; and I have therefore to convey to you Her Majesty's Instructions, that you do not assent to any future Act for the anticipation of the Colonial Revenue by loans, but any such laws should be reserved for the signification of Her Majesty's pleasure.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

APPENDIX D.—(See Journal, Page 30.)

APPENDIX D.

(Copy.)

No. 148.

DOWNING STREET,
5th October, 1838.

SIR,

I have received your Despatch, No. 53, of the 8th August, reporting the arrangements in progress for the early return to cash payments by the Chartered Banks of Upper Canada, which had been under the necessity of suspending specie payments.

Copies of two Despatches, respecting the suspension of Specie Payments by the Chartered Banks of this Province.

I have communicated your Despatch to the Board of Trade, and to the Lords of the Treasury. The latter have informed me that, as those establishments were, at the date of your Despatch, about to take measures for the resumption of cash payments, and as their Lordships feel assured that you will not assent to any renewal of the enactments by which

APPENDIX D.—(See Journal, Page 30.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX D.

the Banks are empowered to suspend the redemption of their notes in specie, without due provision being made for the observance of the condition that no dividend shall be issued to the Shareholders during the period of such suspension, their Lordships do not consider it necessary at present to suggest any further instructions to you on the subject.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

(Copy.)

No. 182.

DOWNING STREET,
13th December, 1838.

SIR,

Amongst the Acts passed by the Legislature of Upper Canada, during their last Session, on which the pleasure of Her Majesty has not yet been signified is, the "Act to repeal and amend part of an Act passed in the last Session, entitled, 'An Act to authorise the Chartered Banks in this Province to suspend the redemption of their notes in specie, under certain regulations for a limited time, and for other purposes therein-mentioned.'"

I have referred this Act for the consideration of the Lords Commissioners of the Treasury, and the Lords of the Committee of Privy Council for Trade. Their Lordships observe, that although the peculiar financial position of the North American Continent in the year 1837, and above all the example of the United States, may have afforded some ground for the Act passed in that year, no sufficient cause appears to them to have existed in 1838, for the renewal of that Act, and still less for the removal of the restrictions which were imposed by it. The legalizing of a system of inconvertible paper money is, in their Lordships' opinion, strongly to be deprecated. Plausible grounds, they remark, may easily be found, for renewing Bills of this kind year after year, and it accordingly becomes necessary at once to refuse the sanction of Her Majesty's Government to such measures. Their Lordships, therefore, cannot assent to the principle of the Act under consideration, when provision is not made for preventing any distribution by the Banks of profits, during the period of the suspension of specie payment. As, however, the Act will shortly expire, Her Majesty's Government do not consider it necessary to advise the disallowance of it, but I have to desire that if any similar bill shall be hereafter introduced into the Legislature, you will make it generally known, that unless it should contain the restriction to which I have just adverted, you will be compelled to withhold your assent from it.

The Lords Commissioners of the Treasury have further requested that I would call your attention to the provisions of the Act 1st Vict. c. 4, by which the Act 7 and 3 Wm. 4, cap. 2., and all other Acts which would otherwise have expired with the Session of 1838, were continued. They observe that the effect of this Act is highly inconvenient, inasmuch as by the indiscriminate extensions of expiring laws, Her Majesty's Government are virtually prevented from expressing any opinion on the policy of continuing enactments passed, like that for the suspension of specie payments to meet a case of pressing and special emergency.

Having thus explained to you the views of Her Majesty's Government on this subject, and the course which they consider that, under ordinary circumstances, it would be proper for you to adopt with reference to it, I think it right in the present position of affairs in Canada, to entrust you with the discretion of not acting on these instructions,—should you have reason to believe, that during the coming Session of the Provincial Legislature, the enforcement of them would be attended with prejudice to the public interests.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

APPENDIX E.—(See Journal, Page 33.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX E.—(See Journal, Page 33.)

APPENDIX E.

(Copy.)

No. 36.

DOWNING STREET,
8th March, 1838.

SIR,

As the bill passed by the Legislative Council and Assembly of the Province of Upper Canada, in the Session of 1837, entitled, "An Act to provide for the disposal of the Public Lands in this Province, and for other purposes therein-mentioned," and reserved by the Lieutenant Governor for the signification of Her Majesty's pleasure, could not by law receive the Royal Assent, until it should have lain for thirty days on the table of both Houses of Parliament, it was impossible for me to communicate the decision of Her Majesty upon that bill during the last year.

Copy of a Despatch, on the subject of the bill passed by the two Houses in 1837, for disposing of the Public Lands in this Province.

The transcripts of the bill having been laid before both Houses early in the present Session, and the period fixed by law having expired, within which the confirmation of the bill might have been arrested by an Address from either House, Her Majesty has been graciously pleased, by an order in Council, finally to enact and confirm this bill.

It is, however, necessary to state, that the bill is not exempt from some objections, to which I feel it my duty to draw your attention. The Royal Assent to it has been given, because the main scope and tenor of the Law is in accordance with those principles, on the subject of the settlement of waste lands, which have been maintained by Her Majesty's Government since the year 1831, and because the law having been passed only for two years, the objectionable clauses may be readily omitted, when the Act shall be revived, and by due caution in the mean time, will not be productive of any serious injury.

The enactments to which I refer, are, first—that which authorises the Lieutenant Governor to direct reservations of land adjacent to lands about to be sold, in order that such Reserves may be freely granted to the purchaser, on proof of his residence for five years, and of his having effected certain improvements; and secondly, that which enables the Lieutenant Governor in Council to make private sales to any person to whom a special injury would be done by the public sale of any particular piece of land: Each of these provisions is liable to the same general abuse. Each of them will invest the Executive Government with the power of dealing with this part of public property in such a manner as to gratify individuals, and convert into a source of favour, an administration which should be conducted upon the most rigid principles of open and impartial dealing—upon rules which every purchaser can ascertain, and in which all shall have an equal interest. Reposing full confidence in the discretion and equity of the local Government, I am yet unable to perceive any sufficient reason why the law should refer to their arbitrament, questions which might safely be decided by general and inflexible regulations. You, I am convinced, will be happy to be relieved from this invidious duty, and to be placed beyond the reach of any possible reproach of having employed it unwisely, or with undue favour to any person whatever. So far as these enactments leave you a discretionary authority in making the reservations and private sales to which they refer, you will therefore abstain from availing yourself of that right. When the bill again comes under consideration you will endeavour to induce the Council and Assembly to revive it with the omission of these enactments; and it would be desirable that you should suggest that, with this alteration, it should be passed for a longer period than two years.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,

&c. &c. &c.

APPENDIX F.—(See Journal, Page 40.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX F.

APPENDIX F.—(See Journal, Page 40.)

(Copy.)

No. 124.

DOWNING STREET,
13th August, 1838.

SIR,

Copy of a Despatch,
relative to the Act of 1836,
for establishing the rates
at which Gold and Silver
Coins should pass current.

Her Majesty's Government have had under their serious consideration, the Act passed by the Legislature of Upper Canada, during their Session of 1836, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province."—This Act was not reserved for the signification of Her Majesty's pleasure, having been passed previously to the receipt in Upper Canada of my circular instructions of 31st August, 1836.

You will be aware, from my Despatch to your predecessor, of 1st March, 1837, that considerable doubts existed in the minds of Her Majesty's Government, as to the propriety of confirming this Act. It appeared to them, that the changes which it was calculated to produce in all monied transactions, were so important and unusual, as to be justified only by some paramount necessity: while neither in the preamble of the Act itself, nor in the Despatch of Sir F. Head, transmitting it, was that necessity explained. The report contained in Sir F. Head's Despatch, of the 7th May, 1837, has not removed these doubts—and it would, therefore, have been my duty, under ordinary circumstances, to advise Her Majesty to disallow this Act.

I could not, however, without the greatest reluctance, have tendered to Her Majesty such advice, with reference to any Act which had received the concurrence of both Branches of the Legislature of Upper Canada—and that reluctance would have been much increased in the case of an Act so immediately affecting the every day transactions of society, and which having gone into immediate operation, must have influenced all the pecuniary engagements and obligations contracted since its enactment: considering, moreover, that the duration of the Act was limited to four years, of which two have already expired, I have felt myself at liberty to advise Her Majesty not to make any Order in Council on it, thereby leaving it in effect to its operations. But as it is possible, that at the expiration of this Act, a similar bill may again be introduced into the Legislature of Upper Canada, I think it necessary to transmit herewith, for your information, the copy of a paper on the subject, which has been drawn up in the Office of the Lords Commissioners of the Treasury. In the general reasoning of this paper I concur—and I attach especial weight to the objections stated to those provisions of the Act, by which the English Shilling is valued at 1s. 3d. Currency, instead of 1s. 2½d. and the Sovereign at £1 4s. 4d. If therefore any bill, similar to the Act in question, should be hereafter introduced into the Legislature of Upper Canada, you will bring under the notice of the Legislative Council and House of Assembly, the arguments stated in the accompanying paper, in order that the defective provisions in the present Act may be avoided. I have no doubt that the Provincial Legislature will admit the force of the objections urged in reference to those provisions, and that they will take the necessary steps to remedy them; but if not, you will let it be generally understood, that you would be compelled to reserve, for the signification of Her Majesty's pleasure, any bill for the regulation of the Currency, containing provisions similar to those which, in the present Act, have been objected to by Her Majesty's Government.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

UPPER CANADA ACT OF 1836.

(Copy.)

PREVIOUS to the introduction of British silver into the Province of Upper Canada, the legal denominations of an English crown, an English shilling, and a Spanish dollar, were respectively as follows:

APPENDIX F.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Crown,	5s. 6d.	Currency.
Shilling,	1s. 1d.	"
Dollar,	5s. 0d.	"

APPENDIX F.

According to this scale, a dollar was reckoned equal to 4s. 6d.—54, in English crowns, and to 4s. 7d.—4, in English shillings.

But as a dollar was really worth only 4s. 2d. in English money, crowns and shillings could not circulate in the Province at the rates assigned to them by law.

The Proclamation of 1825, reduced the sterling value of the dollar to 4s. 4d.

With obvious reference to this Proclamation, the Legislature of Upper Canada passed a law, by which the English crown was raised to 5s. 9d., and the English shilling to 1s. 2d., the dollar being still rated at 5s. currency.

According to this new scale, a dollar was reckoned equal to 4s. 4d.—17, in English crowns, and to 4s. 3d.—43, in English shillings.

British silver being still undervalued with reference to the dollar, both by the King's Proclamation of 1825, and by the local Act last-mentioned, was no sooner issued from the Commissariat chest, than it was collected and exported, or brought back for bills upon the Treasury. Under these circumstances, when 4s. 4d. was due to the soldier, he received very nearly the same sum in the legal currency of the Province, whether he was paid in British silver, or with a Mexican dollar.

But 4s. 4d. of British silver was really worth one dollar, and one twenty-fifth of a dollar. It was generally, therefore, in his power to dispose of his 4s. 4d. for more than the sum for which 4s. 4d. was legally current. When the soldier availed himself of this advantage, he obtained no more than what was fairly due to him—he obtained no more than a just equivalent for his 4s. 4d.

When paid with a Spanish dollar, he got less than what was justly due to him. He did not complain, however, for he found that in the ordinary market, and according to the law of the Province, a dollar and 4s. 4d. were deemed to be of equal value.

Government gained what the soldier lost.

The metallic par of exchange is 5s. for 4s. 2d., or £120 currency, for £100 sterling.—This is usually expressed, by saying, that Bills upon London are at 8 per cent. premium.

Thus	£100
Premium 8 per cent.	8
	9)108
	12

£120 currency;

or 480 dollars, which 480 dollars are worth, in London, at 4s. 2d. each, £100.

When the exchange is at 8 per cent. premium, (the metallic level,) Government obtains a dollar for 4s. 2d., and with that dollar discharges a debt of 4s. 4d., and thus gains or saves about 4 per cent. The bill which passed the Legislature of Upper Canada in 1836, has raised the current denomination of an English crown from 5s. 9d. to 6s., and of an English shilling from 1s. 2d. to 1s. 3d., but leaves the Spanish dollar at 5s. unaltered. According to this scale, a dollar is equal to 4s. 2d. in English crowns, and to 4s. in English shillings.

It is objected to this bill that it is disreputable in its principles, and likely to be injurious in its consequences.

But neither the flagrancy of the principle, nor the mischief which the bill is likely to occasion, have been distinctly pointed out.

It is undoubtedly true, that to alter the quality, or the denomination of those coins to which existing money contracts have reference, would be both disreputable and unjust. But is this done by the bill in question? Have existing contracts in Canada reference to British silver or to American dollars? Surely not to the former; for the high rates given to English crowns and English shillings, previous to the passing of this Act, rendered their use, as the medium of interchange in that Colony, wholly impracticable.

It may be said that a debt, which before the passing of this Act required 4s. 4d. in British silver for its discharge, may now be discharged with 4s. 2d. But is it true, in point of fact, that

APPENDIX F.—(See *Journal*, Page 40.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX F.

before the passing of the Act, a debt of 5s. currency, was ever actually discharged by the payment of 4s. 4d. in British silver? Was the creditor entitled to demand, or did he ever expect to receive this sort of payment? On the contrary, the debtor had the option of discharging his obligation, either by the payment of 4s. 4d. in British silver, or by the payment of a dollar worth only 4s. 2d. He naturally preferred the latter. The use of British silver, by its under-valuation, with reference to the dollar, was virtually proscribed. It formed no part of the ordinary metallic currency of the Province, nor had existing contracts any practical reference to it.

The question now is, whether it is desirable to exclude British silver altogether from the Province. If this be desirable or expedient, the exclusion will be effectually accomplished by refusing the Royal assent to the bill in question.

If, on the other hand, it is wished to promote circulation of British silver, the bill now under consideration should be confirmed, with two material exceptions, which I shall advert to hereafter.

Before doing so, however, it is proper to notice a matter of considerable subtlety, and of great importance, which is involved in the question.

Before the passing of the Act in question, when 4s. 4d. sterling, was due to a soldier or to a pensioner, he was commonly paid with a dollar, worth only 4s. 2d. sterling, and was satisfied with that payment; since the passing of the Act, instead of a dollar, he receives 4s. 2d. in British silver. In either case, he receives 6s. currency; but having been led to believe that a dollar is equal to 4s. 4d. sterling, he naturally concluded that 6s. currency, must likewise be equal to 4s. 4d. sterling.

He was strengthened in this conclusion by the mode in which the Canada Bank keeps its account with the Commissariat. When a dollar is paid into the Bank by the Commissariat, credit is given for 4s. 4d. army sterling; when a cheque for 4s. 4d. is drawn by the Commissariat upon the Bank, the Bank has the option of paying the cheque either with a dollar or with 4s. 4d. Before the Act of 1836, the Bank naturally preferred the former mode of payment; since the Act has become law, and has enabled the Bank to discharge a debt of 3s. currency, with an English half-crown, or a debt of 5s. currency, (a dollar) with 4s. 2d. in British silver, the Bank, without any obvious advantage to itself, chooses to pay the Commissariat cheques in British coin, and the pensioner gets 4s. 2d. where he formerly obtained a dollar.

Formerly the pensioner received less—and at present he receives less than his just due; but formerly he was unconscious of his loss—it is now brought home to his apprehension by the contact and intervention of British silver.

In Lower Canada, the troops receive a Mexican dollar at the army rate of 4s. 4d. apparently without complaint or hesitation: in Nova Scotia, the troops murmur and are dissatisfied. In the former Province, British silver is greatly undervalued by law, and does not circulate there: in the latter, it obtains circulation in consequence of being placed on a level with other coins legalized in the Province. In the former case, the troops are satisfied with the dollar at 4s. 4d.: in the latter, they complain.

But the Commissary General at Quebec, in his letter dated 18th February, 1837, says that the new law of Upper Canada has not really raised the value of the English coin, but brought down that of the quarter-dollar to the level of the shilling.

Of this no proof is given. In order to establish the accuracy of the Commissary's proposition, it would be necessary to shew, that before the passing of the new law, a dollar would command a bill on London for 4s. 4d. and will now command a bill on London for only 4s. or in that proportion; but this cannot be shewn. The Commissary General's proposition cannot, therefore, be admitted.

The foregoing observations have proceeded on the supposition, that the Upper Canada bill of 1836, reduced the value of the dollar, estimated in British silver, from 4s. 4d. to 4s. 2d.

This is the case in so far as crowns and half-crowns, which are valued at 6s. currency, and at 3s. currency, respectively, are concerned; but the shilling, instead of being valued in exact proportion to the crown and half-crown, namely, 1s. 2½d. is valued at 1s. 3d. currency. This, the Cashier of the Upper Canada Bank thinks, was done, in order to avoid small fractions; but the small fraction is, in this case, a matter of essential importance, and fraught with important consequences.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The shilling being valued at 1s. 3d. currency, and the dollar at 5s. currency, makes the dollar equal to 4s. in British silver—being an over-valuation of the shilling, with reference to the dollar, of $3\frac{1}{2}$ per cent. This is quite sufficient to drive away, not only English crowns and half crowns, but likewise the dollar itself, from circulation.

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The bill is, in this respect, decidedly objectionable. It injuriously affects all existing pecuniary contracts: it is, in this point, "disreputable in principle," and pregnant with mischief,

There is another important alteration made by this Act, which does not appear to be adverted to in any of the papers which I have seen.

In the new Act, the sovereign is valued at £1 4s. 4d. currency, and the American eagle, of the coinage of 1834, at 50s. currency. With reference to the sovereign, and to the American eagle, therefore, the dollar is reckoned equal to 4s. 1 $\frac{1}{2}$ d. sterling; now this is the same proportion, within a very small fraction, ($\frac{1}{20}$ th of a penny,) which is adopted in the new regulation of the mint of the United States—16 grains of fine silver to 1 grain of fine gold. Whether this coincidence was unintentional or designed, I do not venture to offer an opinion; but I have no hesitation in saying, that the ultimate effect of the bill, as it now stands, will be to banish Mexican, and so American dollars, English crowns and half-crowns, from circulation—and to render gold the legal basis of the metallic currency of the Province, at a depreciation, compared with dollars, of about 1 $\frac{1}{2}$ per cent.

In his observations on this bill, the Cashier of the Bank of Upper says, that the rate of £1 4s. 4d. given to the sovereign, "is a fraction below the American standard, so that it leaves the Province as soon as it is issued."

But this fraction is too small, $\frac{1}{20}$ th of a penny, or about 1s. 8d. in £100, to produce that effect. If the fact be as stated by Mr. Ridout, some other cause must be simultaneously in operation to produce it; that other cause, no doubt, is the small paper money of the Province.

On the whole the result is as follows:

The rate of 1s. 3d. currency, given to an English shilling, is calculated to drive away dollars, crowns, and half crowns, from circulation.

If the rate of the English shilling were altered, to its just proportion to the crown and the dollar, say to 1s. 2d.—2s. 5d. the over-valuation of the sovereign and the eagle would produce the same effect, so that sovereigns and eagles are the only coins that would obtain circulation in the Provinces.

But the small paper-money issued by the Banks, will drive away the sovereigns and the eagles. The ultimate effect of the Bill, then, will be to establish a paper currency, without any admixture of metallic money, except English shillings, considerably injured by wear.

Whatever may have been the intention of the framers of the Bill, a more effectual scheme for establishing a paper currency, nominally payable in specie, but practicably inconvertible, could not well have been devised.

(Signed) J. PENNINGTON,

17th March, 1838.

APPENDIX G.—(See Journal, Page 40.)

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(Copy.)

*Circular.*DOWNING STREET,
14th December, 1838.

SIR,

I have the honour to inform you, that Her Majesty has been pleased to appoint Lieutenant-General Sir John Colborne, Governor of the Colonies of Upper and Lower Canada, Nova Scotia, New Brunswick and Prince Edward Island, and to be Captain-General and Governor-in-Chief of British North America. In the latter capacity, Sir John Colborne will exercise the same powers and authority over all the North American Colonies, as were

Copy of a Circular Despatch, announcing the appointment of Lieut. General Sir John Colborne, as Captain General and Governor in Chief of British North America.

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entrusted to the Earl of Durham, the nature of which was explained in the enclosure of my Circular Despatch to you of the 3rd April last.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Lieutenant Governor SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

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APPENDIX H.—(See Journal, Page 40.)

(Copy.)

No. 91.

GOVERNMENT HOUSE,
Toronto, 20th November, 1838.

MY LORD:

Copy of His Excellency's Despatch, relative to the Finances of the Province; and the reply of Her Majesty's Principal Secretary of State for the Colonies thereto.

In my Despatch to your Lordship, No. 56, of the 11th August last, I had the honour to transmit for your Lordship's perusal, a copy of a communication which I had addressed to the Earl of Durham, on the 30th June, preceding, on the subject of Crown Lands and Emigration, wherein, in connection with it, I took occasion to advert to the causes which had tended to produce derangement in the finances of this Province, and stated that its resources had been anticipated to an extent that was felt to be embarrassing.

Occupied as I am upon matters of the most urgent nature, it is of the greatest importance that I should, without delay, bring this matter under your Lordship's notice in a more special manner, as in the ensuing meeting of the Provincial Legislature, the question of how the pressing pecuniary demands of the Province shall be satisfied, will require to be discussed; and, in anticipation of such discussion, I would wish to receive your Lordship's instructions on the point which I beg leave to submit to your consideration.

In your Lordship's Circular Despatch to Sir Francis Head, of the 31st of August, 1836, your Lordship states, after some preliminary observations—"With this view, I have to desire that you will not permit any Act, or Ordinance, or Proclamation, or Regulation, to come into operation in the Colony under your Government, relating to the Local Currency and Circulating Medium, or to the rates at which Coins shall pass current or be a legal tender, or to the circulation of promissory notes or other paper, either by the *Local Government*, or by any corporate bodies or individuals, without *having first received His Majesty's sanction*, conveyed to you by the Secretary of State."

This Despatch having been submitted to the House of Assembly by my predecessor, formed the subject of an Address to him from that Body, inquiring "if he would be prevented from giving the Royal Assent to any Bank Bill in future"; which Address, together with his reply to it, Sir Francis Head transmitted to your Lordship, in his Despatch, No. 10, of the 5th of February, 1837,—the receipt thereof being acknowledged in terms of approbation in your Lordship's Despatch, No. 162, of the 19th of April following.

Fully concurring in the view taken by Sir Francis Head, respecting your Lordship's instructions, as stated in his reply to the Address referred to, I am desirous of adhering to them as strictly as I am able; but, as the very peculiar circumstances of the Province may render unavoidable some departure from them, I wish to be prepared to meet possible contingencies.

I venture, therefore, to suggest to your Lordship, that in the event of such a measure being proposed in the Legislature, I should be provisionally authorised to give the Royal assent to any Provincial enactment, having for its object to allow the Receiver General to issue, on the credit of the Government, bills or notes, payable in Toronto at twelve months after date, to the amount of £100,000; to be used as a Circulating Medium, and made chargeable on the *prospective* revenue of the Province.

That such, or a similar measure, may be rendered necessary by events, I consider highly probable; and it appears to me, as far as I can judge at this moment, that no other so well calculated, by its simplicity to effect the desired object, could be conveniently resorted to.

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Though the cases are not exactly parallel, yet in illustration of the principle, and as affording a precedent for such a course of proceeding, I would instance the circumstance, that, during the last war in these Colonies, bills of the description I have mentioned were issued by the Provincial Government, and were found, as a *temporary resource*, of the utmost value to the public service.

Debentures payable in the Province are altogether unsaleable from the want of local capital; and debentures payable in London, where alone they are negotiable, have been already issued to a larger amount than has yet found purchasers.

With reference to these Debentures, the accompanying letters from the Receiver General, (inclosing others addressed to him by Messrs. Baring,) and Report of the Executive Council on the subject of their contents, will put your Lordship in possession of every necessary information respecting the circumstances under which they were issued; and your Lordship will at once perceive that, however powerful—and certainly they are very forcible—may be the arguments used by Messrs. Barings against the mode of their negotiation, yet that they could only have been made available for the *immediate and urgent wants* of the Province, through the medium of the local Banks, in the manner which was practised.

1838.
 No. 1—31st July,
 " 2—8th August,
 " 3—29th September,
 " 4—9th August,

In drawing the attention of your Lordship to the measure here suggested, I would wish to impress upon your Lordship that, viewed as a continued system, I consider the issue of Government paper, not convertible into specie, to be detrimental to the credit of the Province, and calculated to displace the more wholesome convertible currency. Unless, therefore, I could see before me a prospect of financial relief, founded upon a sound and simple basis, I should not look for any good result from mere temporary expedient.

Though large in proportion to its actual revenue, the debt of this Province has been mainly incurred through incidental causes—namely, the construction of the public works, the outlay on which is commensurate, less with the country's present productive wealth, than with the developement of which its vast natural resources are susceptible. Thence, the investment not being immediately profitable, the burden of the interest payable on the public loan is thrown on the ordinary revenue, raised by means of taxes intended to meet only the current public expenditure.

As compared, however, with similar public debts incurred by different States of the neighbouring Republic, for the promotion of national objects, the debt of this Province is but small; while future resources, and the wants of an increasing population, have been here anticipated to a far less extent.

The Americans have also borrowed money on more disadvantageous terms than those obtained by this Province, the existing laws of which only permit the Government to negotiate in London loans at par, bearing five per cent. interest; whereas, the Americans have not hesitated to raise money on the best terms that could be obtained, and which latterly have been productive of a loss varying from five to ten per cent. on the amount of the borrowed capital.

The unhappy troubles with which this Province has been visited; the doubts that have been raised as to the permanency of its political institutions, assisted by the expression of opinions in quarters whence the Colonies justly looked for support; and the threats of armed interference in our affairs by the American Citizens, with the attempts made to carry them into execution on various occasions, are circumstances which have naturally tended to induce a feeling of insecurity, and a consequent depreciation in the value of property which is beginning to be most severely felt.

The present inconvertibility of property leaves, without the means of meeting their engagements, those who have become indebted on its security; and comparatively trifling liabilities are thus found sufficient to work the ruin of individuals, hitherto believing themselves opulent, and who would actually be so, could they realize what they own.

By the same unhappy causes, the ordinary influx of immigration and British capital has been suspended; so that anticipated income from public works has not been forthcoming, from the want of means to complete them.

Your Lordship may give me full credit, when I assure you, that it is this state of things, more than any theoretic difference in regard to politics, which renders the government of this

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Country to the satisfaction of the community so difficult as to be almost impossible; and I cannot blame, or be surprised at the discontents of the people, who, though connected with the most powerful Empire on earth, are nevertheless enduring evils usually attendant only on the prostration of national strength.

It is not in my power, my Lord, to retrieve the almost withered hopes of Upper Canada; nor will the suffering inhabitants be able of themselves to sustain their fortitude in the immediate neighbourhood of a powerful hostile population, and in the rear of a rebellious Province. I see very clearly that if the present state of things be suffered to continue for a much longer period, there must be a general wreck of property; and although eventually public prosperity may be restored, and may give to the young, ardent, and the unencumbered, an opportunity of growing rich, yet it will not restore to those who have been prosperous, the well-earned fruits of former industry, nor replace the present holder of property in the possessions which will have passed from him.

The effects of the moral deterioration which, it is to be feared, all this is working in the people, will finally make these Provinces indeed untenable and worthless; since the energies of their inhabitants, which can alone render them of sufficient value to be worth retaining, will be unavailing, unless supported by the *feeling* that the protection and security which the governed naturally look for from their Government, are afforded to their full extent.

The means, my Lord, of averting these impending evils are not to be sought for in the Province, but in the Mother Country; and all will depend upon the opinion of the British Government, as to the desire and power of England to retain the country in the face of all opposition. The present friendly professions of the Government of America may be sincere, however contradicted by the outrageous conduct of her border citizens. But there is no real security for their continuance; and the question is not whether Canada can be held during a time of peace—but, whether in peace or war it is to be protected, or contended for with the power of the Empire.

Assuming that your Lordship holds an affirmative opinion in this matter, the bright side of the prospect presents itself, and I see little difficulty in producing the most desirable results from the bold and decided measures that must follow.

It must be obvious to your Lordship, that the prosperity of the Colony must mainly hinge upon the progressive development of its resources, by the united agencies of immigration and British capital.

The preliminaries to the efficient employment of these great means will be comprised in placing the Province in a state of complete defence, and in raising the credit of the Colony in the British markets. This will attract capital, seeking profitable investment—that will inspire confidence as well to the borrower as the lender; for, my Lord, it must be remembered that capital is diverted from this country into other channels, merely because a doubt has been engendered as to the permanency of its political institutions. To induce immigration on a scale commensurate with the importance of the object which it is intended to promote, I would respectfully suggest to your Lordship, that it should be directly facilitated as a great national measure, and considered as that best calculated to preserve, at perhaps the least expense, the connection of the Colony with the Parent State.

Your Lordship is aware, to how narrow an extent the resources of this Province have hitherto been tried, in the way of taxation levied on the trade of the country. Were the imports increased to even one-half of the amount in proportion to property raised throughout the American Union, the Provincial revenues—provided that tranquillity and confidence were restored—would be in a flourishing condition, and the interest on the public debt could be met with facility; but unfortunately the want of a sea-port places it beyond the power of the local Government and Legislature to make any addition to the import duties: and even if this could be effected, the want of confidence that is at present felt would prevent the measure from being attended with an immediate beneficial effect upon the public credit.

Without now discussing in what manner Upper Canada is to be permitted to have a port of her own, I trust I am not wrong in supposing that the giving her access to the sea will form a prominent feature in any remedial measures that may be proposed in her behalf in the British Parliament. When this is accomplished, the Revenue may be at once materially increased without the slightest injury to trade, without anticipating future resources, and without producing any discontent.

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The very best security would be at the same time available to the public creditor, as a certain portion of such revenue might be inalienably set aside for the liquidation of the public debt.

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I look, my Lord, upon this prospect as a substantial foundation for the measure I am about to propose. The preservation of this Province as a Colony is essentially in the hands of England. Let England then assume the pecuniary responsibility, and offer the security which the Province cannot furnish of the permanency of its Government. Let it not rest as a mere matter of opinion amongst money lenders, but upon the broad basis of British guarantee. The sum which would be required to liquidate the whole public debt of the Province is small in comparison with the interests which would be secured and promoted by that liquidation; and the British Treasury might negotiate a loan upon its own security in London at little more than half the rate paid at present by the Province. The benefits accruing to the Province from such a measure would be incalculable. The public works in progress might be completed and made productive; all doubts respecting the intentions of the Mother Country would be removed; and when peace was restored, the immigration of men of property to Upper Canada would re-commence instead of contributing to swell the resources of a foreign and an unfriendly country. Nor should we then see, as now, the labouring population of the Province drawn into the United States, to be there employed with money raised in England.

My Lord, I have good reason to know that many thousands of Her Majesty's Subjects have merely passed through this Province, and crossed into the United States, because *English* capital, which was to afford them the means of profitable employment, was to be found *there* instead of *here*. While such is the case, it is unjust to eulogize the United States, as being so excellent a market for British manufactures; for, were the facts reversed, in proportion as we had British capital, so should we employ it profitably to ourselves and to the advantage of those investing it. By means such as these, the country would rapidly increase in value and importance to England; and perhaps, at some future period, prevent the loss of the American trade from being felt, when, by the employment of British capital and British artizans, the United States shall have been enabled to establish rival manufactories within her own territory.

To be effectual, such a measure of relief as is here suggested, should, in my opinion, be immediate; for if it be delayed until the general settlement of other matters relating to the Colonies, the time I fear will be gone by, when its application would prove most salutary.

The payment of one or two years' interest from the capital advanced would not, I trust, be considered sufficiently objectionable to warrant the rejection of a plan, whereby so much good may be accomplished; and I can assure Your Lordship, that by causing it to be promptly and decidedly carried into effect, Her Majesty's Government would acquire the lasting gratitude of a whole people, whose happiness and prosperity they would have been, in such case, so instrumental in promoting.

I have been the more induced to enter into these details, in proportion as I have become sensible of the importance of the matter to which they have reference.

Anticipating a stormy and unsatisfactory Session, scarcely any thing could give me greater satisfaction, when I meet the Legislature, than the power to offer from Her Majesty's Government, the great boon to Upper Canada, which I have here ventured to solicit on her behalf.

By granting it, many of my difficulties would be materially overcome, and whilst thus affording to the community so great an earnest of the desire of Her Majesty's Government, to promote as well their present, as their future welfare, I should look forward with confidence to the speedy restoration of public tranquillity and security.

I have, &c.

(Signed) GEO. ARTHUR.

The Right Honourable

The LORD GLENELG,

&c. &c. &c.

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Enclosure No. 1.—Despatch No. 91.—20th November, 1838.

APPENDIX H.

(Copy.)

RECEIVER GENERAL'S OFFICE,
TORONTO, 31st July, 1838.

SIR,

I have the honour to enclose to you a letter, dated the 14th June, from Messrs. Baring, Brothers, & Co. just received by me, for the particular information of His Excellency the Lieutenant Governor; and beg leave to state that their communication, dated the 20th October last, was transmitted by me, to the Government here, on its receipt.

I have the honour, &c.

(Signed) JOHN H. DUNN,
*Receiver General.*The Honourable JOHN MACAULAY,
Private Secretary,
&c. &c. &c.

(Copy.)

The Honourable J. H. DUNN,
Her Majesty's Receiver General,
TORONTO, UPPER CANADA :

LONDON, 14th June, 1838.

SIR,

We have been duly favoured with your esteemed letters of 7th, 20th March, 3rd April, and 1st ultimo—the former advising your drafts, together £10,000, Nos. 199 a 204, on account of the Government, which we enter accordingly. By the two last, you inform us of a fresh issue of Debentures, to the amount of £5,000 and £10,000—the numbers, &c. of which are duly noted.

In referring you to what we had the honour of communicating to you in our letter of 20th October last, (of which we enclose copy, as you do not seem to have acknowledged receipt) with regard to the sale of Bonds with you, which do not pass through our hands, but have the dividend warrants made payable at our counting-house, we must again repeat our objections to that course, which we believe to be as prejudicial to the interests and credit of the Colonial Government, as it is contrary to our system and European usage. On our part we object to having our names inserted on Stock, the issue of which has not had our previous knowledge and consent. We have every confidence in the resources and good government of the Province of Upper Canada, but we do not wish our names to be connected with loans, of which neither the amount nor the periods of negotiation, are previously communicated to us.

On the other hand, the credit of the Government is injured by parcels of Bonds finding their way to this market, (where they must all ultimately come) through different channels, and being offered by different parties, whilst the public is not officially informed whether any and what limit is to be put to this irregular system of borrowing. The interest of the Province is likewise injured—because the sale of these casual parcels interferes with the realization of what we hold for the Government, depresses the price, and discourages buyers. We are convinced that by adopting a more regular system for these operations, the finances of the Provinces would be materially benefitted; but should you, Sir, and the Government, continue to think differently, we must most respectfully repeat, that we beg the name of our house may not be inserted in the dividend warrants of any Bonds that are not sold to us, or through us.

We have, &c.

(Signed) BARING, BROTHERS, & Co.

(Copy.)

Triplicate.

Original per "St. James."

The Honourable J. H. DUNN,
Her Majesty's Receiver General,
TORONTO, UPPER CANADA :

LONDON, 20th October, 1837.

SIR,

The preceding is a copy of the letter we had the honour to address you, on the 14th instant, which we confirm, and would now beg further to remark, in respect of the

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unsigned dividend warrants therein-mentioned, that as the Bonds have not passed through our hands, and we have received no particulars from you by which we could determine the genuineness of the coupons, we cannot consider ourselves liable for the amount of any forged ones we may pay. We shall, of course, use our best discretion in paying the dividends; still, as the warrants have no mark on them to serve as a guide to us, it will be impossible for us to discover those of a fictitious character. We hope that no loss will result, in consequence of the irregularity above-mentioned; but should the case prove otherwise, we feel that it cannot proceed from any inattention on our part—and we have therefore thought it right, to prevent any misunderstanding between us, to trouble you with these observations on the subject.

We have the honour, &c.

(Signed) BARING, BROTHERS, & Co.

P.S.—Since writing what precedes, we have received a letter from Messrs. Bosanquet & Co. of which the annexed is copy, and we likewise annex a copy of our reply for your Government. You will perceive that much difficulty will be experienced in the disposal of the Bonds in our market, in consequence of their not having, as is usual in such cases, passed through our hands, or any information furnished by you to enable us to answer enquiries from the holders of the Bonds, as to the authenticity of the signatures attached to them. We regret the irregularity which has arisen on your side, in the issuing of said Bonds: and we hope you will be enabled, on receipt of this, to devise some plan regarding them, as will have the effect of removing the feeling which exists against them, at this moment, on the part of our stock-dealers. It has heretofore been our custom to have the negotiation of loans, when the dividends on which are made payable at our counting-house: and as this is the system generally pursued in this country, we must beg respectfully to decline paying any of the dividends on any future issues on debentures, unless they are passed through our hands in the usual way.

Enclosure No. 2.—Despatch No. 91.—20th November, 1838.

(Copy.)

RECEIVER GENERAL'S OFFICE,
TORONTO, 8th August, 1838.

SIR,

In reply to your communication of the 6th instant, I have the honour to report to you; for the information of His Excellency the Lieutenant Governor, that during my absence in England last year, His Excellency Sir Francis Head directed the gentleman performing my duty, to dispose of to each of the Banks the undermentioned sums, in Debentures, amounting together to £138,650 sterling, and to make them payable, together with the interest, at Messrs. Baring, Brothers, & Company, of London. This was a departure from the usual course which had been adopted by me, and it appears to be objected to by Messrs. Baring & Company. I suppose that Messrs. Baring, who contracted with the Government, through me, for the sum of £200,000 sterling, at the rate of 10s. premium for each £100 sterling, hold, or their friends hold, a large portion of these Debentures, and may desire to dispose of them—and as long as Debentures are sold here to parties and transmitted to England, to various agents, who have no interest in the transaction but to realize the sale of the Debentures and expose them to sale, and perhaps at improper periods of the money market, will have the natural effect of depreciating such stock.

When contracts for loans of money are made in the City of London, the purchaser with whom the contract is made, feels interested in keeping up and supporting the credit of such stock—but when sold in this Province, and fallen into promiscuous hands in London, to be realized for as much as it will bring in that Metropolis, it will and must have an injurious tendency on the credit of the Province.

Messrs. Baring, Brothers, & Co. are made the agents for paying dividends on the Debentures, without their sanction; and whilst their house appears on the face of these Debentures, I am not surprised that they should feel anxiety on the subject, not having any certainty as to the extent of the issue of Debentures which may take place here.

On my return to this Province, I induced His Excellency not to sell any more Debentures within the Province, but to send them to London. Accordingly, I was desired to trans-

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mit £60,000 to Messrs. Baring & Co. which I accordingly did; but the Debenture Acts confined the sale to five per cent in London, and Messrs. Baring could not, nor have they yet been able to make sale of them at par, and they remain in their hands.

The pressure for want of monies to keep some of the public works from going into ruin, and the necessity of prosecuting others this season, left no alternative but to sell Debentures in this Province to such parties as would give par value for them, although it would have been a saving to the Province to have sold them in London under par—the difference would have been made up by the premium on Exchange. This would not have been according to the law, and by selling them for the value of £100 sterling here, the law has not been violated.

The present state of the public debt, to this day, stands thus—Issued in Upper Canada, interest and principal paid here, £195,830 currency.

Issued in London, interest and principal paid there, £929,650 sterling.

There remains a debt due by Messrs. Thomas Wilson & Co. of about £83,000 sterling.

Messrs. Glynn, Halifax & Co. have paid dividends on the £400,000 sterling, contracted for by Messrs. Thomas Wilson & Co. from January, 1837—making now, three half-yearly periods of interest, which will amount to about upwards of £30,000, and which is contemplated to be repaid to these gentlemen by dividends arising out of the debt of £83,000.

The Committee of Finance of the last Session of the Legislature, has made a long and full statement of the Public Finances of the Province, which is now printed, and to which I beg most respectfully to refer.

I have, &c.

(Signed) JOHN H. DUNN,
R. G.

The Honourable JOHN MACAULAY,
Civil Secretary,
&c. &c. &c.

Sums in Debentures issued to the following Banks during the Receiver General's absence, under the direction of SIR FRANCIS HEAD, viz:

To the Bank of Upper Canada,	£44,100
“ Commercial Bank,	44,050
“ Gore Bank,	49,500
“ Agricultural Bank,	1,000
Total,	<u>£138,650 Sterling.</u>

Enclosure No. 3.—Despatch No. 91.—November 20th, 1838.

(Copy.)

RECEIVER GENERAL'S OFFICE,
TORONTO, 29th Sept'r. 1838.

SIR,

In reply to your letter of the 28th instant, with its enclosures, I have the honour to state for the information of His Excellency the Lieutenant Governor, in relation to the means of raising money for the various public improvements now in progress—

The Debentures at six per cent. authorised to be raised in this country are unsaleable; I have advertised and made myself satisfied that under existing circumstances these Debentures cannot be sold. The Debentures payable in London at 5 per cent. per annum, I think can be disposed of here at about par. These Debentures must of course be made payable on the face of them at some house or firm in the City of London, and I am not aware, or am I authorised by any to offer their services to the Government of Upper Canada for such an undertaking. It appears by Messrs. Baring, Brothers & Co.'s letter, under date the 14th June last, that they decline being made Agents for Debentures sold in Upper Canada under these circumstances; and it appears to me that the Government cannot issue any more until Messrs. Barings' permission be obtained, or some arrangement can be made with some other

APPENDIX H.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

house in London to act as Agents in these transactions, which will require a full and complete investigation into the finances of the Province, before I could expect to obtain the consent of an Agent.

APPENDIX H.

I lament to observe that I can see no way by which money can be procured for the public works, until Messrs. Barings either consent to permit their house to be the Agents, or some other Agent be appointed, which will take time; and as it is now late in the season, perhaps the Legislature will devise other resources for meeting the demands of the Province.

I have, &c.

(Signed)

JOHN H. DUNN.

H. M. R. G.

P. S.—The enclosures above referred to, with Report of the Honourable Executive Council, are returned herewith.

The Honourable JOHN MACAULAY,

Civil Secretary.

Enclosure No. 4.—Despatch, No. 91.—20th November, 1838.

(Copy.)

EXECUTIVE COUNCIL CHAMBER, AT TORONTO,

Thursday, 9th August, 1838.

PRESENT:

The Honourable ROBERT BALDWIN SULLIVAN, *Presiding Councillor.*

“ WILLIAM ALLAN.

“ AUGUSTUS BALDWIN.

“ JOHN ELMSLEY.

“ WILLIAM HENRY DRAPER.

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Executive Council have perused, with much concern, the Report of the Receiver General, on the subject of loans negotiated in this Province, payable in London.

The Council are not disposed, in any particular, to dispute the statements and arguments used by the Receiver General, and by the House of Messieurs Baring, Brothers, & Co. in the letters accompanying that Officer's Report, as to the injurious tendency of forcing a negotiation of loans under unfavourable circumstances in the money market, and of negotiating these loans, without the knowledge of the Agents by whom the interest had to be paid, or of the negotiation of loans at any depreciation, to the injury of the holders of Debentures formerly issued.

The Executive Council feel bound, however, to state circumstances which appeared of paramount necessity, and which will, it is hoped, excuse the measure adopted by this Government, in your Excellency's mind, as well as to the House of Messieurs Baring, Brothers, & Co. whose complaints appear not to be without foundation.

Upon the commencement of the crisis in the mercantile affairs of the United States, reports injurious to the credit of the London Houses, connected with American trade, found their way into this Province, and serious apprehensions were entertained by this Government as to the safety of the balances belonging to the Province, in the hands of the London Houses.

These reports induced His Excellency Sir Francis B. Head, to direct Mr. Draper to proceed to England, to cause the adoption of some measure of security, and to prevent the dishonour of bills of exchange drawn upon London by the Government.

The Receiver General applied for leave of absence, and proceeded to England at the same time.

Debentures payable in the Province were found unsaleable, in consequence of the scarcity of money throughout America.

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The greatest distress in the mercantile affairs of the Province arose, and there was every prospect of its being aggravated to a great and dangerous extent, by the stoppage of the public works, undertaken under Acts of Parliament previously passed.

Advices from England continued to be discouraging; and from these it appeared that there was no prospect of the immediate sale of Debentures in the London market, where American securities appeared to be peculiarly unacceptable.

The house of Thomas Wilson & Co. suspended.

It was represented to the Government, that extensive losses would accrue from the decay of the works undertaken, and from the breach of contracts with the undertakers of public works, and delay in their accomplishment.

The Provincial Parliament was specially summoned to devise measures to meet the crisis which had arrived.

One of the measures of relief adopted was, giving authority to the Government to issue Debentures, payable in London, in lieu of those payable in the Province, found to be unsaleable.

The House of Assembly adopted this measure, in anticipation of the Debentures being purchased by the Banks in this Province, who might use them in raising funds in London, either by way of sale, or by adding their own credit to that of the Government, and thus obtaining advances.

The Act was so drawn, as not to leave it in the power of the Government to sell Debentures under par: this was in conformity with all the other Acts authorizing the negotiation of loans.

The balances in the hands of Messrs. Wilson & Co. appeared to be in jeopardy, and the Government could not take the responsibility of sending large amounts of public securities to Agents in London.

If they were so sent, it did not appear probable that they could be sold at par, and therefore the sending them, as a means of immediate relief, would not have the desired effect, of giving immediately available funds.

By a sale to the Banks in the Province, these funds became immediately available.

It was necessary to name some house in London, at which the dividends on the Debentures should be made payable.

Under the pressure of these circumstances, the Council most reluctantly assented to the sale of Debentures in the Province, and, at the time, it did not appear that the Banks entered into the transaction without considerable risk; as if depreciation in American securities had continued to increase, they must have been severe losers, notwithstanding their gain by the Exchange.

The Council were under the full impression that the transaction would have been immediately explained to Messrs. Baring & Co. and their approval, under the circumstances, obtained—which they regret extremely was, however, not promptly done.

After the return of the Receiver General to the Province, upon his reporting favourably of the perfect stability of the house of Messrs. Baring, and upon his statement that he was so well assured of the Debentures being saleable in London, a further sum of £60,000 was transmitted to that House for sale.

It appears, however, that to this day they are not saleable at par, according to law.

The expenditure which these Debentures were expected to cover was, in consequence, obliged to be borne partly out of the sum raised in the Province, though this appropriation was certainly not strictly legal, and partly by a renewal of the measure of disposal of Debentures in the Province, adopted with the *approval* of the Receiver General.

Had the Debentures first negotiated by the Banks been sent to London in the usual manner, as the sum of £60,000 was afterwards sent, and had they been drawn against at once, which was the only way of meeting public exigencies, and had they proved unsaleable, the Bills must have been protested, and the credit of the Province would have been ruined. This was a risk which the Council could not incur from any considerations of expediency or advantage in the transaction.

APPENDIX H.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The Council, in their own justification, beg to state, that the measure for the negotiation of the extensive loans authorized by Parliament, were in no wise Government measures; they originated altogether in the House of Assembly, and their adoption was not witnessed by the Council, without serious fears of consequent embarrassment.

APPENDIX H.

The Council have made this general statement of the principles upon which they felt themselves compelled to act, and they humbly conceive that subsequent events have not proved the want of judgment in the measures advised by them; they endeavoured to proceed with safety, and if profit was in any degree sacrificed thereto, the Council hope that the state of public affairs will prove a sufficient excuse for their proceedings.

While the Council admit the principle that the interests of holders of public securities should be most tenderly guarded in the negotiations of new loans, these interests cannot be held as superseding all considerations of public welfare and convenience. The history of the National debt of England shows frequent and extreme depreciation of public securities, in consequence of new and extensive loans; and this has been too often the case to admit of the recognition of the principle, that the interests of the old holders of Debentures should be so exclusively considered, as to prevent the negotiation of new loans in the best practicable manner, should the necessities of the Province or the public interests require such a measure.

It is due to the Honourable Messrs. Allan and Draper to say they were absent when the first sum of Debentures were sold to the Banks, and that therefore they cannot be held liable to any censure which may be held to attach to the transaction.

All which is respectfully submitted.

(Signed)

R. B. SULLIVAN, P. C.

Copy of Despatch from Lord Glenelg in Answer to the foregoing.

(Copy.)

No. 203.

DOWNING STREET,

31st January, 1839.

SIR,

I have received, and have laid before my colleagues, your Despatch of the 20th November last, No. 91, explaining the present financial state of Upper Canada, and offering various suggestions by which the existing difficulties may in your opinion be overcome.

The importance of this subject, and the manner in which you have brought it under our notice, have commanded our most serious attention.

You propose in the first place that, under existing circumstances, you should be permitted so far to depart from my circular instructions of 31st August, 1836, as to assent to any bill which may be presented to you, "having for its object to allow the Receiver General to issue, "on the credit of the Government, bills or notes payable in Toronto, at twelve months after "date, to the extent of £100,000, to be used as a circulating medium, and made chargeable "on the prospective revenue of the Province."

This, however, you describe as a mere temporary expedient; and you express your opinion, that the issue of Government paper not convertible into specie, is detrimental to the credit of the Province: and that unless there were a prospect of financial relief, founded on a sound and simple basis, no good result could be looked for from it. That "sound and simple basis," you subsequently explain, to be the developement of the resources of the country, by an emigration on a large scale, "directly facilitated as a great national measure;" with the consequent influx of British capital, and the restoration of confidence in the security of the connection between the Province and Great Britain—the annexation to Upper Canada of a sea-port, and the increase of the import duties—and lastly, the raising of a loan in this country on the guarantee of the Imperial revenues to pay off the Provincial debt. By the immediate adoption of such measures, you consider that the difficulties in which the Province is now involved, may be effectually removed.

With respect to your first proposition, I must observe, that the restriction imposed on the Lieutenant Governor of Upper Canada in regard to money bills, by my circular Despatch of 31st of August, 1836, was conditionally withdrawn by my Despatch to yourself, of 28th December, 1837. So far as that instruction is concerned, you are therefore free to act on your

APPENDIX H.—(See Journal, Page 40.)

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APPENDIX H.

own discretion, in accepting or reserving any bill which may be presented to you by the Legislature for the issue of paper money. But before Her Majesty's Government could give their express previous sanction to a measure such as you contemplate, they would require much more detailed information respecting it, than is contained in your present Despatch. I proceed to notice the points on which that information is peculiarly defective :

You suggest that the contemplated notes should be used as a "circulating medium." You do not however state in what sums they are to be issued ; in what manner the issue is to be made, whether in payment for Provincial engagements and disbursements, or upon securities, or through the Banks ; nor whether it is designed to constitute them a legal tender for debts. I need not point out the essential difference between a loan made on public security, by the issue of State Bonds, and a creation of paper money inconvertible into coin, but which is to be forced into circulation with paper convertible into silver. The first plan only gives to capitalists the means of investment, temporary or permanent, and at the same time affords to the State the use of the capital lent. The second plan increases the whole circulation, by an issue which cannot possibly circulate at par with a paper bearing an intrinsic value ; and must therefore, if made a legal tender, drive out of the Province a certain amount of the silver now there, either in circulation, in the Banks, or in the Military Chest. The temporary relief, therefore, which such a measure might afford, would be purchased by an eventual increase of the embarrassment of the Province.

Your report is also defective in another point. You state that the existing debt of Upper Canada has been principally incurred in the construction of public works ; but you do not state to what purpose the money to be raised by the proposed notes is to be applied. If the public income is insufficient to meet the expenditure essentially public, the balance must, in some way, be provided for. But if this balance is wanted solely for public works, or local improvements, every general principle is opposed to the raising it by an issue of inconvertible Government notes, unless there be a surplus revenue, or a state of public credit that justifies the expenditure. Under these circumstances, it appears to Her Majesty's Government, that the proper course would be, after ascertaining the existing deficit in the revenue, to procure an enactment, revoking in the first place the law which prohibits the raising of loans in London on less favourable terms than at par, bearing five per cent interest ; and authorising the negotiation of a loan in London to the amount of the deficit in the revenue, and no further, on the most favourable terms which can be procured, under the sanction and with the assistance of Her Majesty's Government, but secured on the revenues of the Province. If such a measure should be adopted you would, in reporting it to me, transmit for the information of Her Majesty's Government, a statement showing the exact amount of the revenues and expenditure of Upper Canada, with such explanations as might appear to you necessary.

In respect to your proposal for the direct encouragement of emigration to Upper Canada, and the annexation to the Province of a Sea Port, I refrain, at present, from entering into any detailed explanation. The latter of those propositions could of course only be effected through the intervention of Parliament ; and until the plan of Her Majesty's Ministers for the future Government of Canada shall have been laid before Parliament, it would be obviously inconvenient to enter into a discussion on isolated portions of it. But I beg to assure you that, neither of those subjects have escaped our attentive consideration.

Lastly, you propose that Her Majesty's Government should, on the security of the British Treasury, raise a loan in England, to pay off the whole debt of Upper Canada. The amount of this debt is not less than £1,125,000, of which the greater part has been incurred, not at the suggestion of the local Government, nor with the knowledge of the Secretary of State, or the Lords Commissioners of the Treasury, but by the authority of the Colonial Legislature, for public works and local improvements. Her Majesty's Government can discover no ground on which they could propose to Parliament, to throw on this country the burthen thus incurred by Upper Canada ; at all events, they would feel it impossible to hold out any prospect of this nature at the present moment, when the general affairs of both the Canadas are engaging their serious deliberation, and must shortly be submitted for the consideration of Parliament.

I have the honour, &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

APPENDIX I.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX I.—(See Journal, Page 40.)

APPENDIX I.

HEAD QUARTERS,
Montreal, 21st January, 1839.

SIR,

30th April, 1838.

I have the honour to transmit to Your Excellency, the accompanying copy of a communication from the Secretary of State for the Colonies, requesting the General Commanding-in-Chief, in compliance with a joint Address of the Legislative Council, and House of Assembly of Upper Canada, to issue the necessary instructions, that a duly qualified Officer may be ordered to make a survey of the Harbour at Port Dalhousie, on Lake Ontario—and an estimate of the expense of improving that Harbour, so as to render it safe and commodious for steam-boats and vessels of war; and I am directed to acquaint you, that His Excellency the Commander of the Forces having selected Captain McKenzie, of the Royal Engineers, for this service, that Officer has, with considerable labour and assiduity, completed the accompanying survey and estimate, which I am commanded to forward to you, for the purpose of being submitted to the Legislature of Upper Canada.

Estimate prepared by order of Her Majesty's Government, of the expense of rendering the Harbour of Port Dalhousie navigable for Vessels of War and Steam-boats, drawing more than eight feet water.

With reference to the annexed extract of a letter from Captain McKenzie, requesting that the sum of £57 5s. 5d. Sterling, (item 4, of the estimate,) may be paid to the Ordnance Store-keeper, at Kingston, to defray the expense of the survey, I am desired to state, that as this service has been performed in compliance with the wishes of the Legislature, the Commander of the Forces does not doubt, that Your Excellency will feel authorised to advance the above sum from the Provincial funds.

I have the honour, &c.

(Signed) WILLIAM ROWAN,
M. S.

P. S.—A copy of Captain McKenzie's letter, of the 12th December, is enclosed for Your Excellency's perusal.

His Excellency Major General

SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

(Copy.)

DOWNING STREET,
30th April, 1838.

MY LORD:

The Legislative Council and House of Assembly of Upper Canada, having concurred in a Joint Address to the Throne, praying that the Commander-in-Chief of Her Majesty's Forces in Canada, may be instructed to despatch a duly qualified Officer to make a survey of the Harbour at Port Dalhousie, on Lake Ontario, and an estimate of the expense of improving that Harbour, so as to make it safe and commodious for steam-boats and vessels of war; I have to request, that Your Lordship will issue the necessary instructions to Lieutenant General Sir J. Colborne, for complying with the wishes of the Legislature of Upper Canada.

I have, &c.

(Signed) GLENELG.

General Lord HILL, K. C. B.

&c. &c. &c.

Extract of a letter from Captain McKenzie, Royal Engineers, to Colonel Rowan, C. B. Military Secretary, dated Fort George, 1st January, 1839.

"I will thank you to obtain authority of His Excellency, for the sum of £57 5s. 5d. Sterling, (item 4, of the estimate,) being paid to the Ordnance Store-keeper, at Kingston, or his Deputy at this Post, being to defray the expense of the survey."

APPENDIX I.—(See Journal, Page 40.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

(Copy.)

APPENDIX I.

ROYAL ENGINEER OFFICE,
FORT GEORGE, U. C. 12th December, 1838.

SIR,

In obedience to the instructions of His Excellency Sir John Colborne, the Commander of the Forces, communicated in September last, I do myself the honour to transmit herewith an estimate for constructing, at Port Dalhousie, on Lake Ontario, a safe and commodious harbour for steam-vessels and ships of war, amounting to the sum of £58,599 17s. 3½d. Sterling.

After a lapse of seven or eight years, an additional outlay would be required to render this work durable and creditable of (possibly) £27,253 18s. 7¾d. Sterling.

In laying this estimate before His Excellency, I beg you will have the goodness to explain, that the urgency of the special service in the Western District, has prevented my submitting duly the estimate for this service; fully aware of the great responsibility, and deeply impressed with a grateful feeling for the high honour conferred in being called upon on this occasion.—I have been anxious to bestow every care, to acquit myself to the satisfaction of the Commander of the Forces.

The amount of this estimate will, possibly, appear higher than expected; I have gone into every detail on each step on the spot, and made myself acquainted with all the particulars of each item of labour and material: and although under the eye of a responsible executive office, very considerable savings might be realized, still, taking into consideration the many contingencies, and accidents liable to hydraulic operations, the amounts are such as I would feel myself justified to execute upon—and in my report is stated the several items whereby a due conversion of materials, savings are to be made, for guidance of the executive.

In conclusion, as regards this estimate, I will only add, that frequently called to direct and execute other services, from the inexperience of the engineer's establishment, and on many occasions called to distant parts of the country, the orders of His Excellency on this service have not been executed with that promptitude, that on first being charged with them, I had fully resolved to manifest.

A complete survey of the harbour has been made, and of the country to a distance judged expedient; on this is laid down the soundings as taken by myself. In this operation, as well as the land survey, I have availed myself of the co-operation of a respectable Deputy Surveyor, recommended from Toronto, to enable me, by delegating to him certain details, to carry on at the same time the duties of my own department. The survey is packed in a tin case, for transmission to you, but I beg to consult on the safest mode of forwarding it to Montreal, lest it should, as has been much the case, go astray or be long detained.

Awaiting your orders on this point, whether a careful person should be sent to take charge of the survey,

I have, &c.

(Signed) C. MCKENZIE,
CAPTAIN,
Royal Engineers.Colonel ROWAN,
Military Secretary,
&c. &c. &c.ROYAL ENGINEER OFFICE,
FORT GEORGE, 1st December, 1838.

ESTIMATE, for constructing at Port Dalhousie, on Lake Ontario, in Upper Canada, a safe and commodious Harbour, for Her Majesty's Steam-vessels and Ships of War, pursuant to a Communication from the Secretary at War, conveyed through Lord Hill to His Excellency Sir John Colborne, Bart. K.C.B. Commander of the Forces in the Canadas, and His Excellency's authority to Captain McKenzie, Royal Engineers, dated Kingston, 29th August, 1838, to survey the Harbour, and frame an Estimate of the expense.—Amounting to £58,599. 17s. 3½d. Sterling.

APPENDIX I.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

REPORT.

APPENDIX I

Item 1.—Dredging to form the Harbour.

The price of 1s. per cubic yard for Dredging is here inserted—after having maturely weighed and considered the various means that have been adopted for this item in the formation of the present Welland Canal.

The material to be got up is, we are informed by the persons on the spot who performed the work, of a three-fold description, viz.—1st. and the most formidable, a stiff old deposit of blue clay, resembling in appearance a smooth level stratum of rock, and of an indurated texture. Piles have been driven 8 feet through this substance—the hammer of the machine weighing 1,800 lbs.; it is worked by 1 horse and 3 men, and belongs to the Welland Canal Company, who have entered into a contract with a person, who engages to furnish and drive the piles 8 feet into this stratum, for 2½ dollars, or 12s. 6d. each pile.

A bar crossing the harbour in a line from Reid's Point, on the west side, to a similar projecting point on the east, and at about a like distance from the mouth of the Creek, is much spoken of, and said to be composed of the stiff clay in question; being desirous to judge myself of the existence of this bar, as well as to ascertain the actual state of the bottom of the Lake, I had a probe made of round iron, with a wooden handle, which was let down at every sounding. In this manner, in conjunction with the soundings, my field-book showed the probings: from which a result was obtained, differing widely from the "on dits" of the place. In almost every instance, the iron probe went down from 12 to 15 feet deep, through the mud or gravel, as the case might be—and in many instances so deep, as to require the greatest efforts of a very powerful man, who was employed, to draw it out. So far as the proposed outer harbour is concerned, I look upon the bar to be a bug-bear; possibly one foot may have to be dredged towards the outer passage, in some few parts of this stiff clay—and towards the shore, on approaching to the entrance to the inner harbour, after removing the mud and gravel superincumbent, there may be here also a portion of the stiff clay to be removed, although my probes went deep into the mud here also. To remove this stiff clay there are two modes: that used in forming the present entrance to the Canal, was by means of an instrument called a Bull-plough, worked by two capstans and horses—one at each end of a large scow; the two dredges are much in the shape of a common plough, working at angles, very slightly inclined to the horizon, or nearly parallel with a trough behind, to collect the ploughings of the instrument, which, when filled, is brought up through a well in the scow. The first cost of this apparatus complete, with capstans, windlass, cables, and scow complete, is £125; it is worked with two horses, 5s.; 1 driver, 5s.; and 5 men, 25s.;—or at a rate per diem of 35s.: excavating from 20 to 25 cubic yards per diem—being at a cost of 1s. 7¼d. per yard. A dredge is at present employed clearing the channel of a delta of sand, but not of sufficient power to dredge the stiff clay in question: it is between 15 and 22 horse power.

The hire of this Dredge, including Master, Engineer and Fire-man, is per diem. . .	£ 5 0 0
When in full operation, will require 18 men, of whom 5 at 5s.	£1 5 0
13 at 4s. 4½d.	2 16 10½
	<hr/>
	4 1 10½
In full operation, she will consume 4 cords of wood per day: pine is the best, and may cost 10s.	2 0 0
	<hr/>
Daily expense.	£11 1 10½

She has dredged 240 yards per day, so that each yard cost 11d.; but ½ may be deducted for stoppages, to repair machinery, casualties of the weather, &c. in which case the quantity excavated would be only 160 yards, at 1s. 4½d. per yard.

A machine of greater power, say 10 horse more, would excavate, it is supposed, full ½ more, or 320 yards. Such a machine could be worked at the same expense: therefore, the cost of each yard would be 8¼d.; making the same allowance for repair of machinery, and casual stoppages, each yard would cost 1s. 0¼d. The machine being supposed to be new, it is thought ½ would be sufficient time for stoppages—thus the cost, per yard, would be 11d.

The result.—An average, by the present machine, of 1s. 1¼d. per yard.

APPENDIX 1.—(See Journal, Page 40.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX 1.

By a new machine and of greater power, 9½d.; looking forward, however, to the following probabilities:

1.—That but little of this stiff stratum will turn up in excavating for the harbour.

2.—That all the stone dredged will be available for loading the cribs of the piers.

3.—That the mud will be alike available, in forming the great embankment for the first lock, proposed to be constructed so much higher up than the present, by the Canal Company. I have been induced to estimate the cost of dredging throughout at an average of 1s. per yard. It is ascertained, on the undisputed authority of all the masters of schooners I have consulted, and many of whom have frequented the Canal since its opening, that for many years back no difference is visible on the bar, as to position or soundings. The banks of the Lake are composed of a similar substance, and so hard as to splinter like rock, under the smart blow of a hammer.

Item 2.—Stones for loading Cribs.

In the western pier the average sounding is	12	8
The height proposed above water	4	6
Allowance for settlements in the mud, &c.	2	10
	<hr/>	
Depth required	20	0
Breadth	25	0
Length	1750	0
	<hr/>	

Deducting the space occupied by the oak cribs, the quantity estimated will be required; and the price is that at which it can be delivered into the cribs coming from the quarries of the Canal Company, 2 miles above St. Catharines, on the banks, duty free.

Although I have taken this as data for framing my estimate, I do not recommend that description of stone for this service. I see it has been used this year in re-forming the pier at Port Dalhousie, which was carried away last year; but as it is a flat slaty stone, (*lamellar prature*) not packing well, I would infinitely prefer boulders, could they be found in sufficient quantity, and the system I would propose would be this: to range the stones in long piles—the largest at one end, gradually diminishing, till at the other end the smaller stones are found; so that in loading the cribs, the boats shall bring the large stones first, and the smaller following, to roll into the spaces left between: leaving thus no openings at the top which may be almost gravel, which it might be well to render with a good thick coat of *concrete*, of which the elements are to be found in this country, viz. good lime-stone is abundant in the country—the shores of the Lake furnish good ballast in abundance. At Lockport, in the the United States, a water-lime is manufactured and sold: delivered, including Custom-house duty, at 15s. currency, per barrel, of 300 to 350 lbs. I am informed, that this lime possesses considerable hydraulic properties; I have moreover reason to believe, that in this neighbourhood cement stone may be found. I have had no leisure to explore the vicinity as yet, but the mud of the Lake at Port Dalhousie, resembles so much that of the Medway and the Thames, in Great Britain, and like the clay in the bed of those Rivers, is also impregnated with lime; passing, as do the waters of this creek, over a lime-stone district in the interior, I have little doubt but cement could be manufactured here, as by Colonel Pasley, on the Medway, and by Messrs. Francis & White, of Nine-Elms, Vauxhall, at their new establishment, at Gravesend, from Dorking lime and River mud, kiln-dried and ground, and mixed in a Pugg-mill with the Dorking or Halling lime, in certain proportions. Could the presenee of oxide of iron be detected in the clay at Port Dalhousie, I have little doubt but the manufacture of artificial cement could be successfully effected here, as in England—where it undersells the Harwich Cement by a great deal. In the few cases of building on the Welland Canal, I have seen the want of hydraulic lime has been a great source of failure; the waste water wier lately constructed at St. Catharines, promises in like manner not to be durable, from not having used water-cement in its construction. The surface of the new pier might thus, instead of a covering of 3 inch plank, be finished as a walk of *Concrete*, and I think it would stand the climate and the washing of the Lake sufficiently.

APPENDIX I.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.***Item 3.—Eastern Pier.**

APPENDIX I.

In the eastern pier the average soundings is.....	11	0
The height proposed above water.....	4	6
Allowance for settlement in mud, &c.....	1	0
	<hr/>	
Depth estimated to be laid.....	16	6
Breadth.....	25	0
Length of pier.....	2230	0
	<hr/> <hr/>	

(For Sketch of proposed Pier, see Manuscript Journal.)

OAK CRIBS.—The price estimated for hewed timber is taken from the books of the Welland Canal Company, as paid this year for renewing their eastern pier, carried away the preceding winter; it was not charged toll for coming down the Canal—and for 9d. per foot cube, pine and oak hewed timber was supplied, averaging from 14" x 12" to 18" x 14"—the smaller sizes for ties, the larger for face timbers. This price includes all materials and labour of rafting, framing into cribs, and laying down in their places on the pier, ready to receive the stone, including tree-nails—but spikes and iron tree-nails were charged extra: 1s. will cover all expenses. The mode I would suggest would be to enter into a contract with the lumberers upon the Grand River, for the supply of Port Dalhousie, (duty free,) of the hewed timbers.

At Caledonia, on that River, 28 miles above Dunnville, I am informed, of a Government reserve, well stocked with good timber. A contract for felling, hewing and delivering, on the banks of the River, should be made with competent parties, and a second for rafting it to Port Dalhousie, where the framing would be performed.

In the section submitted, 4 feet 6 inches is allowed above the water line, to allow for taking in fuel and stores, &c. as well as for the rise and fall of the Lake, whose level varies from 3 to 4 feet.

According to the report of Mr. Barrett, of Lockport, who was sent by the Government of the United States for the purpose last autumn, the water on the lower mitre sill of the lock at Port Dalhousie, was 12 feet in 1827, as measured by him—(he was Engineer to the Welland Canal.) In August, 1838, it was 15 feet 9 inches; on the 3rd of October, I found it to be 14 feet 8 inches. The Canal Company, in renewing their eastern pier this summer, have raised it 5 feet above the water line.

Item 4,

Provides for the wages of a Surveyor, and his attendants; the prices are those sanctioned in the Surveyor General's Department of the Province. Their employment on this occasion was resorted to, on account of the urgent special services ordered to be done by the Engineer Department. The soundings of the harbour, and probings, required strong hands—and several duplicate plans were necessarily made by the Surveyor, in addition to the survey transmitted herewith, which it became necessary to take anew, owing to the inaccuracy of those taken heretofore, and a desire that this should be final.

Addenda to Page 10, of Estimate.

Provides for saturating, by submersion in Ryan's Patent Liquid, the timbers of the piers, where exposed to alternations of air and water; the Board of Ordnance have so far approved of this late discovery, as to have entered into contracts with the Patentee, for a supply of the article, at the principal Engineer Yards in England: at Woolwich, a tank has been constructed in the Engineer Yard, and regularly supplied by the Patentee, in which all the timber of the Department, used for outside work, is submersed. The only objection to the employment of this acid is its property of promoting, as it does, the corrosive decay of nails and iron. As oak tree-nails are chiefly used in the work estimated for Port Dalhousie, this objection will not operate; and I now recommend that the timbers from the tier below the surface of the water upwards, be submitted to the process of Ryan's Patent. And this being the great outlet from the Grand River, a more eligible place for an ante dry-rot tank cannot well offer than Port Dalhousie, where the rafts are launched into Lake Ontario; but if the process of Ryan's Patent should add five years to the durability of the work, it will be a point gained of more

APPENDIX I.—(See Journal, Page 40.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX I.

value—and afford moreover a very interesting experiment, on a large scale, of a discovery that has occupied much the attention of Parliament of late years. The most favourable experiments have been made, and its utility admitted by the first scientific men of the day; possibly a tank of larger dimensions will be required at Port Dalhousie, to expedite a work promising the most beneficial results to the Province. The very great patronage of the Welland Canal by the United States, speaks much in favour of the line, in a commercial light; and the comfortable shelter afforded to crafts by the present wretched pier, in a gale, I have witnessed sufficiently to give fair promise from a proper harbour being constructed, with sufficient space between the piers for ships entering with much way and a side wind, the want of which in the present pier is an universal cause of complaint by the masters of crafts—all of whom speak favourably of the harbour generally; I have spoken to many who have frequented it since the first opening of the Canal.

This estimate may be under the mark, as it provides only for saturating the side pieces, or great outside frame of the piers; the cost of the whole process at the Company's tanks is, in England, 20s. per load of 50 cubic feet; but as 1½ lbs. is requisite of the corrosive sublimate at 4s. per lb. (to 15 gallons of water) for a load—and the Company is willing to grant licenses to the Government to any extent in England, at the rate of 5s. per cubic foot, measured in the clear of the tank, I will adopt this mode of estimating the cost, and make no doubt the Company will extend to an eligible opening in this country the full benefit of their patent, on the most favourable terms.

In eight or nine years the decay of the timbers exposed to the alternate vicissitudes of water and air, may be looked for; good seasoned oak might last longer, but many side pieces will perish in this time. The Welland Canal affords a good case in point, faced with oak as are the locks. This Canal has been seven years in operation—and although in some instances decay between water and air is visible, the lock-gates at Port Dalhousie exhibit many sound pieces of the original timbers. In submitting the piers constructed, as proposed of oak cribs, I have been influenced by the following considerations:

1st—The practice of the country affords every facility, as regards workmen and materials, for a pier of this description; in fact, no stone pier (so far as I can learn) has yet been built, with the exception of that at Buffalo, so much vaunted, but unjustly—and it may be well to give a slight description of this national work.

The pier at Buffalo was first constructed with cribs, by Mr. Adam Smith, an inhabitant of the place, according to the only practice of the country; exposed, however, as it is to gales from the south-west, or from Long Point, driving waves against it with an impetus scarcely to be imagined by those who have not witnessed it, the inefficiency of such a pier was soon felt: all manner of expedients were resorted to—ranges of piles, inside and outside, were driven; they only acted as a lever, with the ice, to break the pier. The bottom here was sand, which was dredged out before building: and shifting deltas, constantly forming, required to be as often removed—it was at length resolved to astonish the New World with a stone pier, and Mr. Adam Smith was charged with this public undertaking. I visited the work in September last, and the following seems to be the section:

There is a circular horizontal platform at the outer extremity, on which stands an octagonal light-house, of wrought stone, 100 feet high; perceiving a list on this building, I was led to a closer examination, and discovered that already settlements have taken place, and with such violence, that the sill at the entrance is transversely cracked—and almost every angle of the octagon shews cracks in the masonry, evidently from settlements in the foundations. My first care was to discover, if possible, the cause of this: and an examination of the extreme outer end, led to a supposition, which I afterwards ascertained to be the case, that the stone pier had been erected upon the remains of the old crib pier, which, having been enlarged at different periods, different settlements ensued: that a considerable widening had been necessary at the outer end, to afford space for erecting the stone light-house, which we are now told at Buffalo, is to bid eternal defiance to the elements!

The section the pier has now attained was, by Mr. Adam Smith, deemed proof against the violence of the elements: but, like the light-house, has proved fallacious—for a considerable portion of the sea-pavement, through to the parapet, had been violently carried away transversely the last spring, and it was undergoing a repair whilst I was there. The same storm breaking over the high parapet also, with such violence as to have ejected many of the

APPENDIX I.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

large lime-stone flags of the pier-walk, by which I was enabled to make a further discovery, that the whole masonry and flagging had been built by handy-men, and no journeyman's work is visible on the pier. The whole masonry is built with lime-stone, (of which very extensive quarries have been opened in the vicinity, with a promise of an abundant supply of very fine stone, to answer all the purposes of building and burning,) from the State's quarry, at Black Rock; but the edges of the flags not being wrought, the openings admit the water, as a powerful lever, to dislodge them.

Another expedient has now been resorted to at Buffalo, and is in progress, viz. the construction of a sea wall, extending along the shore a great length to windward. It is well to see the effects of the elements on this pier, although they are not apprehended at Port Dalhousie, to the extent, by a great deal; indeed the oldest residents and mechanics acquainted with the inroads of the Lake at this Port, pronounce a pier of 20 feet wide, with a sea pavement of one and a half base, would be quite sufficient to resist the violence of the storms.

As a national undertaking, a stone pier, regularly built by the diving bell, would be more consonant with European practice. The paucity of mechanics, the quarries yet unopened, beyond surface rubble stone, (whereas for sea pavement stones of great size are essential,) the great expense of conveyance—all conduce, however, to give a preference to the pier here proposed, in the infantine state of this section of the peninsula; the expense will be more within the means of the Province, and will at once afford full benefit of the harbour to the shipping of the lake, until after the lapse of time the resources of the country shall be more fully developed; the quarries on the mountain opened to afford proper materials, which by the re-construction of the Canal, will also be more readily transported, and an increased population will have produced contractors and workmen in proportion. One journeyman to five handy-men will suffice to construct the pier proposed, and the framing would progress in the winter; whereas artisans of the first class would be required to build a stone pier, and at very high wages, as the mason cannot work for five months during the winter, and his wages during the other seven, are proportionably high. The decayed face timber might then be replaced with wrought stone, laid in cement upward from the water line, and the sea pavement being finished with a low parapet, as shewn in this sketch, (*for sketch, see manuscript Journal.*) the settlements ere this having taken place as far as to be apprehended; there is a hard bottom of stiff clay under the superincumbent gravel and mud. The cost of this reform and repair is here estimated, exhibiting thus the final expense of the whole work proposed. It is deemed probable that by a due regard to the appropriation of the debris from dredging, some saving may arise; but on the other hand, the estimate of 1s. is low—1s. 3d. is more likely to be the cost of dredging mud and gravel, and 2s. 6d. that of stiff clay, per yard.

A due regard by the Executive to the tenders for lumber, and a good system in maintaining a salutary check on the Contractors, as regards materials, and workmen also, will go far to keep under the estimate; but in water works, where the contingencies of damage by gales; delays from causes beyond controul; the uncertainty from the upshot of the nature of the substratum—all tend to induce the Engineer to look forward to economise in progress of the execution, rather than under estimate.

An estimate framed under such circumstances—seeing also in this young country, the fluctuating price of every article in the market—must ever be submitted with much diffidence, even after every inquiry has been made.

It might be well here to record a few of the current prices not quoted.

Lime, per bushel,	15 cents, or	£0	0	9
Lumber, per 1,000 feet sup'r.,	from 35s. to 60s.	3	0	0
Journeymen Carpenter,	6s. 9d. to	0	7	6
Mason, Bricklayer, Plasterer,	7s. 6d. to	0	10	0
Board of a man, per week,	10s. to	0	12	6
according to the price of pork and flour.				
Wheel-barrows,	17s. 6d. to	1	0	0
Shovels, best American manufacture, inclusive of duty, per dozen . .		4	0	0
Pick-axes, per lb.		0	0	5
Castor—a tool for excavating stiff clay, with handle complete—costs		0	5	0

APPENDIX I.—(See Journal, Page 40.)

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APPENDIX I.

The opposite items* will be required, but should be borne by the Canal Company, who have estimated them as here stated:

*No. 1 Steamboat lock,	£1,020	0	0
Excavation of lock-pits, 25,000 yards, @ 1s.....	1,250	0	0
Embankment across No. 1 Lock, 36,575 yards, @ 9d.	1,371	11	3
Waste weir, sluices, bridge, &c.	500	0	0
Light-house, with lanthorn complete,	500	0	0
Leading lights,	75	0	0
	<hr/>		
	£14,446	11	3
	<hr/>		

A considerable quantity of land, on the banks, will be flooded above the first lock, where a rise of six feet above its present level, is to be given to this water; a compensation of £12 10s. per acre will, in all probability, be claimed for the damage.

Estimate to Item 1.							
<i>Outer Harbour, 50 Acres.</i>		£	s.	d.	£	s.	d.
To be dredged 14 feet deep—the average depth to be dredged will be 3 feet only—242,000 cubic yards, at 1s.		12,100	0	0			
<i>Inner Harbour, 34½ Acres.</i>							
A passage through it of 11 acres, is proposed to be dredged to a depth of 12 feet—the average to come out will be 4' 6", by the soundings marked on the survey; but this basin will fall 3 feet, on removing the present lock higher up, as it is proposed: the average depth to come out will thus be 7 feet 6 inches, 133,100 cubic yards, at 1s.		6,655	0	0			
Total—Item 1,					18,755	0	0
Estimate to Item 2.							
WESTERN PIER.							
<i>Stones, for Sinking the Crib.</i>							
5,456 cords of stone, at 22s. 6d.		6,138	0	0			
Oak in cribs; for do. in string-pieces, ties, cross-pieces, flooring-boards and bearers, to cribs; boarding over the pier, &c. &c.; all labour and materials, hewing, rafting, framing, floating out and sinking, including oak and iron tree-nails, spikes, and all fastenings, &c. 297,952 cubic feet, at 1s.		14,897	12	0			
Total—Item 2,					21,035	12	0
Item 3.							
EASTERN PIER.							
<i>Oak in Crib.</i>							
310,986 cubic feet, at 1s.		15,549	6	0			
Stone for sinking do.—6,272 cords of stone, at 22s. 6d.		7,056	0	0			
Protecting western side of inner passage, and the present pier—1,300 cords of stone, at 22s. 6d.		1,462	10	0			
Total—Item 3,					24,067	16	0
Carried forward,					£63,858	8	0

APPENDIX I.—(See Journal, Page 40.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

		£	s.	D.
Brought forward,		63,858	8	0
Item 4.				
<i>Surveying the Harbour.</i>				
		£	s.	D.
49 days, a Deputy Surveyor, a 16s. 6d.		40	8	6
24 days, two Chain-bearers, a each 5s. 3d.		12	12	0
23 do. two Axe-men, a each 3s. 9d.		8	12	6
Hambro' Lines, 20, a 2s. 6d.	£2 10 0			
Panderolls and Probing-rods,	1 5 0			
Tin map-cases, 2, a 7s.	0 14 0			
Stationery, drawing-paper,	2 12 6			
		7	1	6
Total—Item 4,		68	14	6
Add contingencies, $\frac{1}{10}$,		63,927	2	6
		6,392	14	3
Total—Halifax Currency,		£70,319	16	9
British do.		£58,599	17	3½

APPENDIX I.

Amounting to fifty-eight thousand, five hundred and ninety-nine pounds, seventeen shillings and three-pence half-penny, British Currency—Dollars at 4s. 2d.

C. McKENZIE,

12th December, 1838.

CAPTAIN, *Royal Engineers.*

		£	s.	D.
License for a tank, 60 feet long, 8 feet wide, and 6 feet deep, in the clear, of 2,880 cubic feet, at 5s.		720	0	0
Corrosive sublimate for 955 loads, at 1½ lbs. per load, 1,432½ lbs. at 4s.		286	10	0
Add for delivery at Fort George, on advance proportionate to that on the other articles of export,		191	0	0
		£ 1,197	10	0
Add $\frac{1}{10}$ for contingencies.		119	15	0
Sterling....		£ 1,317	5	0

C. McKENZIE,

CAPTAIN, *Royal Engineers.*

		£	s.	D.	£	s.	D.
Amount of the present Estimate for the Harbour,		£58,599	17	3½			
Estimate for Repair and Reform, after a lapse of eight or nine years.							
WEST PIER.							
Sea pavement, 4,102 cord stone, a 22s. 6d.		4,614	15	0			
Masonry in parapet, 5,303 perches, a 10s.		2,651	10	0			
Add wrought fair on face, 10,500 feet, sup'l. a 2s. 6d.		1,312	10	0			
Do. inside retaining wall, 6,364 perches, a 10s.		3,182	0	0			
Do. for face wrought fair, 10,500 feet sup'l. a 2s. 6d.		1,312	10	0			
Total—West Pier, £13,073 5s. 0d.							
EASTERN PIER.							
Sea pavement. 5,226½ cord stone, a 22s. 6d.		5,879	16	3			
Parapet 6,758 perches masonry, laid in mortar, joints in cement, a 10s.		3,379	0	0			
Add fair on face, (wrought,) 13,380 feet, a 2s. 6d.		1,672	10	0			
Do. inside retaining wall, 8,109 perches, a 10s.		4,054	10	0			
Do. wrought on face above water line, 13,380 feet sup'l. a 2s. 6d.		1,672	10	0			
Total—Eastern Pier, £16,658 6s. 3d.							
		29,731	11	3			
Add contingencies, $\frac{1}{10}$,		2,973	3	1½			
Halifax Currency,		£32,704	14	4½			
British do.		£27,253	18	7½			
Ultimate cost,		£85,853	15	11½			

APPENDIX K.—(See Journal, Page 55.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX K.

APPENDIX K.—(See Journal, Page 55.)

(Copy.)

GOVERNMENT HOUSE,
Montreal, 8th February, 1839.

SIR,

Copy of a Despatch, from the Governor-in-Chief, communicating a grant of money, voted by the General Assembly of the Province of New Brunswick, applicable to the relief of the loyal sufferers in the two Canadas.

I have great satisfaction in transmitting to Your Excellency, a copy of a communication I have received from the Lieutenant Governor of New Brunswick, transmitting the sum of one thousand pounds, which has been voted by the Legislature of that Province, for the relief of the immediate necessities of the Loyal Subjects of Upper and Lower Canada, who have suffered from the piratical incursions of the Brigands from the United States; and previously to deciding upon the proportion of this munificent donation, which should be appropriated to the sufferers in Upper Canada, I request you will forward to me a list of the cases coming under the description alluded to in the vote, which have occurred in that Province, together with such suggestions as you may think it desirable to offer, relating to the distribution of the funds placed at my disposal.

I have the honour to be,

SIR,

Your Excellency's

Most obedient Servant,

(Signed) J. COLBORNE.

His Excellency Major General

SIR GEORGE ARTHUR, K. C. H.

§c. §c. §c.

(Copy.)

GOVERNMENT HOUSE, FREDERICTON,
January 25th, 1839.

SIR,

In compliance with the desire of the General Assembly of this Province, I have great pleasure in transmitting to your Excellency, the sum of one thousand pounds, voted by the House of Assembly, and warmly concurred in by the Legislative Council, for the purpose of being applied, under your Excellency's directions, to the relief of the immediate necessities of such of their loyal fellow Subjects in the Canadas, and their families, as have been sufferers from the recent inroads of Brigands from the United States. I cannot refrain from acquainting your Excellency that this, the first vote in Supply of the present Session, by the representatives of the people of this loyal Province, was passed by them, not only without a single dissenting voice, but literally by acclamation, the whole House rising, (as would have done the whole people,) and cheering upon the occasion.

I enclose a copy of the Resolutions.

I have, &c.

(Signed)

J. HARVEY.

P. S. Private subscriptions in aid of the same object are in progress in several parts of the Province, which I shall be happy in making myself the medium of forwarding to your Excellency, or to any Committee which may be appointed to receive them.

(Signed) J. H.

His Excellency,

Lieut. General SIR JOHN COLBORNE, G. C. B.

§c. §c. §c.

(Copy.)

HOUSE OF ASSEMBLY,
Wednesday, January 23rd, 1839.

WHEREAS our gallant Fellow Subjects in the Canadas, have been repeatedly exposed to the most wanton depredations upon their Territory, by numerous bands of marauders and incendiaries, levied, armed, and equipped on the opposite frontier, in a country professedly in amity with Great Britain: And whereas, in successfully repelling such unprovoked and unexampled outrages, and in defending their families, their homes, and their Institutions, many

APPENDIX L.—(See Journal, Page 57.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

valuable loyal lives have been sacrificed, and in too frequent instances, brave men have been so desperately wounded as to render them incompetent to provide for themselves, and those to whom they had hitherto afforded protection and support.

APPENDIX K.

And whereas, from the great distress which must now necessarily prevail, it is desirable that some efficient relief should be immediately given, and in the opinion of this Committee, the Legislature of this Province, representing the will and opinion of the people, should not be behind in shewing that they not only deeply sympathise with such, their Fellow Subjects, in their severe trials and sufferings, but also that their cause is viewed as the cause of New Brunswick, as an integral part of the British dominions on this Continent; and enjoying the inestimable blessings of rational liberty, with the wholesome and impartial administration of British laws:—

Therefore, Resolved unanimously.—That there be granted to His Excellency the Lieutenant Governor, the sum of one thousand pounds, to be by His Excellency transmitted to Sir John Colborne, the Governor-General, for the purpose of being distributed under the direction of the Governor-General, towards relieving the immediate necessities of the loyal sufferers in the two Canadas, as in his discretion may be considered just and expedient.

(Signed) CHARLES P. WETMORE,
CLERK.

(Copy.)

LEGISLATIVE COUNCIL CHAMBER,
Thursday, 24th January, 1839.

Resolved unanimously—That this House doth most heartily concur in the Resolution sent up this day from the House of Assembly, relating to a grant of one thousand pounds, for the relief of our fellow-subjects in the Canadas, and that the Honourable Messieurs Shore and Bailey be a Committee on the part of this House, to join such Committee as may be appointed by the House of Assembly, to present the proposed Address to His Excellency the Lieutenant Governor.

APPENDIX L.—(See Journal, Page 57.)

APPENDIX L.

To His Excellency Lieutenant-General SIR JOHN COLBORNE, G. C. B. Governor of Her Majesty's Colonies of Upper and Lower Canada, Nova-Scotia, New-Brunswick, and Prince Edward Island, and Captain-General and Governor-in-Chief of British North America, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, have learned with feelings of unmingled satisfaction, from a Message sent to us by His Excellency Major-General Sir George Arthur, K. C. H. &c. &c. &c. that Her Majesty has been pleased to confer upon Your Excellency the high honour of representing Her Majesty in British North America, as Governor General and Commander-in-Chief therein. We recognize in this appointment the firm intention of Her Majesty to maintain Her authority unimpaired in Her North American possessions; and while we approach your Excellency with the language of gratulation, in having been selected by Her Majesty to fill so important an office, we feel that we have just reason to rejoice, that Her Majesty has been pleased to select your Excellency for this distinguished mark of Her Royal favour.

Congratulatory Address to His Excellency Lieutenant General Sir John Colborne, upon his appointment to the Government of British North America.

The Legislative Council further recognize in this act of Her Majesty, Her Majesty's approbation of your Excellency's distinguished services, as well whilst representing Her Majesty as Lieutenant Governor of this Province for so long a period, as subsequently in defending Her possessions in the Canadas against aggressions, aiming at the severance of these valuable Colonies from the British Crown, and beg to assure your Excellency of our high gratification, that services so distinguished should have been so justly appreciated by Her Majesty; and the Legislative Council, in thus expressing their satisfaction, feel assured that they also convey the

APPENDIX M. & N.—(See Journal, Pages 58 & 62.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX L.

sentiments of the great body of the Inhabitants of Upper Canada, and will, with them, rejoice in any further distinction which Her Majesty may be graciously pleased hereafter to confer upon you.

APPENDIX M.

APPENDIX M.—(See Journal, Page 58.)

Resolutions of the
Common House of
Assembly, on the subject
of an Union of the Pro-
vinces, and on the subject
of sending an Agent or
Agents to England.

1st *Resolved*—That during the last Session of the Legislature, a series of Resolutions was adopted by this House, attributing the chief causes of the evils under which these Provinces have suffered, to the injudicious division of Canada into two Provinces, which, with an Address, dated 26th February, 1838, were transmitted to the Home Government, praying for the adoption of such measures as would carry the same into effect.

2nd *Resolved*—That the experience of the past year confirms this House in the opinions then expressed, and they are still of opinion, that a united Legislature for the Canadas, on the terms then proposed, is indispensable, and that further delay must prove ruinous to the best interests of the Canadas.

3rd *Resolved*—That as measures deeply affecting the future interests of this Province are now pending before the Imperial Parliament, it is of the utmost importance that one or more authorised Agents, deputed by this House, should proceed forthwith to England, to represent the true interests and opinions of Her Majesty's faithful subjects, residing in Upper Canada.

Truly extracted from the Journals.

(Signed) JAMES FITZGIBBON,
Clerk of Assembly.

APPENDIX N.

APPENDIX N.—(See Journal, Page 62.)

A further series of
Resolutions of the
Common House of
Assembly, upon the last
mentioned subject.

Resolved—That in reference to the Resolutions of this House, upon the subject of a Legislative union of the Provinces of Upper and Lower Canada, this House is distinctly opposed to that measure, unless the conditions, as embodied in the following Resolutions, be fully carried out in any Act to be passed by the Imperial Legislature for that purpose.

1st *Resolved*—That in the event of a union of the Provinces of Upper and Lower Canada, the seat of Government should be within the present boundary of Upper Canada.

2nd *Resolved*—That that portion of Lower Canada, lying east of the Madawaska, and south of the Saint Lawrence, consisting of the Counties of Gaspè, Bonaventure, and Rimouski, be attached to the Province of New Brunswick.

3rd *Resolved*—That a proper qualification for Members of the Legislative Council and House of Assembly, be fixed upon by the Act of Union.

4th *Resolved*—That the Act of Union not to make void any of the appointments of the present Legislative Council, in full confidence that future appointments will be made in such manner, from the different Districts, as best to secure the commercial, agricultural, and general interests of the Province.

5th *Resolved*—That the number of members to be returned to serve in the House of Assembly, be as follows:—

From Lower Canada..... 50 Members.
From Upper Canada..... as at present.

That the elective franchise in Counties, be confined to those who hold their lands in free and common soccage, from and after a time to be settled by the Imperial Parliament, not later than the year 1845: and that it be strongly urged on the Imperial Parliament, to pass immediate measures for facilitating the change of tenure in Lower Canada, so as to extend to them the elective franchise, with as little delay as possible.

6th *Resolved*—That a new division of Lower Canada into Counties, be made by the Governor and Council of that Province, so as to provide for the election of such number of members, as, together with the members from Cities and Towns, make up the number to be returned from Lower Canada.

APPENDIX O.—(See Journal, Page 67.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

7th *Resolved*—That the English language be spoken and used in the Legislature, Courts of Justice, and in all other public proceedings.

APPENDIX N.

8th *Resolved*—That the Courts of Appeal and Impeachment, be established within the United Province.

9th *Resolved*—That the surplus revenue of the Post Office, together with the Casual and Territorial, and every other branch of revenue, be placed under the control of the Legislature.

10th *Resolved*—That until otherwise provided for by the Joint Legislature, the Courts and Laws to remain as at present.

11th *Resolved*—That the debt of both Provinces shall be chargeable on the revenue of the United Province

12th *Resolved*—That the local Legislature have power to originate duties, or reduce them, from time to time, as they may deem necessary and advisable, subject, however, to restrictions, similar to those of 42nd Sec. of 31 Geo. 3, ch. 31, respecting certain local Acts.

13th *Resolved*—That with the above exceptions, the principles of our Constitution, as contained in 31st Geo. 3, ch. 31, remain inviolate.

14th *Resolved*—That there be two Commissioners appointed to proceed to England, on the part of this House, and that Sir Allan N. Macnab, Speaker of this House, and William Hamilton Merritt, Esquire, M. P. for the County of Haldimand, be the said Commissioners.

Truly extracted.

(Signed) JAMES FITZGIBBON,
Clerk of Assembly.

APPENDIX O.—(See Journal, Page 67.)

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(Copy.)

No. 3.

DOWNING STREET,
23rd December, 1837.

SIR,

I have received your Predecessor's despatch, No. 103, of the 16th September, transmitting two memorials from the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, having reference to the claim of that Church to a share of the revenue accruing from the Clergy Reserves, and to the Rectories lately constituted in the Province of Upper Canada.

Copies of three Despatches relative to the endowment of certain Rectories in this Province, and on the subject of the Clergy Reserves.

With respect to the first of these subjects, I am led to believe, from the terms of the memorial, that some misapprehension exists, on the part of the Synod, as to the declared intentions of Her Majesty's Government. In order that they may be clearly understood, I have to request that you will communicate to the Synod so much of the correspondence, enclosed in my despatch to Sir Francis Head, of the 7th September last, No. 231, as relates to the claims of the Scotch Church in Upper Canada, and the views of Her Majesty's Government in reference to those claims.

With respect to the constitution of the Rectories, you will inform the Synod that, without entering on the discussion of the question, as to the legality of these endowments, or the policy of the measure by which they were created, I trust an arrangement will shortly be effected, by which the conflicting claims of various religious denominations in Upper Canada, will be satisfactorily adjusted, and the means of Christian worship and instruction, in connection with the Presbyterian Church in the Province, be materially extended.

I have, &c.

(Signed) GLENELG.

Colonel SIR GEORGE ARTHUR.

Sc. Sc. Sc.

(Copy.)

No. 4.

DOWNING STREET,
26th December, 1837.

SIR,

Amongst the questions to which your attention will be called, upon your arrival in Upper Canada, one of the most important is that which relates to the provision for the main-

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tenance and diffusion of Christian knowledge, throughout the increasing population of the Province.

This subject has recently engaged much of the public attention in Upper Canada, with reference to the most beneficial appropriation of the lands set apart by the Act of 1791, for religious purposes, and known by the name of Clergy Reserves.

It could scarcely be expected, that the discussion of this question could fail to produce considerable controversy and excitement, or that its settlement could be accomplished without serious difficulty. I entertain, however, a confident hope that some plan may, at an early period, be agreed to, by which the difficulties which have hitherto opposed a satisfactory adjustment of the conflicting claims of various religious denominations may be removed, and an adequate provision be made for meeting, on comprehensive principles, the religious wants of the great body of the inhabitants.

I regret that the agitated question of the endowment of fifty-seven Rectories, in the commencement of the year 1836, has introduced a new element of dissension. The correspondence which has taken place between Her Majesty's Government and your Predecessor, on this subject, will place you fully in possession of the facts of this case.

How far the view originally taken of that subject, by the Law Officers of the Crown, may be altered, when they shall have maturely considered the explanations which have recently, for the first time, reached me, as to the grounds on which the Lieutenant Governor and Executive Council really proceeded, I am at present unable to state. In the mean time, however, before I can receive their Report, I think it right to acquaint you with the view which I at present entertain of the course which it may be desirable to pursue, with reference to this subject.

The House of Assembly of Upper Canada, as appears from their Journals of the 9th February, 1837, adopted a series of Resolutions, relative to these endowments, of which the sixth declared, that this House regards as inviolable the rights acquired under the Patents by which Rectories have been endowed, and cannot, therefore, either invite or sanction any interference with the rights thus established.

On the part of Her Majesty's Executive Government, I cannot hesitate to avow our entire adoption of the principle by which this resolution was dictated. Although the endowment of the Rectories in the year 1836, did not take place with the previous concurrence or knowledge of the present Ministers of the Crown, yet as they appear to have been made at least under a presumed authority from the Secretary of State, and as considerable time has now elapsed since the parties were put in possession of the lands, I should much regret to be compelled to disturb that settlement, or to dispossess the Clergy of the Church of England of the lands which have been assigned for their maintenance. Should the legal right now appear to the Law Officers of the Crown to be indefeasible, no practical question will of course remain for the decision of the Government: but even on the contrary supposition I feel that, with the concurrence of the local Legislature, the endowments which have actually been made might be ratified, in connection with some general scheme for the future appropriation of the Clergy Reserves, which would satisfy the reasonable claims of other denominations of Christians.—As a basis of such a settlement I would propose, that under the peculiar circumstances of the case, the right of the Church of England to the endowments of January 1836, should be acknowledged and ratified. I would further suggest, that this measure should be accompanied by a Legislative declaration, "that the establishment and endowment of Rectories in the Province shall not be construed to confer any right to exercise any ecclesiastical or spiritual power whatever, except over the members of the Church of England."

I quote these words from the Resolutions of the Assembly of the 9th of February, 1837, to which I have already referred. That House indeed proposes, that this declaration should proceed, not from the local Legislature, but from Parliament. But I conceive, that if the arrangement I suggest should meet with general acceptance, there will be no difficulty in obtaining an Act of General Assembly for the purpose, and that the interference of Parliament into the internal affairs of the Province may thus be avoided.

In the next place I have to refer you to my Despatch to Sir Francis Head, of the 7th September, (No. 231) in which, and in the enclosures accompanying it, will be found an explanation of the system, established by my advice by His late Majesty, for providing for the religi-

APPENDIX O.—(See *Journal*, Page 67.)SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

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ous instruction of the Inhabitants of the Australian Colonies. I do not here enter into the details of that measure, with which you are already familiar, but I confine myself to the statement that the general principle of it is, that the contributions of the State towards the support of the different Christian communions, should be regulated by the extent of the voluntary efforts which the members of each should make for the promotion of the same general end. Of the success of that plan in New South Wales, I have the most satisfactory proofs. The result in that Colony, considering the short period which has elapsed since the provisions of this measure have been in operation, has been greatly to increase the spontaneous exertions of the various denominations of Christians; the number of Ministers; and the means applicable to the general diffusion of Christian instruction.

If the Clergy Reserves of Upper Canada should be converted into a fund, subject to a similar appropriation, I perceive no reason to doubt of a corresponding result. If by the adoption of this scheme, with any modifications which the knowledge possessed by the local Legislature of the circumstances of the Province, and the comparative numbers of the religious denominations existing in it, may suggest, concord and a mutual good understanding could be restored amongst the different Christian Societies, existing in Upper Canada, an object of the highest importance would be attained. We should have closed a controversy hostile to the general peace of Her Majesty's Subjects inhabiting that part of Her Dominions, and should have brought to an end a debate painful to every one who is justly alive to the interests of the Christian Faith, which we all acknowledge and profess, under various forms of Ecclesiastical Government.

You are, therefore, authorised to convey these or any other suggestions which you consider better adapted to effect the object in view, to the Legislative Council and House of Assembly, in whatever manner may be most consistent with Constitutional forms, and with a careful respect for their rights and privileges; and I earnestly hope that they will cordially co-operate with Her Majesty's Government, and with yourself, in the adoption of such measures with reference to this important subject, as will most effectually conduce to the advancement of the best interests of all classes of Her Majesty's Subjects in the Province.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Colonel Sir GEORGE ARTHUR, K. C. H.

&c. &c. &c.

(Copy.)

No. 20.

DOWNING STREET,
9th February, 1838.

SIR,

Referring to the Despatches enumerated in the margin, on the subject of the Rectories established in Upper Canada, under an Order made by Lieutenant Governor Sir John Colborne, with the advice of the Executive Council, in the year 1836, I have now the honour to transmit, for your information, a copy of a further report, which has reached me from the Queen's Advocate, and from Her Majesty's Attorney and Solicitor General. You will perceive, that adverting to the fact, now for the first time brought under their notice, they affirm the validity of the Endowments in point of law, while they continue to maintain the insufficiency of the authority to which alone the Order itself referred, as the foundation of the measure.

I regret that the real basis on which the Act proceeded was not communicated to me, in answer to my first demand for explanation on the subject—in which case this discussion would have been saved. The legal right being now established, no further question respecting them can remain for the consideration of the Government.

The Synod of the Scots Church in Upper Canada, has, as you are aware, made the strongest representations against these Endowments, and especially against what they apprehend must follow, namely—that the ecclesiastical authority thereby established in the parishes erected by this measure, must affect not merely the members of the Church of England, but those also of other religious communions. If this be really the legal consequence of the measure, of course the Ministers of the Crown cannot prevent it; I confess, however, that I do not distinctly understand what is that ecclesiastical authority which the incumbents of the Church

Sir F. Head,

2nd May, No. 51.

Lord Glenelg,

6th July, No. 139.

Sir F. Head,

15th October, No. 113.

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of England have thus acquired, and against which the members of the Scots Church remonstrate. I am much disposed to doubt, whether in practice or in theory, the fifty-seven Rectors will exercise any authority, spiritual or temporal, excepting over those who may voluntarily submit themselves to it.

If, however, any members of the Scots Church, or of any other Christian community, shall insist upon a further investigation of the question of law, and shall be able to state any material fact, or to suggest any important argument which may hitherto have escaped notice, it will be my duty to afford them the same facility for bringing the question under the review of the highest accessible legal authority, which has already been afforded to the Clergy of the Church of England. But as there is little prospect of any such fact or argument being now elicited, I should rejoice to believe that the discussion is finally closed. I trust that the efforts which you have been instructed to make for the adjustment of the question of the Clergy Reserves, will tend to that result.

I have the honour, &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,

Esq. Esq. Esq.

(Copy.)

DOCTORS' COMMONS,
24th January, 1838.

MY LORD,

We are honoured with Your Lordship's commands, signified in your letter of the 19th ultimo, transmitting certain documents which were referred to us on the 12th of April last, on the subject of the endowment of certain Rectories in the Province of Upper Canada: also, enclosing a copy of the Report made by us in answer to that reference, with copies of a correspondence which has since taken place on the subject, between Your Lordship and the Lieutenant Governor of Upper Canada: also, enclosing a copy of the Commission under which the Government of the Province was administered, in the month of January, 1836, when the order of the Lieutenant-Governor in Council, respecting those Rectories was made.

Adverting to these various documents, and especially to the report of the Archdeacon of Toronto, accompanying Sir Francis Head's despatch of the 18th of October, your Lordship is pleased to request, that we would report our joint opinion, whether the addition of the material fact now communicated to us, affects the conclusion which we adopted and reported to your Lordship on the 8th of June; and if so, that we would report the answer which we would now give to the questions proposed in your Lordship's Letter, of the 12th of April, namely:

" *First*.—Adverting to the terms of the Statute 31st Geo. III. chap. 31, sec. 36 & 40, and to the terms of the Royal Commission, could the Lieutenant Governor, with the advice of the Executive Council, lawfully constitute and erect, or endow, any Parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure?

" *Secondly*.—Can Lord Ripon's Despatch of the 3d April, 1832, be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of these purposes?

" *Thirdly*.—Are the erection and endowment of the fifty-seven Rectories, by Sir John Colborne, valid and lawful acts?

" *Fourthly*.—If the preceding questions be answered in the affirmative, have the Rectors of the Parishes so erected and endowed, the same ecclesiastical authority within their respective limits, as are vested in the Rector of a Parish in England; or within what other bounds is that authority restricted?"

In obedience to your Lordship's commands, we have the honour to report that, adverting to the various documents, and especially to the instructions contained in Lord Bathurst's Despatch to Sir P. Maitland, of the 22nd July, 1825, referred to in the report of the Archdeacon of York (Toronto,) and also to the terms of the Royal Commission, the whole of which is now before us, we are of opinion—

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1st.—That the Lieutenant Governor, with the advice of the Executive Council, could lawfully constitute and erect or endow any Parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure.

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2nd.—We are of opinion, that Lord Ripon's Despatch, of the 5th April, 1832, cannot be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of those purposes.

3rd.—We are of opinion, that the erection or endowment of the fifty-seven Rectories, by Sir John Colborne, are valid and lawful acts.

4th.—We are of opinion, that the Rectors of the Parishes so erected and endowed, have the same ecclesiastical authority within their respective limits, as are vested in the Rector of a Parish in England.

We have, &c.

(Signed) J. DODSON,
J. CAMPBELL,
R. M. ROLFE.

(Copy.)

No. 63.

TORONTO, 21st September, 1838.

MY LORD,

In compliance with your Lordship's Despatch, of the 30th March, (No. 48,) communicating the copy of an Address agreed to by the House of Lords, requesting certain returns relative to the Clergy Reserves, and Rectories, in Upper and Lower Canada respectively, and desiring me to furnish you with this information so far as the Province of Upper Canada is concerned, I have now the honour to transmit to your Lordship herewith, the following Returns:

1st.—The Return from the Crown Lands Office, shewing the amount of Clergy Reserves sold in Upper Canada, in each year since 1827, and the number of acres sold in each year; the total amount for which they were sold; the total amount of money received in each year upon such sales—distinguishing principal from interest; the disposal of sums received on account of principal and interest; and the total amount invested or paid over.

2nd.—The Receiver General's account of monies received by him from various sources, and of payments made therefrom, for the support of a Protestant Clergy within Upper Canada, in each year, from 1827 to 1837 inclusive, respectively.

3rd.—The Surveyor General's Statement of the Rectories created in Upper Canada, with an account of the lands assigned to each.

4th.—Statement of the salary paid to each of the Incumbents of Rectories in Upper Canada, by warrant on the Receiver General.

From these returns your Lordship will gather all the information which this Government can afford, in answer to the requisition of the House of Lords.

Upon one of the heads of inquiry, the information can only be officially furnished by the proper Department in London, where the amount of the proceeds of successive sales of Clergy lands, is from time to time understood to be vested in the public funds.

The Officer receiving such proceeds, in this Province, pays the amount each year into the Military Chest, under the authority of a Despatch from the Secretary of State, dated 2nd April, 1831.

I have the honour to be,

&c. &c. &c.

(Signed) GEO. ARTHUR.

The Right Honourable

The LORD GLENELG,

&c. &c. &c.

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A RETURN, shewing the amount of Clergy Reserves sold in Upper Canada, in each year, since 1827, and the number of acres sold in each year: the total amount for which they were sold; the total amount of money received in each year upon such sales—distinguishing principal from interest; the disposal of sums received on account of principal and interest; and the total amount invested or paid over.

1 YEAR.	2 No. of Acres sold in each year.	3 Total amount for which sold: Provincial Cur'cy.			4 Total amount of money received in each year: Principal.			5 Total amount of money received in each year: Interest.			6 Amount paid each year into the Military Chest: Principal.			7 Amount paid each year to the Receiver General: Interest.			8 Amount of Contingent Acct for Salary and Disbursements.			REMARKS.
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
1827.*																				
1828	None.	None sold.			None.			None.			None.			None.						N.B.—The different sums of Principal appearing in the sixth column, as having been paid into the Military Chest, were paid under authority of a Despatch from Lord Goderich, of 2nd April, 1831—and this Department has no knowledge of the investment or application of such sums in England.
1829	18011	18229	0	0	2466	1	8	None.			None.			1162 19 6						
1830	81705½	23152	4	0	6216	1	11	None.			None.			829 13 2						
1831	28563½	17362	12	¼	8010	2	11	259	14	9½	11000	0	0	None.			1207 13 0			
1832	4812¼	32287	19	0	10239	9	7½	473	17	2	8000	0	0	797	15	3	1010 15 0			
1833	62282¼	41747	19	9	14080	16	8½	851	4	5½	9500	0	0	708	7	9	1235 11 9½			
1834	59526	41376	18	7	11167	9	5½	1182	11	4	10000	0	0	1062	11	4	1886 13 7½			
1835	59003½	40973	15	8	17000	9	5½	1841	6	5½	23000	0	0	2107	9	1½	2308 16 2½			
To 13th July 1836, inclusive.	19076	13229	1	5	9396	19	9	1395	18	6	3500	0	0	1317	17	9½	1259 11 5			
From 14th July, 1836, to end of yr.	4126¼	27755	10	0½	9076	3	10½	1084	1	6½	None.			None.			1023 4 3½			
1837	81549	52253	7	4	18318	6	8	2637	8	8	22475	6	11	3388	0	1½	1266 5 4½			
1838	21475½	14321	2	7	10910	19	1	2114	11	9	11000	0	0	1949	1	10	2160 16 0			
		320892 13 6																		

* The Agent for the sale of Clergy Reserves, did not enter upon the duties of his office until 1st April, 1828.

(Signed) R. B. SULLIVAN.

CROWN LANDS OFFICE, TORONTO, 21st March, 1839.

ACCOUNT of monies received by the Receiver General, from various sources, and of payments made therefrom, for the support of a Protestant Clergy within Upper Canada, in each year, from 1827 to 1837, inclusively.

RECEIPTS.		Sterling—D. or. at 4s. 6d. each.		PAYMENTS.		Sterling—Dollars, at 4s. 6d. each.	
		£	s. d.			£	s. d.
1827.				1827.			
Balance remaining in the Receiver General's hands, of the Fund applicable to the support of a Protestant Clergy.....		574	13 10½	Additional stipend to the Minister at York,		225	0 0
From the Civil and Territorial Funds, under the Lieutenant Governor's Warrants.....		600	0 0	Salary to two Archdeacons.....		600	0 0
		£	1174 13 10½	Paid the Colonial Office, in London, for Patent constituting the two Archdeaconries—York and Kingston,		132	6 11
1828.				1828.			
From Fund D.		600	0 0	Additional stipend to the Rector at York,.....		225	0 0
		£	600 0 0	A moiety of the expenses incurred by the Archdeacon of York, on a journey to and from England, and eighteen months detention there, at the instance of the Secretary of State, whilst engaged in soliciting from His Majesty's Government the Charter of King's College, and attending to the affairs of the Established Church,		610	10 0
				Salaries to two Archdeacons.....		600	0 0
		£	600 0 0			£	1435 10 0
1829.				1829.			
From Officers collecting the Rents of Clergy Reserves under Lease,		326	13 11½	Additional stipend to the Rector of York,.....		225	0 0
From Crown fund D,		600	0 0	Salary to two Archdeacons,.....		600	0 0
		£	926 13 11½			£	825 0 0
1830.				1830.			
From Officers collecting the Clergy Reserves Rents under lease,.....		585	0 0	Additional stipend to the Rector of York,		225	0 0
From Crown Fund D,		600	0 0	Paid the Rev. George O'Kill Stewart, 6 months' salary, as one of the Established Clergymen of this Province,.....		50	0 0
		£	1185 0 0	Salary to two Archdeacons,.....		600	0 0
						£	875 0 0
1831.				1831.			
From the Sureties of the late Stephen Heward, ..		360	0 0	Additional stipend to the Rector of York,.....		175	0 0
From the Officers collecting the Rents of Clergy Reserves under lease,		650	0 0	Paid the Rev. George O'Kill Stewart, 6 months' salary, due last year,		50	0 0
From the Crown Funds D. and A,.....		700	0 0	Paid do. do. do. his salary for this 12 months,.....		100	0 0
		£	1690 0 0	Salary to two Archdeacons,.....		600	0 0
						£	925 0 0

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RECEIPTS.		STERLING, Dollars & 4s. 6d. ca.	PAYMENTS.		STERLING, Dollars & 4s. 6d. ca.	APPENDIX O.
		£ s. d.			£ s. d.	
1832.			1832.			
From the Officers collecting the Rents of Clergy Reserves under lease,.....	450 0 0		Additional stipend to the Rector of York, for six months, in full of further claims,.....	45 0 0		
From the Officer collecting the Interest of Clergy Lands sold,.....	717 19 8½		Salaries to two Archdeacons, for six months, ...	487 10 0		
			Paid the Rev. George O'Kill Stewart, 6 months salary, as one of the Established Clergy,...	50 0 0		
			Paid the following Missionaries 6 months' allowance, viz:—			
			5 a £ 50 0 0 £ 250 0 0			
			23 a 100 0 0 2800 0 0			
			3 a 75 0 0 225 0 0			
			2 a 43 15 0 87 10 0			
				3862 10 0		
		£ 1167 19 8½		£ 3945 0 0		
1833.			1833.			
From Officer collecting the Interest on Clergy Land sold,.....	687 10 11½		Salaries to two Archdeacons, 12 months,.....	600 0 0		
From the Officer collecting the Rents of Clergy Reserves under lease,.....	1689 6 0		Missionary allowance to do. 6 do.	187 10 0		
From the Officer in London receiving the dividends on monies arising from the sale of Clergy Lands, invested in England,.....	864 18 7½		Paid the Rev. George O'Kill Stewart, 12 months' salary, as one of the Established Clergy,....	100 0 0		
From Thomas Baines, Esquire, Rents of Clergy Reserves,.....	265 14 6		Missionary allowances, 6 months, viz:—			
			26 a £100 0 0 £2600 0 0			
			2 a 75 0 0 150 0 0			
			2 a 65 0 0 130 0 0			
			7 a 50 0 0 350 0 0			
			3 a 25 0 0 75 0 0			
				3305 0 0		
			Paid for erecting a house and preparing a Glebe at Adelaide, so much on account,.....	45 0 0		
			Paid on account of Parsonage House, Mohawk Settlement,.....	90 0 0		
		£ 3457 10 1½		£ 4327 10 0		
1834.			1834.			
From the Officer collecting the Rents of Clergy Reserves under lease,.....	5635 11 3½		Salaries and allowances to two Archdeacons,...	399 11 8		
From the Officer collecting the Interest on Clergy Lands sold,.....	956 6 8½		Salary, the Rev. George O'Kill Stewart, as one of the Established Clergy,.....	100 0 0		
From the Officer in London, for dividends on proceeds of Clergy Lands, invested in England,.....	486 10 0		Do. to the Secretary of the Clergy Corporation, from 1st March, 1833, to 31st March, 1834, at the rate of £150 per annum; and from 1st April to 30th June, 1834, at the rate of £300 per annum,.....	214 8 6½		
From the Crown Fund K, to enable the Receiver General to pay 85 per cent. on the salaries of the Missionaries of the Church of England in this Province, and Pensions to retired Missionaries and Widows, formerly paid by the Society for the Propagation of the Gospel,.....	2501 5 0		Allowance to Missionaries for 6 months, ending 31st Dec. 1833, viz.			
			19 a £46 13 4 each,			
			5 a 33 8 8 "			
			4 a 25 0 0 "			
			1 a 35 0 0 "			
			1 a 15 0 0 "			
			1 a 70 0 0 "			
				1273 6 8		
			Allowance to do. for six months, ending 30th June, 1834,.....			
			32 a £70 0 0 each,			
			13 a 50 0 0 "			
			2 a 25 0 0 "			
				2940 0 0		
			Paid 85 per cent. on the salaries and pensions to Missionaries, retired Missionaries, and Widows, formerly paid by the Society for the Propagation of the Gospel, for the six months ending 31st December, 1834, viz.			
			1 a £120 0 0 each,			
			25 a 100 0 0 "			
			1 a 137 10 0 "			
			11 a 50 0 0 "			
			4 a 30 0 0 "			
			1 a 33 8 8 "			
			3 retired, a 50 0 0 "			
			1 " a 15 0 0 "			
			2 Widows, a 25 0 0 "			
				3798 6 8		
			Ordinary and incidental expenses of Clergy Corporation Office,.....	155 7 11½		
			Inspecting Clergy Reserves,.....	559 12 10½		
		£ 7420 12 7½		£ 9940 14 4½		
1835.			1835.			
From the Officer collecting the Rents of Clergy Reserves under lease,.....	3801 19 6½		Salary and allowances to two Archdeacons, ...	1003 15 0		
From the Officer collecting the Interest on Clergy Lands sold,.....	1896 15 1½		Salary to the Rev. George O'Kill Stewart, one of the Established Clergy,.....	100 0 0		
			Salary to the Secretary of the Clergy Corp'n,...	270 0 0		
Carried forward,.....	£ 5698 14 7½		Carried forward,.....	£ 1373 15 0		

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APPENDIX O.	RECEIPTS.	STERLING, Dollars & Cts. ca.	PAYMENTS.	STERLING, Dollars & Cts. ca.
	Brought forward,	£ 5693 14 7½	Brought forward,	£ 1573 15 0
	Dividends on investments in London,	1089 15 4½	Salaries and Pensions (with arrearages) to Missionaries, retired Missionaries, and Widows, for the six months, ending 30th June, 1835, viz:—	
	From the Crown Fund K,	2529 11 8	1 a £127 10 0 each,	
			24 a 85 0 0 "	
			1 a 70 0 0 "	
			2 a 63 15 0 "	
			15 a 50 0 0 "	
			2 (retired)... a 50 0 0 "	
			1 do. ... a 15 0 0 "	
			2 Widows... a 25 0 0 "	
			1 do. ... a 33 6 8 "	
			1 do. ... a 50 0 0 "	
				3363 6 8
			Ditto ditto for the six months ending 31st Dec. 1835, viz:—	
			24 a £ 85 0 0 each,	
			1 a 70 0 0 "	
			2 a 63 15 0 "	
			14 a 50 0 0 "	
			3 (retired)... a 50 0 0 "	
			1 do. ... a 15 0 0 "	
			4 Widows, ... a 25 0 0 "	
				3202 10 0
			Glebe Houses in Carradoc and Adelaide,	118 18 1½
			Ordinary and incidental expenses Clergy Corporation Office,	65 18 10
		£ 9318 1 2½		£ 3124 8 7½
	1836.		1836.	
	Dividends on investments in London,	655 7 1½	Salaries and allowances to two Archdeacons,	1003 14 6
	Rents of Clergy Reserves,	2141 5 1½	Salary to the Rev. George O'Kill Stewart, as one of the Established Clergy,	100 0 0
	Interest on Clergy Land sales,	1186 2 3½	Salary to the Sec'y. of the Clergy Corporation, Missionaries and Widows, for the six months ending the 30th June, 1836, viz:—	270 0 0
	From the Crown Fund K,	2565 12 6	22 a £ 85 0 0 each,	
			1 a 70 0 0 "	
			1 a 70 0 0 "	
			2 a 63 15 0 "	
			16 a 50 0 0 "	
			2 (retired)... a 50 0 0 "	
			1 do. ... a 15 0 0 "	
			7 Widows, ... a 25 0 0 "	
				3253 10 0
			Ditto ditto six months, ending 31st December, 1836, viz:—	
			23 a £ 85 0 0 "	
			1 a 70 0 0 "	
			1 a 63 15 0 "	
			19 a 50 0 0 "	
			2 (retired)... a 50 0 0 "	
			1 do. ... a 15 0 0 "	
			7 Widows, ... a 25 0 0 "	
				3323 15 0
			Inspecting Clergy Reserves,	25 2 0
			Contingencies of the Clergy Corporation Office,	92 13 10½
			Parsonage House, Bay of Quinte,	270 0 0
			Do. do. at Adelaide,	07 2 5½
		£ 6548 7 0¾		£ 8418 17 10
	1837.		1837.	
	From London dividends on investments,	1105 0 0½	Salary and allowances to two Archdeacons,	1003 15 0
	Rents of Clergy Reserves,	1798 10 5	Do. to the Rev. George O'Kill Stewart, as one of the Established Clergy,	100 0 0
	Interest on sales of Clergy Lands,	3499 4 1½	Do. to the Secretary of the Clergy Corp'n., Missionaries and Widows, for the six months, ending 30th June, 1837, viz:—	270 0 0
	From the Crown Fund K,	2528 6 8	22 a £ 85 0 0 each,	
			1 with arrears a 75 0 0 "	
			2 do. a 70 0 0 "	
			2 do. a 63 15 0 "	
			17 do. a 50 0 0 "	
			2 (retired)... a 50 0 0 "	
			1 do. ... a 15 0 0 "	
			7 Widows... a 25 0 0 "	
				3352 10 0
			Ditto ditto for the six months ending 31st December, 1837, viz:—	
			22 a £ 85 0 0 each,	
			1 a 70 0 0 "	
			1 a 63 15 0 "	
			19 a 50 0 0 "	
			1 a 38 6 8 "	
			2 (retired)... a 50 0 0 "	
			1 do. ... a 15 0 0 "	
			7 Widows... a 25 0 0 "	
				3282 1 8
			Contingencies of Clergy Corporation Office,	55 10 10½
		£ 8091 7 2¼		£ 8063 17 6¾

E. E.

JOHN H. DUNN,

RECEIVER GENERAL'S OFFICE,
Toronto, 22nd March, 1839.

RECEIVER GENERAL.

APPENDIX O.—(See Journal, Page 67.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Surveyor General's Statement of Rectories, &c.

APPENDIX O.

<i>Name.</i>	<i>Description of Lot.</i>	<i>No of Acres.</i>
Rev. George Arcinbold, <i>Cornwall</i> —	Lot No. 19, and the Westerly 150 acres of Lot No. 38, in the 8th Concession, in the Township of Cornwall, 350 acres; also a slip of land situate between the rear boundary of the Town of Cornwall, as reckoned by the Eastern boundary	410
Rev. J. P. Beck Lindsay, <i>Williamsburgh</i> —	Part of the centre Commons, in the 1st and 2nd Concessions in Williamsburgh, 37½ acres; the centre Commons between Lots Nos. 18 and 19, in the 1st, 3rd and 4th Concessions, in the Township of Matilda, 163 acres; Lot No 19, 6th Concession, Matilda	400½
Rev. Dominick E. Blake, <i>Adelaide</i> —	Lot No. 12, 1st Concession North of Egremont Road; Lot No. 25, in the 1st Concession South of Egremont Road, in the Township of Adelaide; and Lots Nos. 8 and 9, in Front Street, in the Town of Adelaide,	400
Rev. Thomas Phillips, D. D. <i>Etobicoke</i> —	Lots Nos 3 and 4, in the front range; West part of 3, in the second range; Lot No. 4, in the second, third and fourth ranges, containing together 205 acres, in the Township of Etobicoke,	205
Rev. Edward J. Boswell, <i>Carleton Place</i> —	Lot No. 26, in the 2nd Concession; and Lot No. 2, in the 7th Concession, in the Township of Ramsay,	400
Rev. Mark Burnham, <i>St. Thomas</i> —	Lot No. 9, in the 1st Concession; and Lot No. 17, in the 4th Concession, in the Township of Southwold,	400
Rev. John Radcliffe, <i>Warwick</i> —	Lots Nos. 15, and 25, in the 1st Concession, in the Township of Warwick,	400
Rev. V. P. Mayerhoffer, <i>Markham</i> —	Lot No. 9, in the 5th Concession, in the Township of Markham; and Lot No. 19, in the 9th Concession, in the Township of Vaughan,	400
Rev. A. H. Burwell, <i>Bytown</i> —	Lot No. 17 and 18, in the 1st Concession, on the Ottawa, in the Township of Gloucester, about,	400
Rev. James Magrath—	Lot No. 23, in the 2nd Concession; and Lot No. 29, in the 4th Concession, in the Township of Chinguacousy, East of Hurontario Street,	400
Rev. John Cochrane, <i>Belleville</i> —	Lot 16 and 17, in the 3rd Concession, in the Township of Thurlow, containing 200 acres; and the rear part of Lot No 4, in the 1st Concession, of the Township of Thurlow, containing 18 acres,	418
Parish Church, in <i>Bath</i> —	The front 50 acres of Lot No. 12; Lot No. 13; and the west ¾ of Lot No. 14, in the 4th Concession in the Township of Ernestown,	400
Rev. Saltern Givins, <i>Napanee</i> —	Lots Nos. 15 and 16, in the 4th Concession, in the Township of Richmond,	400
Parish Church, in <i>Williamsburgh</i> —	Lots Nos. 18 and 19, in the 4th Concession, in the Township of Williamsburgh,	400
Rev. James Padfield, <i>March</i> —	Lot No. 2 and 32, in the 4th Concession on the Rideau, in the Township of Nepean,	400
Parish Church, in the <i>Town of Richmond, in the Bathurst District</i> —	Lot No. 24, in the 5th Concession, in Goulbourn; and Lot 17, in the 9th Concession, in the Township of Fitzroy,	400
Rev. Robert Luger, <i>Brantford</i> —	Lot No. 3, in the 2nd Concession, and Lot No. 9, in the 3rd Concession, in the Township of Burford.	
The Hon. & Ven'ble. Archdeacon Strachan, <i>Toronto</i> —	Lots Nos. 6, 9, 22, in the 2nd Concession; and Lot No. 17, in the 3rd Concession from the Bay, in the Township of York,	800

APPENDIX O.—(See Journal, Page 67.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX O.	<i>Name.</i>	<i>Description of Lot.</i>	<i>No. of Acres.</i>
	Rev. R. F. Grout—	Lots Nos. 11, 12, 13 and 14, in the 6th Concession, in the Township of Grimsby,	400
	Rev. J. Miller, <i>Ancaster</i> —	Lots Nos. 39 and 40, in the 5th Concession, in the Township of Ancaster,	400
	Rev. George Mortimer, <i>Thornhill</i> —	The North half of Lot No. 27, in the 1st Concession, in the Township of Vaughan,	105
	Rev. J. G. Geddes, <i>Hamilton, Gore District</i> —	Lot No. 6, in the 13th Concession; and Lot No. 2, in the 14th Concession, in the Township of East Flamborough,	400
	Rev. Francis Evans, <i>Woodhouse</i> —	S. W. quarter of Lot No. 1, in the 3rd Concession; South half of North half of No. 1, in the 3rd Concession; South-west quarter of Lot No. 2, in the 3rd Concession; North part Lot No. 6, in the 1st Concession; part of Lot No. 10, in the 4th Concession, Township of Woodhouse,	402
	Rev. John Grier, <i>Ameliasburgh</i> —	Lots No. 96 and 102, in the 2nd Concession of Ameliasburgh,	400
	Rev. F. Mack, <i>Wellington Square</i> —	Lot No. 6, in the 2nd Concession; Lot No. 10, in the 4th Concession, East Flamborough,	400
	Rev. Samuel Armour, <i>Cavan</i> —	Lot No. 17, in the 4th Concession; Lot No. 10, in the 10th Concession, Township of Cavan.	
	Rev. R. Blakey—	Lots Nos. 18 and 19, in the 4th Concession of Augusta, and the Commons between,	450
	Rev. Benjamin Cronyn, <i>London</i> —	Lot No. 13, in Concession C.; and part of Lot No. 15, in the 3rd Concession, in the Township of London,	375
	Rev. William Macaulay, <i>Hallowell</i> —	Part of Block D. in Sophiasburgh,	400
	Rev. Michael Harris, <i>Perth</i> —	Lot No. 17, in the 7th Concession of Bathurst; Lot No. 4, in the 1st Concession of Drummond,	400
	Rev. W. H. Gunning, <i>Elizabethtown</i> —	Lot Nos. 19 and 20, in the 5th Concession, in the Township of Elizabethtown,	400
	Rev. H. Patton, <i>Oxford, J.D.</i> —	East half Lot No. 15, in the 1st Concession; Lot No. 16, 1st Concession; Lot No. 16, 6th Concession—Township of Oxford,	450
	Rev. J. Anderson, <i>Bertie</i> —	Lots Nos. 6 and 7, in 5th Concession; Lots Nos. 6 and 7, in 6th Concession—Township of Bertie,	400
	Rev. R. H. D'Olier, <i>Peterborough</i> —	Lots No. 17, in the 2nd Concession, and No. 40, in the 13th Concession, in the Township of Smith; Park Lots No. 8, 15 and 16, in the 3rd Concession of Monaghan; Town Lots No. 1 to 4, on Hunter, Water and Brock Streets, in Peterborough.	
	Rev. William Bettridge, <i>Woodstock</i> —	Lot No. 2, in the 1st Concession, Oxford west; Lot No. 16, in 5th Concession, Oxford east,	400
	Rev. Charles Matthews, <i>St. John's Church, Yonge Street</i> —	Lot No. 14, in the 2nd Concession, east of Yonge Street, in the Township of York,	200
	Rev. A. N. Bethune, <i>Cobourg</i> —	Part of No. 15, Broken front; Broken front B.: West half 15, Broken front A.: Lot No. 27, in the 6th Concession; Part of No. 2, in the 7th Concession—Township of Hamilton, about	400
	Rev. James Coghlan—	Part of Lot No. 9, in the 1st Concession of Hope, 36 acres, with Messuage, or Dwelling-house, surrendered value £1060 6s. 3d.	
	Rev. Benjamin Cronyn, <i>second Church in the Township of London, on the North-east corner of Lot 17, 6th Concession, containing 4 acres</i> —	Lot No. 12, in 6th Concession, and Lot No. 15, in the 7th Concession, in the Township of London,	400
		(And the North-east corner of Lot No. 16, in the 3rd Concession, in the Township of London, being 4½ acres, deeded by the Rev. Benjamin Cronyn to the Crown.)	

APPENDIX O.—(See Journal, Page 67.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

<i>Name.</i>	<i>Description of Lot.</i>	<i>No. of Acres.</i>
Rev. Romaine Rolph, <i>Amherstburgh</i> —	Lots Nos. 80 and 81, in the 7th Concession, in the Township of Malden,	400
Rev. James Clark, <i>St. Catharines</i> —	Lot No. 3, in the 5th Concession, and Lot No. 3, in the 6th Concession, in the Township of Grantham,	400
Rev. James Clarke, <i>Thorold</i> —	Lots Nos. 98, 99, 100 and 121, in the Township of Thorold,	400
Rev. James Clarke, <i>Louth</i> —	Lots Nos. 11 and 12, in the 4th Concession, and Lot No. 12, in the 5th Concession, in the Township of Louth,	300
Rev. William Leeming, <i>Chippawa</i> —	Lots Nos. 72, 89, 88 and 106, in the Township of Stamford,	400
Rev. Richard Flood, <i>Delaware</i> —	Lot No. 22, 1st Range north of the Long-woods Road, and Lot No. 16, in the 1st Concession, in the Township of Carradoc,	435
Rev. Job Deacon, <i>Adolphustown</i> —	Lot No. 24, in the 1st Concession, (under lease to Willet Casey, and Moses Carnahan); Lot No. 25, in the 1st Concession, in the Township of Adolphustown; and Lots 6, 7 and 8, north side of Third Street, and 6, 7 and 8, south side of Fourth Street, in the Town of Adolphustown,	164
Rev. Job Deacon, <i>Fredericksburgh</i> —	Lots Nos. 9, 10 and 11, in the 2nd Concession, in Fredericksburgh,	250
Rev. William Johnson, <i>Sandwich</i> —	Lot No. 3, east of River au Puce; the Front or North half of Lot No. 1, between River au Puce and River au Pêche, in the Township of Maidstone; Lot No. 8, in Broken Front, in Tilbury Street, about	400
<i>Parish Church (St. George's) in Clarke</i> —	Lots Nos. 20 and 27, in the 2nd Concession, in the Township of Clarke; and 15 acres north of the road on Lot No. 34, in the 2nd Concession, in the Township of Clarke, given by S. S. Willmot, Esquire,	400
<i>Parish Church (St. John's) in Darlington</i> —	Lots Nos. 25 and 31, in the 1st Concession, in the Township of Darlington,	400
Rev. ——— Short—	North-east half 21, in the 2nd Concession; West half 26, 2nd Concession; and 17, in 1st Concession, in the Township of Beckwith,	400
<i>Parish Church, in Chatham</i> —	Lots Nos. 8 and 15, in the 1st Concession, in the Township of Tilbury west; and Lot No. 2, between Belle River and River Ruscum, in the Township of Rochester, about	400
Rev. Thomas Green, <i>Niagara</i> —	Lots 126, 127, 128 and 130, in the Township of Niagara,	400
Rev. Arthur Palmer—	Lot C. Division A.; the Reserve Lot between C. and the River Speed; Lots Nos. 14 and 15, Division A. containing 86 acres, in the Township of Guelph, exchanged by the Rev. A. Palmer for wild land; also the centre part of St. George's Square, in the Town of Guelph, containing 54½ perches; the rear halves of Lots Nos. 3 and 4, in the 10th Concession; and Broken Lots No. 3 and 4, in the 11th Concession, in the Township of Puslinch,	326
The Archdeacon of Kingston—	Block C. adjoining the Town of Kingston, containing 18 acres; E. ⅓ of Lot No. 12; Lot No. 13; and the W. ⅓ of Lot No. 14, in the 4th Concession, in the Township of Kingston,	500
	Lot No. 42, in the 3rd Concession, in the Township of Ernest-Town,	200
<i>Parish Church, in the Town of Barrie</i> —	Lot No. 28, in the 13th Concession; Lot No. 10, in the 14th Concession, in the Township of Innisfil; and Lot No. 17, in the 8th Concession, in the Township of Innisfil, about	420
	Lots 131, 132, 133, north of Mark Street; Lots 114 and 115, north of Worsley Street; Lot 116, south of Macdonald Street, in the Town of Barrie.	

APPENDIX O.

APPENDIX O.—(See Journal, Page 67.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX O.

STATEMENT OF SALARIES, paid to the "Clergy and Missionaries of the Church of England, in Upper Canada," agreeably to the list furnished from the Government Office, for the year ending 30th June, 1838—the amount of which is paid by a Warrant on the Receiver General, viz:

NAME.	STERLING: Dollars, at 4s. 6d. each.			
	£	s.	d.	
Archbold, George	85	0	0	Cornwall, Eastern District.
Anderson, John	85	0	0	Fort Erie, Niagara do.
Atkinson, A. F.	50	0	0	Bath, Midland do.
Armour, Samuel	85	0	0	Cavan, Newcastle do.
Bethune, A. N.	85	0	0	Cobourg, Newcastle do.
Bettridge, William	50	0	0	Woodstock, London do.
Blake, D.	50	0	0	Adelaide, London do.
Blakey, Robert	85	0	0	Prescott, Johnstown do.
Boswell, E. J.	85	0	0	Carleton Place, Bathurst do.
Burnham, ———	85	0	0	St. Thomas, London do.
Clarke, James	85	0	0	St. Catharines, Niagara do.
Cochrane, John	50	0	0	Belleville, Hastings do.
Creen, Thomas	85	0	0	Niagara, Niagara do.
Cronyn, Benjamin	50	0	0	London, London do.
Deacon, Job	85	0	0	Adolphustown, Midland do.
Denroche, Edward	50	0	0	Brockville, Johnstown do.
Evans, Francis	85	0	0	Simcoe, Talbot do.
Flood, Richard	50	0	0	Delaware, London do.
Fuller, T. B.	50	0	0	Chatham, Western do.
Geddes, J. G.	50	0	0	Hamilton, Gore do.
Givins, Saltern	85	0	0	Bay Quinté, Midland do.
Grier, J.	85	0	0	Carrying Place, Prince Edward do.
Grout, G. R. F.	85	0	0	Grimsby, Niagara do.
Gurney, W. H.	85	0	0	Elizabethtown, Johnstown do.
Harris, M.	85	0	0	Perth, Bathurst do.
Johnson, W.	50	0	0	Sandwich, Western do.
Leeming, W.	85	0	0	Chippawa, Niagara do.
Lindsay, J. G. B.	85	0	0	Williamsburgh, Eastern do.
Macaulay, W.	85	0	0	Pictou, Prince Edward do.
Mack, Frederick	50	0	0	Amherstburgh, Western do.
Magrath, James	63	15	0	Toronto Township, Home do.
Mayerhoffer, V.	50	0	0	Markham, Home do.
Miller, John	85	0	0	Ancaster, Gore do.
Mortimer, George	50	0	0	Thornhill, Home do.
Padfield, James	50	0	0	Beckwith, Bathurst do.
Palmer, Arthur	50	0	0	Guelph, Gore do.
Patton, Henry	85	0	0	Kemptville, Bathurst do.
Phillips, Thomas	70	0	0	Etobicoke, Home do.
Radeliffe, John	50	0	0	Warwick, London do.
Rogers, R. V.	50	0	0	Richmond, Bathurst do.
Rolph, Romaine	85	0	0	Osnabruck, Eastern do.
Shortt, Jonathan	50	0	0	Port Hope, Newcastle do.
Stuart, George O'Kill	85	0	0	Kingston, Midland do.
Strachan, John	116	17	6	Toronto, Home do.
Wade, W. F. L.	50	0	0	Peterborough, Newcastle do.

The Rector and Archdeacon of York, by special Warrant on the Receiver General, on the Clergy Fund, £300 Sterling, per Annum.

The Archdeacon and Rector of Kingston, ditto, 300 do. do.

The above Incumbent has also an allowance, as one of the Established Clergy in this Province, paid by special Warrant, from the same fund, 100 do. do.

JOHN H. DUNN,

H. M. R. G.

RECEIVER GENERAL'S OFFICE,

22nd March, 1839.

APPENDIX P. & Q.—(See Journal, Pages 87, & 119.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX P.—(See Journal, Page 87.)

APPENDIX P.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the ——— Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, beg leave to represent to Your Majesty, that in the second Session of the twelfth Parliament, we besought Your Majesty's Royal Predecessor to restore the Pensions of certain Chelsea Pensioners, who had been prevailed upon to commute their Pensions, and to settle in this Province; and Your Majesty's Principal Secretary of State for the Colonies, in his Despatch to Sir Francis Bond Head, dated 12th January, 1837, was pleased to transmit a Communication from the Deputy Secretary at War, dated the ninth day of the same month, requesting to be furnished with a list of the men alluded to, with full particulars of each man's case, when the Secretary at War would consider whether any mode of relief to them was in his power.

Address to Her Majesty,
on the subject of certain
Chelsea Pensioners.

That many of these Pensioners have died since we made an appeal to His late Majesty, and all of them who were capable of active service, have, during the late Rebellion in this Province, manifested the same determination to uphold the integrity of the Empire and the honour of the Crown, as they had formerly done in various parts of Your Majesty's extensive Dominions.

That convinced of Your Majesty's desire to do ample justice to all your Subjects, and that the Commuted Pensioners settled in this Province are deserving of Your Majesty's most gracious favour—we most humbly, yet earnestly, beseech Your Majesty, to restore the surviving Commuted Pensioners settled in this Province, to their Pensions,—an act that would gladden the hearts of those depressed persons, who would thus again become the objects of the Royal Bounty.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
10th April, 1839.

APPENDIX Q.—(See Journal, Page 119.)

APPENDIX Q.

(Copy.)

TO THE HONOURABLE THE COMMONS HOUSE OF ASSEMBLY:

THE Committee of Privilege, to whom were referred the Resolutions adopted by the Honourable the Legislative Council, in relation to the bill sent up from from your Honourable House, entitled "An Act to appoint Commissioners to proceed to England, on behalf of this Province, and for other purposes therein-mentioned, beg leave to report:

Copy of a Report of a
Committee of Privilege,
adopted by the Commons
House of Assembly, on the
subject of certain Resolu-
tions passed by the
Council, in relation to
Provincial Commissioners'
appointment bill.

That they have attentively examined into the practice and proceedings of the Parliament of Great Britain and Ireland, as well as that of this Province, and they can discover no precedent for the proceedings of the Legislative Council, referred to your Committee: nor can they find any that, in the opinion of your Committee, would at all go to warrant the course pursued by that Honourable House, in reference to the said bill.

Your Committee are of opinion, that the Legislative Council should either have rejected, adopted or amended, the said bill; and they can find no single instance on the Journals of the said Council, where a bill passed by your Honourable House has been rejected, and where Resolutions, at the same time passed, giving the reasons for such rejection, have been communicated to your Honourable House.

If the bill sent up by your Honourable House, can be considered in the light of a money bill, the Legislative Council might have requested a conference with your Honourable House: and if acceded to, the opinions of the Council, in the instructions to their Committee, might have been in such manner conveyed to your Honourable House: and if unsatisfactory, your Honourable House might have so resolved, and asked a conference on the subject of the last conference, where written answers to the reasons of the Council might be read and delivered in like manner. In the fourth Session of the eleventh Parliament, such a course was pursued

APPENDIX R.—(See Journal, Page 126.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX Q.

by the Legislative Council, upon the subject matter of the Supply bill, and was acceded to by the Assembly.

Indeed it has been pursued in reference to other than money bills, and had it been adopted in the present instance, each House could have recorded their justification to the Province at large; and your Honourable House would have had an opportunity to prove, that the reasons given by the Honourable the Legislative Council, for not passing so necessary and highly important a measure, were entirely founded on error. But the course adopted by the Council (if acquiesced in) has left your Honourable House no alternative—but the Resolutions must be entered on your Journals, without your having the power either to assent to, or dissent from them; and the justification of the Council goes forth to the world upon the Journals of both Houses, without an answer. A person, not familiar with the whole proceedings, upon reading the Journals of your Honourable House, would conclude that the reasons of the Council were satisfactory to your Honourable House—because they would appear as having been tacitly acquiesced in.

Your Committee are of opinion, that the course pursued by the Council is an infringement upon the liberty and privileges of your Honourable House; and they beg leave to recommend the adoption of such means, as in your wisdom you shall deem proper, to induce the Legislative Council to withdraw the Resolutions sent down by them.

All which is respectfully submitted.

HENRY SHERWOOD.

CHAIRMAN.

Committee Room, House of Assembly,
22nd April, 1839.

APPENDIX R.—(See Journal, Page 126.)

APPENDIX R.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly renew to Your Majesty our warm and devoted assurances of attachment to Your Majesty's Person and Government.

Inhabiting a distant portion of Your Majesty's extended Empire, the people of Upper Canada, in times of the greatest danger, and under the most trying circumstances, have boldly and faithfully maintained the supremacy of the British Crown in this Province against all enemies; and have ever, when occasion required, freely exposed their lives and property, in the defence of Your Majesty's Territory.

The loyalists of Upper Canada, have, by their loyal resistance to the designs of Your Majesty's enemies, exposed themselves to outrage and injury, which it is the object of this Address to bring under Your Majesty's Royal notice.

Amongst other outrages suffered at the hands of Citizens of States bordering upon this Province, Your Majesty's Subjects have witnessed, with an indignation which nothing but their sense of duty to Your Majesty has enabled them to restrain, the destruction, by a band of armed men, of the British Steam-boat *Sir Robert Peel*, while moored at an Island within the State of New York, and in the peaceable pursuit of the usual trade and intercourse carried on between this Province and the United States of America.

We most humbly represent to Your Majesty, that Your Majesty's loyal Subjects conceive themselves and their property safe, under the protection of the British Flag, and that an insult to that Flag, or an injury to the persons or property sailing under it, is an insult and injury to the British Nation.

We humbly claim for our fellow-subjects, through Your Majesty, reparation for this injury from the Government, accountable for the acts of its Citizens, committed within its Territory.

We also humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause redress to be afforded to those of Your Majesty's loyal Subjects, who have suffered in their persons and property, in consequence of incursions of armed men into Your Majesty's Province from the United States of America. Divers of Your Majesty's Subjects have been slain and wounded; their Vessels and Houses have been burned, and their Property has been

Address to the Queen,
relative to certain claims
for losses occasioned by
the incursion of Brigands
from the United States of
America.

APPENDIX S.—(See Journal, Page 137.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

plundered, by bands of men, inhabiting the United States of America, and armed and organized within their Territory.

We most humbly conceive, that the Government of civilized Countries, are held answerable for the acts of all under their legitimate controul: and when we remember the glorious achievement of the British Navy, in the destruction of the piratical City of Algiers, in vindication of the rights of British Subjects, we cannot but feel confident that the redress for injuries suffered by the People of Upper Canada, at the hands of Americans, will be demanded with effect by a British Sovereign.

We feel encouraged, in addressing Your Majesty on this subject, by the remembrance of the Proclamations of Your Majesty's Representatives in this Province, to which the People of Upper Canada have yielded implicit obedience. They have respected the persons and property of American Citizens; they have confined their armed operations strictly to defence and self-preservation; they have left vindication of their rights, and redress for their injuries, with loyal confidence, to the source at which they now constitutionally seek for Right and Justice—the Government swayed by their Gracious and Beloved Queen.

We have no hope of redress, for Your Majesty's Upper Canadian Subjects, to result from any private representations or solicitations on the part of the sufferers, to the authorities in the United States; and as regards this subject, we humbly reiterate a statement of facts which must ever be present in the minds of Upper Canadians, when circumstances bring the questions of National Honour and National Protection under consideration.

In the year 1812, and previous to the late War with the United States, a Schooner called the *Lord Nelson*, sailing under the British Flag, and owned by Subjects of the British Crown, was captured on Lake Ontario, and was afterwards purchased by the United States Government into the American Navy.

This outrage against National law has never been denied, or attempted to be palliated: nay, it has even been so far publicly acknowledged, that a bill for redress was for a time favourably entertained in the United States Legislature; but party spirit proved too strong for the private rights of British Subjects, and the sufferers are yet unredressed.

We most humbly pray Your Majesty, to consider the case of Your Majesty's injured Subjects—and let them not suffer the consequences of delay or protracted negotiation.

Your Majesty's Subjects have suffered because of their devoted loyalty: the injuries inflicted upon them were intended to be, and can only be considered as National wrongs. And we most humbly suggest to Your Majesty, that private sufferers should first be indemnified by the Nation against whom the outrage has been committed; and thus the cheerful loyalty and obedience which has distinguished Upper Canada, will cease to have the appearance of subjecting individuals to the ruinous chances of piratical aggression—and redress can ultimately be procured upon the equal terms implied in a demand for public reparation for a public injury.

APPENDIX S.—(See Journal, Page 137.)

APPENDIX S.

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly thank Your Excellency, for communicating to this House, copies of your correspondence with Her Majesty's Minister at Washington. We beg to express our satisfaction at the energetic representations made by His Excellency the Honourable Henry Stevens Fox, to procure a prompt and effectual interference from the Government of the United States, to prevent the perpetrations of those violent and atrocious wrongs which have been inflicted by the citizens of that Republic on the peaceful inhabitants of this Province.

Address to the Lieutenant Governor, relative to the measures taken by Her Majesty's Minister at Washington, for preventing further outrages upon the inhabitants of this Province by Citizens of the United States of America.

We regret that the exertions, alleged by Mr. Forsyth in his letter to Mr. Fox, to have been made by his Government, should have proved so entirely ineffectual, and that their

APPENDIX T. & U.—(See *Journal*, Pages 140, & 142.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

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intentions should have been so feebly seconded by those entrusted with the duty of giving them effect.

That of the many well-known promoters and participators in those aggressions, now at large in that Country, not one has yet been brought to justice—while the Steam-boat "*United States*," which was notoriously engaged in transporting the Brigands who made a descent upon Prescott, seems to be in the uncontrolled possession of her owners, precisely as if no such breach of the Law of Nations, or of the duties of citizens of the United States towards the inhabitants of a friendly Power, had occurred.

We cannot allow the opportunity to pass of expressing our earnest hope, that your Excellency will not relax your exertions in praying Her Majesty's Government to use the most vigorous and decisive measures to obtain, for the loyal people of this Province, effectual protection against the repetition of these outrages—as well as redress for the losses and injuries which have been inflicted on them by our Republican neighbours, in defiance of all Laws, and gross violation of every principle of National honour and integrity.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
Twenty-ninth day of April, 1839.

APPENDIX T.

APPENDIX T.—(See *Journal*, Page 140.)

Resolution of the Assembly, in relation to the Report of the Committee of Conference, on the subject of the Message of that House, respecting the Resolution of the Council relative to Provincial Commissioners appointment bill.

Resolved—That the Report of the Select Committee of the Honourable the Legislative Council, adopted by that House, as communicated by the Conferrees on the part of this House, is not satisfactory: that this House is still of opinion, that the proceedings of the Legislative Council, in reference to the bill sent up by this House, entitled, "An Act to appoint Commissioners to proceed to England, in behalf of this Province, and for other purposes therein mentioned," are a breach of the privileges of this House, as set forth in the Report of the Committee of Privilege, adopted by this House, and communicated by Message to the Honourable the Legislative Council; and that, therefore, the Legislative Council be requested to withdraw the said Resolutions.

Truly extracted.

JAMES FITZGIBBON,
Clerk of Assembly.

APPENDIX U.

APPENDIX U.—(See *Journal*, Page 142.)

Extract of a Despatch from Her Majesty's Secretary of State for the Colonies, to Major-General Sir George Arthur, K. C. H. dated Downing-Street, 28th December, 1837.

Certain documents relative to the surrender, by the Crown, of the Casual and Territorial Revenue.

"In the arrangements to be concluded with the Assembly, Her Majesty's Government desire only to secure the efficient and upright discharge of the duties of the Executive Government, and the maintenance of the pledged faith of the Crown.

The revenues now at the disposal of the Crown in Upper Canada, appear from the Blue Book returns, to have amounted, in the year 1836, to £35,399 7s. 5d. The items of which they consist, are stated in the Schedule marked A., appended to this despatch.

Of these Revenues, the first item in the annexed Schedule, arising from the payments of the Canada Company, and amounting to £20,000, is of a temporary nature, and will altogether cease after the year 1842. But, on the other hand, it is not unreasonable to expect an increased return from other sources. Thus, as the population and capital of the Province advance, the sales of Crown Lands and Timber will naturally be augmented; while, by the arrangement concluded with the Ordnance Department, for the sale of the Military Reserve at Toronto, the price of that Reserve, which cannot but be considerable, will, subject to a deduction to be hereafter noticed, be placed at the disposal of the Legislature.

The existing charges on this Revenue, amount to £32,005. The items of which they consist, are stated in the annexed Schedule, marked B. Of these items, a large proportion may, I conceive, be altogether excluded from the Civil List to be proposed to the local Legis-

APPENDIX U.—(See Journal, Page 142.)

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lature; while others, though they must, for the present, be maintained, are yet to be considered only as temporary charges.

In the first class, are to be placed the salaries of the Officers mentioned in the margin—
Clerk of the Executive Council.
 Receiver-General.
 Inspector-General.
 Speaker of the Legislative Council.
 Government Printer. the Contingent Expenses of the Government Office—of the Secretary and Registrar—and of the Administration of Justice, together with that general expenditure, on account of public objects of an occasional or fluctuating nature, to the support of which the faith of the Crown is not pledged. From the Schedule, marked C., you will perceive, that the total amount of these charges, on an average of three years, is £12,565. The incidental expenditure of the Surveyor-General's Office, is omitted in this Schedule, as well as in the proposed Civil List, because, being, as I presume, for expenses incurred in the management of the Crown Lands, it must, according to the universal practice, be deducted from the gross proceeds of the Land Revenue, before that Revenue is paid over. But, in order to prevent any misconstruction on this subject, you will lay before the Assembly of Upper Canada, annually, within fourteen days of their meeting, a statement of the Incidental Expenditure, during the preceding year, of the Offices connected with the management and sale of the Crown Property.

In excluding these charges from the proposed Civil List, I am influenced by no doubt of their propriety, but by the consideration that there is no sufficient ground for withdrawing them from the annual revision of the Provincial Legislature. I feel confident, that the Assembly of Upper Canada, will pay due regard to the fair claims of the Public Officers thus thrown on their liberality; but, so soon as you shall have submitted to that House the propositions of Her Majesty's Government, you will apprise those Officers of the change which will probably take place in their situation.

In the second class to which I have referred, that, namely, of charges which must, for the present, be maintained, but which are only of a temporary nature, the first and the most important is the charge of £6,995, per annum, for the Ministers of the different religious communities in Upper Canada. These payments are made under engagements which have been contracted at various times with the Representatives of these Bodies, and the fulfilment of which they have a right to demand, so long as they cannot obtain an equivalent from other public funds in the Province, and as the Crown shall possess funds, at its own disposal, sufficient to meet their demand, after satisfying the claims of the various public services, which must necessarily be provided for, in order to the efficient conduct of the local Government.—An equitable settlement of the Clergy Reserve question, to which your attention has been called in a separate despatch, would, I trust, provide for each of these Bodies a secure and permanent provision, which would be far more than an adequate substitute for the payments now made to them from the Crown Revenue. On the other hand, the diminution of this revenue in 1842, by the cessation of the Receipts from the Canada Company, would deprive the Crown of the power of continuing these payments on their present footing. Nor can I hold out any prospect that it would be in the power of Her Majesty's Government, to propose to Parliament to provide, from the funds of this country, for the support of ecclesiastical establishments in Upper Canada. In the earnest hope, therefore, that your efforts to effect a satisfactory adjustment of the Clergy Reserve question, will be successful, I feel that I am entitled to consider this charge as only a very temporary burthen on the Crown Revenue.—For the present, however, and until such arrangements can be effected, it must be retained, subject to the contingency to which I have already referred.

The next charge, of a temporary nature, is that for Pensions, now amounting to £1,598 10s. 9d., but which will gradually decrease as the interests of the actual receivers cease. As, however, the faith of the Crown has been pledged to these payments from funds at its own disposal, this charge must be retained on the surrender of those funds, subject to an understanding that the Province will have the benefit of whatever reduction may, from time to time, take place, by the gradual diminution of the payments.

The salary and commuted allowances to Mr. Cameron, must also be considered as subject to future reduction. In conformity with the assurance heretofore given to that Gentleman, his emoluments will be continued during his tenure of Office, at their former amount; but, on the appointment of a successor, the whole salary of the Provincial Secretary will be fixed at £600—a sum, which, from Sir John Colborne's despatch of 16th April, 1834, would seem to be a sufficient remuneration for the duties of the office.

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After making these deductions, the whole of the permanent Civil List to be demanded, in return for the cession of the Crown Revenues, will amount to £9,000. The temporary charges above alluded to, constitute a further demand of £8,929 10s. 9d. In the Schedule, marked D., will be found a statement of these charges.

I now proceed to advert to the items of which the permanent Civil List is composed.

1. The first charge is a sum of £1,500, per annum, for the salary of the Lieutenant Governor, making the entire emoluments of that Officer £3,500 a year. This is a departure from the intention respecting the future amount of the Lieutenant Governor's salary, announced by the Earl of Ripon to Sir J. Colborne, on the 24th April, 1832, and actually carried into effect in the case of your Predecessor. But, it must be observed, that the experience of the last two years, has shewn the insufficiency of the Civil Salary of £3,000 a year, alone, to support the dignity of the Office, without a very considerable departure from the ordinary habits of hospitality observed by the Lieutenant Governor. At the date of the Earl of Ripon's communication, it was the general practice to appoint to the Government of the British Colonies, Officers holding high military rank, and enjoying considerable military emoluments. Although these emoluments were entirely independent of such appointments, yet being paid out of public funds, they might not improperly be taken into account, in considering the further remuneration to be granted by the public, for the additional duties attached to the administration of a Colonial Government. Under these circumstances, a salary of £3,000, sterling, per annum, added to the Military emoluments, would seem an ample remuneration for the Office of Lieutenant Governor of Upper Canada, because it would enable the Officer selected for that high station, to discharge the duties, and to maintain the dignity of it, without trenching on his private fortune. To this amount, therefore, I should propose to restrict it, in the case of an Officer drawing large military emoluments; but where, as in your own case, and that of Sir Francis Head, the only remuneration received from the public, is the Civil Salary attached to the Office, Her Majesty's Government are of opinion, that that salary should not be less than £3,500 a year, considering the prominent station occupied by the Lieutenant Governor of Upper Canada, and the large claims necessarily imposed on him as the Representative of the British Sovereign. I entertain a full confidence, that the Assembly of Upper Canada, will give a fair consideration to this proposition.

2. The salaries of the Provincial Secretary, the Commissioner of Crown Lands, and Surveyor General of Woods, and of the Surveyor General, are the next items on the Civil List. I need not make any further comment on the first of these charges; and with regard to the salary enjoyed by Mr. Sullivan, who fills the Offices of Commissioner of Crown Lands, and Surveyor General of Woods, I think it only necessary to observe, that it does not exceed one moiety of that received by his Predecessor. The salary proposed for the Surveyor General, is evidently no more than an adequate remuneration for the duties of that Office.

3. The payments to the Indians form the next item on the Civil List. These payments being made under treaties, and in return for the cession to the Crown of large tracts of land, can, of course, admit of no question.

4. The last item is a sum of £395, for contingencies, on which it seems superfluous to offer any explanation.

These are all the fixed charges for which I consider it necessary to stipulate. But there are two contingent charges to which a portion of the Crown Revenues of Upper Canada are subject, and which it is therefore necessary here to notice.

The first of these charges is, the expense of surveying the land sold to the Canada Company, and of completing the road through the Clergy Reserves, in the District of Gore, which, by the eighth clause of the definitive agreement with the Company, Her Majesty's Government are bound to undertake. What may be the amount of the expenditure required for these works, or what portion of them may have been already completed, I have no means of stating; but you will probably be able to ascertain these points, and to afford to the Assembly, should they desire it, a tolerably accurate estimate of the deduction to be made on this account, from the payments of the Company.

The second charge of this nature is for the erection of new Barracks at Toronto.—When it was proposed to the Ordnance Department, in 1833, that the Reserve at Toronto should be sold, the Master General and Board stated that such a proceeding would make it

APPENDIX U.—(See Journal, Page 142.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

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necessary to remove the Barracks from their present site. As however the grounds of the proposition were the advantages which would thence result to the City of Toronto, the Board consented to the sale on condition that a sufficient site for new Barracks should be reserved, and that the expense of erecting them should be defrayed out of the proceeds of the sale. To this condition Her Majesty's Government felt bound to accede, and the obligation of it still exists—although various circumstances have hitherto delayed the commencement of the Barracks. But in transferring to the control of the Provincial Legislature, the proceeds of this Reserve, it is necessary that the conditions on which the sale of it was permitted, should be distinctly explained. The amount required for the Barracks will not, I apprehend, exceed £10,000—while the proceeds of the Reserve will probably be not less than £60,000.

In stating the sources from which an addition may be expected to the Casual and Territorial Revenue, I have not adverted to the Lands ceded by the Indian Tribes, in the autumn of 1836: because, however valuable those Lands may be, their proceeds will not, for many years, be more than sufficient to meet the charges which it is intended to place on them. On referring to my Despatch of the 20th January last, you will perceive that, in conformity with a suggestion of your Predecessor, Her Majesty's Government have decided to devolve on the Fund arising from the sale of these Lands, the expenditure at present defrayed by this Country, for Presents to Indians in Upper Canada. This is an expenditure almost entirely of a local nature; and although the Imperial Parliament, in deference to the faith plighted to the Indians, have, during many years, consented to bear the burthen of it, Her Majesty's Government would not feel justified in continuing to demand a vote for this service, after there should have accrued, within the Province, a fund legitimately applicable to it. No fund could be more properly applied to such a purpose, than that which arises from the sale of Indian Lands; and adverted to the great advantages which the Province will derive from the possession of these Lands, I have little apprehension that the Legislature will object to the condition with which that possession is connected.

It is possible that if the Assembly should accede to the proposition now to be made to them, they may desire to incorporate into one Act, the whole of the provisions for the grant of a Civil List to the Crown, and to repeal the Provincial Act of the 1st William IV. cap. 14. There would, of course, be no objection to such a proceeding, should they think it advisable, provided that the whole amount so to be granted to the Crown, be not thereby diminished.—For the forms which must be observed in the presentation of any such bill for your acceptance, I refer you to my Despatch to Sir Francis Head, of the 7th February last, (No. 142.)

I have now gone through all the topics connected with this subject, which it seems necessary for me to notice. I am confident that in the offer, which, by the Queen's commands, I have instructed you to make to the Legislature of Upper Canada, the Council and Assembly will recognize the anxiety of Her Majesty to meet the wishes of Her Subjects in that part of Her Dominions, and the confidence which Her Majesty feels in their attachment and liberality. It will afford Her Majesty the most sincere gratification, if the result of this offer should be a satisfactory settlement of the question respecting the Crown Revenues in Upper Canada.

SCHEDULE A.

Amount of Crown Revenues in Upper Canada, for the year 1836.

	£	s.	d.
Canada Company's payment,	20,000	0	0
Rent of Mines, Ferries, &c.	381	19	5
Fines,	106	2	9
Seizures,	864	19	4
Sales of Timber,	7,795	18	7
Rents of Crown Reserves,	20	16	3
Sales of Military Reserve at Toronto,	2,961	18	10
Sales of Crown Lands,	581	18	1
Fees on Commissions,	37	16	0
Fees on Grants of Land, and Leases,	2,645	18	2
	£35,399	7	5

APPENDIX U.—(See Journal, Page 142.)

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SCHEDULE B.

APPENDIX U.

SCHEDULE of the Expenditure charged on the Crown Revenues of Upper Canada, in 1836.

ORDINARY AND FIXED EXPENSES OF THE DEPARTMENTS OF GOVERNMENT.	1836.		Contingent Expenses.		TOTAL.			
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Lieutenant Governor,	1034	3 0			1034	3 0		
Government Office,			210	16 2	210	16 2		
Executive Council,	200	0 0			200	0 0		
Receiver General,	200	0 0			200	0 0		
Secretary and Registrar,	986	11 4	191	8 4	1127	19 8		
Inspector General,	200	0 0			200	0 0		
Surveyor General,	366	17 6	2482	13 11	2819	11 5		
Commissioner of Crown Lands,	500	0 0			500	0 0		
Surveyor General of Woods,	500	0 0			500	0 0		
Administration of Justice,			47	14 3	47	14 3		
							6,870	4 8
Canals, Roads and Bridges,					1023	15 0		
Location and subsistence of Emigrants and Commuted Pensioners,					3621	17 9		
Government Printer,					479	6 11		
Payments for Indian Lands ceded to Government,					5947	6 9		
The Government proportion of the expense of Surveys by the Canada Company,					309	8 7		
Speaker of the Legislative Council,					360	0 0		
Upper Canada College,					1000	0 0		
Central School of Toronto,					353	15 0		
Government School at Peterboro',					67	10 0		
Maps for the Surveyor General,					180	0 0		
Missionaries of the Church of England,					2565	12 6		
Ministers of the Church of Scotland,					1541	10 0		
Ministers of the United Presbyterian Synod of Upper Canada,					699	19 11		
Priests of the Roman Catholic Clergy,					1500	0 0		
House-rent, Lord Bishop of Quebec,					180	0 0		
Grant to Wesleyan Methodist Missions,					700	0 0		
							20,530	2 5
Pension to the Honourable J. Talbot,					400	0 0		
Do. Roman Catholic Bishop of Regiopolis,					100	0 0		
Do. Sir David W. Smith,					200	0 0		
Do. William Chewett,					360	0 0		
Do. Family of late Major-General Shaw,					100	0 0		
Do. Officers of late Incorporated Militia,					176	10 9		
Do. Oneida Joseph—Indian Chief,					15	0 0		
Do. Thomas Merritt,					47	0 0		
Do. Samuel Ridout,					200	0 0		
							1,598	10 0
Uncertain charges, viz. :—								
Repairs to Government House,					1305	0 0		
Writs of Elections,					442	4 1		
Compensation for Land surrendered,					495	0 0		
Explorations,					370	1 2		
Miscellaneous,					394	2 3		
							3,006	7 6
Total charge,							£ 32,005	5 2

SCHEDULE C.

AVERAGE CHARGE in 1834, 1835, and 1836, for the Items to be at once excluded from the Civil List of Upper Canada.

	1834.		1835.		1836.		AVERAGE.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Salary of the Clerk of the Executive Council,	401	1 10	278	16 9	200	0 0		
Do. do. Receiver General,	200	0 0	200	0 0	200	0 0		
Do. do. Inspector General,	150	0 0	250	0 0	200	0 0		
Do. do. Government Printer,	780	16 8	58	6 7	479	6 11		
Do. do. Speaker of the Legislative Council,	540	0 0	360	0 0	360	0 0		
Contingencies of Secretary and Registrar's Office,	0	0 0	0	0 0	191	8 4		
Do. Administration of Justice,	442	15 3	679	3 0	47	14 3		
Canals, Roads and Bridges,	1673	13 3	1467	19 6	1023	15 0		
Location, &c. of Emigrants,	3596	12 5	4421	2 0	3621	17 9		
Surveys by the Canada Company,	0	0 0	1518	7 0	309	8 7		
Upper Canada College,	1000	0 0	1000	0 0	1000	0 0		
Central School of Toronto,	230	0 0	317	14 0	353	15 0		
Government School of Peterboro',	67	10 0	67	10 0	67	10 0		
Maps for the Surveyor General,	0	0 0	0	0 0	180	0 0		
Repairs, &c. of Public Buildings and Works,	630	13 4	2012	0 4	1305	0 0		
Costs attending Writs of Elections,	0	0 0	0	0 0	442	4 1		
Compensation for Land surrendered by Individuals, to the Government,	0	0 0	0	0 0	495	0 0		
Explorations,	0	0 0	1135	3 6	370	1 2		
Miscellaneous,	379	19 7	1999	14 2	304	2 3		
	£ 10093	2 4	15761	1 10	11241	3 4	12565	2 6

1834,

1835,

1836,

5) 37,095 7 6

£12,565 2 6

APPENDIX U.—(See Journal, Page 142.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

SCHEDULE D.

CHARGES to be permanently defrayed out of the proposed Civil List.

APPENDIX U.

	£	s.	d.	£	s.	d.
Salary of Lieutenant-Governor,	1500	0	0			
Do. Secretary and Registrar,	600	0	0			
Do. Commissioner of Crown Lands, and Surveyor General of Woods,	500	0	0			
Do. Surveyor General,	600	0	0			
Payments to Indians,	5405	0	0			
Contingencies,	895	0	0			
				9000	0	0
<i>Charges to be placed temporarily on the Civil List, but hereafter to be discontinued.</i>						
Additional Salary of Secretary and Registrar,				386	0	0
Pension to the Honourable Joseph Talbot,	400	0	0			
Do. Roman Catholic Bishop of Regiopolis,	100	0	0			
Do. Sir D. W. Smith,	200	0	0			
Do. William Chewett,	360	0	0			
Do. The Family of Major General Shaw,	100	0	0			
Do. Officers of Incorporated Militia,	176	10	9			
Do. Oneida Joseph,	15	0	0			
Do. Thomas Merritt,	47	0	0			
Do. Samuel Ridout,	209	0	0			
				1593	10	9
Missionaries of the Church of England,	2565	0	0			
House-rent for the Bishop,	180	0	0			
Ministers of the Church of Scotland,	1350	0	0			
United Synod of Upper Canada,	700	0	0			
Roman Catholic Bishop,	500	0	0			
Do. Priests,	1000	0	0			
Wesleyan Methodists,	700	0	0			
				6995	0	0
				£	17829	10 9

(Copy.)

No. 96.

GOVERNMENT HOUSE,
TORONTO, 22nd August, 1837.

MY LORD,

The object of this Despatch is, to request your Lordship to be so good as to furnish me with such Instructions respecting the surrender of Her Majesty's Casual and Territorial Revenues, as may enable me to bring that important subject satisfactorily before the Legislature, at the next Session.

The general views of Her Majesty's Government on this subject, have already been clearly explained to me, in your Lordship's Despatch of the 30th September, 1836, inclosing copies of your Lordship's Instructions to the Lieutenant-Governor of New-Brunswick: which Instructions having been promulgated by Sir A. Campbell, made their appearance in all the Newspapers of this Province; but as your Lordship's Despatch inclosing them to me was marked confidential, I did not feel myself at liberty to disclose them: which refusal created to me no small embarrassment. However, being desirous promptly to carry the wishes of Her Majesty's Government into effect, I sent to both Houses of the Legislature, in the form of a Message, (a copy of which is enclosed) a declaration, that I should feel myself authorized to assent to a measure for the placing the Royal Revenue at the disposal of the Provincial Government, provided a provision should be made granting to Her Majesty certain expenses for the Civil Government, which I named, "together with such sum as will enable Her Majesty to meet the actual charges upon the Fund, for which Her Majesty may graciously consider the faith of the Government pledged."

I considered that this Message, first, would give the House of Assembly a fair and ample opportunity of explaining their views; secondly, that it would explain my proposals, so far as I was authorized to offer any; and lastly, that it would secure to Her Majesty's Government, power to make such alterations in the proposed bargain, as they might consider themselves pledged to require.

The subject, however, after a short discussion in the House of Assembly, fell to the ground; and it has therefore become advisable that Her Majesty's Government should consider, and finally determine the precise terms of the offer which should be made to the Legislature, at their next meeting.

To enable your Lordship to decide on this question, I beg to inclose a letter from the Receiver General's Office, shewing—

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First.—Balance appearing in the hands of the Receiver General, of Crown Revenues, on the 30th June, 1837, deducting the sum appropriated towards the War-losses.

Second.—Real balance, deducting Warrants on the Clergy Fund, actually paid out of the Crown Revenues.

Third.—Amount of Crown Revenue, independent of the Canada Company, for the following periods—during the years 1834, 1835, 1836, 1837.

Fourth.—Amount of the Canada Company Fund for the same time, during the years 1834, 1835, 1836, 1837.

Fifth.—Amount of the debt from the Clergy to the Crown Fund.

From the foregoing statements, I beg to submit to your Lordship the following observations:—

First.—In the Province of Upper Canada, the yearly amount of the Casual and Territorial Revenue is small, and hardly equal to the charges upon it.

Second.—The Indian Annuities, (which amount to £5,405) form a charge, from which it is not likely the Province will be relieved for many years.

Third.—The charges for Ecclesiastical purposes, (which amount to a large sum yearly) depend upon the settlement of the Clergy Reserve question. As far as relates to the Church of England, if that Establishment is to continue in the receipt of the whole of the interest to arise from proceeds of the Clergy Reserves, it is probable it will be gradually lessened; if otherwise, not, as the Government would not probably consent to have the Missionaries, (formerly supported by Parliamentary appropriations in England, and latterly from the Clergy Reserve Interest and the Crown Revenue jointly) cast off without provision.

Fourth.—If the Crown Lands, Clergy Reserves, and Woods and Forests, are to be in one Office—(an arrangement which I have already effected, and which only awaits your Lordship's confirmation)—a charge of £500 a-year will be saved.

Fifth.—The funds arising from the Canada Company, amounting at present to £20,000 per annum, will cease in 1843, at which time, the amount to be received from the Crown Revenues will probably not be sufficient to pay the charges upon it.

Sixth.—The sum of £20,000 has been paid for War-losses, out of the Crown Revenue, which, so far from leaving any balance, brings the Fund in debt;—and thus, the Casual and Territorial Revenue in this Province has been fully expended.

Your Lordship will perceive that all these circumstances make the New-Brunswick Bill completely inapplicable to the Province of Upper Canada, and account for the indifference of the Assembly in not at once accepting an offer, which in their opinion, might turn out to them a losing bargain.

The Land Granting Bill sufficiently explains what the views of the House of Assembly of this Province are, upon that part of the New-Brunswick bill relating to the disposal of Lands.

I am not aware that I can afford your Lordship any further explanation on this important subject. Her Majesty's Government will retrospectively have to determine the amount of my salary, (which your Lordship is aware has been under their consideration since the day of my appointment) and also what sum it would be desirable for the Executive Government to retain in its hands, for the purpose of meeting contingent expenses. Both these questions I would wish to leave to the decision of your Lordship; and I have only respectfully to request that your Lordship will be so good as to furnish me with an early reply to this Despatch, in order that I may be enabled distinctly to explain to the Legislature, at their next meeting, the precise terms on which Her Majesty's Casual and Territorial Revenues of this Province, will irrevocably be surrendered.

I have, &c.

(Signed) F. B. HEAD.

The Right Honourable
The Lord GLENELG,

APPENDIX U.—(See Journal, Page 142.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

(Copy.)

RECEIVER GENERAL'S OFFICE,
Toronto, 24th August, 1837.

APPENDIX U.

Sir,

In obedience to His Excellency the Lieutenant Governor's commands of this date, I have the honour to transmit the following for His Excellency's information, viz:

First—Balance appearing in the hands of the Receiver General, of Crown Revenues, on the 30th June, 1837, deducting the sum appropriated towards the War Losses:

Fund D.	£64,768 16 3 $\frac{3}{4}$
Fund F.	477 4 10 $\frac{1}{2}$

Total Balance appearing on hand,	£65,246 1 5 $\frac{1}{4}$
--	---------------------------

DEDUCT—Balance in advance on Fund K. on 30th June, 1837,	£54,368 15 5 $\frac{3}{4}$ $\frac{7}{10}$
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Balance on Clergy Fund E.	4,303 4 6 $\frac{3}{4}$
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58,672 0 0 $\frac{7}{10}$

Second—Real Balance, deducting Warrants on the Clergy Fund, actually paid out of the Crown Reserves,

6,574 1 4 $\frac{3}{10}$

Third—Amount of Crown Revenue, independent of Canada Company, for the following periods,

viz—During the year 1834,	10,348 14 3 $\frac{3}{10}$
---------------------------------	----------------------------

Do. do. 1835,	13,032 13 2 $\frac{7}{10}$
---------------------	----------------------------

Including £2,961 18 10 $\frac{5}{10}$, proceeds of sales of part of the Garrison Reserve, 1836,	13,421 8 4 $\frac{1}{10}$
--	---------------------------

To 30th June, 1837,	8,879 4 4 $\frac{3}{10}$
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Fourth—Amount of the Canada Company Fund, for the same time, viz:

During the year 1834,	19,500 0 0
-----------------------------	------------

Do. do. 1835,	20,000 0 0
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Do. do. 1836,	20,000 0 0
---------------------	------------

To 30th June, 1837,	10,000 0 0
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<i>Fifth</i> —Amount of the debt due from the Clergy to the Crown Fund,	8,772 1 8 <i>Siz.</i>
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Errors excepted.

The foregoing does not include the sums paid from the above Funds since the 1st July last, they are as follows:

From Fund D.	£ 1,771 15 8
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Do. do. E.	485 0 0
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Do. do. K.	5,457 2 8
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And the receipts have been trifling.

I have, &c.

(Signed) B. TURQUAND,
*Senior Clerk.**Memoranda, explanatory of Lord Glenelg's Despatch, of the 28th December, 1837.*

In reference to that part of Lord Glenelg's Despatch, of the 28th December, 1837, which relates to the expense of surveying the Block of one million of acres, and of making a road through the Blocks of Clergy Reserves, in the District of Gore, agreeably to the eighth clause of the definitive agreement with the Canada Company, it is to be observed, that those charges have already been defrayed; and, consequently, that no further expense will be incurred, under the stipulations of that article. A very small expenditure may, however, still arise, under the fourth article of the third agreement with the Company, but it will certainly be of an extremely limited amount.

In the Schedule D. annexed to Lord Glenelg's Despatch, an item of £600, sterling, is included in the proposed Civil List, as the annual salary of the Surveyor General. It becomes necessary, therefore, in reference to it, to offer the following explanation:

In conformity to the suggestion of the Finance Committee of the last year, the office of Surveyor General has been amalgamated or incorporated with that of Commissioner for Crown Lands, under an arrangement which deprives the person holding the consolidated office, of any claims to the salary of Surveyor General, so long as he shall enjoy the salaries he now receives from his appointments as Commissioner for Crown Lands, and Agent for the sale of Clergy Reserves. This arrangement having been entered into subsequently to the date of Lord Glenelg's Despatch, will relieve the Civil List, at all events for a time, and perhaps permanently, from the charge of £600 a year, included in His Lordship's estimate as the salary of the Surveyor General.

APPENDIX U.—(See Journal, Page 142.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

CROWN LANDS OFFICE,
TORONTO, 30th April, 1839.

APPENDIX U.

SIR,

I have the honour to send herewith, a duplicate copy of the general statement of the Military Reserve at this place, furnished by this Office, on the 20th ultimo, for the information of His Excellency the Lieutenant Governor.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

R. B. SULLIVAN.

Honourable Mr. Secretary MACAULAY.

STATEMENT, shewing the number of Lots sold in the different Sections, in the Military Reserve, adjoining the City of Toronto: the amount sold for: and the number of Lots remaining unsold, with their estimated value.

	Section.	Number of Lots sold.	And sold for	Number of Lots unsold.	Estimated value.	REMARKS.
DUPLICATE.	A	17	5379 10 0	6	1000 0 0	
MEMORANDUM. 1—Gross amount of Sales, - £12,457 0 0 Cy.—Of this amount, £1000 0 0 on account of Government Reservation. 2—Amount received thereon, - 9,198 19 2 Cy.—Of this amount, 1157 7 4 ditto, ditto. 3—Balance remaining due, - 8,058 0 10 Cy.—Of this amount, 150 0 0 ditto, ditto.	B	5	934 5 0	13	3200 0 0	
	C	4	1287 0 0	9	2250 0 0	
	D	5	559 15 0	0	0 0 0	None unsold.
	E	12	1305 10 0	0	0 0 0	None unsold.
	F	18	1793 10 0	2	200 0 0	
	G	15	1700 0 0	9	900 0 0	
	H	12	950 0 0	8	800 0 0	
	I	10	537 10 0	14	1100 0 0	
	K	0	0 0 0	29	2750 0 0	None sold.
	L	6	725 0 0	22	3200 0 0	
	M	6	369 10 0	0	0 0 0	None unsold.
	N	5	815 10 0	4	650 0 0	
	O	5	1300 0 0	3	800 0 0	
P	1	300 0 0	3	700 0 0		
Q	1	500 0 0	0	0 0 0		
Total,	122	£18,457 0 0	122	£17,550 0 0		
Balance remaining due on Lots sold,					8958 0 10	
Balance in my hands,					2400 0 4	
Estimated value of land purchased from C. A. Hagerman, Esq. . .					2000 0 0	
Total value of Military Reserve, proposed to be surrendered, . .					£30,908 1 2	

To the amount of the within statement, viz. £30,908 1 2
May be added 100 acres, west of the Ravine, not yet laid out, averaging £300 per acre, as estimated by Major Bannycastle, of the Royal Engineers, in 1835, 20,000 0 0
£50,908 1 2

(Signed) R. B. SULLIVAN.

CROWN LANDS OFFICE,
Toronto, 30th April, 1839.

APPENDIX V.—(See Journal, Page 142.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX V.—(See Journal, Page 142.)

APPENDIX V.

(Copy.)

GOVERNMENT HOUSE,
TORONTO, 22nd October, 1838.

SIR,

On my return to Toronto from Quebec, on the 18th instant, I had the honour to receive your Excellency's letter, marked "confidential," of the 4th instant.

Copies of a correspondence with Her Majesty's Minister at Washington, respecting the invasion of the Canadas.

The information it contains of the extensive preparation for the invasion of this Province, is indeed sufficiently alarming; it is amply borne out by statements which have reached me from other quarters, and of which copies are enclosed.

The documents Nos. 1 and 2, are still more particular than the statements which your Excellency had received; of their entire accuracy I have no doubt. You will perceive that the information they contain, is remarkably corroborated by the statement No. 3; and, indeed, there are many other statements before the Government, which tend to shew this deponent's accuracy.

I have despatched an Officer to Major General Macomb, earnestly requesting him to prevent the arms in the public Arsenals, from falling into the hands of the Brigands: which is inevitable, unless decisive measures be adopted, and carried into effect with promptitude and vigour.

I have further earnestly desired him to take such other steps as are within his power, to avert the calamities which must follow, if the Brigands cross into Canada.

I appeal to you also, Sir, to urge upon the American Government the solemn obligation they are under, as a civilized State, to prevent these lawless aggressions from being carried on upon the frontier.

It would appear that Riflemen from Kentucky have been brought to Cleveland, to take part in this wicked crusade; that Indians have been engaged to co-operate, who are still in a savage state: and that a Bank has been established, to provide funds, in which numbers of American citizens appear to have taken shares.

These are proceedings which, it may be expected, the Government of the United States should suppress, now that they have a perfect knowledge of their existence; and I do trust, that in Her most gracious Majesty's name, your Excellency will demand of them so to do.

I enclose a memorandum, (a copy of which has also been sent to Major General Macomb,) containing the names of the most prominent leaders in the conspiracy, and their immediate arrest might have a most beneficial tendency. I have also addressed Governor Marcy.

Having taken these measures to avert the threatened calamity, I have called out a Militia force to act in conjunction with Her Majesty's Regular Troops, in opposing such an enemy; and if it must come to blows, I have no doubt but we shall be able to strike an effective one, to deliver the country from such a band of ruffians.

I have, &c.

(Signed) GEORGE ARTHUR.

His Excellency H. S. Fox,
&c. &c. &c.

WASHINGTON, November 30th, 1838.

SIR,

I herewith enclose to your Excellency the copy of an official Note, which I addressed to the United States Government on the 3rd instant, upon the subject of the extensive conspiracy, which it has been ascertained exists within the territory and jurisdiction of the United States, for the prosecution of lawless and piratical hostility against Her Majesty's North American Provinces. I also enclose a copy of the official reply, dated the 15th instant, which I have received from the United States' Secretary of State.

APPENDIX V.—(See Journal, Page 142.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX V.

I further transmit to you, a Proclamation by the President of the United States, which was issued on the 21st instant, after the intelligence had been received at Washington of the actual invasion of Her Majesty's Province of Upper Canada, in the direction of Prescott, by an armed body of Americans, proceeding from Oswego and Ogdensburgh, in the State of New-York. It will be well if this earnest exhortation addressed to his fellow-citizens by the Supreme Magistrate of the Republic, shall succeed, before it be too late for the peace of both Countries, in arresting the present atrocious course of violence and crime.

I continue to receive from the President, and from his Government, distinct assurances of their resolution to employ all means which the law permits, for the prevention or punishment of those acts of hostility which are now being perpetrated against the peace of Her Majesty's Possessions.

It is my duty, however, to add, that it becomes each day more manifest and certain, that the authority which the Laws and Institutions of the United States place in the hands of the Executive Government, is not sufficient to enable that Government, in the crisis which we are now witnessing, to fulfil its national duties towards the Crown of Great Britain.

We must still mainly rely for the defence of Her Majesty's Provinces, upon the firmness and valour of Her Majesty's Troops, and upon the well-tryed honour, courage and loyalty, of the inhabitants of British race in Canada. And we may all rest secure in the heart-felt and proud conviction, that the whole strength of the British Empire will be exerted, when necessary, to guard or to avenge the attached and faithful Subjects of Her Majesty in North America.

I have the honour to be,

With high regard and consideration,

Your Excellency's, &c. &c.

(Signed) H. S. FOX,

His Excellency Major General

SIR GEORGE ARTHUR,

&c. &c. &c.

WASHINGTON, November 3rd, 1838.

SIR,

The alarming reports which had reached the United States Government, respecting apprehended hostile movements against Canada, from within the American Territory, and which are communicated to me by the friendly orders of the President, have been amply confirmed by intelligence conveyed to Her Majesty's Colonial Authorities through various other channels; and I am sorry to add, that the mischief appears to be far more serious and extensive, and the danger of hostile disturbances more imminent, than had been represented in the information received at Washington.

It is now ascertained, beyond the possibility of doubt, that a secret combination or conspiracy, of vast extent, and possessed of great resources in money and military provisions, has been formed, and is at this moment in active progress, within the confines and jurisdiction of the United States, for the purpose of waging war upon Her Majesty's Provinces of Upper and Lower Canada. The combination extends along the whole line of the Canadian Frontier, from Maine and Vermont to the State of Michigan; it extends also far into the interior of the States of New York, Pennsylvania and Ohio; and likewise into the neighbouring State of Kentucky. It is affirmed, and believed, that 40,000 American citizens are already enrolled in this criminal association. The above is the lowest estimate: the depositions of some of the informants carry the numbers to a much to greater extent. To these are joined a few vagrant Canadian refugees; the number of American conspirators is daily and hourly increasing. The plot is carried on by means of masonic lodges, secretly established in almost every town along the Frontier—the members of which communicate with each other by private signs, and are divided into several grades of initiation. A complete system of these secret signs, as well as the cypher, or secret alphabet, by means of which the association correspond, in writing, is in the hands of Her Majesty's Authorities. The regular organization has been completed of a pretended Provisional Government for Upper Canada, with assumed official rank and commissions, both civil and military. The name, description and residences of the chief individuals composing this pretended Government, who are American citizens, are also in the possession of the British Authorities.

APPENDIX V.—(See Journal, Page 142.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

A pretended National Bank of Canada has also been organized, to be established and maintained by the seizure and plunder of the public property. The superior lodges of the association are believed to be situated in the towns of Rochester, Buffalo and Detroit: a grand central lodge, or convention of delegates, is held at Cleveland; another considerable lodge is situated at Cincinnati. Arms and warlike stores are secreted at various points; and the conspirators also reckon, that with their present force and number, and complete organization, they will have no difficulty in again forcing and plundering the United States and State Arsenals, whenever the time for showing themselves in arms shall have arrived. No less than nine steam-boats, of those that ply regularly upon Lake Erie, the names of which are in the possession of the British Authorities, have been engaged for the service of the conspirators. I am afraid there is no doubt that a number of Magistrates, Justices of the Peace, and State Officers of the above-mentioned States, are involved in the present flagitious enterprize.

The direct objects of this vast combination are, to invade and conquer Upper and Lower Canada, to subvert and revolutionize the established Government of those Provinces, and to wrest them from the rightful dominion of the British Crown. These are the designs of the chief directors of the plot; but it is probable that a large majority of their followers have enlisted in the scheme, for the sole purpose of rapine and plunder. The particular mode and time of operation do not appear to have been yet determined upon by the conspirators, but will be made to depend upon circumstances, and the accidental course of events.

The above particulars, a large proportion of which is already known to the United States Government, are derived from private information, received through various channels by Her Majesty's Authorities in Canada. The evidence which has been already submitted to Her Majesty's Authorities, and also to myself, is of such a nature that we can entertain no doubt whatever of its truth. There may, possibly, be error or exaggeration in some of the details, which must usually happen when secret machinations are to be detected and dealt with, but the general truth of the information admits of no doubt whatever.

In this critical state of things, the immediate interference of the supreme authority of the Republic, can alone avert the most terrible and afflicting consequences: and I do solemnly appeal to the President and Government of the United States effectually to suppress this lawless association, which is plotting the destruction of Her Majesty's Provinces, and fearfully hazarding the peace of both countries. Vast hordes of banditti and assassins are maturing their plans for the desolation and ruin of a British Territory: they are engaged in this work within the jurisdiction of the United States, where no British authority can reach them—but where Her Majesty's authorities rely confidently upon the friendship and honour of the United States themselves, to exert the necessary power. It would not be fit for me to suggest modes of proceeding; but surely there must reside somewhere, in every well-constituted state, the power to prevent those who live under its laws, from persisting in the perpetration of violent and atrocious wrong against a friendly foreign people.

I must observe, that the present crisis in no way resembles an ordinary case of neutrality between contending foes—between parties contending in open and legitimate war. Neither is this a case of neutrality as between a government and its rebellious subjects. No rebellion or civil war is now raging in Canada—nor has been for nearly a twelve-month past. The insurrection of last winter, in Lower Canada, was suppressed in a few weeks; the insurrection in Upper Canada was suppressed in a few days. Yet from that time to this, Her Majesty's Provinces have been kept in an almost constant state of warlike alarm, by attempts and projects of invasion from abroad: the invaders being the citizens of a friendly Republic—of a country with whose Government Great Britain is at peace. Her Majesty's Subjects are exposed to the inconvenience and expense, the hazard and suffering of a state of war, while they are precluded from retaliating or making just reprisal upon their enemy. That enemy is enabled, again and again, to mature his plans of aggression within the confines of a friendly power, whose laws, from some incomprehensible reason, he still continues to evade or over-rule. I have here presented no exaggerated picture of the extraordinary state of things, which we have witnessed during the last twelve months upon the Canadian frontier. It is true, that whenever actual invasion has been attempted, the attempt has been quickly repelled by the firmness of Her Majesty's troops, and by the high courage and heroic loyalty of the British population of Canada. But it is not just that all these hazards should again be encountered, and the burthen again forced upon Her Majesty's Subjects, of defending themselves in arms against the hostile citizens of a friendly State.

APPENDIX V.—(See Journal, Page 142.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX V.

If the invasion, which is now meditated, be allowed to take place, disastrous consequences will ensue. If the American invaders, proceeding from within the jurisdiction of the Republic, should obtain a transient success, and overrun a portion of British territory, the United States would necessarily become answerable to Great Britain for the whole amount of the damage sustained, both public and private, for the recovery of the territory, and the reparation of individual loss. If, on the other hand, which is more probable, the invading armament be repulsed, is it possible to suppose that the victorious party, exposed to such unheard of enormous provocation, will always have the forbearance to respect the American boundary, from within which a lawless and unprincipled enemy will have been enabled to advance? Is it possible to believe that a horde of ruffians and brigands shall be permitted, again and again, to issue forth from within the territory of the United States, for the ruin of Her Majesty's Subjects, and still when repulsed, to shelter themselves at pleasure beneath the same extorted and abused protection? I allude not to these things for the purpose of arguing, prematurely, the question either of the right of self-defence, or of national reparation: I speak only of the probability of events; and out of either of the cases above supposed, there would arise national discussions and disputes, of which it is painful to contemplate the issue—painful to those who desire, as cordially as I do, to behold a long continuance of peace and friendship between England and America. It is by timely and instant measures of prevention, under the authority of the Supreme Government, that the mutual calamities, now imminent, may be averted.

I have the honour to be,

&c. &c. &c.

(Signed) H. S. FOX.

ADRON VAN, Esquire,
Acting Secretary of State,
&c. &c. &c.

WASHINGTON, November 15th, 1838.

SIR,

The President, to whom has been submitted the note addressed by you to the Acting Secretary of State, of the 3rd instant, conveying information of a secret conspiracy supposed to exist within the confines and jurisdiction of the United States, for the purpose of waging war upon the British Provinces of Upper and Lower Canada,—has instructed me to make the following reply to it.

The Government of the United States has regarded with the deepest anxiety, the unfortunate disturbances which have recently taken place in Her Majesty's Possessions adjoining the Northern Frontier of these States, and has spared no exertions, whilst enjoining upon their citizens a proper sense of their obligations, to prevent by all legitimate means, any interference on their part in the affairs of their Canadian neighbours. That measures of this nature were promptly adopted by the President, upon the occasion referred to, you are well aware, as also how far they have proved successful. Prompted by the same feeling, the reports which have reached this city, of apprehended hostile movements against Canada, from within the American Territory, whether received through official or other channels, have been scanned with lively interest by the Executive; and although the examination has resulted in a conviction that the circumstances detailed in them are of a highly exaggerated character, every precaution that the most watchful prudence can suggest, and perfect good faith towards a friendly nation dictate, has been, and will continue to be taken, to avert the threatened mischief.

If an organized combination against any foreign Government, entertaining the lawless designs attributed to that described in your note of the 3rd instant, exists within the jurisdiction of this Government, it is the duty of the United States, as well to themselves as to that foreign Government, to use their best endeavours to suppress it. In the determination to fulfil this acknowledged obligation, the Government of the United States cannot with propriety, take into consideration the contingent consequences on discussions to which you have alluded; and the President is pleased to find, that you have properly omitted to argue, so prematurely, questions of the right of self-defence, or national reparation, in reference to circumstances that have not happened, and which it is hoped will never occur.

APPENDIX W.—(See Journal, Page 146.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX V.

From the evidence in the possession of this Department, highly coloured in its details as much of it unquestionably is, there is certainly room to fear that some attempts may be made during the approaching winter, to excite disturbances in Her Majesty's Canadian Provinces. No serious uneasiness as to their result can well be entertained. Such attempts must necessarily prove abortive. And the President is unwilling to believe it possible that any difficulties in the friendly relations subsisting between the United States and Great Britain, will be permitted to spring from such a source. Every thing in the power of this Government to do, will be done, to prevent a result so much to be deprecated; and the President is quite sure, that our efforts to that end will meet with the cordial and efficient co-operation of Her Majesty's Authorities. It will require the exercise of great discretion, as well as the utmost vigilance of the Officers of both Governments, to counteract the design apparently existing to involve the two countries in a war. Predatory incursions, and acts of violence on each side of the boundary, will probably be the principal means resorted to, to effect this criminal purpose. The utter impracticability of placing a frontier, extending nearly one thousand miles, in a military attitude sufficiently imposing and effective to prevent such enterprises, is evident. Regular military armaments, and the movement of armed bands to any considerable extent from the American side of the line, will I think be successfully repressed; and all other hostile preparations will also be diverted, as far as that object can be accomplished, by the active employment of the means at the disposal of this Government. Whilst thus performing all its duties in this regard, it will expect that under no pretext whatever, will the Officers in command of Her Majesty's Forces permit a violation of the Territory of the United States. Such a step could not fail to have a most injurious effect on the friendly relations at present so happily subsisting between the two countries, and might, to the deep regret of both parties, lead to their entire disruption. If any armed bodies of men should take refuge within, or otherwise enter the Territory of the United States, they will be immediately disarmed, or expelled by force; and if any American Citizen shall have so far forgotten his duty, as to enrol himself among armed bands that shall have crossed our frontier, after being disarmed, he will be arrested, and delivered over to the Civil Authorities, for trial and punishment. Orders to this effect have already been given to our Officers, and they will, I doubt not, be promptly and efficiently executed. No depredations committed by the insurgents on our Citizens, will be regarded by American Officers as justifying retaliation upon Her Majesty's peaceable Subjects; and with the application of a similar rule on the part of Her Majesty's Authorities, in respect to such unauthorized and lawless incursions from our side of the line, as may be made in despite of the vigilance of our Officers, Civil and Military, and the exercise of great forbearance in all things on both sides—the President allows himself to hope, that the two Governments will be able to overcome difficulties which he feels to be of the most threatening character.

I have the honour to be,

&c. &c.

(Signed) JOHN FORSYTH.

His Excellency H. S. Fox,

&c. &c. &c.

APPENDIX W.—(See Journal, Page 146.)

APPENDIX W.

To the Honourable the Legislative Council, in Provincial Parliament, assembled.

The Petition of the Clergy of the Established Church, assembled under the authority of the Lord Bishop of the Diocese—

Petition of the Clergy of the Established Church.

MOST HUMBLY SHEWETH:

That by the Act of 31st Geo. III. Chap. 31, one-seventh of the lands of this Province has been set apart for the support of a Protestant Clergy therein. That your Petitioners, after a careful and patient investigation of all the arguments which have been advanced on the subject of this reservation, continue not only unchanged, but more confirmed, in the opinion, that the Clergy Reserves were, by that Act, designed solely and exclusively for the Church of England.

APPENDIX W.—(See *Journal*, Page 146.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX W.

That your Petitioners, from a careful examination of that Act, and of every authority which can be brought to illustrate it, can arrive at no other conviction, than that the power delegated therein to the Provincial Legislature, "to vary or repeal" its provisions, has no application to the reservations of land which have already been made, but can be construed merely into a permission to vary the amount of appropriation, or regulate it for the future.

That, whereas, doubts have been raised, as to the legality of the exclusive claim of your Petitioners to the Clergy Reserves, they have uniformly expressed a willingness to submit the question to a judicial Tribunal, competent to pronounce a decision, and respectfully to yield to the judgment, which, in such case, should be awarded.

That against any proposal for the settlement of this question, which should go to alienate the Clergy Reserves from the original object of their appropriation—the religious instruction of the People of this Province—your Petitioners feel bound, by a most solemn sense of duty, to record their decided protest.

That, with a view to the settlement of this question, any plan for the division of this property amongst various sects and denominations, which would directly compromise the principles as well as interests of the Established Church, endanger the cause of Protestantism, and lead to a religious discord, which must prove the fruitful and permanent source of civil disunion, your Petitioners are constrained, from an equal sense of duty, to oppose.

That your Petitioners feel bound to express it as their decided conviction, that the agitation which has ensued from the discussion of this question, and the excitement of which it has been rendered the instrument, are not to be ascribed to the simple merits of the question itself, but to the misrepresentation and abuse of the public mind, which, in many cases, for interested and unhallowed purposes, have been industriously made.

That, although, in the opinion of your Petitioners, the operation of the Act for the appropriation of the Clergy Reserves, as understood by themselves, could not possibly prove a grievance, but a blessing of the highest order, to the community, they do not view, without pain and anxiety, the political disquiet and religious animosity to which the agitation of this question has unhappily given rise; and that they are most desirous of its adjustment, upon some basis which may ensure the peace, as well as promote the religious interests of the country.

That, from the influence of conflicting prejudices and interests, your Petitioners are firmly of opinion, that an impartial, equitable, and satisfactory adjustment of the question of the Clergy Reserves, cannot be expected from the Provincial Legislature.

That your Petitioners, not deeming themselves competent to make any concession which may compromise, or appear to compromise in any degree, the interests of the Church, and their successors in the Ministry, earnestly pray, for the sake of peace, a judicial decision of the question before a competent Tribunal, either the Judges of England, or the judicial Branch of Her Majesty's most Honourable Privy Council; or, should this their honest prayer be found, after every effort, unavailing, that then an Act be passed by the Provincial Legislature, reinvesting the Clergy Reserves in the Queen, in Parliament, to be appropriated, for the support of a Protestant Clergy, according to the spirit and intention of the Constitutional Act. Your Petitioners, therefore, most earnestly entreat your Honourable Council, to use your influence to procure such a legal decision. And your Petitioners, as in duty bound, will ever pray, &c.

In the name and on behalf of the Clergy of Upper Canada.

G. MONTREAL.

GEORGE O'KILL STUART, L. L. D.

Archdeacon of Kingston.

JOHN STRACHAN, D. D., L. L. D.

Archdeacon of York.

TORONTO, October 11th, 1838.

APPENDIX X.—(See Journal, Page 146.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX X.—(See Journal, Page 146.)

APPENDIX X.

To the Honourable the Legislative Council of Upper Canada, in Provincial Parliament assembled.

The humble Memorial of the Right Reverend Alexander McDonell, Bishop of Kingston; of his Coadjutor, the Right Reverend Remegius Gaulin; of the Very Reverend William P. Macdonald; of the Very Reverend Angus Macdonell, Vicars General; and of thirty-two Catholic Priests, and eighty-six thousand five hundred Catholics of the Province of Upper Canada—

Petitions on the subject of the Clergy Reserves.

RESPECTFULLY SHEWETH:

That while their Fellow-Colonists of other religious denominations are urging with vigour and perseverance their respective claims to a share of the Clergy Reserves, your Memorialists beg leave to lay before your Honourable House their own claims to a provision from Government for the support of their religion, upon grounds equally just and constitutional with any others of their Fellow-Colonists:

First.—Because, on the cession of the Province of Quebec to the British Crown, the Catholics were secured in the full possession of all the rights and privileges of their Religion, as is clearly expressed in the twenty-seventh Article of the Capitulation, which says, “the people shall be obliged by the British Government to pay to the Priests the Tythes, and all the Taxes they were used to pay under His Most Christian Majesty”—(not indeed, however, the tenth part of their produce, as in England and Ireland, but the six-and-twentieth part of their grain.)

Second.—Because, on the division of the Province of Quebec into the Provinces of Upper and Lower Canada, the right to Tythes and other privileges, was preserved entire and undiminished to the Catholic Clergy of Upper Canada: which right still exists, although the poverty of the inhabitants generally, and the utter abhorrence of the Irish Emigrants to the obnoxious and oppressive tribute of Tythes, induced the Catholic Clergy of Upper Canada to refrain from exacting them.

Third.—Because, this forbearance of their Clergy from exacting what is their just and lawful due, for fear of exciting discontent and disaffection in the Province, ought to be a strong additional motive to your Honourable House to substitute a decent and adequate provision, out of the Clergy Reserves, the unconceded Lands of the Crown, or some other funds, for the support of their Religion, in lieu of Tithes, which your Memorialists are willing to relinquish for ever, provided such adequate provision be secured to them.

Fourth.—Because, Members of your Honourable House, of the first legal knowledge, and intimate acquaintance with the Constitution, consider the Catholic Religion to be the Established Religion of the Province, which having been endowed and provided for, on the faith of a solemn Treaty, and your Memorialists having never done any thing to forfeit their rights and privileges, and relying on the justice and rectitude of your Honourable House, feel confident that a competent and liberal provision shall be granted to them for the support of their religion.

Fifth.—Because, upon the score of steady and unshaken loyalty, and peaceable and good conduct, your Memorialists will not yield to any class of Her Majesty's Subjects, in this or in any other part of the British Dominions; and they appeal with confidence to several Members of your Honourable House, for ample testimony of the readiness with which they upon all occasions stepped forward in defence of the Province, and of the bravery with which they contributed to repel the Americans during the last war, and trust that not a few of the Members of your Honourable House will acknowledge, that to the uncommon exertions of the Catholics during the last General Election, they owe their seats in the present Parliament, assisting in a great measure to turn out the Radicals and disaffected, who have since become Rebels, and turned their arms against the country.

They also conceive that it gives them a strong claim, not only on the justice, but also on the liberality of your Honourable House, that during the agitation and outbreak of Rebellion, which took place last year in the Province, hardly a Catholic could be found among the Agitators, or in the ranks of the Rebels.

Your Memorialists beg leave, in conclusion, to mention, that four corps of Glengarry, and two corps of Stormont Militia, the greater portion of whom are Catholics, and under

APPENDIX X.—(See Journal, Page 146.)

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Catholic Commanders, have volunteered their services both this year and last year, to Lower Canada, and contributed very materially to put down the Rebellion, and are still embodied and doing duty between Cornwall, Lancaster, Coteau du Lac and St. Regis.

Having thus stated, respectfully, to your Honourable House, their claims and pretensions to a competent provision for the support of their Religion, your Memorialists indulge sanguine hopes that your Honourable House will grant the prayer of your Memorialists.

And your Memorialists, as in duty bound, will ever pray.

ALEXANDER MACDONELL,
Bishop of Kingston.

REMEGIUS GAULIN,
Bishop of Tabraca.

W. P. MACDONALD, V. G.

ANGUS MACDONELL, V. G.

To the Honourable the Legislative Council, in Provincial Parliament, assembled.

The Petition of the Ministers and Ruling Elders of the Commission of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland—

RESPECTFULLY SHEWETH:

That your Petitioners having been convened in the City of Toronto, by appointment of Synod, and having had under consideration the ecclesiastical rights and status of the Ministers and Members of the Church of Scotland, in this Province, in so far as these are affected by certain clauses of the Act, 31st Geo. III. chap. 31, and by the Order of the Executive Council of this Province, in the year 1836, constituting and erecting certain Rectories, according to the Establishment of the Church of England, did unanimously resolve to Petition the Provincial Legislature, during the present Session thereof, for the repeal of those clauses in the Act above-mentioned, which warrant the constituting and erecting of Rectories of the Church of England, in this Province, so that no dominancy may be given to the Church of England over the Church of Scotland in this Province.

May it therefore please your Honourable House, to take the premises into consideration; and, in any measure for the arrangement of the ecclesiastical affairs of this Province, which may receive your legislative sanction, to provide effectually, by the repeal of the clauses referred to, and by such other enactments as may appear to be necessary, against the setting up in this Province of any dominancy, such as is hereinbefore mentioned.

And your Petitioners, as in duty bound, will ever pray, &c.

In name and by appointment of the Commission.

ALEX. GALE,
Convener of Commission.

Unto the Honourable the Legislative Council, in Provincial Parliament, assembled.

The Petition of the undersigned inhabitants of the Townships of Dumfries, Waterloo, Puslinch and Beverley, members and adherents of the Synod of Upper Canada, in connection with the Church of Scotland—

HUMBLY SHEWETH:

That the Church of Scotland, to which your Petitioners belong, is entitled, as a co-ordinate established Church of the British Empire, to the same rights, privileges, and advantages within this British Colony, with her sister Church of England. That, nevertheless, your Petitioners have to complain, that, in violation of our unalienable rights, as members of the said Church, fifty-seven Rectories of the Church of England have been established over us. That in the appropriation of the Reserves, set apart for the support of a Protestant Clergy, an almost exclusive preference has hitherto been given to members of the Church of England, while attempts have been made to secure their appropriation entirely to the benefit of that Church. That while applications for Government aid, on behalf of the Clergy or congregations of the

APPENDIX Y.—(See Journal, Page 176.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

Church of England, have been liberally attended to, applications on behalf of the Clergy or congregations of the Church of Scotland have been comparatively disregarded. That by these proceedings, on the part of Government, the prosperity of the Church of Scotland has been greatly hindered, and ourselves deeply aggrieved; and that we now appeal to the justice of your Honourable House, humbly, but earnestly, praying that you will be pleased to take the premises into your serious consideration, and that, so far as belongs to your Honourable House, these our grievances may be redressed—that the Rectories, which have been established over us, be abolished—that in any measure which may be adopted for the appropriation of the Clergy Reserves, while the wants of other Protestant Churches are not overlooked, the Church of Scotland, in particular, be admitted to a full and fair participation with the Church of England, in all the benefits arising from them; and that, for the future, the members of the Church of Scotland be placed, in every respect, on the same footing with the members of the Church of England.

[Signed by Allan Henderson, and 231 others.]

APPENDIX X.

To the Honourable the Legislative Council of Upper Canada, in Provincial Parliament assembled.

The Petition of the undersigned inhabitants of the Township of Dumfries, and vicinity, in the District of Gore, Province of Upper Canada—

HUMBLY SHEWETH:

That your Petitioners, with many others of Her Majesty's Subjects, have, for a series of years, protested against the establishment or endowment of one or more Churches in this Province, and have frequently prayed that the proceeds of the Clergy Reserves may be applied to purposes of general education and internal improvement.

That, in the opinion of your Petitioners, to postpone the settlement of the long-agitated Clergy Reserve question, or to re-invest it in the Crown, would be fraught with consequences the most alarming and dangerous to the Country, by keeping the public mind in a state of continual agitation.

Your Petitioners therefore submit, that the jealousies and dissensions which now distract this Province, would be easiest removed—the peace, harmony and loyalty, of the inhabitants most effectually secured—and the interests of religion itself best promoted, by appropriating the Clergy Reserves to purposes of general education, and internal improvement.

That your Petitioners are decidedly of opinion, that the education of youth, properly directed in the acquisition of knowledge, morality, religion, literature and science, must be regarded by every enlightened and virtuous man, as a matter of the highest and most vital importance. But at present the condition of most of the Common Schools is so inefficient, as to endanger the best interests of the country, and urgently demand immediate amelioration; nor can they conceal their opinion, that it is the duty of their Legislators to originate, foster and patronize a general and improved system of Education.

Your Petitioners therefore humbly and earnestly pray, that your Honourable House will adopt the most effectual means to do away with the Rectory Corporations, and to appropriate the proceeds of the Clergy Reserves to the aforementioned purposes, as in your wisdom may seem proper.

And your Petitioners will ever pray, &c.

[Signed by James Jackson, and 364 others.]

APPENDIX Y.—(See Journal, Page 167.)

APPENDIX Y.

GOVERNMENT HOUSE,
Montreal, 20th April, 1839.*Honourable Gentlemen, and Gentlemen:*

I have had the honour to receive your Joint Address, transmitted to me by His Excellency Sir George Arthur.

Deeply interested, as a Public Servant and a faithful friend, in the happiness and welfare of a Province, with whose affairs and proceedings I have been so many years connected,

Reply of His Excellency Lieutenant General Sir John Colborne, to the Joint Congratulatory Address, upon his being called to the Government of British North America.

APPENDIX Z.—(See Journal, Page 169.)

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permit me to assure you, that your Address affords me the greatest pleasure and satisfaction. I request you to accept my sincere thanks for this kind and gratifying expression of your sentiments in respect to my services, and to believe, that any influence which I may possess, will be ever exerted to promote the interests and prosperity of Upper Canada.

I have the honour to be,
Honourable Gentlemen and Gentlemen,
Your most obedient,
Faithful Servant,

(Signed) J. COLBORNE.

To the Honourable
THE LEGISLATIVE COUNCIL, and HOUSE OF ASSEMBLY,
Of Upper Canada,
In Provincial Parliament assembled.

APPENDIX Z.

APPENDIX Z.—(See Journal, Page 169.)

(Copy.)

No. 13.

CASTLE OF ST. LEWIS,
QUEBEC, October 9th, 1838.

SIR,

I have the honour to transmit to Your Excellency, a copy of a Correspondence between Her Majesty's Principal Secretary of State for the Colonies, and myself, on the proceedings which have taken place in the House of Lords, relative to the Ordinance passed by me and the Special Council, on the 28th of June.

I have the honour to be,
&c. &c. &c.

(Signed) DURHAM.

His Excellency Major General
SIR GEORGE ARTHUR,
&c. &c. &c.

(Copy.)

No. 83.

DOWNING STREET,
5th August, 1838.

MY LORD,

I have to acknowledge the receipt of your Despatch of the 29th June, No. 18, reporting the proceedings which you have adopted for disposing of the Prisoners whom, on your arrival in Canada, you found in confinement, on charges connected with the late Insurrection.

Her Majesty's Government are fully alive to the difficulties by which this question was surrounded. It has, therefore, afforded them much satisfaction that you have been able to surmount those difficulties, and that the course which you have adopted has been favourably received in the Province, as equally free from the imputation of too great severity, or of excessive and ill-considered lenity.

While, however, I convey to you the approbation of Her Majesty's Government, of the spirit in which your measures have been conceived, I abstain from making any observations on the legal objections which may possibly occur to some of the provisions of the Ordinance, a copy of which is transmitted in your Despatch, as it is at present under the consideration of the Law Officers of the Crown.

I have the honour to be,
&c. &c. &c.

(Signed) GLENELG.

To the Right Honourable
THE EARL OF DURHAM,
&c. &c. &c.

(Copy.)

No. 84.

DOWNING STREET,
6th August, 1838.

MY LORD,

I have had the honour to receive your Lordship's Despatch of the 29th June, No. 19, enclosing a copy of a Commission which you had issued, for an inquiry into the best mode

Copies of Correspondence
between Her Majesty's
Principal Secretary of
State for the Colonies, and
the Earl of Durham, on
the subject of his
Lordship's resignation.

APPENDIX Z.—(See Journal, Page 169.)

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of disposing of the waste lands of the Crown in the British North American Colonies. Her Majesty's Government entirely approve of this measure, and of the instructions respecting it, which you addressed to the several Lieutenant-Governors of the neighbouring Colonies. They are fully aware of the great importance of establishing a general and efficient system of disposing of the Crown Lands, as connected with the question of promoting Emigration from the Mother Country to those Colonies; and they anticipate the most beneficial results from the establishment of such a system.

I have the honour to be,
&c. &c. &c.

(Signed) GLENELG.

To the Right Honourable
THE EARL OF DURHAM,
&c. &c. &c.

(Copy.)

No. 66.

CASTLE OF ST. LEWIS,
QUEBEC, September 25th, 1838.

MY LORD,

Previous communications from me, will have made your Lordship aware of the very injurious effects upon the course of my Government, occasioned more or less by all the proceedings, with respect to my Mission, which have taken place in the House of Lords since my departure from England. The representations which I have made to you upon this subject, were but the echo of the public voice in these Colonies, where all men, of whatever class or party, were agreed in thinking, that unless I should be cordially supported by the Legislature, which had created most extraordinary powers of Government for this Country, and by the Ministers of the Crown, who had placed that extreme authority in my hands, there was not the slightest prospect of any satisfactory result. The proceedings in the House of Lords, from the moment of my leaving the shores of England, shewed but too distinctly, that the support so essential to my success was not extended to me. I allude in particular to the speech of the Duke of Wellington, on the 4th July, and to the expressive silence of the Prime Minister on that occasion. His Grace was pleased to say—"The Act gives no power further than that of making certain Reports on an important subject respecting the Government of Canada, and of directing the formation of a Commission of Enquiry for that purpose; in any other respect, so far as my recollection serves me, I know of no other powers given to the Earl of Durham which are not ordinarily given to every Governor of a Colony." The tacit assent of Her Majesty's Ministers, was even more injurious than Lord Melbourne's previous expression of "very great concern and surprise" at one of my appointments. In the latter case, my authority was not seriously affected, because it depended on myself to persevere in an appointment, which had been originally suggested to me by a member of the Government. I had constantly refused Mr. Turton's repeated proffers of resignation. His talents, and uncommon assiduity, had been appreciated here. The proceedings of the opposition, and of the Government, with respect to him, were attributed to the impatience of the one, and the timidity of the other, of the two great parties which divide the House of Lords. And the performance of the arduous duties imposed upon me, was scarcely impeded here by what had occurred. It was not impeded, let me repeat, because, in that case, I was enabled to maintain a deliberate act of my Government, and to preserve my honour as a Gentleman, by declining all participation in the sacrifice of one whose ruin, through his connexion with me, would, if I had taken any share in it, have left a foul stain on my character. But, in the other case, when the leaders of these two great parties, the one by the most unqualified expressions, and the other by consenting silence, concurred in depreciating the authority with which I had been invested, that authority was seriously weakened. The effect upon the public mind was instantaneous and most remarkable. The disaffected (and how numerous these are, your Lordship will have learned from my Despatch of the 9th August, No. 36, marked secret and confidential) were encouraged to believe, that, as my authority was so questioned, the manner in which it had been, or might be exercised, would, to a certainty, be vigorously assailed by the opposition, and feebly defended by the Government. And they inferred that the success of my mission, which, as all parties at home had allowed when the danger was imminent, and all here still felt, depended on the vigorous exercise of an extra-

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ordinary authority, was thus rendered next to impossible. In forty-eight hours after the speech, attributed to the Duke of Wellington, had been published here, the tone of that part of the Press, which represents the disaffected, exhibited a remarkable change; giving evidence no longer of submission, however unwilling, to extraordinary powers unhesitatingly exercised, but of discontent, irritation, and seditious hopes. From that time forth too, down to this day, I have continually received intimations of a state of feeling amongst the Canadian peasantry of the District of Montreal, which threatens, if not actual disturbances during the winter, still so much combination of purpose and means amongst the disaffected, as to require the utmost vigilance on the part of Government. Nor did the Duke of Wellington's speech, and Lord Melbourne's silence on that occasion, produce a less mischievous effect upon the great bulk of the British race in this Colony. As respects this class, the first impression created by this evidence of my being left without adequate support at home, was one of despondency. I can speak, almost from my own personal knowledge, of numbers, including Gentlemen of the most respectable character and highest influence, who had entered into all my views for the improvement of this much neglected country, who were aware of my determination, so far as it might depend upon me, to remove the *causes*—to dry up the very source of past dissensions, and to render this Colony essentially *British* in its laws, institutions, and character; who had merely, on account of those views and intentions, afforded me their confiding support; and who were employing their valuable influence in diverting public attention from the miserable past, and endeavouring to fix it on a happy prospect of peace and prosperity. These Gentlemen, when the news in question arrived from England, when they perceived that I was left alone to struggle with unparalleled difficulties, could no longer rely on the accomplishment of any of the important measures that I had projected. They were therefore led, most naturally, as it appears to me, instead of looking with confidence to the future, first to despair of any fruit from my exertions, and next to recur to the past with feelings of irritation as violent as were ever produced amongst the British race in this Colony, by the worst previous sacrifice of Colonial interests to the object of mere party in the Mother Country. Such is the unanimity of opinion and feeling amongst the British population of this Colony, that the individuals whom I have described, fairly represent the whole class. The despondency and irritation of that class, were as conspicuous as the half-elated and threatening activity of the disaffected portion of French Canadians. But such was the effect produced upon both classes, that is, upon the great bulk of the people, by the party proceedings at home.

Although I happened to be suffering from severe *illness* during the period in which this change of opinion was in course of taking place, I was constantly informed of its progress; and I must not conceal from your Lordship, that this information had a most discouraging effect upon myself. It soon became plain to me that the great difficulties necessarily attendant on my position, were fearfully increased by the assaults made upon my Government by the opposition at home, and tacitly (when not even in a still more injurious mode) suffered by Her Majesty's Ministers. Upon two things alone could I chiefly rely for ultimate success,—the first was the great extent of the legal powers conferred upon me, enhanced as they had been morally, by the universal expression in England, of satisfaction at my having undertaken to exercise them. The second was the impression which prevailed throughout these Colonies, that I might reckon with perfect confidence on the undeviating approval and support of the Members of Her Majesty's Government, with most of whom I had been so long and intimately connected, as well by personal friendship as by political relations. By the proceedings in question, I was deprived of these, the only, but all-sufficient grounds of confidence in my own exertions. Your Lordship may believe that the people of these Colonies are not better acquainted with the springs and influences of party politics in England, than are most English politicians with the real state of parties and of public affairs in this distant part of the world. You will easily understand, therefore, that no sufficient allowance was made here for the nature of those party motives which had dictated the proceedings of the opposition and the Government, in respect to my mission. It was supposed that the great party in opposition at Home, really believed my authority to be no more extensive than that of an ordinary Governor in ordinary times—that Her Majesty's Ministers were of a similar opinion—that all my promises of unusual measures, suited to the unusual circumstances of the case, had been made inadvertently or delusively—and that I had no more prospect of healing the wounds inflicted on this country, by a long course of shifting and temporising policy, than if the Act for sus-

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pending a Constitution, and conferring Legislative powers on an individual, had never passed. In fact, whatever may be the powers which that Act legally confers upon me, the moral authority of my Government—the *prestige*, if I may so speak, of power, once imagined to be so great, and of a supposed unbounded influence with Her Majesty's Government, was gone, apparently, for ever. Under these circumstances, I was greatly tempted to resign my authority, which appeared to have become inadequate to the grave emergency which alone had called for its existence. I did not, however, give way to this sentiment of despair;—on the contrary, making all allowance for party motives, which could not be appreciated by the people of these Colonies—trusting that the approaching recess of Parliament would soon leave me undisturbed to pursue the useful course on which I had already determined—relying not a little on the early promulgation here of Legislative measures, calculated to encourage British enterprise and promote general prosperity—and above all, influenced by a conviction that the worst consequences might result from my resignation, I deemed it my duty to the Queen, to my Country, and to the people of these Colonies, who had generously confided in my good intentions, to persevere in my course, so long as there was the least chance of success. Thus impelled, I banished every thought of resignation, and occupied myself more diligently than ever in bringing to maturity the whole series of measures by which I have hoped that these Colonies might be established in peace and prosperity, as a happy and loyal portion of the British Empire. I was thus engaged, when I received your Lordship's Despatches, No. 83, and 84, conveying to me the most flattering expressions of the satisfaction which all my measures, including the Proclamation relating to the Political Prisoners, had given to Her Majesty's Government.

Those Despatches were the more gratifying, inasmuch as they were accompanied by numerous unofficial letters from members of the Government, and especially by those from yourself and Lord Melbourne, whereby the expressions of official approbation were most warmly and kindly confirmed.

While these Despatches and letters were still before me, an American newspaper, which had reached Quebec by the same conveyance, was placed in my hands. Your Lordship will judge of my astonishment, when I inform you, that it contained a report of the proceedings in the House of Lords, on the 7th, 9th and 10th of August.

At present no other information on the subject has reached me.

I shall abstain, until officially informed, from entering at length on that important subject. Meanwhile, however, it behoves me to assure your Lordship, that public opinion here does not wait for the receipt of official intelligence on matters of vital moment to the interests of all; and that it has been most deeply affected by the sufficiently authentic intelligence.

I have had no choice (as I shall fully explain in a future Despatch,) but to declare whether or not I should resign my now useless office. As your Lordship will perceive by the documents which I have the honour to enclose (being an Address to myself from the Delegates of the Colonies of Nova Scotia, New Brunswick, and Prince Edward Island, with my answer,) I have resolved on resigning an authority which has now, indeed, become thoroughly inadequate to the ends for which it was created, and on quitting a post which has been rendered altogether untenable by those, from whom I expected every possible assistance in maintaining it.

I shall not lose a moment, after hearing officially of the recent proceedings in England, in fully explaining to your Lordship the reasons for my having arrived at this determination, and the grounds on which I may, after ample deliberation, decide upon the time for carrying it into effect.

I have, &c.

(Signed) DURHAM.

To the Right Honourable
The Lord GLENELG.

(Copy.)

To His Excellency the Right Honourable John George Earl of Durham, &c. &c. &c.

In approaching your Lordship, on the eve of our Departure from Quebec, we beg, unanimously, to offer to your Lordship the expression of our highest respect, and of the deep concern with which we have heard of your Lordship's rumoured intention to resign the Government of these Provinces.

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The duties of the mission with which we have been intrusted by the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and the frankness of communication permitted by your Lordship, have brought us into acquaintance with your Lordship's feelings and views in relation to British North America, and irresistibly impressed on our minds the conviction, that your Lordship cherished an ardent desire to elevate the Colonies committed to your Government, and entertains conceptions calculated to render that desire effective.

In a review of the short period of the Government under your Lordship's personal direction, we behold your Lordship, with that feeling so congenial to Englishmen, which turns with repugnance from the shedding of blood on the scaffold, blending mercy with justice—while returning tranquillity had already rewarded an administration conducted without the sacrifice of one human life: and we were aware that improved laws and constitutions were in preparation—which, under a government form, mild and impartial, gave to the future the reasonable prospect of restored confidence and renovated prosperity.

For the Provinces with which we are more personally connected, we saw, in the warm interests, the enlightened and comprehensive views, and extensive powers of your Lordship, the dawning of vigor and improvement hitherto unknown. With your Lordship's departure, those anticipations will, we fear, fade away; but, although it should be our lot to see these Provinces continue feeble and nerveless, compared with the condition at which their natural advantages entitle them to aim, yet shall we ever remember with gratitude, the Statesman who, exalted in the first rank, and treading on the highest eminences of political life in our common country, hesitated not, at the call of his Sovereign, with disinterested zeal, to undertake an office of unparalleled difficulty, and has given to these distant territories the benefit of his enlarged experience and vigorous conceptions. Your Lordship's comprehensive mind has opened to our view, the animating prospect of great public improvements advancing our common welfare, and which will ever associate your Lordship's name with the highest prosperity of the Colonies.

We are unwilling to abandon the hope, that your Lordship may yet continue in the administration of your high office. Under any circumstances, we beg to assure your Lordship, that our most ardent wishes for the happiness of the Countess of Durham, your Lordship and family, will accompany you through life.

(Signed) J. W. JOHNSTON, *Member of the Legislative Council of Nova Scotia:*

JAMES B. UNIACKE, *Member for the County of Cape Breton, and Member of Council:*

WILLIAM YOUNG, *Member of Assembly for the County of Inverness:*

M. B. ALMON:

DEPUTATION FROM NOVA SCOTIA.

CHARLES SIMMONS, *Member of Executive Council, and Speaker of Assembly for New Brunswick:*

HENRY PETERS, *Legislative Council:*

E. BOTSFORD, *Member of the Executive and Legislative Councils:*

HUGH JOHNSTON, *Member of Executive Council, and House of Assembly:*

JAMES KIRK:

JOHN ROBERTSON:

DEPUTATION FROM NEW BRUNSWICK.

J. H. HAVILAND, *Member of Executive and Legislative Councils:*

GEORGE DALRYMPLE, *Speaker of the House of Assembly:*

JOSEPH POPE, *Member of Assembly for Prince County:*

DEPUTATION FROM PRINCE EDWARD ISLAND.

QUEBEC, 22nd September, 1838.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

(Copy.)

QUEBEC, 22nd September, 1838.

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It is impossible for me to express to you, in language sufficiently strong, the feelings of gratitude and pleasure with which I have received this Address.

Representing, as you do, so worthily, the three Provinces of Nova Scotia, New Brunswick, and Prince Edward Island, this proof of your confidence in me, and approbation of the principles on which my administration has been conducted, is most gratifying to me.

I assumed the Government of the North American Provinces, with the pre-determination to provide for the future welfare and prosperity of them all; never doubting that such a provision would be the best, nay the only real security, for their permanent connection with the British Crown. In communications which have taken place between us, and from which I have derived equal pleasure and information, you have been fully apprised of my views and intentions. These you have appreciated and recognised in a manner for which I can never be sufficiently grateful. I have, indeed, had a difficult and laborious duty to perform. The result of my endeavours, however, is one of which I need not be ashamed. In the short space of little more than three months, I have seen tranquillity restored, and confidence reviving. I have caused substantial justice to be administered, tempered by mercy. I have carefully examined, with a view to reformation, all the institutions of the Province more immediately committed to my charge; and I was on the point of promulgating such laws as would have afforded protection to all those British interests which had been too long neglected. I had also, as you well know, devoted the most careful attention to all subjects which could affect the general interests of all the Colonies, and had brought nearly to maturity the plan which I intended to submit, in the first instance, to the consideration of the Provinces, and eventually of the Cabinet and the Imperial Parliament. In this, I trust useful course, I have been suddenly arrested by the interference of the British Legislature; in which the responsible advisers of the Crown have deemed it their duty to acquiesce. Under these circumstances, I have but one step to take—to resign that authority—the exercise of which has thus been so weakened, as to render it totally inadequate to the grave emergency which alone called for its existence.

Be assured, however, of this, Gentlemen, that this unexpected and abrupt termination of the official connection which united me with the North American Provinces, will not weaken in my mind the feelings of deep interest which I shall ever take in their fate, or render me less anxious to devote every faculty of my mind, every influence I may possess, to the advancement of their interests, and to the establishment, on the most lasting foundation, of their welfare and prosperity.

(Copy.)

No. 89.

DOWNING STREET,

15th August, 1838.

MY LORD,

With reference to my Despatch, No. 83, of the 5th instant, I have now the honour to enclose to you a copy of the Report of the Law Officers of the Crown, on the Ordinance providing for the security of the Province of Lower Canada, a copy of which was transmitted in your Despatch of 29th June, No. 18.

Your Lordship will observe, that the Attorney and Solicitor General are clearly of opinion, that so much of the Ordinance as relates to the restrictions to be placed in Bermuda on the eight persons sent by you to that place, is void, inasmuch as the legislative jurisdiction of the Governor and Special Council of Lower Canada does not extend beyond the limits of the Province. In all other respects, they are of opinion that the provisions of the Ordinance were within the competency of the Governor and Special Council.

I regret, however, to state, that a different view of the case was taken by several individuals of high legal attainments, whose station and professional experience could not fail to secure great weight to their opinion in the House of Lords, where the question was first agitated. There were, indeed, some, who went so far as to contend, that the whole Ordinance was illegal, as exceeding the legislative authority vested by Parliament in the Special Council; but as this view of the case has not received the sanction of either House of Parliament, Her

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Majesty's Government, in accordance with the opinion of the Law Officers of the Crown are fully satisfied that the powers confided by Parliament to the Governor and Special Council, are sufficiently ample to authorise them to legislate to the full extent of the Ordinance in question, so far as it relates exclusively to acts to be done within the Province of Lower Canada. But, an objection of a more popular and general nature, was also urged, with great force, against so much of the Ordinance as purports, on a conviction for returning to the Province without permission, to subject to capital punishment those persons who, having fled the Province, had thereby avoided the execution against them of the warrant for their apprehension on the charge of High Treason.

Her Majesty's Government, fully sensible of the numerous and weighty difficulties with which you had to deal, with reference to this question, of the notoriety of the conduct of those persons who, having taken an open part in inciting their followers to insurrection, had fled to the United States, in order to withdraw themselves from justice, and of the importance of securing the Province, for a time at least, against their return—and aware, moreover, that ample time had been afforded to these parties, had they been so disposed, to surrender themselves to justice, and demand their trial, would have been quite satisfied to have left in your Lordship's hands the mode of dealing with them, with perfect confidence that no act of needless severity, or of substantial injustice, would have either been committed or sanctioned by your authority. The course, however, which Her Majesty's Government would have taken, as in their judgment the best calculated to uphold your authority, and thereby to consult the success of your mission, has unhappily, as they feel, been over-ruled. A bill was introduced into the House of Lords, the object of which, as it was originally submitted, was two-fold. First, to obtain a declaration of the intention of Parliament, in accordance with the view to which I have referred, of the narrow and restricted extent of the legislative powers of the Special Council, and thereby not only to invalidate the Ordinance as altogether illegal, but also to prevent any future legislation by the same authority, involving a departure from the ordinary course of criminal law, under whatever circumstances of danger and emergency; And Secondly, to provide an indemnity in respect of all acts done in pursuance of the Ordinance. Her Majesty's Government felt it their duty to offer a decided opposition to the second reading of that bill in the House of Lords, as calculated, in their opinion, most injuriously, and contrary to the spirit and tenor of the Act for making temporary provision for the Government of Lower Canada, to narrow and restrict the power vested by Parliament in the Special Council. I regret, however, to state that the second reading of that bill was carried in the House of Lords. Under these circumstances, and after the public discussions which had taken place on the subject, Her Majesty's Government, compelled as they were to admit that a portion of the Ordinance, though comparatively unimportant, rested on no legal foundation, most reluctantly advised Her Majesty to disallow the Ordinance. Extensive amendments were subsequently made in the committee on the bill. The clause which would have restricted the legislative powers of the Special Council was altogether omitted; and the indemnity was expressly confined to Acts done in respect of that part of the Ordinance which was admitted to be beyond the legislative authority of the Governor and Special Council. The bill, so amended, has been since passed by the other House of Parliament, and has received Her Majesty's assent. I send you a copy of it. The comparatively unimportant point, to which alone the Act, as it has finally passed, applies, renders it in itself a measure demanding but a slight and passing notice.

Her Majesty's Government cannot, however, conceal their apprehension, that the discussions which have been raised on this question, may tend to impede and embarrass your course in the settlement of the affairs of Canada, and to raise anew some of those difficulties and obstacles, which, under your administration, appears to be rapidly on the decline. But on the other hand, the opposition to your measures in this country, has given rise to such strong expressions of confidence in the purity and excellence of the motives by which your conduct has been regulated, and has drawn forth, from those personally interested in the affairs of Canada, such decided testimony to the beneficial tendency of your administration, that Her Majesty's Government cannot but hope, that your hands may be rather strengthened than weakened by the degree of public attention which has been directed to this subject. At the same time they feel it their duty to leave you in no uncertainty, as to their views, on the course which it may be expedient now to adopt with regard to the persons who, in con-

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sequence of the disallowance of the Ordinance, can no longer be liable to its provisions. In the first place, I have to convey to you, Her Majesty's entire approbation of the Proclamation issued by you, on the 28th of June, by which, with the exception of the twenty-three persons specifically referred to, an amnesty was granted to all other persons charged with treasonable offences committed during the late disturbances and insurrection in Lower Canada. In order, however, to maintain the distinction which you appear so properly to have made between the chief leaders and instigators of the insurrection, and their misguided followers, Her Majesty's Government are decidedly of opinion, that, notwithstanding the failure of the provisions of the Ordinance, the eight persons sent by you to Bermuda should not be permitted to return to Lower Canada, except by the express permission of Her Majesty, or of Her Representative in the Province.

It seems to them that this object could be best attained by an Ordinance, to be passed by yourself and the Special Council, subjecting the persons in question to such penalty, short of death, as may be thought expedient, in the event of their being convicted of returning to the Province without such permission.

With regard to those who had previously fled from justice, it may, perhaps, be sufficient, by Proclamation, or by any other clear and unambiguous channel of information, to make it publicly known that, should they re-enter the Province, without the same permission, they will forthwith be arrested, and dealt with according to law, on the charge of Treason. It will at the same time be desirable to continue or renew the suspension of the Habeas Corpus, that you may be able to detain any of them in custody, in the event of their arrest, should the safety of the Province render such a proceeding necessary. In adopting this plan, it will be indispensable that the Suspension Act should be passed at the same time as the Proclamation is issued, and made as publicly known as the Proclamation, in order to avoid the possibility of any of the parties referred to in the Proclamation entering the Province in ignorance of the Suspension Act. To let them enter in such ignorance, would be to deal unfairly with them. Her Majesty's Government hope that by this means, the end which you had in view may be attained, of averting the serious evil to be apprehended from persons being at large within the Province, who had notoriously taken a prominent part in the recent revolt, and whose presence could not fail to occasion jealousy and dissatisfaction among the loyal subjects of Her Majesty, and might tend to revive feelings and passions which it must be the anxious desire of the Government to suppress and to allay. I do not intend to prescribe to you the precise course to which I have adverted, as that which, under existing circumstances, ought to be adopted; nor am I insensible to the objections to which any course on this subject is liable, from those who are disposed to take an unfavourable view of the conduct of the Government; but I am anxious to relieve you, as far as possible, from the uncertainty in which you might be involved by the recent debates in Parliament, as to the extent to which you would be held justified in proceeding, with respect to the small number of persons whom, in the exercise of a sound and wise discretion, you have excepted from the amnesty which has been extended to the great body of persons implicated in the Insurrection.

I have assumed throughout the consideration of this question, that no steps have been taken under the Ordinance passed by the Special Council, during Sir John Colborne's Administration, "for the more speedy attainder of persons indicted for High Treason, who have fled from the Province, or remain concealed therein to escape from justice."

It will be for your Lordship to determine, whether it would be advisable to proceed against the parties to whom that Ordinance refers, in the manner there prescribed; but, as the object to be attained is not so much the severe punishment of the guilty as their exclusion from the Province, and the suggestion to them of some motive for abstaining, during such exclusion, from a mischievous interference with its affairs, the other course to which I have referred appears to Her Majesty's Government to be, under the peculiar circumstances of the case, the most expedient.

I cannot conclude this Despatch, without expressing the deep regret which Her Majesty's Government have felt at the embarrassment to which you will have been subjected, by the recent proceedings in Parliament, regarding the difficult and delicate question of the disposal of the persons charged with Treason in Lower Canada. On a deliberate review of the whole case, Her Majesty's Government are enabled distinctly to repeat their approbation of the

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spirit in which those measures were conceived, and to state their conviction that those measures have been dictated by a judicious and enlightened humanity, and were calculated, under your authority, to satisfy the ends of justice, although in some respects they involve a departure from its ordinary forms. The Government are also persuaded that your Lordship will be equally anxious with themselves to avoid, as far as possible, giving even a plausible ground of cavil or objection to hostile criticism.

It only remains for me to assure you of the undiminished confidence which Her Majesty's Government repose in you, and of their earnest desire to afford you the utmost support in the discharge of the arduous duties with which you are entrusted.

I have, &c.

(Signed) GLENELG.

To the Right Honourable
THE EARL OF DURHAM,
&c. &c. &c.

(Copy.)

TEMPLE, August 6th, 1838.

MY LORD,

In answer to your Lordship's letter of the 4th instant, requesting our opinion whether there is any objection, in point of law, to the confirmation by Her Majesty in Council, of an Ordinance passed by the Earl of Durham and the Special Council of Lower Canada, on the 25th June last, entitled "An Ordinance to provide for the security of the Province of Lower Canada"—we have to state, that in our opinion, so much of this Ordinance as directs the class of persons therein first enumerated to be transported to Bermuda, and to be kept under restraint there, is beyond the power of the Governor and Special Council, and void; but that all the rest of the Ordinance is within their power, and valid.

The Imperial Statute 1st Victoria, chap. 9, sec. 2, authorises the Governor and Special Council to make such Laws or Ordinances for the peace, welfare and good government, of the Province of Lower Canada, as the Legislature of Lower Canada, as then constituted, was empowered to make, with certain exceptions, which do not affect the validity of the Ordinance in question. The Legislature of Lower Canada, as constituted by 31st Geo. III. chap. 31, had conferred upon it a general Sovereign Legislative power within the Province; and it is expressly enacted, that all Acts passed by this Legislature shall be valid and binding, to all intents and purposes, within the Province in which the same shall have passed.

We conceive therefore, that the old Legislature might have lawfully passed an Act for banishing from the Province the first class of persons described in this Ordinance, and enacting, that if any of this class, or of the second class, should return to the Province, without the leave of the Governor, they should be deemed guilty of Treason, and being convicted thereof, should suffer death. This could not be done by the Proclamation of the Governor, but it is an Act of Legislation for which there are precedents in the Parliaments of Great Britain, and of Ireland. There is no pretence for saying that if this part of the Ordinance really were put in force, that the parties who suffer would be put to death without trial. Before they suffer, they must be indicted for having returned to the Province without leave of the Governor, which by law is made Treason, and they could only suffer on being duly convicted of the offence laid to their charge. Of course we are only considering the regularity of such a proceeding, without giving any opinion as to its being expedient or proper.

With respect to that part of the Ordinance which is to be executed beyond the limits of the Province of Lower Canada, we are of opinion that it would acquire no force by being confirmed by Her Majesty.

We have the honour to be, &c.

(Signed) J. CAMPBELL.
" R. M. ROLFE.

To the Right Honourable
The LORD GLENELG,
&c. &c. &c.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

(Copy.)

CASTLE OF ST. LEWIS,
QUEBEC, September 26th, 1838.

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MY LORD,

The late debate in the House of Lords, and the observations that have been made there upon the Ordinance passed by the Special Council of this Province, subjecting the State Prisoners to transportation to Bermuda, imperatively call on me to submit to you a statement of my views upon the legality of that Ordinance, and of the grounds upon which, with every deference to the House of Peers, and the high legal authorities who are asserted to have declared its illegality, I venture to maintain, that no part of that Ordinance is, in itself, illegal, however inoperative it might, and must of necessity be, without the assistance and co-operation of the Home Government, and the British Parliament, and the Legislature of the Bermudas, under sanction of Her Majesty's Ministers.

The Imperial Statute 5th Geo. IV. chap. 84, sec. 3, provides that His Majesty, in Privy Council, may appoint any place beyond the seas, *either within or without His Dominions*, to which felons and other offenders, under sentence or *order of transportation or banishment*, shall be conveyed. It provides for the imprisonment of such offenders—their conveyance either in contract vessels or in Her Majesty's ships—their punishment for misconduct on the voyage—their delivery to the Governor of the Colony to which they may be sent—and their safe custody after arrival.

Section 17, recites that by law, in some of the Colonies, offenders convicted of certain offences are liable to be transported beyond the seas, and that there might be no means of transporting such convicts to any of the places appointed by "His Majesty" in that behalf without bringing them to England; and it then provides that such convicts, when brought to England, may be imprisoned in any place of confinement under that Act: and, *so soon as he shall be so imprisoned*, all the provisions of that Act shall be applicable to every such convict, as if convicted and sentenced in England. No provision is by this Act made for their treatment up to their being brought to England.—That is left to the local Legislatures.

The Imperial Statute 6th Geo. IV. chap. 69, sec. 4, provides that "His Majesty," by an Order in Council, may authorise the Governors, &c. for the time being, of any of the Colonies, to appoint the place within His Majesty's Dominions, to which offenders convicted *in any such Colony*, and being under sentence or order of transportation, shall be sent or transported; and provides that such convicts at the place to which they may be transported shall be subject to the same laws as other convicts, but it makes no provision for their transport, or their treatment on the voyage to England: that is still left to the local Legislatures—at least there is no other mode of providing for it.

Under these Acts, an Order of Council was issued on the 11th November, 1825, directing that all Governors of the Colonies, for the time being, should from time to time appoint the places to which convicted offenders should be transported.

Lord Gosford, on the 7th October, 1835, issued his Proclamation, appointing such convicts to be sent to England, and from thence to New South Wales, and Van Dieman's Land. The Provincial Legislature, by Act 6th Wm. IV. chap. 1, continued by the Ordinance of the 1st Vict. chap. 8, provided that—"Whenever any offender shall have been lawfully sentenced by any of His Majesty's Courts in this Province, other than Courts Martial, to transportation, it shall be lawful for the Governor for the time being, from time to time, to cause any such convict to be removed from *any place of confinement in this Province to any other safe place of custody*,"—(It does not repeat "in this Province.")—and thence be sent to England, to be there imprisoned, according to the provisions of the 5th Geo. IV. chap. 84. sec. 17, to be thereafter transported to New South Wales, or Van Dieman's Land."

The Act authorises contracts for their safe transport to England, and by section 6, enacts that after the delivery of any such convict to the contractor, "his transportation to England, safe custody, treatment and confinement, until delivered to the authorities in England, shall be regulated, to all intents and purposes, by the provisions of the 5th Geo. IV. chap. 84."

This Act, although authorising imprisonment, and directing a certain mode of treatment upon the high seas, was not thought to exceed the powers of the Provincial Legislature, and was sanctioned and approved by Her Majesty's present Ministers.

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These several provisions, however, only applying to the case of persons *convicted in Courts of Law* of offences, were not in force as to the State Prisoners who confessed their participation in the treasonable practices of which they were accused, but they afford a sufficient guide in an emergency beyond the scope of ordinary law.

If the British Parliament could authorise the Sovereign to name any place of transportation beyond the seas, *out of the British Dominions*, it would seem not less within the authority of the Provincial Legislature to appoint a place of banishment, not within the local limits of their authority, but within Her Majesty's Dominions, which had been frequently used as a place of transportation from this Colony, and at which hulks are now kept for the reception of convicts, and to which, as appears by Lord Aberdeen's Circular Despatch, of the 2nd March, 1835, relative to transportation from the Colonies, such offenders as may be specially selected by the Home Secretary may still be sent. I need scarcely say that this last Despatch was by no means restrictive of my power in respect to the State Prisoners, as to whom your Lordship's instructions expressly suggest the substitution of transportation and banishment in lieu of capital punishment.

The power of the Colonial Governments to punish, by transportation, is indisputable; and its frequent exercise is recognised by the recital, in Section 17, of the Imperial Statute, 5th Geo. 4, cap. 84, already cited; for if by the law of the Colonies convicts can be subject to transportation beyond seas, the Legislatures of such Colonies must have power to pass such laws.

I, as Governor General and Governor-in-Chief of Canada, had a power to appoint the place to which any person should be transported, who was convicted of a transportable offence, or who, being capitally convicted, should assent to such commutation of his punishment; and I had at my disposal the immediate means of transport to any place within the command of the Admiral on the Halifax station, and the previous assent of the Admiral to give every facility within his power.

The Legislature, which had the power to suspend the Habeas Corpus Act, and to place the whole country under the operation of Martial Law—to substitute a Drum Head Court Martial of Volunteers for a trial by jury in the ordinary Courts of Justice in the country, if they had thought it necessary to exercise it, (and the Executive Government *alone* did in fact exercise it,) had an equal power (it would be contending for little to say an equally *Constitutional right*) to subject to punishment those who admitted that they had offended against the laws of their country, and who prayed to be spared a public trial, to which the public interest was alike opposed. The Legislature had an equal power by law to pass an Act of Attainder with or without forfeiture of property, and with or without examining further witnesses, as they might think most likely to conduce to the benefit of the public, and the tranquillity of the Province, against the associates of those who pleaded guilty, and who had fled from the pursuit of justice to a foreign country.

Whatever power was invested in the assembled Legislature of this Province before the recent troubles, was vested in me and the Special Council, by the Imperial Statute of the 1st Vict. chap. 9, so far as that Act did not expressly circumscribe the power which it originated. I have yet to learn that the Ordinance of the 2nd Vict. cap. 1, (now disallowed,) in imposing the penalty of transportation to Bermuda on the State offenders, violated any one of the restrictive clauses of the Imperial Act. With the question, in a Constitutional point of view, it is not my purpose in this place to deal, my arguments are directed merely to the legality of the Ordinance, to shew that (whether inoperative or not in any respect) it is not illegal—to shew that the Legislature of Lower Canada, as constituted by the Imperial Parliament, kept within the limits of its authority.

I contend, then, with every deference for those who may have expressed a contrary opinion, that the Legislature of Lower Canada had a legal right to transport any offenders to Bermuda, and under that authority to convey them there, *if they had "the means,"* as much as to send them to England and provide "the means," and there to leave such offenders, liable to such restraints as it might please Her Majesty to subject them to. But Her Majesty could only act through the constituted authorities. The constituted authority here was the Governor, who, under sanction of the Legislature of Lower Canada, conveyed them, by the means at his disposal, to the Bermudas. There the power of the Legislature of Lower Canada, and of the Governor General, ceased. When the prisoners arrived at the Bermudas, it was the

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business of Her Majesty's Government, either through the Imperial Parliament or through the local Legislature to retain them there. It was perfectly well understood, here, in the passing of the Ordinance, that there was no power in this Legislature to pass any laws which could be binding in the Bermudas; and the Ordinance was confined to its recited object, "to provide for the present security of this Province, by effectually preventing the several persons" named in it "from being at large therein."

It was foreseen that the Governor of the Bermudas might have refused his assistance in this emergency, and declined to allow the prisoners to be landed, or, if landed, might have instantly released them, or, if not, that before Her Majesty could procure any laws to be passed, subjecting the parties to the necessary restraints to prevent their return, the parties might apply to the Courts of the Bermudas for their writs of Habeas Corpus, and might be enlarged and quit the Island to return. Opposition to an Ordinance, intended as, and being in fact, an extension of Her Majesty's mercy towards the individuals who were the objects of it, would probably have weakened the claim to a future permission to return to the Province—a permission which, if the British Parliament had adopted and continued the Ordinance, would have become of the utmost importance to the persons transported; but the "present security" of the Province was further guarded, by a severe penalty (not, as is evident from the Ordinance, to be inflicted without trial) upon such as should return without due permission. As the Ordinance stands, coupled with the 1st Vict. chap. 9, it simply imposes banishment for four years from the Province, under the penalty of death. The returning from transportation before the period for which it is inflicted, is subjected to capital punishment by many Provincial statutes, in cases where the original offence is not to be punishable. To have imposed a lesser penalty, would have been to lessen the original offence of Treason, which those transported had admitted.

In conclusion, I maintain that in no respect is the Ordinance illegal, although in part it might have been inoperative without the co-operation of Her Majesty's Ministers and the British Legislature. Instead of waiting for the express direction of the Government, I determined, for the sake of tranquillizing the Province, to anticipate such co-operation, and to remove the prisoners instantly.

I have, &c.

(Signed) DURHAM.

To the Right Honourable

The LORD GLENELG,

&c. &c. &c.

(Copy.)

No. 68.

CASTLE OF ST. LEWIS,
QUEBEC, September 28th, 1838.

MY LORD,

I had the honour to receive, on the evening of the day before yesterday, your Lordship's Despatch of August 18th, (No. 89,) with its enclosures. That communication was accompanied by private letters and by full reports of the recent proceedings in both Houses of Parliament, with respect to my mission.

The information thus supplied, enables me to fulfil the promise made in my Despatch of the 25th instant (No. 66,) of fully explaining to your Lordship the grounds on which I had determined to resign my Commissions, of High Commissioner and Governor General of Her Majesty's Colonies in North America.

The Act of mere indemnity which has passed the British Legislature, no doubt differs very materially, as your Lordship observes, from the bill introduced by Lord Brougham.—The bill would have placed such restrictions on my authority as to deprive me of the legal power indispensable to the temporary government of this distracted country: the Act only purports to save me harmless from the consequences of a measure declared to have been illegal. Still my position has been, morally and practically, so much weakened as to be no longer tenable with a hope of beneficial results. But I will not detain your Lordship, by drawing any further comparison between the bill that was proposed, and the Act that has passed. The latter measure is now irrevocable, and must be considered on its own merits.

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It is only in that point of view, which however does not exclude any of the Parliamentary proceedings, which resulted in the passing of the Act, that I request your Lordship's attention to the following observations on the subject.

Your Lordship informs me that, "Her Majesty's Government felt it their duty to offer a decided opposition" to the second reading of the bill introduced by Lord Brougham. But in what, I venture to ask, did that opposition result?—In a concession far more calculated, as it appears to me, to weaken my hands, than would have been any vote of the House of Lords, in which it is notorious that Her Majesty's Government have never commanded a majority. A vote of the House of Lords, adverse to Her Majesty's Government, or merely condemnatory of any proceeding of mine, would have been considered almost as a matter of course, in the present state of parties, and would, if it had been decidedly opposed by the Ministers, have left my authority untouched, because it would have been attributed to the mere party motives of a powerful opposition. Supposing that such a vote had been passed, there would have remained the House of Commons, where I am bound to presume that a measure, decidedly opposed by Her Majesty's Ministers, would not have been adopted. In that case, the Parliamentary proceedings on this subject would have resembled many others which have occurred of late years, and which have left the Government unharmed by a hostile proceeding of the House of Lords. In that case, I should have suffered no greater inconvenience than such as any Government must be subject to, which is vigorously and almost constantly opposed by a majority in the Upper House. As respects these Colonies, I do believe that the inconvenience would not have been very great, because the adverse proceeding would have been attributed altogether to the state of parties in England, and would have been considered as foreign to the state of affairs in this part of the world. But at all events, in that case, my acts and my authority would have been supported by the House of Commons and the Crown. How different is my actual position! In order to stop hostile proceedings in the House of Lords—(for after your Lordship's Despatches approving of all my measures, I can discover no other motive for the step)—Her Majesty's Ministers determine on advising the Crown to render abortive the most important act of my Government. The Crown, therefore, whose Representative I am, condemns me, on the ground that I have acted illegally. But this is not all. The manner of the condemnation requires (at least so it is supposed by those who advise it) that I should be saved harmless from the consequences of the measure which, whatever it may have been before, they render null and void. They imagine that I require such a shield. They think that, without it, the prisoners now in Bermuda, whom I refused to subject to the jurisdiction of such a Tribunal as would assuredly have condemned them to death—whose property as well as lives I spared—whom I saved from the ignominy of transportation as convicts—whose parole of honour I took as sufficient security for their not attempting to escape;—that these men are to sue me for damages for such treatment. This is the opinion of Her Majesty's Ministers, and therefore, having disallowed the Ordinance, they support in both Houses the Bill of Indemnity. The condemnation of the most important measure of my Government has thus become the act of the whole British Legislature. In addition to all this, the Act requires that it should be proclaimed here; and I am thus compelled, unless I should instantly resign, to join in the condemnation that has been passed on me by the Crown, the Lords, and the Commons. I may surely be permitted to think that, adverse votes of the House of Lords would have been infinitely preferable to the course which has been taken in order to avert that evil.

Being determined, above all things, that no personal feeling or consideration shall have any influence on my conduct, in the present state of public affairs in this Colony, I shall proclaim the Act of Indemnity in the next *Official Gazette*. If I resigned immediately, that duty would be imposed on the Administrator of the Government. The reasons which induce me to abstain from resigning at present will be stated hereafter. Meanwhile, I have to explain the grounds on which it appears to me that, my permanent occupation of this Government would be rather injurious than beneficial to Her Majesty's service.

In my anxious examination of this question, I have endeavoured to disregard the past, excepting as it affects the future. By this course I have hoped to gain two advantages—first, that of simplifying the subject; and secondly—which is far more important—that of preventing the intrusion of wounded personal feelings into a deliberation, which should be conducted solely with a view to public objects.

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Recurring to the past then, only as it bears on the future, I am desirous to point out what seems to have been overlooked by every body in England—that the particular measure which has been condemned, forms but a part; though a very important one, of the whole policy of the Special Council and the Proclamation of Amnesty issued on the day of Her Majesty's Coronation. That policy was not indicated by either of those measures separately. The two measures were indeed one, having been divided into two parts merely for the purpose of imposing on the Governor and Council all that required legislation, and was of a penal character, and making all that partook of mercy and kindness the act of the Queen. Nor was the whole policy proclaimed on that day to be found in the Ordinance and Proclamation alone. The Official Gazette in which those documents were published, contained a most unusual announcement, in the following terms:—"We are authorised to state, that His Excellency the Governor-General is actively engaged in the preparation of measures, which will, as soon as it may be possible, be embodied in Ordinances of the Governor and Special Council, relative to a Jury Law; a Banrupt Law; the Judicial and Municipal Institutions of the whole Province; General Education; the establishment of Registry Offices; and the equitable commutation of Feudal Tenures." If it had been possible to prepare measures of this kind in time, they would have appeared in the form of Ordinances on the same day as the Proclamation of Amnesty; but the promise was considered sufficient to indicate my sense of the necessity of very important changes in the Civil and Municipal Law of the Province. The whole policy which I intended to pursue, was embodied in that promise, in the Amnesty, and in that part of the preamble of the Proclamation, whereby is asserted Her Majesty's firm resolve to punish with the utmost severity any *future* act of insubordination, and more especially to prevent in future the occurrence of dissensions similar to those by which the Province has been disturbed, by effectually removing all *causes* of dissension, so that the Province might be established in peace as a loyal and truly *British* Colony. I had made up my mind, it was evident, to the necessity of rendering the Institutions of this Province thoroughly British. But it was also plain, I hope, that admitting as to the future, the necessity of measures which would be unpalatable to the majority of French Canadians, I was desirous to deal very leniently with such of them as had, by their conduct become amenable to severe punishment. As to the past, I proclaimed forgiveness and oblivion; as to the future, British Institutions; as to the present, security against the disaffected. The only provision for the security of the Colony, has been rendered null. Moreover, since the different parts of the whole scheme of policy were intimately blended with, and dependant on each other, the destruction of one portion of it affects all the rest, not merely by giving a triumph to the disaffected generally, and allowing the worst of them an opportunity to play over again their part as leaders in a Rebellion, but also, (and this is the main consideration) by shewing that no reliance is to be placed upon the validity of any law, or the performance of any engagements proceeding from the extraordinary authority which has been created for the temporary government of this Country. If I have described my own policy aright, I shall not err in representing that of the Imperial Government as one productive of insecurity at present, and of doubt, uncertainty, and want of confidence, as to the future.

The particular defect of the Ordinance which has led to the disallowance of the whole of it, was occasioned by no oversight of the extraordinary Legislature of Lower Canada. I believed, and still believe, for the reasons assigned by me, in my Despatch No. 67, that by the legislative powers entrusted to that body, we were authorised to banish persons from the Province; and that, according to a constant course of precedents furnished by the Legislature of the Province, our power extended to the custody and disposal of provincial prisoners while on the high seas, and to landing them on the shore of Bermuda, or any other portion of the globe in which free access to strangers is allowed by the municipal laws. Further, it was well known to us, our jurisdiction did not extend; once landed in Bermuda, the prisoners were subject only to the laws of that Island. It was known that they would not arrive there as convicts; (especial pains had been taken to spare them that indignity)—and that the laws, therefore, which held good with regard to ordinary convicts, would not apply to them. It was known that they could be forcibly detained within the precincts of Bermuda only by provisions to be made for that purpose by the Legislature of the Island, or by the Imperial Parliament. The words of the Ordinance, which authorised Her Majesty to impose restraints on the prisoners in a Colony not subject to our jurisdiction, could give Her Majesty no power which she did

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not possess before. It was never supposed that they could; and that part of the Ordinance was passed with a perfect knowledge that it was wholly inoperative, and that the prisoners could not be compelled to remain in Bermuda without the adoption of measures in aid of our legislation, by the authorities of the Island or of the Empire. The words were inserted for the double purpose of showing that, the prisoners were not to be subjected to the ordinary treatment of ordinary convicts, and of relieving the loyal inhabitants of the Province from the apprehension of the immediate return of these dangerous persons to its limits or its vicinity.

As it happened, however, the object of the provision in question was attained in spite of its legal inadequacy. For the detention of the prisoners in Bermuda was secured by their voluntary parole.

Except for the purposes I have mentioned, the words objected to were, in fact, mere surplusage. If, as common sense points out, they were merely inoperative, their insertion is a matter of no importance. If the lawyers are technically right in confounding two very distinct words and ideas, and describing as illegal all legislative provisions, which are obviously inoperative, it may be inferred that Her Majesty could not give her sanction to this enactment, and that the disallowance of the Ordinance was a matter of technical necessity. But in either case it was the business of a wise government and legislature to correct the errors or supply the imperfections which had their origin in a zeal for humanity, and for the integrity of the Empire. I speak of a policy, of which the leading features and animating spirit have now been sanctioned by almost universal assent. It has hardly been impugned even in this Province by those, whose friends I could not entirely relieve from all punishment for rebellion, or those whose sense of justice I shocked not a little by the supposed inadequacy of my penalties. It has been generally and cordially approved, even in its details, by the people of the neighbouring States—the people in the world the most competent to judge, without passion, of the local necessities of the case, and not the least ardent in their love of freedom and their respect for the law. It has not, even amid the acrimony of party debates at home, been denied by any person whose opinion has any weight with any body, to possess the merits (by all which I set much store) of substantial justice, mercy and sound discretion. A government and legislature, anxious for the tranquillity of this wretched country—for the interests of humanity—for the honour of the British Crown—would not have lightly foregone the benefits which such a policy promised, and had already in a great measure secured. They would have taken great care that its great and beneficent purpose should not be frustrated by any error which they could rectify, or by the want of any power which they could supply. If they found the Ordinance inoperative, they would have given it effect: if illegal, they would have made it law.

Instead of this, Her Majesty's Ministers, at the instance of a branch of the Legislature, have decided on disallowing the whole Ordinance; and in place of finding the co-operation which I had a right to expect, I am favoured with an Act of Indemnity, for which I can be thankful only because it purports to relieve others from any penalty incurred by their ready acquiescence in my views. The disallowance of the Ordinance has, I repeat, rendered null all the repressive portion of my policy; it has also, by extending a complete pardon to all, deprived me, who do not shrink from the ungracious task of framing measures obnoxious to one class of the people, of the power to make them some compensation by further acts of gracious kindness. Finally, it overthrows all confidence in my engagements—it deprives my pledged word of all weight and value. I should now legislate, if at all, with the expectation, that each measure would be scanned and criticised in a hostile spirit, and not improbably rendered abortive by the supreme authority. A delegated authority, when not sustained by the power that has bestowed it, loses all moral force; and I need not remind your Lordship, that a government of mere physical force is neither possible on this continent, nor would be otherwise than wholly inconsistent with my feelings and opinions: therefore, I am satisfied, that the proceedings of the Government at home, entirely preclude me from carrying out the policy which I had proclaimed, and on which I have acted. I could not adopt a new policy now, without bringing ridicule on all concerned. I am thus disabled from rendering any important service to the public in my present situation. By retaining an authority, which has become merely nominal as regards the great purposes for which it was created, I should wilfully delude the public with false hopes, and deliberately provide for a more bitter disappointment. These are the main grounds on which I persevere in the determination of resigning, announced to you in my Despatch No. 66.

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But these, though the principal, are not the only reasons which induce me to resign.—
 The late proceedings at home have not merely, by destroying the moral power of my Government, deprived me of all the necessary means of carrying into effect a policy, of which the Ordinance in question was a small though essential part, but have, by the disallowance of that particular measure, imposed on the Government of this Province the most serious practical difficulties. I have already called your Lordship's attention to the fact, that the disallowance of the Ordinance annuls all the measures of precaution and punishment which I have adopted; and that the universal operation of Her Majesty's Proclamation of Amnesty, limited by no exceptions save those now invalidated, establishes an impunity absolutely co-extensive with crime—and places the leaders of the rebellion precisely in the same situation as that which they occupied before their recent unsuccessful attempt. I find that this result was not wholly overlooked in the debates in Parliament, and that it was suggested that some precautions should be taken by the authority which invalidated our acts, to avert the mischief thereby occasioned. Though much was said, however, nothing has been done: the work is left to be performed by the Provincial Legislature, and your Lordship is kind enough to suggest the course, which you think it advisable that we should adopt in the present emergency. The question of the disposal of the persons implicated in the late insurrection, was one originally foreign to my mission, an obstacle left in my path by previous neglect in one quarter or another. I succeeded in removing it; the effects of its existence had been effaced. It is now placed in my way once more; with this additional disadvantage, that having all that is difficult and odious to do over again, I had lost the power of accompanying it with an act of grace. I have to punish without pardoning, and justice having been now balked of its due, I am to execute whatever vengeance the interposition of the home-authorities may have left within my reach.

The suggestion made by Your Lordship appears to me liable not only to this, but to other objections. Her Majesty's Government, feeling it their duty as you say, to leave me in no uncertainty as to their views on the course which it may be expedient now to adopt with regard to the persons who, in consequence of the disallowance of the Ordinance, can no longer be liable to its provisions, suggests the passing another Ordinance, banishing from the Province the eight persons who have been sent to Bermuda, and forbidding their return under some penalty "short of death."

Your Lordship appears, in a subsequent passage, to desire that such an Ordinance should apply to the whole of the "persons whom, in the exercise of a sound and wise discretion, I have excepted from the amnesty." This would include Mr. Papineau, and the others, whom, being at large and absent from the Province, the disallowed Ordinance had sentenced to banishment. But, from a paragraph immediately following, which refers to the course practicable under an Ordinance of Sir John Colborne's, I am led to suppose that you look to a suspension of the Habeas Corpus Act, as sufficient for effecting the exclusion of those dangerous persons.

If the Ordinance, which you propose, were to exclude only the eight persons now in Bermuda, it would be useless and iniquitous. There would be no justice in punishing Mr. Bouchette for being taken, while Mr. Gagnon, the companion of his guilty enterprise, is allowed to return unmolested to his home; or in dooming Dr. Wolfred Nelson to a severer lot than that assigned to his brother, who was not only guilty of Treason previous to leaving the Province, but has since invaded it at the head of an armed band of foreigners and refugees. If it be politic to allow Mr. Papineau to return and resume his former course, it were surely a heedless and petty cruelty to banish from their homes his bolder and therefore less dangerous tools.

If the Ordinance were to include Mr. Papineau and the others who had been banished without a trial or confession of guilt, the ends of substantial justice would be attained in the same way as in the disallowed Ordinance, and the new Ordinance would be liable to the same objections as those urged against the former one. Your Lordship, I know, does not participate in these objections. But experience has shewn me that it is necessary in the present times for those exercising an arduous responsibility, far from home, to look to the opinions not only of the Ministers, but also of the opposition. And, in following a course similar to that which has been already impugned by Your Lordship's opponents in Parliament, I do not feel quite sure that the same power which has induced Her Majesty's Government to cancel an

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act of which you had already declared their approbation, might not compel them to disallow the very course suggested by themselves. The mere substitution of a milder punishment, in place of that of death, would obviate none of the objections, made on principle, to the infliction of any penalty without trial. No one can imagine that capital punishment would ever have been wantonly inflicted by one, who has deviated from the ordinary law, in order solely that he might exercise a more than ordinary clemency. That penalty was announced in the Ordinance, because it seemed necessary, according to the general practice of civilized nations to enforce submission to the second in the scale of penalties by a threat of the highest. To call an act innocent in itself, by the name, and subject it to the penalties of Treason, is not more revolting to strict notions of ordinary law, than to call it Felony or Misdemeanor, and punish it with banishment, imprisonment or fine.

Your Lordship suggests that this new policy should be completed by a suspension of the Habeas Corpus; and such a measure, I am aware, has been suggested as a matter of course by some speakers in Parliament, who profess most regard for the British Constitution. I cannot bring myself to rate the great guarantee of personal liberty as so unimportant a part of the British Constitution, or of those securities which should be possessed by every civilized community;—on the contrary, I am inclined to think it quite as important, and quite as sacred from heedless and unnecessary violation, as any, without exceptions, of the provisions made for fair and open trial. And I must own, that I have seen with no little regret, how much men's minds appear to have been familiarized with the idea of suspending the Habeas Corpus, by the frequency with which it has been done in the bad periods of our own history, and the consequent facility with which, in these debates, it seems to have been proposed as a mere matter of course, by some of those who express the greatest horror at any deviation from what they call a constitutional course. To me, my Lord, it appears, that men's notions of right and freedom would be much more shocked at such an universal violation of every man's dearest right, than by any summary process adopted for the punishment of the undeniable guilt of a few. I do not say that there are no circumstances under which I would consent to a suspension of the Habeas Corpus. I should not hesitate to adopt it in any emergency in which the notoriety of a general outbreak, or of a general purpose of insurrection, might render it advisable that a Government should be for a while armed with a power of arresting the objects of its suspicion, without bringing them to immediate trial: but I see no necessity, on account of any existing evil in this Province, for taking such a step now; and the present Legislative authority of this Province will be capable of being brought into immediate action at the moment in which any danger may declare itself;—on no other ground can I consent to propose such a measure for adoption, by the Special Council. I cannot think it justifiable to take away the franchises of a whole people in order to punish a few known and dangerous individuals, or to guard against the misconduct of twenty-three men, by enveloping them in a general forfeiture of personal liberty.

Had your Lordship's suggestion of these measures been accompanied by positive instructions for their instant adoption, I should have felt that, in consequence of my insuperable repugnance to taking any part in them, it would be my duty to resign immediately the Government of this Province, and to give up my authority to a Successor who would carry your orders into effect; but as you expressly state that you "do not intend to prescribe to me the precise course to which you have adverted, as that which, under existing circumstances, ought to be adopted," I conclude that you mean not in any way to fetter my discretion. I shall therefore pursue the course which, taking all the circumstances of the case into consideration, I regard as best calculated for the public service.

I do not instantly resign my authority, because I have made engagements, and imposed upon myself obligations, which it is absolutely necessary that I should fulfil. In my character of Governor-General, I have set on foot the reform of some practical grievances, which are among the many that have been long suffered by the people, and which, I fear, they might continue to suffer, if the governing hand which has first ventured to meddle with abuses in this Country, were suddenly withdrawn from the work of reformation. In some cases, both of individuals and classes, I have held out hopes, and made virtual promises, to which every sense of honour and of truth commands me, as far as remains in my power, to give effect. In my character of High Commissioner, I have instituted enquiries, some of them relating to the whole of these Colonies, and all to subjects of great importance. Considering the great

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expense necessarily incurred in carrying out the objects of my mission, and the lamentable want of information upon these subjects which prevails in the Imperial Legislature, I should take shame to myself, if, except under some absolute necessity, I were to leave these enquiries incomplete. Above all, I am desirous that my mission should not prove fruitless as to its main object, namely, the preparation of a plan for the future government of this part of the British Empire. Such a plan could only be framed upon ample information as to the wants, dispositions and interests, as well conflicting as general, of every class of Her Majesty's Subjects in these Colonies. I have endeavoured to gain such information from all quarters, but have not yet completed that very arduous task; still it is so near completion, that I cannot bear to think of leaving it unfinished—and, if unfinished, productive of no other result than a waste of public money, of the laborious exertions of those whom I have employed, and of the patience of the people of these Colonies, which I do solemnly assure your Lordship may be tried overmuch. I have no doubt that, in a few weeks more, nothing essential to this object will be left undone. I shall then return to England, without loss of time, for the purpose of laying at the feet of the Queen the Commissions of Governor-General and High Commissioner, with which Her Majesty has been graciously pleased to honour me. And then, in my place in Parliament at least, I may be able to render my mission productive of good, by satisfying the British people and Legislature, of the absolute necessity of steadily pursuing towards these Colonies a very different policy from any that has yet been adopted by the Parent State.

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Even if I can do no other good there, I shall be able to use my experience of this Colony in checking the too prevailing disposition of Parliament to decide on the vital interests of this distant community, according to the principles of a constitution, and the feelings of a state of society, the least analogous to those which prevail here. The Government of these Provinces requires something more than a knowledge of the Common and Statute Laws of England.—Though the object of wise and benevolent Statesmen should be to establish the great principles of the British Constitution, and the English Law in the Province, it must not be supposed that this is yet done; and I trust that the acts of future Governors will be submitted to the decision of some more competent judges, than those who profess to try such acts by the mere principles of English Law.

My acts have been despotic, because my delegated authority was despotic. Until I learn from some one better versed in the English language, that despotism means any thing but such an aggregation of the supreme executive and legislative authority in a single hand, as was deliberately made by Parliament in the Act which constituted my present powers, I shall not blush to hear that I have exercised a despotism. I shall feel anxious only to know how well and how wisely my countrymen think that I have used, or rather exhibited an intention of using my great powers.

Nor shall I regret that I have wielded these despotic powers in a manner which, as an Englishman, I am anxious to declare utterly inconsistent with the British Constitution, until I learn what are the Constitutional principles that remain in force when a whole Constitution is suspended—what principles of the British Constitution hold good in a country in which the people's money is taken, without the people's consent—in which representative government is annihilated—in which Martial Law has been the law of the land—and in which the Trial by Jury exists only to defeat the ends of justice, and to provoke the righteous scorn and indignation of the community. I should, indeed, regret the want of applicability in my own principles of Government, or my own incapacity for applying them, had the precise course, which I should think it imperative on me to pursue in a land of freedom and of law, proved to be the only one which I could adopt in a country which long misgovernment, and sad dissensions have brought to a condition which may fairly be described as one of constituted anarchy.

I have, &c.

(Signed) DURHAM.

To the Right Honourable

The LORD GLENELG.

&c. &c. &c.

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(CIRCULAR.)

DOWNING STREET,
1st December, 1838.

SIR,

The Earl of Durham having informed me that he has transmitted, for your guidance and information, copies of his Despatches to me, of the 25th, 26th, and 28th September, (Nos. 66, 67 and 68,) I feel it my duty to enclose herewith, for your information, copies of the answers which I have returned to those Despatches, together with the copy of a Despatch which I addressed to the Earl of Durham, on the 15th instant, in reference to his Proclamation of the 9th October last.

I have, &c.

(Signed) GLENELG.

His Excellency Major General
SIR GEORGE ARTHUR,
&c. &c. &c.

(Copy.)

No. 126.

DOWNING STREET,
26th October, 1838.

MY LORD,

Since the date of my Despatch of the 19th instant, Her Majesty's Government have had under their consideration Your Lordship's Despatches, No. 66, of the 25th of September, and No. 68, of the 28th of September.

Her Majesty's Government observe that the first of these Despatches was written before Your Lordship had received any official information of the proceedings which took place in Parliament, with regard to the Ordinance of the Special Council of Lower Canada, for providing for the security of the Province, or of the course adopted by Her Majesty's Government in reference to those proceedings. That Despatch was written, consequently, under the feelings and impressions which could scarcely fail to be excited by the partial information, derived only from the public prints, of what occurred in the earlier stages of the Parliamentary discussions on the subject. Under such circumstances, unacquainted as you were, in a great measure, with the considerations which had led Her Majesty's Government to the conviction that the course which they reluctantly felt themselves bound to pursue, was, in the actual situation of the question with which they were called to deal, the one least likely to prove injurious to the public interests, and to your authority, and resenting, as it was natural to do, the imputation of an abuse of arbitrary power, it cannot be matter of surprise that Your Lordship should have conceived your position in Canada, to be so materially affected as to leave you little hope of a successful result to your mission.

Fully entering into the feelings occasioned by the report of the earlier proceedings, only in the House of Lords, Her Majesty's Government do not think it necessary, with reference to the first of your Despatches, to do more than express their deep concern, that, yielding to the impulse of the moment, you should at once have publicly announced your determination to resign your authority.

On the evening of the day subsequent to the date of your first Despatch, Your Lordship appears to have received my Despatch of the 18th August, together with full reports of the proceedings in both Houses of Parliament, with regard to your mission. Her Majesty's Government deeply regret, that, with this full information before you, Your Lordship, at the date of your Despatch of the 28th September, still considered your position no longer tenable, with a prospect of beneficial results. But they have been relieved from much of the apprehension which they would otherwise have entertained for the security of the Province, and the interests entrusted to your care, by the assurance contained in your last Despatch, that it was not your intention abruptly to relinquish your authority, or to abandon the post which you occupy, without giving effect to the reform of some practical grievances, to the redress of which you had applied yourself, without completing the main inquiries which, in your character of High Commissioner, you had instituted; and, above all, without accomplishing the chief object of your mission, in the preparation of a plan for the future Government of the British North American Provinces. Her Majesty's Government fully appreciate the motives

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which have induced you to postpone your intended resignation until these important ends shall have been attained, and they are persuaded that the same regard to the public interests which had deterred you from a sudden and immediate resignation, will prevent you hazarding the tranquillity of the Canadas, or placing their security in jeopardy, by the premature relinquishment of your authority, should any circumstances, not contemplated at the date of your Despatch, convince you that your departure, at the time which you then anticipated, would be attended with results dangerous to the peace and safety of the British North American Provinces.

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Connected with this important object, the safety of the Provinces, is the question to which Your Lordship adverts, of the mode of preventing the evil to be apprehended from the impunity of the authors or leaders of revolt. Your Lordship objects to what is called the suspension of the Habeas Corpus Act, as a measure involving a whole people in a penalty, in order to punish a few; and you likewise condemn the levity with which a measure of this severe and arbitrary nature is spoken of in Parliamentary debates.

There can be no question that an Act giving power of arbitrary detention and imprisonment is one of a serious nature, not to be resorted to without necessity, founded on circumstances of public danger. But Her Majesty's Government cannot agree with your Lordship, that these temporary suspensions of a constitutional law, do in reality affect the whole people, unless upon occasions when the remedy is improperly applied to the existing evil. That remedy, when properly applied, is intended to counteract the designs of a few leaders, and to separate them from the great body of their followers. In this manner it was used after the revolution of 1688, and after the accession of the House of Hanover; and the stability of these two great settlements was, perhaps, in a considerable degree owing to the readiness and decision with which this remedy was applied. In such cases the leaders of revolt, and the chiefs of conspiracy, know themselves to be struck at, and feel their safety endangered; but the great body of the people, relying on the general spirit and administration of the law, fear nothing from its momentary interruption, and enjoy their liberty unmolested. Such, it appears to us, is the case of Lower Canada, at a moment when rebellion has but recently been suppressed, and preparations for a renewal of it are threatened. At such a moment the loyal and peaceable inhabitants of the Province will be more secure, while the fomenters of revolt are in danger—and on the other hand, if the fomenters of revolt can act with impunity, the peaceable inhabitants are in danger. Your Lordship asserts in your Despatch, that in the present state of the Province, "Trial by Jury exists only to defeat the ends of justice, and to provoke the righteous scorn and indignation of the community." This is a picture of a most lamentable state of things, of which the truth I fear must be admitted, and the evil cannot be over-rated. On the due execution of justice, the whole relations of society depend. If men find that the murder of their relatives and friends is not visited with retribution in a Court of Justice, it is scarcely to be expected that they will abstain from a recurrence to the personal revenge which, in reliance upon law, they had relinquished.

This state of insecurity imperatively requires a remedy. It is therefore the desire of Her Majesty's Government, that an Ordinance should be passed by the Special Council of Lower Canada, constituting a Tribunal for the trial of Treason and Murder.

With respect to the manner in which such a Tribunal can be formed, it is not proposed to bind your Lordship's discretion. Learned Judges alone might constitute a sufficient Court for the trial of these offences; or it might be better to form Courts more nearly resembling Courts Martial—or to combine both these species of Tribunal. But in any case where Trial by Jury has excited the righteous scorn and indignation of the community, it cannot be difficult to form Tribunals more impartial and more competent than the existing Juries. The cautious habits of learned lawyers, and the fairness usually exhibited by Englishmen, even to enemies taken in open resistance, added to the publicity of their proceedings, would be a security that none but the most conclusive evidence would lead to convictions.

It would not be safe to postpone the formation of such Tribunals until a new insurrection may happen to break out; for the same objections which induced Her Majesty's Government to reject the proposition to subject the prisoners charged with being concerned in the late revolt, to new Tribunals constituted after the commission of the offences, would again apply.

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Men would complain that they were tried by an *ex-post facto* law. While, therefore, the power of detention and imprisonment, without trial, may well be reserved for a period of emergency of which your Lordship will be the judge, it is the desire of her Majesty's Government that you should at once prepare and propose to the Special Council, an Ordinance for constituting Tribunals, by which future rebels and murderers may be tried. The leaders and agents of insurrection will thus be forewarned, and cannot justly complain if they are made amenable for their crimes.

I have thought it unnecessary to enter, in this Despatch, into a detailed consideration of the observations which you have addressed to me, on the course pursued by Her Majesty's Government, with regard to the affairs of Canada. To the assurances contained in my Despatch of the 18th August, of the undiminished confidence of Her Majesty's Government in your Lordship, and of their cordial approval of the spirit and tenor of your administration, I can only add that subsequent experience has tended to justify and confirm their persuasion, of the general wisdom and soundness of the policy by which you have been guided. They continue to feel that, under the difficult and peculiar circumstances forced on them by the proceedings taken in the House of Lords, they adopted that course which was calculated to render those proceedings as little injurious as possible to the public interests, and to the great objects of your mission. They could not indeed hope altogether to neutralize the evil consequences of what appeared to them, an ill-timed and injudicious interference with the exercise of those powers with which Parliament had invested the Governor of Canada; but when they review the unequivocal proofs of respect and esteem which have been largely tendered to you in the North American Provinces—when they consider the repeated testimony of persons having a deep interest in the welfare and security of those Provinces, to the beneficial tendency of your administration—and when they observe the unusual concurrence of men of various parties and political opinions, in deprecating your intended departure, Her Majesty's Government cannot but think, that on the first receipt of the intelligence of the Parliamentary proceedings, to which reference has been made, you over-rated the effect of those proceedings on the public mind, both in this country and North America, and formed an incorrect estimate of the state of public opinion with regard to them.

Her Majesty's Government are persuaded, that the more closely the main acts of your administration are reviewed in all their bearings, the more apparent will it be to impartial observers, and to men actuated by a sincere regard to national interests, that those acts have been conceived in a spirit, and executed with a firmness, alike worthy of your reputation, and adapted to the exigency of the circumstances with which you were called to struggle. Impressed with these sentiments, and in the absence of any precise information as to the time which may be occupied in the completion of the several objects contemplated in your Despatch of the 28th September, Her Majesty's Government will abstain, until they hear further from your Lordship, from tendering any advice to Her Majesty as to the succession to your Government. They have received with much satisfaction Sir John Colborne's acquiescence in their request that he would continue during the approaching winter in the command of Her Majesty's Troops in Canada; and as in the event of your Lordship's return to England, the administration of the affairs of Lower Canada will, in the ordinary course, devolve on that Officer, Her Majesty's Government can feel no difficulty in confiding to His hands the security of the Province, until the appointment of a successor in the office of Governor-General.

I have, &c.

(Signed) GLENELG.

To the Right Honourable
THE EARL OF DURHAM,
G. C. B.

(Copy.)

No. 133.

DOWNING STREET,
12th November, 1838.

MY LORD,

In my Despatch of the 26th ultimo, I abstained from any notice of your Lordship's Despatch, No. 67, of the 28th September, and of the observations contained in your Despatch No. 68, of the same date, on the proceeding which, in your opinion, ought to have been

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taken by Her Majesty's Government with regard to the Ordinance of the Special Council of Lower Canada, therein referred to, having thought it desirable to reserve for a separate communication my remarks on those subjects.

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Her Majesty's Government have attentively considered the statements, which you have addressed to me of your views as to the legality of that Ordinance. Without intending to enter on a legal discussion, or to offer any further opinion than that which, on the authority of the Law Officers of the Crown, I have already conveyed to you on this subject, I have to express my satisfaction that little difference of opinion exists between your Lordship and ourselves, as to the extent to which any valid legal objection could be urged against the Ordinance. Waving the question of your right to send to Bermuda persons under restraint, by virtue, not of an order or sentence of transportation, but of an Ordinance of the Special Council of Lower Canada, subjecting them to banishment to that particular place, it is admitted on all hands, that so far as it purported to confer on Her Majesty the power of imposing restraint on the parties named in it, while in Bermuda, the Ordinance was at least inoperative.

Your Lordship has now informed me that you were always fully aware of this defect; and that, "that part of the Ordinance was passed with a perfect knowledge that it was wholly inoperative, and that the prisoners could not be compelled to remain in Bermuda without the adoption of measures, in aid of your legislation by the authorities of the Island, or of the Empire. Your Lordship has further stated it to have been the business of Her Majesty's Government, on the arrival of the prisoners at the Bermudas, either through the Imperial Parliament, or through the local Legislature, to retain them there." Her Majesty's Government regret, that, until the receipt of your recent Despatches, they had no reason to believe that such was your view or opinion at the time when the Ordinance was passed.

Neither in your Despatch transmitting the Ordinance to this country, nor in your Despatch to the Governor of Bermuda, informing him of your having sent the prisoners to that place, was any allusion made to your expectation of the adoption of any such measures. As the prisoners were sent to Bermuda within a few days after the passing of the Ordinance, and consequently long before it could possibly reach this country, the intervention of the Legislature of the Bermudas, on which you now appear to have relied, could not have been made available at the suggestion of Her Majesty's Government, for the purpose of authorising their restraint on their arrival there. That object could only have been attained by a suggestion from yourself to the Governor of Bermuda, of the expediency of recommending to the local Legislature, an enactment of the required character, in case that Legislature should have been at the time in Session, and the Governor should have thought that such a recommendation would be favourably received.

The propriety of proposing a measure to the Imperial Parliament, to supply the defect in the Ordinance, did not escape the attention of Her Majesty's Government. It was fully considered by them. Your Lordship will not expect me to state, in a Despatch, the reasons which induced Her Majesty's Government, after full deliberation, to think such a course inexpedient. That I abstained from adverting to it in my Despatch to Your Lordship of the 18th August, was solely owing to the absence of any reference in your previous Despatches to the expectation, which it appears Your Lordship entertained, that such a course would have been adopted.

There is one other topic to which I hoped it would have been unnecessary for me to recur, but which, after the renewed allusion to it in Your Lordship's Despatch, No. 66, I cannot altogether pass over in silence, I mean the appointment of Mr. Turton as an Executive Councillor. I abstained from replying to your Despatch of 30th July, No. 30, on this subject, from a conviction that the correspondence, which had already taken place with regard to it, could not be continued, without a wide departure from the ordinary rules of official communications, and without exposing, to needless pain, the individual who had unfortunately been the occasion of it. The observations, however, which you have made in your Despatch of the 25th September, compel me to remind you that your selection of that Gentleman for the office of your legal adviser, was made by you without any previous communication to Lord Melbourne or to myself, and without any knowledge on our part of your intention; and that, as soon as it was known to us, Lord Melbourne stated to you the decided objection which he entertained to the appointment. In consequence of this intimation from Lord Melbourne, you

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waived the appointment, expressing, at the same time, your intention, in consideration of the painful position in which Mr. Turton would otherwise be placed, that he should proceed to Canada as your private friend.

It was, unquestionably, the firm impression and expectation of Lord Melbourne and myself, that whatever assistance Mr. Turton might render to Your Lordship, would be given in a private capacity; and that he was not to fill any official situation connected with your mission.

I have, &c.

(Signed) GLENELG.

To the Right Honourable

THE EARL OF DURHAM,

&c. &c. &c.

(Copy.)

No. 134.

DOWNING STREET,

15th November, 1838.

MY LORD,

I have had the honour to receive your Lordship's Despatch of the 9th of October, (No. 80) enclosing copies of two Proclamations, bearing date, respectively, the 8th and 9th of that month, and published by you in the Quebec Gazette.

Of the Proclamation of the 8th of October, I am commanded to convey to you Her Majesty's approval.

The Proclamation of the 9th of October, Her Majesty's confidential advisers regard, not merely as a deviation from the course which has hitherto been invariably pursued by the Governors of the British possessions abroad, but as a dangerous departure from the practice and principles of the Constitution. They consider as open to most serious objection, an appeal by such an Officer to the public at large from measures adopted by the Sovereign, with the advice and consent of Parliament.

The terms in which that appeal has, in this instance been made, appear to Her Majesty's Ministers calculated to impair the reverence due to the Royal authority in the Colony; to derogate from the character of the Imperial Legislature; to excite amongst the disaffected, hopes of impunity; and to enhance the difficulties with which your Lordship's Successor will have to contend.

The Ministers of the Crown having humbly submitted this opinion to the Queen, it is my duty to inform you, that I have received Her Majesty's commands to signify to your Lordship, Her Majesty's disapprobation of your Proclamation of the 9th of October.

Under these circumstances, Her Majesty's Government are compelled to admit, that your continuance in the Government of British North America, could be attended with no beneficial results.

I presume that before your receipt of this Despatch, your Lordship will have delivered over the Government of Lower Canada to Sir John Colborne, to whom I shall address the requisite instructions for his guidance.

I have, &c.

(Signed) GLENELG.

THE EARL OF DURHAM,
G. C. B.

APPENDIX A. A.—(See Journal, Page 176.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most respectfully represent, that the practical operation of the Canada Trade Act, whenever Bread Stuffs are higher in America than in Europe, depreciates the value of Wheat, the growth of Canada, near one quarter below the value of the same article grown in the United States of America—thus defeating the object originally designed by the said Act.

Address to the Queen,
on the subject of the
introduction of Wheat
into the Ports of Great
Britain.

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

The principal staple article grown in Upper Canada, for exportation, is *Wheat*; the most important interest to protect, is the Agricultural. The inhabitants of this Province are, and must continue to be, consumers of British Manufactures; they employ British Shipping, and in no way interfere with, or come in competition with Manufactures in Great Britain; and from the expenses of transportation from the interior to the sea, and thence to the United Kingdom, they cannot successfully compete, nor materially interfere with, the Agriculturist of Great Britain.

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Your Majesty's faithful Commons pray, that Wheat and Flour, the growth and manufacture of these Provinces, may be admitted into the Ports of Great Britain on the same terms as from Ireland, or other integral parts of the Empire.

The principal staple article grown for exportation in Upper Canada, is Wheat, which has averaged at least one shilling and three-pence per bushel higher in the neighbouring State of New-York, than in this Province. So long as the grower in the United States is protected by a duty from all foreign competition, and so long as the grower in Canada is liable to such competition, without a protecting duty, so long will this inequality of prices exist,—operating as a direct bounty to the Farmer residing in the State of New-York, and a direct draw-back on the Farmer residing in Canada, whenever the market for Bread Stuffs is higher in America than in Europe.

We also pray that Your Majesty will recommend to Parliament to amend the Canada Trade Act, so as to place the same duty on foreign Grain imported into British North America, which Canadian Wheat pays when admitted into the United States.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,

4th day of May, 1839.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal Subjects, the Commons House of Assembly of the Province of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that in the year of our Lord 1824, the Legislative Council and Assembly of this Province united in a representation to His late Majesty, humbly setting forth that the Western Districts of the Province, though highly favoured in regard to climate and soil, are, from their remote situation, subjected to greater difficulty and expense than the other portions of Upper Canada, in transporting their productions to market; that the uncertainty of a profitable market for their staple commodities, necessarily depreciates their value, and tends to check the commercial and agricultural prosperity of those remote sections of the Province; that actual experiment had proved that the climate and soil of the Western Districts are well adapted to the cultivation of Tobacco; and that if the inhabitants of those Districts were sufficiently encouraged to turn their attention to that article, the Province must derive great advantages from its culture.

Address to the Queen, on the subject of the importation of Tobacco into the ports of Great Britain.

Upon this prayer of the Legislative Council and Assembly, His Majesty's Government obtained from Parliament such an abatement of the duty upon Tobacco grown in this Province, as it was supposed would enable the growers of the article to obtain a remunerating price, and to compete in the English market with the producers of Tobacco in the Southern States of America.

Experience however has shewn, that the abatement of three-pence per pound, which was then conceded, is not sufficient to afford that decisive encouragement which was intended by the Government, and desired by this Legislature.

Besides the greater distance from the sea, and the expense of free labour, the growers of Tobacco in Upper Canada are exposed to the further disadvantage, as compared with the growers of the same article in the Southern States: that although in ordinary seasons the climate admits of the production of Tobacco of a superior quality, and the soil is exceedingly favourable, yet there is always a risk of a total loss of crop from an early frost—and although

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this may occur but once in several years, the apprehension of such a failure operates as a discouragement to the investing of capital, and increases the necessity for such protection as the Government of the Parent State can extend.

We beg further to represent, that the experience acquired since the abatement of duty was obtained, has greatly confirmed our hope, that the article of Tobacco may be raised in Upper Canada of an excellent quality, and to such an extent, as to form a most considerable branch of our export trade: thereby contributing most essentially to the wealth of the Province, and to the ability of its inhabitants to supply themselves with the manufactures of Great Britain:

We earnestly hope, that from these considerations, Your Majesty may be graciously pleased to recommend to Parliament, a further abatement of nine-pence per pound upon the duty chargeable upon the Tobacco of this Province, when taken out of the warehouse for consumption—making the whole amount of abatement of duty one shilling per pound in favour of the Tobacco grown in Upper Canada.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
24th day of April, 1839.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave humbly to thank Your Majesty, for the gracious assurances which Your Majesty has been pleased to give, of Your Majesty's desire to promote the true interests and prosperity of the inhabitants of this Province.

Confidently relying on Your Majesty's protection and aid, we, the Representatives of the People of Upper Canada, humbly pray Your Majesty's favourable attention to the present situation of this Province, and to the pressing exigencies and embarrassments under which it now labours.

We humbly recal to Your Majesty's gracious consideration, the views urged in the joint Address of this Legislature, during their last Session, respecting the debts incurred by this Province—the causes which have, as yet, prevented any return from the public works undertaken—and the reasons why aid should be afforded to us, to secure their completion.

We also most humbly urge on Your Majesty's attention, that to the difficulties referred to in that Address, have been superadded those arising from the political troubles and disturbances in the Lower Province—the brief Insurrection in Upper Canada—and the painful and unsettled state of affairs, resulting from the continued aggressions to which we have been subjected from the neighbouring States. These causes have checked immigration, as well as prevented the introduction and investment of capital among us, and deranged the whole business of the country.

The lucid and able exposition of our financial embarrassments, which is contained in the Despatch of His Excellency Sir George Arthur, Your Majesty's Lieutenant Governor of this Province, dated the twentieth day of November last, addressed to Your Majesty's Secretary of State for the Colonies, renders it unnecessary for us to offer further observations on this subject, beyond those contained in the second Report of the Committee of Finance, which accompanies this Address: and respectfully praying Your Majesty's renewed attention to our situation, we cannot refrain from expressing our most anxious hope, that, on further consideration, a more favourable reply may be given to our respectful requests.

Your Majesty's faithful Subjects in this Province, have abundantly proved, by their conduct, that they desire to maintain their allegiance, and are averse to any change in the form of Government, or in the principles of their Constitution. But, at the same time, we cannot help observing, that the rapid strides which have been made in public improvements in the United States, and the consequent employment afforded to emigrants from Your Majesty's dominions, are calculated to give rise to comparisons of a most disadvantageous character to Upper Canada, which it is the bounden duty of their Representatives to use the most strenuous efforts to remove.

Address to the Queen, on
the subject of negotiating
a loan in Great Britain.

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We, therefore, most humbly pray, that Your Majesty may be graciously pleased to recommend to your Imperial Parliament, the adoption of such measures, either by an extension of the credit of the Mother Country to us, or otherwise, as will enable us to negotiate a loan for the completion of the public works—opening a navigable communication with the Ocean—a measure which will greatly tend to restore confidence and prosperity, and will leave the loyal inhabitants of the Province “nothing to envy in the situation of the neighbouring States.”

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ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
4th day of May, 1839.

(Copy.)

To the Honourable the Commons House of Assembly.

The Select Committee to whom were referred the Public Accounts, beg leave to make their Second Report as follows :

The Despatch of His Excellency the Lieutenant-Governor, to the Right Honourable the Secretary of State for the Colonies, dated the 20th November, 1838, and the reply thereto, together with sundry other documents referred to your Committee, have engaged their most serious and anxious consideration, and they feel satisfied the people of this Province will duly appreciate the interest His Excellency has manifested in their welfare, and the exertions he has used, to induce the Home Government to aid in relieving the Province from its financial difficulties, and to alleviate the present unexampled depression into which, from causes not under its control, it has been thus unexpectedly brought.

Second Report of the
Committee of Finance.

The object of the above Despatch was to prevail on Her Majesty's Government to facilitate the negotiation of a Loan in the British Market, for the use of this Province, by extending to its aid the credit of the Mother Country. It states, “that although the debt of this Province is large in proportion to its actual revenue, it has been mainly incurred through incidental causes.” In adverting to these causes, it is well to refer to the situation of these Provinces prior to 1812. We were at that time in a far more prosperous situation than the adjoining portion of the United States, the trade of which was conveyed through the Montreal outlet of the Saint Lawrence, to the Ocean, through Canadian waters and Canadian Ports. The command of the trade, by giving employment to our vessels, ensured us the control of both Lakes, a circumstance to which the safety of the Province, in the late American War, may be in a great measure ascribed.

The completion of the Erie and Oswego Canals diverted this trade to the Hudson, and conferred the advantages we possessed, on the inhabitants residing on the opposite frontier. This instantaneous change to our disadvantage, produced corresponding depression, and the necessity of regaining what we had lost became apparent.

A general desire prevailed to improve the natural facilities we were known to possess; but it was impossible to overlook the formidable barrier which the occupation and control of our only Sea-port, by a Legislature entertaining separate views and feelings, presented. Many, abandoning all hope of inducing the Legislature of Lower Canada to open the communication, turned their attention to the outlet offered by the Port of New-York; and had it not been for the restrictions imposed by the General Government of the United States on our Commerce, it would ere this have reached the Ocean by this channel.

Happily, a laudable spirit of emulation and rivalry prevailed: a Canal around the Falls of Niagara was commenced, by a private Company, which has terminated in a system of improvement of our internal communications, on a scale commensurate with the magnitude and importance of the trade of this extensive country. These improvements have already led to an expenditure of £1,167,041, as will be seen by reference to a tabular statement appended hereto, marked A. These works, when completed, will repay the interest on the cost of their construction, and relieve the Provincial Treasury from the annual amount now paid. To ensure this object, it will be necessary to incur an additional expenditure of £1,000,000. The Despatch then states, that “as compared with similar public debts incurred by different States of the neighbourhood Republic, for the promotion of national objects, the debt of this Province

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is but small, while future resources, and the wants of an increasing population, have been here anticipated to a far less extent."

This statement is clearly borne out by the following facts:—In addition to the Erie, Oswego, and Northern Canals—connecting Lakes Erie, Ontario and Champlain, with the Hudson—the following lateral Canals have been completed, viz.:—The Cayuga and Seneca, Chamong, Crooked Lake, and Chenango. The Black River Canal, and the Genesee Valley Canal, are also in course of construction—forming altogether an extent of many thousand miles of inland navigation, and an aggregate of many thousand feet lockage. In addition to those works, the State of New-York has undertaken a system of improvement which, by a report of a Committee of ways and means, published March 12th, 1838, makes the following exhibit:

1st. The amount to expend for the enlarging and construction of Canals under existing laws.	\$20,000,000
2nd. Estimate for future undertakings,.....	15,000,000
3rd. Amount to be hereafter authorised for extension of present Canals,.....	5,000,000
	\$40,000,000

The State of Pennsylvania only commenced their improvements in 1826, since which they have expended upwards of \$30,000,000. The States of Indiana, Illinois and Michigan, but recently known as such, have undertaken a greater extent of internal improvement than all the Provinces in British North America combined. Their Legislature authorise the negotiation of large sums of money in London, for the construction of their improvements; they issue State Stock, and rely on the sales of land (which are ceded to them by their General Government for that purpose) to meet the interest on the capital they require, until the works are completed. After this fund is exhausted, they rely on the progressive increase of the tolls to sustain them.

It then states, "that the prosperity of the Colony must mainly hinge upon the progressive development of its resources, by the united agencies of immigration and British capital."

The Legislature of this Province has never possessed either the power or opportunity to develop its resources, while every exertion is made by our rivals in anticipating a revenue from the improvements hereafter to be constructed to attain that object. By reference to an extract from the report before alluded to, with a view of shewing their ability to repay the interest on the debt of \$40,000,000, which they are about to incur, they state "actual experience has thus familiarized us *with the certain operation of an excess of revenue in extinguishing a debt created for public works—within the last twenty years, the Canals have come down to us free from debt, and worth more than twenty millions.*"

This scheme is based on the estimate of the Canal Commissioners, submitted to the Legislature, in which they anticipate, in a few years after the enlargement of the Erie Canal, an annual revenue of THREE MILLIONS OF DOLLARS.

The reason assigned in support of that estimate is, that a million and a half of inhabitants furnish a tonnage of \$50,000,000, in value, to their Canals, they assume a population in the Western States of six millions, to furnish a tonnage \$200,000,000, they admit two-fifths of their exports to descend the Mississippi, and one-fifth of their imports to ascend that stream, leaving:—

Descending Cargoes after above deduction,.....	\$60,000,000
Ascending Cargoes after above deduction.....	80,000,000
	\$140,000,000

At the present rates of toll, say 4 per cent., which is the average at this time, this trade would yield an annual revenue of \$5,600,000.

It also states, "that the resources of this Province have not hitherto been increased by taxation levied on the trade of the country. Were the imports increased even to one-half the amount, in proportion to those raised on property throughout the American Union, the Provincial Revenues (provided that tranquillity and confidence were restored) would be in a flourishing condition, and the interest on the public debt could be met with facility; but, unfortunately, the want of a Seaport places it beyond the power of the local Government and

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Legislature to make any addition to the import duties; and even if this could be effected, the want of confidence that is at present felt, would prevent the measure from being attended with an immediate beneficial effect upon the public credit."

Your Committee feel confident no additional duty on imports will be necessary, but that they may safely rely upon the revenue hereafter to be derived from tolls, when these public works are completed.

In support of which, they again refer to the origin, progress and final success of the improvements undertaken by the State of New York.

The most sanguine anticipations of their most enthusiastic supporters, fell far short of the actual results, particularly their pecuniary value.

In 1817, the Legislature appeared wholly unconscious of their ability to complete the Erie and Ontario Canal, when they applied for aid to the General Government, and all States interested in their success.

In 1821, four years after they had commenced, the Comptroller of the State, in obedience to a resolution of the Legislature, estimated their revenue for the ten years next succeeding their completion, at \$150,000 annually. The amount actually received, during that period, exceeded ten millions of dollars.

In the memorial of Governor Morris, before the commencement of the work, he predicted that within twenty years 250,000 tons, would be annually borne to tide water. In 1836, 697,347 tons reached tide water, by that conveyance, and the total tonnage that year, ascending and descending, exceeded 1,300,000.

The tolls in 1824, were.....	\$340,000
1825,	566,000
1826,	762,695
1833,	1,542,695

This result affords strong evidence that reliance may be placed on the *prospective increase of tolls*, on Canals situated in a young and rising country.

They proceed to state, that the unexpected results of the past ten years, enable them to look forward with increased confidence to the succeeding ten years. In adverting to this prospect, they call attention to the magnitude and importance of the country bordering on the inland waters connected with Lake Erie, around which *five powerful States*, containing 280,000 square miles (twice as large as the Kingdom of France, and six times as extensive as the whole of England) are rapidly rising in importance.—That country contains 180,000,000 of acres of arable land, a large portion of which is of surpassing fertility, and has little short of three millions of Inhabitants; and if the same rate of progress shall be maintained for the eleven years to come, by the year 1850, *it will exceed six millions.*

Those inland States are making the most energetic efforts to open their communications: three great Canals are to connect the Ohio with Lake Erie, while another, excavated for nearly thirty miles through solid rock, unites the navigable waters of Illinois with Lake Michigan. The aggregate length of these improvements is more than 2,500 miles; constructed at an expence exceeding forty-eight millions of dollars, and all leading to Lake Erie.

The commerce of the interior of this Continent, is destined to be borne to and from the Ocean, by the Rivers St. Lawrence and Mississippi, or the Erie Canal. Lake Erie is admitted to be the common centre to which all the internal communications lead. The Legislature of the State of New York, is now enlarging their Erie Canal, at an expence of \$15,000,000 to divert this trade to the Hudson; the magnitude of the object is worthy of exertion, and any expenditure would be justified to secure it: but we maintain that Nature has favoured us with a less distance and less elevation to connect Lake Erie with the Ocean, than any other route or communication whatever. A Canal of only 28 miles in length with 340 feet lockage, connects Lake Erie with Ontario. Another of the same length, of 160 feet lockage, connects Lake Ontario with tide water, consequently, when completed, this communication will restore the Canadas to the same advantage they possessed, previous to the construction of the Erie Canal, and will secure the greatest part of the transit, on which they so confidently rely for an increase of Revenue.

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The price of conveying a ton of merchandize, at present, from London to Montreal, 3200 miles, in One Pound; from Montreal to Prescott, 130 miles, £2 10s. The charge, when the improvements are made, will average from London to Lake Erie £2 to £2 10s., which is less than the present cost from Albany to Buffalo.

The Despatch proceeds to state that many thousands of Her Majesty's Subjects have merely passed through this Province, and crossed into the United States because *English Capital*, which was to afford them the means of profitable employment, was to be found *there* instead of *here*: while such is the case, it is unjust to eulogise the United States as being so excellent a market for British Manufactures, for, were the facts reversed, in proportion as we had British Capital, so should we employ it profitably to ourselves and to the advantage of those investing it. By means such as these, the country would rapidly increase in value and importance to England, and perhaps, at some future period, prevent the loss of the American trade from being felt, when by the employment of British Capital and British Artizans, the United States shall have been enabled to establish rival Manufactories within their own territory.

The discontinuance of all our Public Works, and the want of employment in this country, at the same time that a contrary state of things prevails on the opposite side, would lead emigration from this Province, if no other cause existed; but when we take into consideration the advantages the Agricultural portion of their population have, for the last few years possessed, in consequence of the unjust operation of the Canada Trade Act, it is but reasonable to suppose Emigrants will avail themselves of these advantages.

By a judicious reduction of duty on certain articles, we will not venture to limit the amount of British manufactures which will be introduced through Canada for the consumption of the inhabitants referred to on the opposite frontier; it must increase in proportion to the cheapness of transportation, and the increase of population.

It appears by the returns from the Port of Quebec, the amount of revenue collected in 1820, was £95,086 11 0; that it increased in 1825, the year the Erie Canal was finished, to £127,854 12 0, since which it has fluctuated from year to year, but up to 1838, in place of increasing in a progressive ratio, it has actually decreased to £115,956.

We also show, by tabular statement B, that for the ten years preceding the period when we lost this trade, property in the State of New York had actually decreased. By comparing this decrease with the rapid increase of property for the ten years succeeding the construction of the New York Canals, we may realize the wealth we may anticipate, on completing our Canals throughout.

2nd. We have shewn the result of the New York Canals; the extent of the trade and country on and above Lake Erie; and the moral certainty of diverting that trade to the Ocean by the St. Lawrence, on the completion of our improvements on their present dimensions.

3rd. We have shewn the amount already expended; the interest we are annually paying therefor, and which we must continue to pay until the entire line is completed, when we have every confidence those works will repay the interest on the outlay incurred.

4th. We have shewn what rapid strides, *aided by British capital*, the different States on the opposite side have been enabled to make, and the exertions they are still making, to maintain the trade we have allowed them to divert from our waters.

It may be well to examine the description and extent of the security they offer British capitalists, and then compare it with the description and extent of the security the Canadians can offer, for similar investments.

The old States, New York, Pennsylvania, &c., rely—1st, on an internal revenue collected on articles within the State, to pay the interest on the capital borrowed during the construction of their various improvements, and after those works are in operation, to the progressive increase of tolls.

The State of Indiana, Illinois, and those recently forced into existence, rely on the sale of lands ceded by the General Government, to pay the interest, during their construction,—when those lands are sold, and this fund exhausted, they have the Canals or improvements in their place.

If this description of security can be relied on with them, it is doubly secure with us.

1st. We will have under a United Legislature for the Canadas, the same power to create an internal revenue, now possessed by the old States, with the additional source of revenue derived from the lands now possessed by the new.

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2nd. From the cheapness of transportation, which our communications possess, if the tolls with them will repay an interest, no doubt can be entertained of the result with us.

3rd. In addition to all those sources, we have the revenue from foreign commerce, an advantage which no single State in the Union can possess. Although one-half the entire revenue of the United States is collected at the Port of New York, that State has never had the controul of any part of it, the whole going into the Treasury of the General Government; whereas, this entire revenue will be appropriated wholly with us, for the benefit of the Canadas. The extent of the revenue anticipated, is shewn in table C.

Your Committee have long since been in possession of every necessary information, to decide on the necessity of completing those improvements in the shortest possible period, as they can expect no income from them, until that is effected.

Your Committee places every reliance on the estimates heretofore made, and entertain no doubt, that by judicious management, the entire line may be completed within two years from its commencement. Under those favourable circumstances, they rely with confidence on Her Majesty Government recommending to Her Imperial Parliament, to grant them aid, for a limited period, to enable them to complete those works, and your Committee have prepared a bill, giving ample security for the payment of the interest and principal of the same, together with an Address to Her Majesty.

All which is respectfully submitted.

(Signed) W. H. MERRITT,
CHAIRMAN.

Committee Room, Commons House of Assembly,
9th April, 1839.

A.

There has been expended on the following Works, on which a return is expected:

* Welland Canal,.....	£ 525,000
St. Lawrence Canal,	351,860
Burlington Bay Canal, Desjardin's Canal, and River Trent Navigation,	64,037
* Grand River Navigation,	30,000
Macadamized Roads,.....	196,144
	£1,167,041

* A part of the Welland Canal, and Grand River Navigation, is from private sources.

From this, all grants for Harbours, Light-houses, Roads, and every description of expenditure from which a return may not be expected, is excluded—amounting to £232,278.

B.

Shewing the official valuation of the Real and Personal Property of the City of New York, for the years 1815, 1825, and 1835.

YEAR.	Real Property.	Personal Property.	TOTAL.
1815,.....	\$ 57,000,000	\$24,636,042	\$ 81,636,042
1825,.....	58,425,895	42,734,151	101,160,046
1835,.....	143,732,425	74,991,278	218,723,703
Increase in the valuation of the Real and Personal Estate of the City, in the ten years preceding 1825,.....			\$ 19,524,004
Increase from 1825 to 1835, inclusive,.....			\$117,563,663

APPENDIX A. A.—(See Journal, Page 176.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX A. A.

The official valuation of the Real and Personal Estate of the State of New York, from 1815 to 1835, inclusive.

YEAR.	Real Property.	Personal Property.	TOTAL.
1815,	\$239,667,218	\$ 41,587,905	\$281,255,123
1825,	199,533,471	63,893,875	263,427,346
1835,	403,517,585	125,058,794	528,576,379
Decrease in the valuation of the Real and Personal Property of the State, in the ten years next preceding 1825,			\$ 17,827,777
Increase in the ten years next subsequent,			\$265,149,033

C.

Amount of Revenue collected at the Port of Quebec, in 1830, was	£142,526	1	3
Supposed from United States	17,473	18	9
Say Casual and Territorial Revenue	25,000	0	0
Revenue in Upper Canada from the United States	15,000	0	0
Casual and Territorial Revenue	25,000	0	0
	£225,000	0	0

We may safely assume, if we collect a revenue equal to £225,000 during a period when the trade has been diverted through other channels, when regained, and our approaches to the Ocean opened, the tolls alone may be calculated at £125,000; and if a comparison was safely made with the result on the Erie Canal, it would double the amount. But suppose, without increasing the duty, we confine the revenue only to £250,000 per year, it would enable the Legislature to pay the Civil expenditure, and pay the interest on a debt of at least over £3,000,000, for internal improvements.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that Your Majesty will be graciously pleased to direct your Principal Secretary of State for the Colonies, to take such measures as will cause speedily to be funded in the public Debentures of this Province, such monies as have been raised in this Province, whether from the sale of Public Lands, Clergy Reserves, Indian Lands, or from any other source whatever, and are now placed at Interest or funded in the Stocks of Your Majesty's United Kingdom, or elsewhere.

ALLAN N. MACNAB,

SPEAKER.

Commons House of Assembly,
18th day of April, 1839.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to approach Your Majesty, and again to submit to Your Majesty's consideration, that the financial affairs of this Province render it necessary that we should possess all the means that may properly be at our disposal, for its relief. We therefore humbly pray that Your Majesty will be graciously pleased to recommend to your Imperial Parliament the passing of an Act, providing that the surplus revenue growing out of the profits of the Post Office Department of this Province, be paid into the hands of Your Majesty's Receiver General for Upper Canada, to be applied to such purposes, and to be accounted for in such manner, as the Legislature of this Province shall direct.

Address to the Queen,
on the subject of
investing all the public
monies now in England
in the Debentures of
this Province.

Address to the Queen,
on the subject of the
Post Office Department.

APPENDIX B. B.—(See Journal, Page 179.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

We also beg to state to Your Majesty, that this Province is called on annually to pay from two to three thousand pounds, for the postage on the correspondence (chiefly of a public nature) of the Members of the Legislature, during its sitting. We therefore hope that Your Majesty will be pleased to take such steps as will ensure for the future, the privilege of franking to the Members of the Legislature of this Province, during the time they are in Session, as is now the case in England.

APPENDIX A. A.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
18th day of April, 1839.

APPENDIX B. B.—(See Journal, Page 179.)

APPENDIX B. B.

COMMERCIAL BANK, MIDLAND DISTRICT,
Kingston, 24th March, 1838.

SIR,

I am instructed by the Board of Directors, to call the attention of His Excellency to the conditions imposed upon this Institution, when they suspended payment, in September last, viz. that before such suspension would be allowed, they must pay the balance due on certain Debentures, amounting to £37,000, Currency, in Specie, and that their Paper should not be used in Government transactions.

Certain papers on the subject of the Suspension of Specie Payments by the Chartered Banks in this Province.

These conditions were at that time acceded to, more from a desire to afford assistance to the public, than from a sense of their expediency or justice. The Vice-President and Cashier, however, were given to understand, that all checks drawn on the Receiver General, or rather by him, for and on account of the Government, should be paid in Specie. This Institution, at a great expense, and with no small difficulty, procured the Specie, and placed it in the hands of the Receiver General, under the full expectation that any advances made by them for the Public Works, would be refunded in Specie; but they have been lately informed, that it will not be in the power of the Receiver General to procure Specie to repay these advances, although this Institution was compelled to pay the amount into the Public Chest.

The Board of Directors trust that, His Excellency will be pleased to take such action in the premises, as the justice of the case warrants.

I have the honour to be,

SIR,

Your Obedient Servant,

JOHN S. CARTWRIGHT,

President.

J. JOSEPH, Esquire,
&c. &c. &c.

EXECUTIVE COUNCIL CHAMBER, AT TORONTO,
Saturday, 28th April, 1838.

PRESENT:

THE HONOURABLE ROBERT BALDWIN SULLIVAN, PRESIDING COUNCILLOR.
" " WILLIAM ALLAN,
" " AUGUSTUS BALDWIN.

To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Executive Council respectfully refer your Excellency to the proceedings which took place at the time of the suspension of the Commercial Bank of the Midland District.

The transaction with respect to the Debentures, was simply a sale of these securities, to the Bank, the Bank engaging to pay the interest until the money should be withdrawn. Afterwards, at the time of the suspension, the Government not thinking it proper to use the

APPENDIX B. B.—(See Journal, Page 179.)

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Notes of a suspended Bank in Government transactions, required the payment of the sum due by the Bank, in the Currency in which the debt was contracted, namely, Specie.

The Debentures were sold at what was considered a low rate, because they were to be paid for in specie paying notes.

The withdrawal of this sum, due by the Bank, was in breach of no agreement or understanding of which the Government was cognizant.

The Executive Council know of no advances made by the Bank for public works; no such advances were ever authorised by the Government—nor was any agreement as to their re-payment ever entered into. The Executive Council, therefore, respectfully decline to recognize any transaction or engagement such as is mentioned on the part of the Bank—or any right the Bank has, as such, to question the currency in which the Receiver General's checks shall be paid.

All which is respectfully submitted.

(Signed) R. B. SULLIVAN,
P. C.

COMMERCIAL BANK, MIDLAND DISTRICT,
KINGSTON, 17th May, 1838.

SIR,

Understanding that the Receiver General has stated his inability to furnish specie, in payment of the Warrant held by this Institution, for advances to public works, and for which we were obliged to pay specie, I beg leave to state, on behalf of this institution, that payment will be accepted in Exchange on London, at seven per cent premium—the rate in New York, where we can alone procure specie.

I trust this proposal will meet the approbation of His Excellency the Lieutenant Governor.

I have the honour to be,

SIR,

Your obedient Servant,

(Signed) JOHN S. CARTWRIGHT,
President.

J. JOSEPH, Esquire.

(Copy.)
No. 98.

DOWNING STREET,
19th June, 1838.

SIR,

I have had the honour to receive Sir Francis Head's Despatch of the 20th March last, (No. 41.) explaining, at considerable length, the grounds on which he had consented to issue Orders in Council, authorizing the continuance of business by the Bank of Upper Canada, and the Gore Bank, notwithstanding their suspension of specie payments. Having submitted this Despatch, and its enclosures, for the consideration of the Lords Commissioners of the Treasury, their Lordships have informed me that, adverting to the very peculiar circumstances in which the Banks in Upper Canada were placed, as explained in their several applications to Sir Francis Head, and in his Despatch, they are not disposed to disapprove the course adopted by that Officer, in complying with those applications.

At the same time, Her Majesty's Government consider it indispensable, that any permission for suspending cash payments, without forfeiture of charter, should be conceded to the Bank applying for it only on condition that during the period of suspension, no dividend shall be paid to the shareholders. With a view, therefore, to guard against any unnecessary delay in the resumption of cash payments by the Banks, more especially as one of the channels for obtaining specie has now become available, by the opening of the navigation, you will take such steps, by the issue of revised Minutes of Council, or otherwise, as may ensure the observance of the condition above stated.

I have, &c.

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

APPENDIX B. B.—(See Journal, Page 179.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

(Copy.)

GOVERNMENT HOUSE,
TORONTO, 8th August, 1838.

APPENDIX B. B.

MY LORD,

For your Lordship's information, upon a question of some importance to the mercantile interests of both the Canadian Provinces, I have the honour to transmit a copy of the letter which I have caused to be addressed to the three Incorporated Banks of Upper Canada, inviting them to an amicable discussion of the expediency of their immediately resuming cash payments.

I also enclose copies of the answers which, up to the present date, I have received from those Institutions.

In further elucidation, I transmit a copy of the original Act, authorising the suspension of 7 & 8 Wm. IV. chap. 7. specie payments, passed on the 11th July, 1837, which has been continued by 1st Victoria, chap. 4. an Act for extending the duration of expiring laws, dated 12th January, 1838, until the close of the next ensuing Session of Parliament.

1st Victoria, chap. 22. By another Act passed on 6th March last, the sixth and seventh clauses of the Act 11th July, 1837, have been repealed, and power has been granted to Banks, having suspended specie payments under that Act, to put into circulation their notes to any amount, not exceeding twice the amount of their paid up capital.

Your Lordship will perceive, on examination of the Act of 11th July, 1837, that after having permitted the suspension of specie payments by any Banking Company, the Government of this Province is allowed no further control over the question. The resumption of cash payments cannot be insisted upon by the Government in any revised Minute of Council, for the law preserves the original Minute in full force, until the Banks themselves shall choose voluntarily to recur to the redemption of their notes in specie, or until the expiration of the Act by the terms of its limitation, if the Banks should choose to avail themselves of the temporary advantage given them by the law, and decline resuming specie payments, in accordance with the wish of the Government.

Since the excitements have subsided along the American frontier, the prices of the precious metals in the New York market have fallen, and preparations seriously commenced for the resumption of cash payments in the leading States of the neighbouring Republic: the necessity of resuming also in this Province, appears urgent and unquestionable. I therefore hope that the three Chartered Banks of Upper Canada will concur in a simultaneous return to specie payments, without further delay.

I have, &c.

(Signed) GEORGE ARTHUR.

To the Right Honourable

THE EARL OF DURHAM,

Esq. Esq. Esq.

(Copy.)

GOVERNMENT HOUSE,
17th July, 1838,

SIR,

His Excellency the Lieutenant Governor desires me to invite the attention of the Directors of the Bank of Upper Canada, to the question of resumption of specie payments, without unnecessary delay. His Excellency feels that he need not inform the Bank Directors, that the state of the currency in all parts of the Empire, is a matter in which Her Majesty's Government takes a peculiar interest; and the Directors must be aware that nothing can affect the money transactions of the people and of the Government more seriously than the use of a circulating medium which does not command a redemption in specie, and which therefore cannot be considered as having any fixed intrinsic value.

His Excellency is fully aware that, the Upper Canada Banks did not adopt the measure of suspension from any undue apprehension of the consequences to themselves of maintaining their obligations with the public inviolate; and I am commanded to say that the proof of the solvency, and credit of these institutions, which has been afforded by their maintaining specie payments during times of unparalleled commercial difficulty, is so much to the honor of the

APPENDIX B. B.—(See *Journal*, Page 179.)

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Banks, and affords the best evidence of the wisdom of the Legislature when it left a discretionary power in the hands of these important corporations, to suspend the redemption of their Notes in specie should necessity occur arising from unforeseen or extraneous circumstances.

His Excellency is most desirous of restoring all public transactions as soon as possible to their ordinary course, and the conduct of the Upper Canada Banks hitherto offers him the strongest assurance, that they will co-operate with him in the very important point of once more equalizing the value of the current coin of the realm, with the Bank Note currency commonly in use.

His Excellency trusts that the Banks will see the difficulty in which the Government is placed in using a currency not redeemable in specie. At the same time he is aware of the public and private inconvenience which must ensue, were the Government to make a difference between the commonly used currency and the legal coin of the Province, which in strictness ought not to be used in public transactions.

From the large importations of specie for the use of Government, and from the present low rate of Exchange in England, as well as from the comparative state of quiet on the American frontier—His Excellency is induced to draw the conclusion, that the time has arrived when the Banks in this Province can resume without serious inconvenience: and as those institutions decline to suspend from interested motives, His Excellency does not anticipate that these motives will have more weight now than heretofore.

His Excellency therefore invites the Banks to an early and private communication with him, for the purpose of arranging a simultaneous resumption of specie payments throughout the Province.

I have, &c.

(Signed)

JOHN MACAULAY.

To the President of the Bank of *Upper Canada*,
Midland, and Gore,

BANK OF UPPER CANADA,
TORONTO, 20th *July*, 1838.

SIR,

I have the honor to own the receipt of your letter of the 17th instant, wherein you intimate that His Excellency the Lieutenant Governor wishes to invite the Banks of this Province, to the consideration of a speedy resumption of specie payments—and in reply for the present, I beg to inform you that I have called a full meeting of the Board on Wednesday next, for that purpose, when the subject of your letter shall have the most serious attention.

I have the honour to be

Sir,

Your most obedient humble servant,

WM. PROUDFOOT,
President.

The Honourable JOHN MACAULAY,
&c. &c. &c.

(Copy.)

COMMERCIAL BANK, MIDLAND DISTRICT,
KINGSTON, 21st *July*, 1838.

SIR,

I beg to acknowledge the receipt of your favour, of the 17th instant, and to inform you that it shall be submitted to the Board of Directors on Monday next.

The subject is one that has already received the attention of the Board, and I trust their future determination will be such, as to meet the approbation of Her Majesty's Government.

I have the honour to be

Sir,

Your obedient servant,

JOHN S. CARTWRIGHT,
President.

Honourable JOHN MACAULAY,
&c. &c. &c.

APPENDIX B. B.—(See Journal, Page 179.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

(Copy.)

COMMERCIAL BANK, MIDLAND DISTRICT,
KINGSTON, 23rd July, 1838.

APPENDIX B. B.

SIR,

I beg to inform you, that I this morning submitted your communication of the 17th instant, respecting the resumption of specie payments, to the Board of Directors.

The Board direct me to communicate to His Excellency the Lieutenant Governor, their desire to meet the views of the Executive Government, and to inform His Excellency that this Institution will be prepared to resume specie payments, as soon as His Excellency shall communicate to the President the period at which the other Chartered Institutions shall advise him of their intention to do so, in order that a simultaneous resumption may take place, as recommended by His Excellency.

I have, &c.

(Signed) JOHN S. CARTWRIGHT,
President.

The Honourable JOHN MACAULAY.

&c. &c. &c.

(Copy.)

GORE BANK,
Hamilton, 24th July, 1838.

SIR,

I have had the honour to receive your letter of the 17th instant, conveying His Excellency the Lieutenant Governor's suggestions, in regard to the speedy resumption of specie payments, on the part of the Chartered Banks. These have been respectfully considered by the Directors of this Institution, and I am instructed by them to say, that they will immediately enter into communication with the other Banks of the Province, with a sincere wish to give effect, if possible, to His Excellency's views on this important subject.

I have, &c.

(Signed) J. M. WHYTE,
President.

The Honourable JOHN MACAULAY,

Civil Secretary, &c. &c. &c.
Toronto.

(Copy.)

BANK OF UPPER CANADA,
Toronto, 18th August, 1838.

SIR,

The Board of Directors having taken into the fullest consideration, the subject of your letter of the 17th July last, respecting the resumption of specie payments, I have the honour to enclose a report thereon, for the information of His Excellency the Lieutenant Governor; which report the Board hopes will prove satisfactory to Government.

I have, &c.

(Signed) THO'S. G. RIDOUT,
Cashier.

The Honourable JOHN MACAULAY,

Secretary,
&c. &c. &c.

STATEMENT of the causes which led to the suspension of specie payments on the part of the Bank of Upper Canada, and the reasons that may be assigned for continuing that suspension at the present time:

When the general suspension of specie payments throughout the United States and Lower Canada took place, in May, 1837, this Bank had £204,000 of notes in circulation; but, being confident of their ability to redeem their paper, the Board determined to do so, and not to suspend; and, at the same time, they granted the public every indulgence, in the way of renewals, and so well was the Bank prepared for the emergency, that when the Insurrec-

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tion broke out last December, it had £140,000, in specie, in its vaults, and only £80,000 of notes in circulation.

In the above state of affairs, the exigencies of the public service suddenly required a large outlay of money, which the Commissary-General was quite unable to meet; and, although he had some months before withdrawn his account, and the Bank did not contemplate its renewal, yet it at once came forward and advanced him in bulk £50,000, in dollars, leaving £90,000 of specie in its vaults, and offered, besides, to furnish money for the military disbursements, in all parts of the Province where Posts were established: which proposals were accepted, and, consequently, those payments amounted, in January, to £34,417; in February to £96,618, and in March to £88,892; by which means, the issue of Bank Notes was increased to £154,000, and its specie in the vault reduced to £60,000; and, finding every probability of a continuance of those payments, and it being notorious, from the disturbed state of the American Frontier, that it would be impracticable to import specie from New York to replenish our coffers, which were rapidly being drained, by the joint attacks of the Commercial, and other suspended Banks of this Province, who, taking advantage of the great issues made for Government by the Bank of Upper Canada, collected its notes, in large sums, and demanded their redemption in specie, at the same time refusing to take any part of their own notes in exchange; so that, feeling the contest to be unequal and unfair, the Board of Directors finally determined, on the sixth of March last, to petition the Lieutenant Governor for leave to suspend, and it was immediately granted; and which, we have every reason to think, was concurred in by the Commissary General, as it ensured him the means of carrying on the service, until he could receive his supplies of specie from abroad, on the opening of the navigation, being well satisfied that the notes of this Bank, in the mean time, would afford a sound currency, by its well-established reputation;—and he was also aware, that its late extraordinary issues, were based upon his Treasury Bills sold to the Bank, and which it had remitted to London, to the amount of more than £200,000, sterling, being an actual gold deposit more than equal to meet the entire circulation of its notes, and that the suspension of the Bank was not under any inability to pay its debts, but was entirely owing to political events, of a most extraordinary nature: also, that there was a physical impossibility, both on his part, and on the part of the Bank, to supply the country with specie.

The Bank of Upper Canada, consequently, suspended specie payments, with £60,000 in gold and silver coins in its vaults, and upwards of £200,000 sterling in London, against a circulation of £154,000 of its notes in this Province: notwithstanding which, and not from a desire to hoard up its specie, but to afford every facility to the public service, it was communicated to the Commissary General, that the Bank would still continue to pay the Troops, Staff and Departments, in dollars, and would pay the same to his Contractors, if required. This the Bank has faithfully performed, not only here, but at the various Posts in Upper Canada, and at a considerable cost for transport.

The affairs of the Bank of Upper Canada having been brought down to the present time, it remains to discuss the expediency of resuming specie payments, or the disadvantages which would be the result of such a measure at this juncture,—His Excellency the Lieutenant Governor having lately ordered the three Chartered Banks to take the matter into their earliest consideration.

To the foregoing requisition, the Commercial Bank has quickly answered, that they were ready at any moment that the Upper Canada and Gore Banks first shewed the example. Such an indefinite reply needs no comment; and if the other two Banks had answered in like manner, only reversing the order of names, it would be impossible ever to arrive at a conclusion. The Board of Directors of this Bank, have not, however, thus endeavoured to evade the question, but have maturely considered it, and have requested a meeting of the three Banks, by a delegation of their Presidents, to take the matter into the fullest consideration. To this request, the President of the Commercial Bank has replied to the effect, that as that Bank would be ready to resume specie payments as soon as the Upper Canada Bank would set the example, it was quite useless for him to attend the meeting, which he therefore declined. It remains, therefore, for the Upper Canada Bank and the Gore Bank to state their own opinion, and to be guided thereby.

The Board of Directors of the Bank of Upper Canada, having maturely weighed all the circumstances attending the question, are of opinion as follows:—

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SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

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That an immediate resumption of specie payments, in the present distressed state of this country, owing to the late political events, and the general want of confidence in trade, would compel the Banks to stop all further discounts, and to call in their debts as fast as possible; and should recourse be had to suits at law, which in most cases would be necessary, it is a well-known fact, that no money can be realized at Sheriff's sales, without bringing ruin on the debtors, for neither goods or chattels, lands or houses, will now bring one-third of former prices; and so well are the public aware of this, that there does not appear to be any general wish to enforce specie payments. In stopping discounts, the advantages likely to arise from the rich crop of wheat now coming into market, would be in a great measure paralyzed, for in consequence of the scarcity of money, prices would, of course, fall to ruinous rates, or else there would be no sales for a foreign market. At the same time, the country would be drained of its specie, by those who are daily selling off their farms and removing to the United States.

It is therefore suggested, as an act of prudence on the part of Government, and of consideration for the state of the country, not to call upon the Banks to resume specie payments, until the present crop shall have been brought to market, and that a new impulse shall have been given to the prosperity of the Province, by the renewal of our usual emigration from Europe, and the additional capital derived from that source.

Besides the foregoing, this Province labours under many other disadvantages, which might justly be brought under His Excellency's notice: particularly as Mr. Secretary Macaulay, in his letter, intimates that the state of the currency in all parts of the Empire, is a matter in which Her Majesty's Government takes a peculiar interest. Such being the case, it may be fairly urged that the currency of Upper and Lower Canada should be placed upon an equal footing—which it never can be, until the circulation of the French half-crown shall be totally abolished in the latter Province, as it is in this; and that it shall no longer be a legal tender at 2s. 9d. when in fact it is an old worn out smooth coin, and is not recognized as a coin in any other country excepting Lower Canada: and its intrinsic value, as bullion, in the United States, is only about 1s. 10½d. or 2s.—equal to thirty-eight or forty cents.

Secondly—That the base copper coinage now existing, be entirely prohibited from circulation, and that it be replaced by a provincial coinage of good copper.

Thirdly—It may likewise be suggested, that there shall be established, by an Imperial Act, a certain silver coinage for use of the British Colonies on this Continent, consisting of dollars, and its parts, of equal weight and fineness to the United States dollar: as such a measure would put an end at once to the Banks of this Province deriving their supplies of specie from the Mint of the United States at Philadelphia—it being a profit to the Bankers of 1 or 1½ per cent, to melt down the Mexican dollar, and have it re-coined into American halves.

Fourthly—A silver coinage for the Colonies will be the more acceptable—for besides abolishing the French half-crown, it will also abolish the circulation of the British silver coins in this Province, against which the Lower Canadians complain, and which has already been brought under the notice of the Lords of the Treasury, by Mr. Commissary General Routh, as having been fixed by our Legislature at too high a rate. The Act, however, will expire in about another year.

It is unquestionable that, at the present moment the Banks of this Province are quite able to resume specie payments—the effect of which would be the withdrawal of the greater part of their notes from circulation, and so deprive the country of a circulating medium of its own: as silver and gold, in the present political state of men's minds, would either be hoarded up, or carried out of the Province. The Bank notes of Lower Canada, which are redeemable in French half-crowns, would then take the place of our notes: and all the real inconveniences of a bad and inconvertible currency would be immediately felt—although as yet it is little known, as our Banks are in the daily course of redeeming their notes by bills on London and New York, within one per cent of the Montreal rates, and that to any amount that may be offered.

It is not only from the depressed state of trade, and the great difficulty of collecting debts, that the Upper Canada Bank suffers inconvenience, and would be unable to afford the country any new discounts on a resumption of cash payments, but the well-known embarrassed state of the Provincial finances tends very materially to press upon the public credit, and has become burthensome to this Bank: as the holders of Government Debentures having, for

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several months past, been alarmed for the safety of their property in those investments, have insisted upon the Bank to redeem them at par, under a claim that as they bought them from the Bank, so ought they be re-purchased by the institution. This feeling has proved to be very extensive—and within the last six months, the Bank of Upper Canada, in order to uphold and maintain the credit of Government, has actually re-purchased £40,700 of the Provincial Bonds, which are now unsaleable, and consequently remain a dead weight on its hands. To this may be added the further sum of £37,500 sterling, of Government Debentures, unsold and unsaleable, in the hands of its agents in London—our last advices being, that capitalists will have nothing to do with Canadian bonds during the unsettled state of that country. The Board therefore respectfully submit, whether, under all the circumstances hereinbefore stated, and whilst this Bank is incumbered with £80,000 of unsaleable Government Debentures—many thousand pounds of which are now due, but which the Receiver General is unable to pay—it can be considered prudent or proper, at the present time, to resume specie payments in this Province.

(Signed) THO'S. G. RIDOUT,
Cashier.

BANK OF UPPER CANADA,
Toronto, 18th August, 1838.

To the Honourable JOHN MACAULAY,
Civil Secretary,
&c. &c. &c.

No. 20.

GOVERNMENT HOUSE,
Toronto, 28th September, 1838.

My Lord,

With reference to my Despatch to your Lordship, of the 8th August, (No. 14) containing copies of certain Acts of the Legislature of this Province, relative to the suspension of specie payments by the three chartered Banks, and of the correspondence which had taken place with those Institutions, for the purpose of bringing about a speedy resumption—I have now the honour to transmit to your Lordship, a letter from the Cashier of the Bank of Upper Canada, dated the 18th August, accompanied with a statement, explanatory of the causes by which that Establishment was originally led to suspend cash payments, and are now induced to desire that suspension to be prolonged.

As no further communications have been made to me by the two other Banks, since the date of my Despatch above referred to, and as the Board of Directors of the Bank of Upper Canada have expressed their opinion, that it would not be prudent for the Bank to return to specie payments under existing circumstances, I am led to infer that there is but little probability of any change taking place in the course of business pursued by the Banks, before the next meeting of the Legislature, when the Act authorizing the suspension will expire,—unless indeed, the Cashier of the Bank of Upper Canada, who is at present in New-York, should bring with him on his return, such favourable information respecting the state of monetary affairs in the Atlantic Cities of the United States, as would induce the Directors of that Bank to consider an earlier resumption in this Province both safe and practicable.

I would further invite the attention of your Lordship to that part of the accompanying statement, having reference to the metallic currency of Upper and Lower Canada, and suggesting that it should be placed upon an equal footing in both Provinces, so as to obviate effectually the mutual inconvenience arising from the present inconvertibility of certain denominations of coins into a medium of inter-provincial exchange, in consequence of their local value being fixed at a higher rate than is warranted by the rates at which they are elsewhere current.

As the state of the Currency in all parts of the Empire, is a subject which has engrossed much of the interest and attention of Her Majesty's Government, I have considered that it would not be unwelcome to your Lordship to receive these observations at the present juncture: and I beg to assure your Lordship of my entire readiness, to co-operate, in any measures which your Lordship may deem it expedient to adopt, with the view to facilitate a satisfactory adjustment of the relations of the two Provinces, in regard to their monied transactions.

I have &c.
(Signed) GEO. ARTHUR.

To the Right Honourable
THE EARL OF DURHAM,
&c. &c. &c.

APPENDIX B. B.—(See Journal, Page 179.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

(Copy.)

BANK OF UPPER CANADA,
TORONTO, 28th February, 1839.

APPENDIX B. B.

SIR,

As the Act will shortly expire which authorizes the Suspension of Specie Payments by the Banks of this Province, and as the Board of Directors of this Institution are desirous to ascertain as early as possible, the views of Her Majesty's Government on this subject, I have been directed most respectfully to request, that you will be pleased to inform me if any proceedings have been had on the Report, which the Board had the honour to submit to His Excellency the Lieutenant Governor on the 18th of August last; more particularly on that part of it which relates to the abolishing of the French Half Crowns of Lower Canada—a Coin which is so utterly worthless in its intrinsic value, that it has for many years past been a bar to the freedom of Exchanges between Upper and Lower Canada, serving in all times as a virtual Suspension of Specie Payments on the part of the Banks of Montreal and Quebec, so far as respected the People or Banks of this Province—being strictly a loss on Exchange of 27 per cent; as the nominal value of the Half Crown is 2s. 9d., whereas it is only worth 2s. in other parts of this Continent, and then only as Bullion, not being recognized as a Coin out Lower Canada.

The Board are anxious to call His Excellency's attention to this point, as they have lately understood that the Banks of Lower Canada are provided with large sums of this kind of Money, which is inconvertible in all other Countries, and on which they may with impunity rest a resumption of Specie Payments: whilst, on the other hand, the Banks of this Province would be exposed to an unequal contest, and from the course of trade, would in a great measure be compelled to furnish Specie for the Commercial transactions of both Provinces:—in which case the Notes of the Lower Canada Banks, will again form a very considerable portion of the circulating medium of this Country.

Under these circumstances, the Board pray that His Excellency will be pleased to take into his consideration, the expediency of communicating with the Government of Lower Canada on the subject of the Currency of both Provinces; and they trust that the result will be, that the French Half Crown will no longer be suffered to form the legal coin of any portion of British America. The Board are more particularly led to hope for this conclusion, by adverting to that part of your letter of the 17th July last, in which you intimate that the state of the Currency in all parts of the Empire, is a matter in which Her Majesty's Government takes a peculiar interest. The Board are the more induced to hope for such a favourable determination, from having observed that within a few days an Ordinance has been passed at Montreal, to exclude from circulation all Coins of Copper of less value than their legal rate, as there can be no doubt that, a remedy which has been so promptly applied by Government to the lesser evil, will not be delayed in removing the greater.

Referring also to that part of the Report in which the Board suggested the issue of a specified Silver Coinage for the use of British America, I am further directed to request you will be pleased to inform me if such a measure is in contemplation by Her Majesty's Government; as, in that case, this Bank, in common with the other Banks of the Province, would solicit a share of the new Coin, and would take immediate steps to order its Agents in London to purchase a large quantity for shipment on the opening of the Navigation, which would materially tend to render an early resumption of Specie Payments both easy and safe.

In order to provide further for equalizing the Exchanges between Upper and Lower Canada, the Board would beg leave to recommend that the provisions of the act of 1836, declaring the value in this Province of the Gold and Silver Coins of Great Britain, be extended in like manner to Lower Canada.

I have &c.

(Signed) THOMAS G. RIDOUT,

Cashier.

The Honourable JOHN MACAULAY,

&c. &c. &c.

APPENDIX B. B.—(See Journal, Page 179.)

FOURTH SESSION, THIRTEENTH PROVINCIAL PARLIAMENT, 2nd VICTORIA.

APPENDIX B. B.

(Copy.)

No. 8.

GOVERNMENT HOUSE,
Toronto, 9th March, 1839.

SIR,

Your Excellency having recently enquired whether the Banks of this Province evinced any inclination to resume cash payments in the month of May next, when it is understood that the Banks of Lower Canada will be prepared for that desirable measure—I think it proper to request Your Excellency's attention to my Despatches upon this subject, Nos. 14 and 21, addressed last summer to the Earl of Durham, and to his Lordships reply, contained in his Despatch No. 11.

With my Despatch No. 21, I transmitted an able paper by Mr. Ridout, the Cashier of the Bank of Upper Canada, dated 18th August last, giving a clear statement of the grounds upon which the suspension of cash payments in this Province originally rested, and upon which it was found necessary that it should be continued for some time longer. Your Excellency will observe, that the Bank of Upper Canada, at the period when this letter was written, proposed that the resumption of the ordinary course of business, should only be deferred until the harvest had been secured. It however occurred, that on the arrival of that period, a new and formidable difficulty presented itself, in the suddenly increased hostility of the whole American frontier, and the consequent interruption of that secure and ready intercourse between Canada and the City of New-York, the money market of this Continent, which is indispensable to the maintenance in this country of a paper currency, convertible into specie at the pleasure of the holder.

Under these peculiar circumstances, I forbore to urge upon the Banks the propriety of their voluntarily relinquishing the privilege of suspending specie payments, conferred on them by the Act, until the close of the present Session. But on meeting the two Houses of the Legislature a few days since, I took occasion in my speech, (of which I have already enclosed your Excellency a copy) to advert to the importance of an early resumption of cash payments, and expressed a hope that no difficulty would be found to interpose and prevent it.

On the day after the opening of the Session, the Bank of Upper Canada addressed to me a letter, of which I enclose a copy, bearing upon points intimately connected with the resumption of specie payments by the Banks of this Province, viz. the policy of continuing as a legal tender, at their original nominal value, certain depreciated French coins now current in Lower Canada, and the expediency of providing a new and convenient silver coinage for the use of Her Majesty's North American Provinces.

Without entering at present into the discussion of the latter question, which, however, is far from being unimportant, I am anxious to call Your Excellency's attention to the propriety of abolishing the use of the depreciated French half-crown, as a current coin in Lower Canada. The reasons on which this proceeding would be founded, are fully exhibited in Mr. Ridout's letters, and they appear to me conclusive. Thinking that they will also satisfy Your Excellency's mind, I indulge a hope that you will deem the subject worthy the immediate consideration of the Special Council of Lower Canada, which, I believe, is still in Session. If, upon Your Excellency's submitting the matter to the Special Council, it should be decided that the proposed reform of the circulating medium of Lower Canada, is, for good reasons, inexpedient at the present time, I would then suggest to Your Excellency, as a concession due to the interests of Upper Canada, that an ordinance should be passed, declaring that the old depreciated French half-crown, had ceased to be a legal tender, when offered by the Banks of the Lower Province in payment for their own notes to the Banks of this Province. By a measure of this nature, a just and reasonable degree of protection would be afforded to the Banks of this Province; and I propose it to Your Excellency, on a presumption that the Bank of Upper Canada has not over-rated the quantity of depreciated coin actually current in the Lower Province.

I feel particularly solicitous to bring this subject under Your Excellency's earliest consideration, because, it is my impression, that the course to be pursued by the Legislature of this Province, during its present Session, respecting the resumption of cash payments, will be shaped, to a certain degree, by the conclusion at which Your Excellency's Special Council may arrive upon the question, whether depreciated silver coin shall continue to form a large portion of the currency of Lower Canada.

APPENDIX B. B.—(See Journal, Page 179.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

I would further invite Your Excellency's attention to the equalization in value of British silver coin in the Upper and Lower Province, which forms one of the topics discussed by the Bank of Upper Canada, and is, in my opinion, much to be desired.

APPENDIX B. B.

The greater current value of that description of coin in Upper Canada, under the authority of the Act passed in 1836, may certainly be objected to, on the ground of its inconveniently affecting the common interests of the trading community in both Provinces; but it is not clear that it has a very material effect as a protection to the Banks of this Province, against the fair demands of the Banks of Lower Canada; for, I understand, that of the large quantities of British silver imported into this Province within the last three years, by the Banks of Upper Canada, exceeding, I understand, £150,000, a considerable portion has already been collected by the Merchants of the Lower Province, and used with advantage for remitting, in the course of business, to England.

There are weighty objections to the enhancement in the nominal value of British coins, to the extent sanctioned by the Act now in force in this Province; and I greatly doubt whether, under any circumstances, that Act should be renewed.

The measure best adapted to overcome the difficulties experienced in preserving a convenient metallic currency, seems to be the issue of a peculiar coinage, such as Mr. Ridout has suggested; and, if the question of providing such a currency, were favourably entertained, it would appear advisable, in proceeding with any measure in Lower Canada upon the subject, to allow the late Act, regulating the current coin of this Province, to expire, by virtue of its limitation next year, and, in the mean while, to prepare for the due substitution of the better currency.

It is stated, that Her Majesty's Government have under consideration the question of providing a gold as well as a silver coinage for Colonial circulation; and, as Your Excellency may have also directed the deliberations of your Special Council to that subject, I would suggest to Your Excellency, whether, before the adoption of any other measure, it may not be expedient to recognise, by an Act in both Provinces, the exact American tariff on all the gold and silver coins current on this Continent, which was established by an Act of Congress in the year 1835.

For Your Excellency's information, I enclose a copy of a despatch from the Secretary of State for the Colonies, No. 124, relating to the Act of this Province, for the regulation of its current coins.

I have the honour, &c.

(Signed) GEO. ARTHUR.

His Excellency Lieutenant General

SIR JOHN COLBORNE,

&c. &c. &c.

GOVERNMENT HOUSE, MONTREAL,

30th March, 1839.

SIR,

In reply to your Excellency's Letter of the 9th instant, upon the subject of the resumption of Cash Payments by the Banks, and adverting to the observations and Report of Mr. Ridout, I have to acquaint you that it appears from the return of the number of French Half Crowns in possession of the Banks of Lower Canada, (a copy of which is annexed) and from the accompanying statement of the President of the Bank of Montreal, that the information conveyed to your Excellency by Mr. Ridout, is erroneous in respect to the extent of the circulation of French Half Crowns in Montreal, and to the amount in deposit at the Banks, and to their value in the United States.

The injurious effects of authorizing the continuance of the deteriorated Coin alluded to by Mr. Ridout, cannot be denied; and it is highly desirable that these half crowns should be driven out of circulation. But this can be only accomplished by passing an iniquitous and impolitic Ordinance, declaring their value reduced, or by redeeming them at a loss:—a measure which in consequence of the limited means of the Special Council, may create embarrassment. The evils, however, resulting from the present Currency, are so objectionable, that a proposed Ordinance for redeeming the French Half Crowns, and to regulate the Cur-

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rency of this Province, has been for some time under the consideration of the Executive Council, and is now before the Special Council: and I hope that should no provision be speedily made by Her Majesty's Government, to establish a good Silver Coinage for the Colonies, that I shall be able to submit to the Special Council the measure suggested by your Excellency—that the Foreign Gold Coins recognized by the American Congress in the year 1835, should be made a legal tender by an act in this Province.

I have &c.

(Signed)

JOHN COLBORNE.

His Excellency Major General

SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

(Copy.)

BANK OF MONTREAL,
Montreal, 22nd March, 1839.

With reference to the despatch of Sir George Arthur, No. 8, dated 9th instant, on the subject of a resumption of specie payments, by the Chartered Banks of Upper Canada—the cause assigned by Mr. Ridout for the suspension, on the part of the Bank of Upper Canada—his reasons why that suspension should be continued, and the necessity of assimilating the currency in both Provinces, as a means of facilitating a return to cash payments, so clearly set forth by His Excellency the Lieutenant Governor of Upper Canada.

It is respectfully submitted, that the erroneous policy pursued by the Bank of Upper Canada, in not suspending specie payments in May, 1837, when that course was adopted generally by other Chartered Banks, equally well prepared to meet their engagements, is illustrated by the fact, that when a resumption did take place in June, 1838, as well in Lower Canada as in the United States, that Institution was, it is believed, the sole obstacle to a resumption by the other Chartered Banks in Upper Canada; and so far from its having granted to the public *every indulgence*, it is notorious that the positive refusal to afford the ordinary and usual accommodation, caused serious injury and embarrassment to the commercial community of the Upper Province, and produced great inconvenience to the Merchants of Lower Canada connected therewith.

This result is clearly observable, even from Mr. Ridout's own statement, wherein he shews the contraction of his issues, the increased specie balance in the vaults, and the decreased liabilities of the public to the Bank—undeniably evidencing a material diminution of the usual accommodation.

The attempt to cast upon the Commercial Bank, the odium of a non-resumption of specie payments, in June 1838, cannot be considered fair or just.

That Bank was, of necessity, compelled to follow in the wake of the Bank of Upper Canada, which possessed the advantage of all the Government deposits. But it was prepared to resume simultaneously with the Bank of Upper Canada, could the Directors of that Institution have been induced, or forced so to do. And no reason existed, why a resumption should not have taken place in June 1838, which was not equally cogent in Lower Canada, when all the Banks did resume, though legally authorized to continue the suspension,—and to which resumption the Commercial Bank had agreed to become a party, provided the Bank of Upper Canada led the way, or “shewed the example.”

A resumption having, however, been procrastinated in Upper Canada until a renewal of the political troubles last fall, more powerful reasons arose than any hitherto adduced, in favour of a continued suspension. But these are now happily removed; and unless a War should actually take place between Great Britain and the United States, no valid argument can be urged against a general resumption in both Provinces on the first of June next.

But that resumption should be simultaneous and general, and cannot be evaded by the Banks of Upper Canada, without inflicting a very serious injury upon the trade of Lower Canada.

The heavy balances due to the Bank of Upper Canada by its London and New-York Agents, as lately exhibited by the return made to the Legislature, when compared to the liability of the Bank, incontestably prove that it can resume, without cramping the trade,

APPENDIX B. B.—(See *Journal*, Page 179.)SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

or withdrawing its present comparatively small amount of accommodation to the public. As evidence of which, it may be remarked, that when the Bank of Montreal did resume cash payments, on the 1st of June last, it was not under the necessity of contracting its issues;—on the contrary, it beneficially extended them; and it is prepared, as are, it is believed, all the chartered Banks in Lower Canada, to resume, without urging the necessity of any curtailments in their discounts, as a reason for postponing a return to a proper and legitimate course of business. It appears, however, imperatively necessary, that the Upper Canada Banks should be required to resume cash payments at the same time.

APPENDIX B. B.

It is a matter of surprise, that in adverting to the relative state of the currency in the two Provinces, so much stress should be laid by the Cashier of the Bank of Upper Canada, upon an assumed protection afforded in Lower Canada to the Banks, in their exchanges with those of Upper Canada, in consequence of the French half-crown being a legal tender; and it is certainly somewhat singular, that so barefaced a departure from the fact should have been hazarded in an official statement, purporting to contain the truth, as to affirm or assert that the intrinsic value of the half-crown was only equal to thirty-eight or forty cents.

That the French crown and half-crown are depreciated coins, is admitted on all hands; and no difference of opinion can, it is conceived, exist with respect to the propriety and justice of reducing their legal value to their intrinsic worth, or of abolishing their circulation altogether, as a coin receivable in *talé*. But though some isolated instances may be found of a French half-crown so worn, as to be intrinsically not worth more than 1s. 10d. to 2s. so also may be found similar instances of the deterioration of the American half-dollar.

At the United States' Mint, however, the crown is still received at one hundred and nine cents—(not one per cent discount)—and the half-crowns may be paid into the Banks at fifty cents, or two shillings and sixpence, currency: and if taken indiscriminately, and weighed against American half-dollars, the difference in weight upon two hundred pieces will be found only equal to about 3s. 4d. currency—not quite one per cent under the new half-dollar; and when that difference is put against the *superior purity* of the metal, more than one and one-half per cent in favour of the French silver, it is very evident that prejudice and interest combined dictated the assertion.

Mr. Ridout, in his letter of the 28th February, says that it is understood, “the Banks of Lower Canada are provided with large amounts of money, inconvertible in all other countries, on which they may, with impunity, rest a resumption of specie payments.” From what source such unfounded information was obtained, it is impossible to conjecture; but it is a fact, that when the Bank of Upper Canada was urged to resume specie payments in the spring of 1838, he was distinctly informed that the Bank of Montreal possessed very few of that description of coin—and when subsequently it did resume, half-crowns were not tendered in any amount in redemption of its paper. In fact, with the exception of a few hundred received and paid away in the daily operations of the Bank, no transactions in deteriorated coins took place; and at the present moment there are not five thousand French half-crowns in the Bank. And it is believed that your Excellency will find, by the returns which have been required from all the Banks in the Province, and the Receiver General, that the amount in their respective vaults of such description of coin is comparatively trifling, and cannot shield them from any foreign demand upon them for any considerable sum. It is impossible to estimate correctly the amount of half-crowns which may be in the hands of the French population—but assuredly, whatever it may be, it forms a very small portion of the circulating medium of the Province.

The poverty which unfortunately prevails throughout the Province, warrants the assumption that, there cannot be over £100,000 in Half Crowns in the possession of the whole population: and this must be hoarded up; for it is rare indeed, to receive any considerable amount in the course of business in this description of money.

With reference however, more particularly to the general state of the Currency in Lower Canada, it is certainly desirable that the French deteriorated coins should be driven from circulation; and it would be *politic* and just that provisions should be made—in the Ordinance which your Excellency directed to be prepared some time ago, giving a new legal value to certain gold and silver coins, and which, it is understood will soon be submitted to the consideration of the Special Council—for their gradual redemption by the Government, with a view to their being, within a limited time, abolished as a legal tender in *talé*. But should the finances of

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the Province not warrant at present the adoption of such a measure—which might involve a loss of £12,000 to £15,000—some are of opinion that it would be well to reduce their legal value to 2s. 6d., and let individuals sustain the loss, which would not be great, scattered over so great a surface; in like manner as the Pistreen or Shilling, was reduced to 10d. some years since. It is doubtful however, if this could be deemed sound or just legislation; and as a choice of evils, until some comprehensive measure can be framed by the Imperial Parliament, establishing a uniform Currency throughout the North American Colonies; it might be recommended to the Upper Canada Legislature, to restore the *legal* value of the half crown, to 2s. 9d. though from what has already been said, it is really not necessary to do so for the protection of the interests of the Banks of that Province.

It is stated, and very correctly so, by Sir George Arthur in his Despatch, that there are weighty objections to the enhancement of the nominal value of British Coins, to the extent sanctioned by the Act now in force in Upper Canada. These objections it is presumed, have reference more especially to the shillings and sixpences—which are rated at 1s. 3d. and 7½d. Currency—while the Crown and half Crown are rated at six shillings, and three shillings, respectively; and the Sovereign at 24s. 4d.—a difference of nearly four per cent.

The inconvenience however, of establishing a tale value, embracing fractional parts of a penny, in the value of a shilling and sixpenny pieces, which are required principally for change, would be such as to overcome any desire to alter the present fixed legal rate of any of these coins. But a limitation should be made, as in England, and as it is provided in your Excellency's Ordinance already alluded to, to the amount for which such Coins shall be a legal tender.

Your Excellency's proposed Ordinance, which will, if it becomes law, assimilate the legal value of British Gold and Silver Coins in Lower Canada, to their established legal value in Upper Canada—has wisely fixed upon the sum of five pounds as the maximum amount of small change which can be legally tendered in payment. And should a clause be added to the same measure, providing for reducing the legal value, or the redemption by the Government of the French deteriorated Coin, and the limitation referred to be introduced by Legislative enactment in Upper Canada, the object pressed upon the attention of your Excellency by Sir George Arthur, will have been obtained, namely, that of assimilating the currency of the two Provinces, which ought unquestionably to stand in that and every other respect, upon perfect terms of equality. Should your Excellency, nevertheless, not think it expedient to exercise any legislative action upon the French deteriorated coins in the present circumstances of this Province, it ought, it is humbly conceived, to be recommended to the Lieutenant Governor of Upper Canada, to propose an amendment to the act of 1836, limiting the amount for which small change shall be a legal tender.

Among other unfounded assertions, it would appear to have been represented to Sir George Arthur, that the present discrepancy between the established legal rates of British silver coins in the two Provinces, affords little or no protection, and does not act as a shield to the Banks of the Upper Province, and that large amounts of British silver have been withdrawn by the Merchants of Lower Canada, and advantageously used as a remittance to Britain.

Particular enquiry has been made, and no instance of any such negotiations can be discovered.

When the rate of Exchange on London rated so high as from 18 to 20 per cent premium, during the suspension of the American Banks, and during the absurd and ridiculous endeavours of the Bank of Upper Canada to sustain cash payments, to the manifest and direct injury and prejudice of the best interests of that Province, there can be little doubt but British silver, even at 12½ per cent. premium, was drawn and remitted by Brokers and Money-changers, from New-York and its borders, and even by individuals at Toronto; but that drafts were made upon the Banks of Upper Canada by those of Lower Canada, and advantageously remitted or negotiated, has been made with a view rather of making out a case, than as establishing a fact or a sound argument. And it must be notorious, that since the resumption of specie payments in the United States, the rate of Exchange has been such in New-York and in Lower Canada, as to prevent any abstraction of British coins from the Upper Province, especially of the lesser denominations.

APPENDIX C. C.—(See Journal, Page 179.)

SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor.*

APPENDIX B. B.

That the Bank of Upper Canada, immediately prior to and subsequent to its suspension, speculated largely in the Debentures of the Province, is a well-known fact. But these Debentures were purchased at par, and sold at large premiums by that Bank in New York, and remitted to London and drawn against. Having derived large profits from these negotiations, it cannot surely now be sufficient to urge the loss which may accrue to the Bank, or the inconvenience of holding £80,000 of unsaleable and unredeemed debentures, as a successful argument against so necessary and so desirable a measure as a return to cash payments, especially when it may be fairly presumed that, a large proportion of the apparent surplus profits of the Bank, has arisen from these investments. Nor should such a reason, it is thought, have any weight with the Executive Government of Upper Canada, should an Act of the Legislature, continuing the suspension, be presented for its sanction.

Indeed, nothing but a return of the Border difficulties, or a national war with the United States, can justify a longer suspension by the Banks of either Province, than the first of June next.

Though the Commissary General has, it is understood, brought the subject of a Colonial coinage under the consideration of the Lords of the Treasury, it is not expected that an early decision on this matter will be come to by their Lordships. And, in the mean time, it would certainly be desirable that the suggestion of Sir George Arthur should be adopted, namely, to enact a law in both Provinces, that all the foreign gold coins recognised by the American Congress, in the year 1834, be made a legal tender, by weight, at the following weights, viz.:

For Portugal gold 94s. 10d. currency, per ounce, being the same standard as British gold.

French gold 93s. 2d. per ounce.

Spanish gold 89s. 11d. per ounce.

Until such time as a Colonial coinage, as recommended by the Commissary General, shall have been established, or that the British Imperial coinage, in all its subdivisions, shall be introduced into and made the sole legal circulating medium of the Provinces, and the pound sterling made the money of account, instead of Halifax currency.

Return of the number of French Half-Crowns in possession of the Banks of Lower Canada.

	French Half-Crowns.	Currency.		
		£	s.	d.
Bank of Montreal,	4,800	660	0	0
Branch of ditto, Quebec,	16,316	2,243	9	0
City Bank, Montreal,	26,752	3,678	8	0
Banque du Peuple,	20,545	2,825	0	0
Quebec Bank,	12,000	1,650	0	0
Bank, B. N. America, Quebec,	636	87	10	0
Bank, B. N. America, Montreal,	7,254	997	8	6
Total,	88,303	£12,141	15	6

Certified Copy.

(Signed) THO'S. LEIGH GOLDIE,
Civil Secretary.

APPENDIX C. C.—(See Journal, Page 179.)

APPENDIX C. C.

(Copy.)

ASSISTANT MILITARY SECRETARY'S OFFICE,
TORONTO, 4th February, 1839.

SIR,

I am directed by the Major General Commanding, to request you will inform His Excellency the Commander of the Forces, that numerous applications have been made for compensation for the loss of the Steamer "Thames," which was burnt on the 4th December last, by the Brigands, when they landed at Windsor, in the Western District.

Copy of the claim of
Mr. Duncan McGregor,
for the loss of his Steam-
boat Thames, by the
Brigands.

APPENDIX C. C.—(See Journal, Page 179.)

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This vessel had given up plying some time previous to that period, but as it was necessary to transport blankets and provisions for the troops, the owner, Mr. Duncan MacGregor, unhesitatingly continued her at the disposal of the authorities, which prevented her return for the winter to a place of safety, in the River Thames.

From this, and other circumstances attending the manner in which she was destroyed, Sir George Arthur is inclined to consider Mr. MacGregor's claim a strong one; and he would submit, for His Excellency's consideration, whether, in this particular instance, the funds of the Military Chest might not be made available, for the purpose of enabling Mr. MacGregor to repair his loss.

Mr. MacGregor, who is a most loyal, patriotic and enterprising man, estimates his loss at £4,250 sterling—and in the event of being compensated, proposes immediately building a new boat.

His petition is backed in the strongest manner by all the most influential and respectable inhabitants of the Western frontier, and neighbourhood of Chatham, who view the loss of the boat as a great public calamity, as to the existence of the *Thames*, is mainly to be attributed the prosperity of the town of Chatham in particular.

I have, &c.

(Signed) F. HALKETT,
A. M. S.Colonel ROWAN,
Military Secretary,

(Copy.)

WESTERN DISTRICT, }
TO WIT: } HENRY S. LARNED, of the Town of Chatham, Builder, maketh oath and saith, that he was employed by Duncan MacGregor, Esquire, in the spring of the year 1838, to repair his Steam-boat called the "*Thames*," and that the said Steam-boat then underwent a complete repair; and on a thorough examination thereof, she was found to be sound in every respect; and in this deponent's opinion, the said Steam-boat was fit for service for six years, with but little repair done therto, to the best of this deponent's knowledge and belief; and this deponent further states, that he believes the expenses of the said repairs in the said Steam-boat, amounted to the sum of £400.

(Signed) HENRY S. LARNED.

Sworn before me, at the Town of Chatham,
this 2nd day of January, 1839.(Signed) CLAUDE GOWIN,
J. P. W. D.

(Copy.)

HENRY S. LARNED maketh oath and saith, that to the best of his knowledge, a Steam-boat of the power and tonnage of the Steam-boat "*Thames*," cannot be built at this time, for less than four thousand five hundred, or five thousand pounds currency.

(Signed) HENRY S. LARNED.

Sworn before me, this sixteenth
day of January, 1839.(Signed) J. W. LITTLE,
J. P. W. D.

(Copy.)

DUNCAN MACGREGOR, owner of the Steamer "*Thames*," maketh oath and saith, that he cannot state the exact cost of the said Boat, but that she cost three thousand five hundred pounds before she commenced running—no charge for lumber furnished from his mill, teaming of his cattle and provisions, being made: and nearly all the proceeds of her first

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season were expended upon her; and that had an account been kept, she would have cost upwards of four thousand five hundred pounds, currency—and is of opinion, that a Boat of her dimensions cannot at present be built for the same.

APPENDIX C. C.

(Signed) DUNCAN MACGREGOR.

Sworn before me, this sixteenth
day of January, 1839.

(Signed) J. W. LITTLE,
J. P. W. D.

(Copy.)

HEAD QUARTERS,
Montreal, 16th February, 1839.

SIR,

Having had the honour to lay before the Commander of the Forces, Captain Halkett's letter of the 4th instant, in which he states that numerous applications having been made for compensation for the loss of the Steamér "*Thames*," which vessel was destroyed by the Brigands, at Windsor, on the 4th of December last; your Excellency, under the circumstances attending the destruction of the "*Thames*," considers the claim a strong one, and submits for consideration, whether, in this peculiar instance, the funds of the Military Chest might not be made available, for the purpose of enabling the proprietor of the Boat to repair his loss. I am directed to acquaint you, that the Commander of the Forces does not think himself authorized to order any sum to be paid from the Military Chest, as indemnification for the loss of property in these Provinces, without previously communicating with Her Majesty's Government.

With reference to the letter from the Secretary to the Treasury—a copy of which was ^{7th July, 1838.} transmitted to Captain Halkett, with my letter of the 29th September—His Excellency recommends, should the Provincial Legislature not provide for the loss sustained by Mr. MacGregor, that a Board of Officers should be assembled at Windsor or Sandwich, to report upon this claim: and the result of the investigation be forwarded by your Excellency to the Secretary of State for the Colonies, for the purpose of being submitted to the Lords Commissioners of Her Majesty's Treasury.

I have &c.

(Signed) WILLIAM ROWAN,
M. S.

His Excellency Major General

SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

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APPENDIX D. D.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons House of Assembly, of the Province of Upper Canada, in Provincial Parliament assembled, most respectfully represent to Your Majesty, that it would be a source of unbounded satisfaction to us, if it should graciously please Your Majesty, to confer some mark of your Royal approbation on a brave and gallant Naval Officer, who performed, with equal skill, bravery and discretion, a most important public service, whilst an Island belonging to Your Majesty was invaded from the United States of America, by the citizens of that country, while professing to be at peace with Your Majesty. These daring and desperate adventurers, having occupied a portion of Your Majesty's territory, held it, in utter defiance of Your Majesty's right and authority, by the employment of a piratical vessel, called "*the Caroline*," which was conveying to this lawless assemblage of men, arms and munitions of war from the said States, for the purpose of continuing a contest against Your Majesty's possessions and authority. The destruction of this piratical vessel was confided, by the gallant Officer who commanded the Frontier of Your Majesty's Territory, to Andrew Drew, Esquire, a Commander of the Royal Navy, whose bravery, skill-

Address to the Queen on behalf of Captain Drew.

APPENDIX E. E. & F. F.—(See Journal, Pages 203, & 207.)

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fulness, and intrepidity, was the theme of general admiration. And we, Your Majesty's dutiful and loyal Subjects, would be highly gratified, should it comport with Your Majesty's gracious wishes, that some mark of the Royal favour, should be manifested towards an Officer, who proved how well he knew in what manner to support the glory of the British arms, and the honour of his country.

ALLAN N. MACNAB,
SPEAKER.

Commons House of Assembly,
8th day of May, 1839.

APPENDIX E. E.

APPENDIX E. E.—(See Journal, Page 203.)

Resolutions of the Assembly in relation to the report of the Committee of Conference upon Civil Lis. Bill.

Resolved—That in reply to the objections urged to the Supply Bill, it is the opinion of this House,

First : That in the absence of any ulterior arrangements in the office of the Secretary of the Province, the sum of £208 0 0 be granted for the private Secretary of His Excellency, according to the estimate; and that the changes in the duties of that office, and of the Secretary of the Province, suggested in the report sent down to this House by His Excellency the Lieutenant Governor, be considered in the ensuing Session.

The second charge objected to, for not providing an additional Clerk in the Executive Council, was with a view of restoring that office to the establishment of 1837, which, if a competent person is placed at the head of that office, was considered ample by this House.

The third charge objected to, for not providing for the Surveyor General's Office out of the general funds of the Province, is, in the opinion of this House, correct. Nevertheless, in order to avoid any embarrassment, and in the earnest hope that the Casual and Territorial Revenue Bill may become a law, which will place the Fund arising from Lands, at the disposal of the Legislature, and enable them to defray these charges from the proper source, instead of their being a burthen on the Commercial Revenues of the Country, this House will, for this year, grant these sums, but hope that they will not be included in any future estimate.

Resolved—That the amount estimated for the Expenses attending the maintenance and Trial of the State Prisoners, including the advances from the Crown Fund, on the same account, and the amount expended for secret services, be included in the supply.

Truly extracted.

JAMES FITZGIBBON,
Clerk of the Assembly.

APPENDIX F. F.

APPENDIX F. F.—(See Journal, Page 207.)

Resolutions of the Assembly in relation to the report of the Committee of Conference upon Casual and Territorial Revenue disposition Bill.

Resolved—That this House entertaining the most sincere desire to meet the views of Her Majesty's Government, and settle a question which has been the subject of contention many years, they concur in the reasons expressed in the report of the Committee of Conference by the Legislative Council, relating to the annuities due the various Indian Tribes, although they cannot refrain from expressing their disappointment, that all the lands thus ceded should have been sold, or otherwise disposed of, without providing an annuity out of the proceeds of the same, to indemnify the original owners.

Resolved—That in the opinion of the House, no charge should be made upon the Casual and Territorial Revenue, for the support of religion, but that all such charges to which the faith of Her Majesty is pledged, should be transferred to and borne out of the funds arising from Clergy Reserves, and that an humble Address should be presented to Her Majesty, praying Her to bring the subject under the consideration of the Imperial Parliament, in order to pass measures authorizing such transfer, in order to remove the objection from the passing of this bill, that this revenue may hereafter be applied in paying the interest on the construction of our public improvements, and promoting the general prosperity of the country.

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The third objection—in respect to the Military Reserve—is one which does not involve principle. The only objection to make the advance, on the part of this House, is want of means; and we have no apprehension that Her Majesty's Government will object to wait, until the amount of those Barracks is realized from the proceeds of this Reserve.

APPENDIX F. F.

Truly extracted.

JAMES FITZGIBBON,

Clerk of Assembly.

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APPENDIX G. G.

THE SELECT COMMITTEE to whom was referred the Report of the Right Honourable the EARL OF DURHAM, HER MAJESTY'S late GOVERNOR-IN-CHIEF of British North America,

RESPECTFULLY SUBMIT THE FOLLOWING REPORT :

In discussing the report of Her Majesty's late High Commissioner on the affairs of Upper Canada, your Committee are fully aware, that their observations cannot be understood by your Honourable House, as conveying any censure on Her Majesty's Commissioner; who commences by informing Her Majesty, that his information, respecting the state of Upper Canada, had not been acquired in the course of his actual administration of the government of that Province, a fact to which the report itself bears ample testimony. His Lordship observes that, "it is very difficult to make out from the avowals of parties, the real objects of their struggles, and still less easy is it to discover any cause of such importance, as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of government."—From the first part of this paragraph it appears, that the political parties into which the Province is said to be divided, have no very strong ground for complaint, otherwise some definite description thereof would doubtless have been given to His Lordship; who, in the latter part of the same paragraph, insinuates, that a large mass of the people of Upper Canada were desirous of overthrowing the government, a fact totally unknown in this Province, and already sufficiently refuted by the conduct of the people. His Lordship then informs Her Majesty, that Upper Canada "has long been entirely governed by a party commonly designated through the Province as the 'family compact,'" and that, "there is in truth, very little of family connection among the persons thus united." Why then should his Lordship give his assistance in the dissemination of any such erroneous idea, as that title has been used to propagate? His Lordship does not appear to have understood, that the object of the Press in adopting the term of "family compact," as a name by which to designate "the Bench, the Magistracy, the holders of the high offices of the Episcopal Church, and a great part of the legal profession, the possessors of nearly the whole of the waste lands of the Province, the people all powerful in the chartered Banks, and sharing among themselves almost exclusively all offices of trust and profit;" intended to impress their readers with the idea, that a close family connection did exist among all the persons in authority throughout the Province, and that if it were not so understood, the force of the epithet would be altogether lost; for throughout his Lordship's report "the family compact" is blazoned forth with studious pertinacity, although the inaptness of the title had been previously admitted.

Report of the Select Committee upon the Report of the Right Honourable the Earl of Durham.

The High Commissioner next endeavours to shew, that all persons of education, and more especially members of the learned profession, ought rather to settle in the United States than in Canada, a Surgeon, for instance, because he must shew that he is duly qualified before he can be permitted to practice within this Province; an Attorney, because he is not permitted to practice therein as a Barrister; and a Barrister, because he is not allowed to act as an Attorney.

Your Committee are of opinion, that in all these regulations the legislature has shewn a proper and praise-worthy desire to prevent ignorant pretenders to medical and legal knowledge, disturbing the animal economy or social condition of Her Majesty's subjects. Then comes his Lordship's list of British grievances, which is altogether remarkable; he complains of the Banking system, in which he says the Canadian party are supreme, (a large portion of the stock in the most ancient of the chartered Banks, is, however, owned by persons residing

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in England.) and further asserts, that the influence of the Banks "is said to be employed "directly as an instrument for upholding the political supremacy of the party" (Canadian)—Your Committee happen to have the means of personally knowing, that the chartered Banks have most studiously avoided political connection with all parties.

Your Committee find introduced as one of the grievances, "that under the system at selling land pursued by the government, an individual does not receive a patent for his land, "until he has paid the whole of his purchase money."—Why should a contrary course be pursued!—That is not shewn! The High Commissioner then wanders into Illinois, and gives a vivid description of the peculiar advantages to be derived by English folk, who may become domiciled in the republic. If indeed his Lordship had not qualified his opinions with the assertion that, "but few cases in which the departure of an Englishman from Upper Canada to the States, can be traced directly to any of these circumstances in particular," alluding to the British grievances before mentioned, your Committee would have supposed, that the peculiar functions of Her Majesty's High Commissioner were not those detailed in his commission, the more-especially, as these hitherto unheard of grievances are quoted, as the cause of the decreased emigration from the Parent State; and throughout the report comparisons are constantly drawn unfavourable to Her Majesty's possessions in North America.

Your Committee having exposed a few of the inconsistencies in the first pages of his Lordship's report, deem it unnecessary to enter more fully into its details, the conflicting character of which, as compared with his Lordship's other productions, is sufficiently set forth in the Report of the Committee on the state of the Province, appointed by the House of Assembly: observing, however, that his Lordship sums up the Upper Canadian grievances, in the great practical question of the Clergy Reserves. Your Honourable House has, so recently, had this question under discussion, that your Committee refrain from any commentary on his Lordship's statements regarding it, but your Committee cannot avoid observing that, however unintentional, his Lordship's remarks are evidently calculated to cast odium on the Established Church of England, which, like every other respectable body throughout the Colony, has been constantly assailed by the party mis-named Reformers.

Adverting, now, to his Lordship's great panacea for all political disorders, "Responsible Government," your Committee beg to observe, that a liberal-minded Englishman, sincerely admiring the great principles of the British Constitution, would naturally be desirous of extending them, theoretically and practically, to all people living under the dominion of the Crown; and, at the first view, would be apt to ascribe any evils which were found to exist, in any portion of the Empire, to the absence of those political institutions, which he is bound to uphold in the administration of public affairs, in the metropolitan and supreme government.

It is in this manner we must account for the adoption, at first sight, by many statesmen, of the principle, that the officers administering the government should be under the same popular control in Colonies, as the like persons necessarily are in those societies, where powers of supreme legislation, by means of popular administration, are found to exist; but it is to the practical impossibility of preserving Colonial relations on such a plan, that we must attribute the fact, that notwithstanding all the changes produced by the struggles of party, or the alternations of conservative or liberal politics in England, no statesman, armed with the authority, has, as yet, attempted to introduce the principle of responsibility of government to the people, into the Colonial system.

After an attentive and disinterested consideration of this subject, your Committee are led to the conclusion, that the adoption of the plan proposed by the Earl of Durham, in which this is the prominent feature, must lead to the overthrow of the great Colonial Empire of England.

The control exercised by the popular will, over the administration of affairs in Great Britain, and over the choice of persons by whom the government shall be conducted, is founded, not upon theory, but upon the practical necessity of carrying on a government, according to the will of that power in the Constitution, which, right or wrong, can most effectually control it. Simple responsibility of the executive functionaries, and their liability to answer for misdemeanors or mistakes, existed in England long before the popular branch of the legislature assumed its present powers; and, in fact, the trial and punishment of Ministers, or in other words, their actual responsibility was much more frequently exhibited when the Sovereign

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was independent of the people, than since the British Constitution has been, by the necessities of the Crown, moulded into its present form.

This latter responsibility the Colonists have: it is now proposed to bestow on them the former.

No one can be blind to the fact, that it is amongst those who advocate the doctrine, that Colonies are useless and burdensome, that responsibility of the government to the people finds its warmest supporters. Lord Durham holds a contrary opinion, and yet he advocates popular government!

That the Colonial possessions of England are of immense importance, and essential to the continuance of her greatness and prosperity, few, we believe, are prepared to deny. In support of that opinion, your Committee will, however, quote a favourite expression of the Earl of Durham, after his Lordship had seen the Canadian possessions of the Crown, and become sensible of their value—"England, if she lose her North American Colonies, must sink into a second-rate power."

According to the present system, the Governor of a Colony exercises most of the Royal functions, under the general direction of the Ministers of the Crown; he is strictly accountable for his conduct, and for the use he makes of the Royal authority; he recommends for office persons in the Colony, or appoints those selected by the Minister; and he endeavours to conduct his Government according to the policy of the Imperial Cabinet, with a view to the present prosperity and future greatness of a country in which England has a deep interest; and above all things, with the intention of preserving, against all opposition, the unity of the Empire.

To enable him to fulfil these great duties, it is obviously his interest, and that of his advisers, to keep on his side the popular voice of the Colony, and to avoid giving occasion to discontent—redressing real, and dissipating, by temperate discussion, all imaginary grievances.

According to the system proposed by the Earl of Durham, the advisers of the Lieutenant Governor would not be Officers who, in accordance with the policy of the Home Government, endeavour to aid the Lieutenant-Governor in conciliating the affections of the people, but they must be the creatures of the prevailing faction or party in the Assembly—advising the Governor altogether with the view to the wishes of the House for the moment, regardless of the opinions of the Supreme Parliament, or those of the Imperial Cabinet—and having (though nominally subordinate) the power of forcing all their measures upon the Governor.

The Colonial Governor must, in this case, be left without discretion or responsibility, and follow whatever changes may occur; in his Colony he could take no directions from the Minister of the Crown, nor, indeed, communicate with the Supreme Government, unless in the terms dictated by his responsible advisers, to whose directions he must submit, far more completely than the Sovereign to the advice of the Cabinet. The real Sovereign and the Supreme Cabinet, are lost sight of and forgotten, in the administration of public affairs in the colony: and thus the responsibility to Parliament, which in England is produced by, and consistent with the powers of supreme legislation, being introduced into a colony where the supremacy in the legislative body does not exist, the weaker body, in fact, is, by a political fiction, made the stronger—the dependency of the colony is at an end—and while the Sovereign no longer possesses a confidential servant in the colony, the Ministers of the Crown, who are responsible for the preservation of colonial connection, lose all authority to fulfil the duties of their Office.

Either this must be the course pursued by a Governor, with responsible advisers, or he must think for himself, independently of those advisers: and, as a matter of course, throw himself for information and advice, upon irregular and unknown sources. In such an event, the responsible advisers resign—they have, perhaps, a majority in the Provincial Parliament; but they may, notwithstanding, be very wrong. Then comes a dissolution of the Provincial Parliament, and perhaps an expression of public opinion, by a bare majority, against the Government—and probably, inimical to the interests of the Empire. Who, then, is to yield?—The Government must, in fact, retire from the contest—whether right or wrong—or carry on public affairs without any advisers or public officers.

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This cannot be done: so that, after all, the Governor of the Colony must be responsible to the prevailing party in the Colony; and, so far as the Empire is concerned, he becomes the Sovereign of an independent realm—having no discretion, and therefore no responsibility.

Under such a system, Colonial dependence would practically be at an end. If it be resolved, then, to force upon us an independence not yet courted, why subject the Colonies to the few miserable years of transition from Monarchy to Democracy, which must inevitably follow?—Why subject the Colony to the dissensions of party! Is it to foster a spirit of undying enmity among a people disposed to dwell together in harmony and peace? Far better would it be to unite them at once to an empire which, though rival, and perhaps inimical to England, would, in such case, interfere sufficiently between contending parties, to save them from each other.

If England withdraw her influence, and leave her governors to be the shuttle between colonial parties, no loyalty now existing among any of these parties, will prevent their seeking another influence in the neighbouring republic, to replace the one needlessly withdrawn; and as the French of Lower Canada sought the alliance of their ancient enemies, the Anglo-American population of the neighbouring States, to give them the means of overwhelming the British population—for the time left without the countenance or support of the British government—so will the losing party, in either colony, seek some external influence to aid their cause. England refuses the umpirage, and there can be no doubt but that it will be readily offered, before many years, to the United States.

Ireland and Scotland had once independent legislatures; but never, when under the British Crown, had they any thing approaching to governments responsible to their respective people—yet the government of them become impracticable, the moment it approached to a participation of equal political rights, and they were united with England, because government in the different parts of an empire, must be conducted with a view to some supreme ruling power, which is not practicable with several separate and independent legislatures.

The plan of the Earl of Durham is to confine the functions of the local legislatures to affairs strictly colonial, but this limitation of powers is not practicable under his Lordship's system.

It is perfectly true that, it is not for the interest of England to maintain a continual struggle with the local legislature, for the purpose of upholding any class of persons in the colonies, as the servants of the Crown; but it is no less true, that the honour and interests of the Empire are intimately involved with local administration, and that if Governors of colonies are to be left unsupported by the Imperial Government, and to have their advisers chosen for them by the prevailing party, the usefulness of the Governors must be at an end,—there must either be continual collisions between them and the other public servants in the colonies, or the Governors must yield up their judgments and consciences to the keeping of the factions which agitate the countries they are appointed to govern.

In small communities, the future is continually sacrificed to present convenience, but the very temporary nature of the interests which influence the politics of a country like this, with a changing population, with no barriers between the inception of public will and its expression—the comparatively little personal influence held by any, from considerations of property or personal attachment—the ephemeral character of the topics which sway elections, and elevate men for the moment into public favour, with almost a certainty of sinking with the reflux of the wave which lifted them into view, operate against the growing up of that steady influence capable of giving stability to politics, or of defining the views of party. The people are individually essentially free—free from landlords—free from employers—free from the influence of great wealth, as well as from that of high station in the few; every man does as it seems best in his own eyes. The consequence is, that it is scarcely possible to know, for any continuance, what the views of the prominent parliamentary men are, except on a few questions: no considerable number of them think alike, and all, by turns, find themselves in a minority many times during a parliamentary session.

This state of things does not arise from any modification of political institutions, but from the individual independence of the population—caused by the ease with which landed property is acquired. In England, political leaders think for the people: in America, the people

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think for the members of Parliament; and as the people are not bound to consistency, like individuals of note, its appetite for change, and for the proposal and attempt to carry absurd and extravagant measures, is, and must be gratified from time to time, non obstante, the consistency of politicians.

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The same course of politics is found in the United States, where the President, the Senate, and the House of Representatives, constantly find their measures negatived by each other, and where members are constantly instructed by their constituents, according to the popular whim of the hour. We therefore do not find what is strictly called Executive responsibility, or necessity of continual accordance of government with the popular voice; and measures have, even between the short intervals of the Presidential elections, time to be popular and unpopular, two or three times over. The French Canadian party form, perhaps, the only political combination in America with consistency of principle, and this is because they have leaders who direct the general opinion. They are consequently the only party, whose representatives could by any possibility lay down any tangible principles upon which they would conduct a government. In this Province, as in the United States, popular will must influence the conduct of Government in all things, not essentially wrong or chimerical, and in these the government must be strong enough to resist, and be known to have the power of resistance for a sufficient time, to permit more cool and quiet consideration on the part of the constituency.

A curious example of this species of legislation is found in a discussion, which has occupied a great part of the present session, on the absorbing topic of the Clergy Reserves. It has been taken up and discussed upon principles of liberality and concession, on all sides; the parties, unable to agree upon any mode of appropriation, have, as a final measure, referred the issue to the Imperial Parliament.

It would be almost impossible to enumerate the various modes of distribution proposed, with and without the approbation of government, on this question, which would, undoubtedly, in English politics, be considered one, upon which the existence of a Ministry must depend.—Suffice it to say, that, almost every member had a plan of his own; some had two or three plans fresh from their constituents—yet, strange to say, the house could not agree,—that is to say, there was a number sufficient to negative every plan proposed, and to prevent the reference of the matter to England, up to the last day of the session.

In this paradoxical state of affairs, which of the contending parties should form the Colonial cabinet?

This, or something approaching to it, not being an unusual condition of politics, it may easily be supposed that few, if any persons, possess sufficient influence to conduct affairs; and from this state of things, it is to be presumed, has arisen the practice in all Colonial governments, with legislatures, of the Governors standing as mediators between parties, yielding and leaning to the popular voice, but resisting it with the authority of their office, when it was manifestly in error.

It must be supposed, that had the system proposed by the Earl of Durham been long since adopted, the popular will would have prevailed to a far greater extent than heretofore, and yet most of the practical evils found in the Colonies have arisen from measures popular at the time of their enactment.

The preservation of the French language, laws, and institutions, and the consequent perpetuation of the contest between the races, so strongly deprecated by the Earl of Durham, was a popular measure, and must have prevailed even more injuriously, and even destructively, under a responsible government.

The concessions of public lands to U. E. Loyalists and their children, to militia, and other grantees not resident upon the lands, which now form an acknowledged public grievance, were popular measures: the persons who benefitted by them being the population of the country, and those who complain of them, not being yet arrived.

The parliamentary grants for local works, and the disposal of funds by commissioners named by the legislature, and the abuse of this patronage, are evidently founded upon, and rising out of, the parliamentary influence sought to be made supreme, and are evils which might have been greatly exaggerated, but could not have been lessened by responsible govern-

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ment. In fact, they prove that Governors should oftener take the responsibility of resisting the popular voice than they have been hitherto accustomed.

The very change in political sentiments, produced by the constant introduction of new population from Great Britain, shews that legislation in these Colonies ought to be conducted with some view to the interests of those not represented in the legislature, but who may soon form the great mass of the subjects of the Crown in America. A responsible cabinet must, however, look exclusively to the party of the day, and in its favour neglect the great future interests of the Province.

In short, local and sectional interests are felt too strongly and directly in elective bodies, in small communities, to permit of consistent legislation on general principles, and the objects to be gained during the short period for which the majority hold their influence, are of too much consequence, compared with distinct general results, to permit of the perfectly unchecked course which would result from responsible government.

Although the points are few in which it is the interest of England directly to interfere with local and internal affairs in the Colonies, your Committee are at a loss to conceive how, in a government so independent, as this is proposed to be made of England, these few points can by any means be excluded from the control of the local parliament—a disagreement with the cabinet and legislature on the subject of foreign trade, immigration, disposal of lands, or any of the excluded topics, will just as readily induce a stoppage of the supplies, with all the consequences, as any of the questions within the range of local legislation, and if we can suppose cases in which the interests of the Empire and that of the Colony should be different, it is vain to expect that any set of public servants who should espouse the general interests, could continue in authority.

Even in the question of peace and war, excluded alike from local legislation in the several States of America, as in the Colonies, we have seen how nearly in the States of Michigan, New York, and Maine, the prevalence of popular opinion produced a terrible national war: how the arm of government was paralyzed, and the licentious and outrageous conduct of the populace encouraged by local authorities, because of the influence of this excluded and forbidden question, upon the elections of local governors and local legislatures:—and it cannot be questioned that little more exacerbation of the public mind in Upper Canada, would have caused such a desire for reprisal and retaliation, as would have placed any local responsible cabinet, desirous to maintain peace on the border, in direct collision with the popular voice.

A stronger instance of the necessity for interference in local affairs, than the recommendation of the British Government for a merciful course towards the prisoners presented, could scarcely have occurred, for it has justly been observed, that the honour of England would suffer, if life were taken unnecessarily. But to prevent its being taken to a much greater extent than has been permitted, required much firmness in the advisers of the government, and much reliance on their part on the Imperial authorities for support in the humane course recommended by them.

To conclude this subject, your Committee would observe, that so long as England holds sway in the colonies, there will be a majority seeking for power in the Provinces; and a minority for justice and protection, and impartial government. The moment the provincial magnates are made supreme by the proposed system, interference to do justice will be a breach of faith; and let it be recollected, that if England refuse the umpirage between contending parties, there is a power at hand, ready and anxious to join with either, and watching for the favourable opportunity.

From these reasonings, it appears evident, that the expenses of military defence in Canada are not to be avoided by a partial independence, or by any thing short of abandonment.—These expenses have not been incurred in consequence of any want of popular concessions: they have been caused by the unprincipled and outrageous conduct of the border Americans, which can only be held in check by military defences, or by the influence of British power, upon the American people, through their government.

Referring to the causes of the late insurrection, your Committee would observe, that it is not to be contended, that the influence over the public mind, caused by Sir Francis Head having placed the question at issue in such a light, as to show political evils arising from the reform system so strongly, as to produce the change in the elections of 1836, could either produce or

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excuse rebellion. The question at issue involved consequences of vital importance: nor could the rebellion be produced or excused by comparisons made by the public, to the disadvantage of the reformers. The only pretence amongst all those urged, having any colour of argument, is the alleged corruption at the elections, and the influence then obtained by government. But this pretext seems, upon examination, as unfounded as the others: a people who will permit themselves, in a country in which the elective franchise is so widely diffused, to be bribed or influenced into returning an overwhelming majority to parliament, are not the most likely, therefore, to rise in rebellion against their own decision; and as to the fact of corruption on the part of the government, so far from there being any means of attempting such a course, it is with great difficulty that the government can find the means of carrying on itself, without any such expensive interference with the rights of electors. If the assertion were not too absurd for dispute upon it, reference might be had to the returns from the public offices, and to the proceedings in the Assembly, in which the reformers were invited, in vain, to sustain any one of these accusations, as a full refutation of the charge, of corrupt interference influencing the elections.

That dissatisfaction prevailed amongst the defeated party, as in all other cases, is admitted—and that the elected members did not possess the confidence of those who voted against them, was to be expected; but that the successful majority were thereby driven into despair of good government, or were discontented with their own mode of putting members of their own choice into power, is not only contradicted by the argument that the remedy would always be in their own hands, but by the fact of the enthusiastic loyalty with which the populace of the country, chiefly those who formed the majority in the late elections, rallied round the very men and the governor, by whom, according to the complaint of the reformers, they had been disappointed and betrayed. Your Committee are of opinion, that the proximity of the American frontier—the wild and chimerical notions of civil government broached and discussed there—the introduction of a very great number of border Americans into this Province, as settlers, who, with some most respectable and worthy exceptions, formed the bulk of the reformers, who carried these opinions so far as disaffection—together with the existence of actual rebellion, and the expectation of a general rising in Lower Canada, emboldened a portion of the minority to rise in rebellion in this Province, in the hope of achieving the overthrow of the Government with foreign assistance.

Is it because reformers, or a portion of them, can command the sympathies of the United States, and of Lower Canadian rebels, that the internal affairs of a British colony must be conducted so as to please them? Where would the colonial government have looked for support and defence, in its time of real danger; had proscription, and discouragement and disregard, been the portion of those who had shown, at the elections, that they were willing to sacrifice a portion of popular influence, to the great object of retaining British connection.

How painfully must such men be excited, at reading, in Lord Durham's report, what appears to be a justification of the course taken by the disaffected, without one word of approval to those who risked and endured so much in defence of British supremacy. In what manner, we ask, did the dominant party make use of the occasion, to persecute or disable the whole body of their political opponents? Who were the numbers of perfectly innocent men thrown into prison, and who suffered in person, property, and character? And what severe laws were passed in *Upper Canada*, under colour of which, individuals very generally esteemed, were punished without any form of trial?

That some unauthorised individuals were prone to insult those whom they viewed, at the moment as a fallen enemy, must have been the case. That the individuals, thus insulted, may have felt themselves aggrieved and annoyed, cannot be doubted—that a great many were thrown into prison. (against whom the clearest proof of high treason, was in the hands of the magistracy,) but who were released without trial, a mercy which they most thankfully accepted, can easily be proved. That they were perfectly innocent, could only have been placed beyond dispute by a trial, but in the cases of the great number of individuals arrested, there were not only good grounds of suspicion, but means of proof of guilt, and it would be far indeed, from being the interests of the parties themselves to provoke an inquiry.

It is true, that magistrates, sometimes looking to the circumstances of their own immediate neighbourhoods, rather than to the policy of the Government at large, proceeded

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with more zeal and strictness than the case demanded; but what good reason for complaint has the criminal, arrested for high treason, in the discovery, that the magistrate, by whose authority he is arrested, has a political leaning different from himself?

It is stated, in Lord Durham's report, that it was generally believed, that the pardon of Samuel Lount, and Peter Matthews, was solicited by no less than thirty thousand of their countrymen. The number of petitioners—men and women—who petitioned for these criminals, appear, upon examination, to be four thousand, five hundred, and seventy-four;—such exaggerations necessarily refute themselves.

It is one of the most distressing effects of the publication of the Earl of Durham's report, that His Lordship thus seems to condemn the execution of these men. If they really ought to have been spared, the publication of such a sentiment, from one in high authority, cannot restore them, but it must give rise to feelings, on the part of their friends, and their political party, (who may never have imagined such a possibility as the escape from punishment of every one of the leaders of a rebellion, which inflicted so much calamity upon the Province,) but who will now think that, had the Earl of Durham been in this Province, high treason would have been considered much in the same light as a riot at an election.

Your Committee having animadverted on the principal topics in the report of the High Commissioner, beg, ere they conclude, to observe, that, as regards Upper Canada, Lord Durham could not possibly have any personal knowledge, the period of his sojourn in that Province being of such very short duration.—Your Committee regret that His Lordship should have confided the task of collecting information, to a person, who, be he whom he may, has evidently entered on his task, with the desire to exalt the opponents of the colonial government in the estimation of the High Commissioner, and to throw discredit on the statements of the supporters of British influence, and British connection—that he should, in such an attempt, have laid himself open to severe censure, was to be expected. Your Committee have, however, through a feeling of respect for Her Majesty's Commissioner, refrained from commenting on his report, in the terms which they honestly avow they think it merits, confident that their forbearance will meet the desires of your Honourable House, and be equally in accordance with the wishes of the family compact hereinbefore mentioned.

All which is respectfully submitted,

J. S. MACAULAY,
CHAIRMAN.

Committee Room, Legislative Council,
11th day of May, 1839.

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