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APPENDIX, No. 2,

TO THE

SIXTH VOLUME.

APPENDIX TO THE SIXTH VOLUME

OF THE

JOURNALS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF CANADA.



FROM THE 2ND DAY OF JUNE TO THE 28TH DAY OF JULY, 1847,

BOTH DAYS INCLUSIVE,

AND IN THE TENTH AND ELEVENTH YEARS OF THE REIGN OF OUR SOVEREIGN LADY

QUEEN VICTORIA.

BEING THE THIRD SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF CANADA.

SESSION, 1847.

Printed by the Order of the Legislative Assembly.

"GREAT BRITAIN" Steam-Press—ROLLO CAMPBELL, Printer, Montreal—1847.

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Appendix
(U.)
30th June.

Appendix
(U.)
30th June.

STATEMENTS

OF THE AFFAIRS OF THE BANKS AND INSURANCE OFFICES OF THE PROVINCE, RECEIVED IN CONFORMITY TO AN ORDER OF THE HOUSE OF THE 21st INSTANT.

GENERAL STATEMENT of the Affairs of the BANK of MONTREAL, Exhibiting the Liabilities and Resources of the Institution, as taken from the Books of the Bank, 24th June, 1847.

	£	s.	d.	£	s.	d.
Capital Stock	750000	0	0			
Bank Notes in circulation	529518	10	0			
Dividends due	2703	13	10			
The Rest	75000	0	0			
Reserve Fund	12000	0	0			
Balances due to other Banks	14609	10	7			
Balances due to Foreign Agencies	13087	3	1			
Deposits	361867	12	7			
Profits since 16th May	11443	12	10			
	£1770230	2	11			
				£		
				104530	9	8
				29013	7	9
				42809	11	0
				9400	0	0
				52212	17	11
				38853	7	4
				1490410	9	3
	£1770230	2	11			

BANK OF MONTREAL,
Montreal, 25th June, 1847.

WM. GUNN,
Assistant Cashier.

ABSTRACT from the Books of the QUEBEC BANK, exhibiting a General Statement of its Affairs to 31st May, 1847.

Dr.		Cr.	
£	s.	£	s.
To Capital Stock paid in	100000	By Amount of Specie in current coins.....	25652
To Amount of Notes in circulation.....	69837	By Bank Notes and Checks of other Banks	5999
To Dividends payable 1st June, 1847.....	3500	By Value of Buildings and other Real Estate belonging to the Corporation	6500
To Contingent Fund at the credit of Profit and Loss Account	10734	By Provincial Securities in Debentures	16050
Less Dividends reserved	3500	By Balances due by other Banks.....	1127
To Balances due to other Banks and Bankers.....	7234	By Amount of Debts owing to the Corporation on discounted Notes and other securities	22755
To Cash Deposited.—Bearing Interest.....	11186		
do Not bearing Interest.....	53825		
	89325		
	£281085		£281085

NOAH FREER,
Cashier.

Quebec Bank, 7th June, 1847.

GENERAL STATEMENT of the Affairs of the COMMERCIAL BANK of the MIDLAND DISTRICT, exhibiting the Liabilities and Assets of the Institution on 21st June, 1847, in compliance with the Requisition of the Honorable the Legislative Assembly.

LIABILITIES.		ASSETS.	
£	s.	£	s.
Capital paid up	143527	Gold, Silver, and Copper Coin in the Vault of the Bank and Offices.....	61069
Bank Notes in circulation of \$5 and over	55402	Notes of other Banks	17570
do do under \$5	None.	Balances due by other Banks and Foreign Agencies	20014
do do bearing interest.....		Real Estate and Bank Furniture	23046
Contingent Fund		Notes discounted, and other Debts due to the Bank, not included under the preceding heads	651254
Balances due to other Banks			
Deposits bearing Interest.....			
do not bearing Interest			
	£772055		£772055

We, the undersigned, make oath and swear, that the foregoing Statements are correct to the best of our knowledge and belief,

Sworn before me at Kingston, this
1st day of July 1847. JAS. MACFARLANE, J. P.

JOHN HAMILTON, President.
F. A. HARPER, Cashier.

Appendix
(U.)
30th June.

Appendix
(U.)
30th June.

GENERAL STATEMENT of the Affairs of the GORE BANK, on Wednesday, 30th June, 1847, furnished by Order of the Honorable the Legislative Assembly.

	£	s.	d.	£	s.	d.	£	s.	d.
Capital Stock.....									
Bank Notes in circulation, viz:—									
Over \$5.....	21897	10	0	17904	19	11			
Under 5.....	65803	10	0	5483	0	11			
Unclaimed Dividends.....									
Cash deposited, not bearing Interest.....							23988	0	10
Cash deposited, bearing Interest.....							17571	10	5
Profits accrued at this date.....							4613	11	7
							194484	12	7
							£240057	15	5
							8500	0	0
							8072	5	11
							7250	8	2
Gold, silver, and other coined metals in the Bank.....									
Bills of other Banks.....	100000								
Balances due from other Banks and foreign Agents.....	87141								
Real Estate and Bank furniture.....	586								
Amount of all Debts due to the Bank, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, excepting balances due from other Banks.....	20805								
	20569								
	10954								
	£240057								
Rate and amount of the last Dividend, being for the six months ending 30th April, 1847.....									
Amount of reserved Profits at the time of declaring the last Dividend.....									
Amount of Debts due to the Bank and not paid, of which about £325 may be considered doubtful.....									

We, the undersigned, Colin C. Ferrie, President, and Andrew Steven, Cashier, severally make oath and say, that the above is a true Statement of the affairs of the Gore Bank, on Wednesday, the 30th day of June, 1847.

COLIN C. FERRIE.
A. STEVEN.

Sworn before me, at Hamilton,
this 7th day of July, 1847.
JOHN DAVIDSON, J. P.

GENERAL STATEMENT of the Affairs of the BANK of UPPER CANADA on the 21st of June, 1847, furnished by Order of the Honorable the Legislative Assembly.

Table with columns for descriptions, £, s., d., and £. Rows include Capital Stock paid in, Amount of Notes in circulation, Bills and Notes in circulation, Cash deposited, and MISCELLANEOUS items like Rate and amount of the last Dividend.

We, the undersigned, make oath and swear, that the foregoing Statements are correct to the best of our knowledge and belief.

WM. PROUDFOOT, President. THOS. G. RIDOUT, Cashier.

Sworn before me at Toronto, this 28th day of June, 1847. J. LYNN, J. P.

Appendix
(U.)
30th June.

Appendix
(U.)
30th June.

THE PROVIDENT AND SAVINGS BANK OF MONTREAL, being the Balance at 31st December, 1846.

Dr.

Cr.

	£	s.	d.	£	s.	d.	£	s.	d.
To amount due to Depositors, per statement of 31st December, 1845.....	171802	16	3	129921	10	7	41205	12	2
To amount deposited in 1846.....	5860	9	4				7986	8	2
To interest paid to Depositors during the year, or placed to their credit, 31st December	177663	5	7	26291	14	6	25125	7	8
Amount withdrawn during the year.....	151401	11	1				7414	11	7
Increase during 1846									
To amount due to Depositors at this date.....				156183	5	1			
To amount of reserve or guarantee fund, per statement of 31st December, 1845.....							6880	8	2
To amount of Interest account				3966	6	8	8316	5	4
Credited to Depositors, viz. ....£5860 9 4	5832	7	10						
Expense of Management, including the fitting up of the new Office, Rents, Assessments, Salaries of the Actuary and Assistants, &c..... 1319 13 4	7180	2	8	1852	5	2			
Profit and interest this year after paying all expenses....									
To amount of reserve or guarantee fund at this date....				5318	11	10			
				£161501	16	11			
							£161501	16	11

Bank Stock of the different Banks in the Province, owned by the Bank, cost and interest

Loans to various parties upon stock of the same Banks, transferred in security.....

Road, Harbor, Canal, and other Debentures owned by the Bank, cost with interest

Loans on the security of ditto.....

Corporation of the City of Montreal Bonds owned by the Bank, cost and interest

Loans on the transfer of the same, with security.....

Loans to Churches, Chapels, Schools, and other corporate bodies.....

Loans on Mortgage, with personal security.....

Office furniture.....

Cash, balance on hand.....

A correct Statement to the best of my knowledge and belief.

WM. LUNN,
President.

A just and faithful Statement of the transactions and funds of the Montreal Provident and Savings Bank.
Certified by me, 26th July, 1847.

JOHN EADIE,
Actuary and Treasurer.

Appendix
(U.)
30th June.

Appendix
(U.)
30th June.

FIRST ANNUAL STATEMENT of the Affairs of the HAMILTON AND GORE DISTRICT SAVINGS BANK, being for the year ending Thursday the 31st December, 1846. Prepared for the Honorable the Commons House of Assembly, in accordance with the 13th Section of the 32nd Chap. Prov. Act, 4th and 5th Victoria.

BALANCE SHEET.

	£	s.	d.		£	s.	d.
Deposits on 31st December, 1846	3715	9	5	Amount invested in Gore Bank Stock	1600	0	0
Accrued Profits after paying Interest to Depositors and expenses	28	6	7	do do Commercial Bank Stock	500	0	0
				do do Bank of U. C. do	187	10	0
				do do Toronto City Notes	520	5	0
				Cash in Gore Bank	986	1	0
	£3743	16	0		£3743	16	0
Total amount deposited since the establishment of the Savings Bank in January 1846, to the 31st December of the same year					6030	8	7
Total amount withdrawn during the same period					2314	19	2
Total amount of interest due to and paid to Depositors to the same date.....					68	11	0
Expenses during the same period					23	4	1

One Hundred and Seventy-eight Depositors during the year 1846, of whom were

38	33	37	23	12	11	4	7	4	9	Total.
Under £5.	Over £5 and under £10.	Over £10 and under £20.	Over £20 and under £30.	Over £30 and under £40.	Over £40 and under £50.	Over £50 and under £70.	Over £70 and under £80.	Between £80 and £90.	Between £90 and £100	178

RICHARD P. STREET,

Actuary.

TABLE shewing the Amounts deposited during the year 1846 by different Classes.

	£	s.	d.		£	s.	d.
Labourers	912	14	10	Fishermen	17	15	7
Farmers.....	792	1	10	Tinsmiths	76	9	2
Benevolent Societies	648	1	10	Tailors	79	5	2
Females.....	405	4	10	Masons	61	0	1
School Teachers.....	403	1	8	Watchmakers.....	116	11	11
Men Servants.....	208	12	3	Hatters.....	50	9	10
Female Servants.....	193	5	3	Shoemakers	64	5	11
Merchants' Clerks.....	201	11	10	Saddlers.....	27	10	7
Carpenters.....	140	2	7	Blacksmiths	12	12	6
Sailors	138	2	5	Coopers.....	40	8	8
Shop-keepers.....	98	3	6	Painters.....	9	16	6
Children	80	5	4	Bakers.....	29	15	11
Clergymen	171	17	1	Miscellaneous	947	15	9
Pedlars.....	103	5	9				
				Total amount deposited.....	£6030	8	7

RICHARD P. STREET,

Actuary.

We, the undersigned, Directors in the Hamilton and Gore District Savings Bank, make oath and say, that the foregoing Statement is correct, according to the best of our knowledge and belief.

J. KENNEDY,
HUGH C. BAKER,
JONATHAN SIMPSON,
CHARLES O. COUNSELL,
WM. S. McLAREN,
W. L. BILLINGS.

I, Richard P. Street, Actuary of the Hamilton and Gore District Savings Bank, make oath and say, that the foregoing Statement is correct and true, according to the best of my knowledge and belief.

RICHARD P. STREET.

Sworn before me at Hamilton,
this 14th June, 1847.

A. STEVEN, J. P.

Appendix (U.)
30th June.

Appendix (U.)
30th June.

RETURN OF THE BRITISH AMERICA FIRE AND LIFE ASSURANCE COMPANY, to 15th June, (inclusive,) 1847. In compliance with 3rd Will. IV., Cap., Sec. 25; and 6 Vict. Cap. 26, Sec. 2.

	£	s.	d.	£	s.	d.	£	s.	d.
To Debentures bearing 6 per cent. Interest.....	15213	15	0						
Interest due thereon.....	417	18	0						
To Debentures bearing 5 per cent. Interest.....	2900	0	0						
Interest due thereon.....	46	16	8						
To Loans on Bond and Mortgage, at 6 per cent. Interest...	19078	7	7						
Interest due thereon.....	246	16	3						
To Deposit in Bank of Upper Canada, at 3 per cent. Interest.....	1000	0	0						
Interest due thereon.....	19	14	8						
To a Fire Engine.....									
To Agencies for this amount.....									
To the Bank of Upper Canada for this Balance in account current...	1624	11	6						
To Cash, for this Balance.....	311	3	3½						
To Balance brought forward.....				15631	13	0			
By Capital Stock paid in on £100000:	35000	0	0						
Thirty-five per cent. on 7989 Shares.....	89	7	6						
The whole amount on 11 Shares.....	18	4	8						
By Stock not called in for interest unpaid at this date.....	1249	1	3						
By Current Expenses unpaid at this date.....	549	2	2						
By Dividends unclaimed at this date.....									
By surplus fund for this Balance.....				19325	3	10			
				1013	14	8			
				264	14	5			
				760	14	2			
				1935	14	9½			
	£41878	11	6½						
	4981	15	11½						
Capital Stock subscribed, 8000 Shares, amount.....	£100000	0	0						
Capital Stock paid in, amount.....	35089	7	6						
FIRE ASSURANCE.									
Amount of Property Insured during the year ending 15th June, 1847.....	770884	0	0						
Amount of Premium received for the same.....	7165	18	9						
Amount of Losses paid during the same period.....	3530	7	0						
Amount of Losses under adjustment, amount not ascertained probably.....	2005	0	0						
Present liability under 1040 Policies.....	99881	0	0						
No Lives Insured.....									
NAVIGATION ASSURANCE.									
Amount of Property Insured against dangers of the Navigation.....	128676	0	0						
Amount of Premium charged for the same.....	2004	16	6						
Amount of Losses paid during the same period.....	435	0	10						
Amount of Losses under adjustment, amount not ascertained, probably.....	729	0	0						
Present Liability under 31 Policies.....	28497	0	0						

We, the undersigned, do make oath and say, that the above is a full and true account of the Funds and Property of the British America Fire and Life Assurance Company, to the best of our knowledge and belief.

Sworn before me, in the City of Toronto, this 17th day of June, 1847.

C. GAMBLE,
A Commissioner for taking Affidavits in Queen's Bench, in and for the Home District.

W. ALLAN,
Governor.
WM. PROUDFOOT,
ALEX. BURNSIDE, } Trustees.
JOHN EWART,

LIST of the STOCKHOLDERS in the BRITISH AMERICA FIRE and LIFE ASSURANCE COMPANY, 16th June, 1847.

NAMES.	No. of Shares	NAMES.	No. of Shares	NAMES.	No. of Shares
William Allan.....	132	Robert Hawke.....	8	Philip Durnford.....	20
J. S. Baldwin.....	20	Catherine Hawke.....	24	E. Q. Sewell.....	9
Thomas Kirby.....	8	George Duggan, jun.....	32	Judith Falls.....	10
George P. Ridout.....	20	D'Arcy Boulton.....	40	Christopher Elliott.....	16
R. G. Anderson.....	20	Margaret Robson.....	5	S. S. Junkin.....	20
William Maxwell.....	2	J. Ritchie.....	16	D. E. and W. H. Blake.....	10
Francis Ermatinger.....	21	T. J. Preston.....	2	Jane Sewell.....	12
William Proudfoot.....	48	Thomas Bright.....	10	John R. Dunn.....	80
Ann Stowe.....	10	Charlotte Dunn.....	80	Burns and Mowatt.....	4
Joseph Henderson.....	9	J. H. Dunn.....	650	Benjamin Slight.....	13
Thomas Kirkpatrick.....	11	Alexander Wood.....	10	Frances Doughty.....	16
Alexander Burnside.....	44	J. B. Macaulay.....	20	Andrew Steven.....	92
Clarke Gamble.....	30	John Harris.....	10	Archibald Geikie.....	80
Andrew Mercer.....	10	Joseph Beckett.....	120	Robert Algar.....	17
William Musson.....	20	J. S. Macaulay.....	85	Charles N. B. Cozens.....	118
John Armstrong.....	10	John Kirby.....	8	W. C. Cozens.....	13
Thomas Moore.....	4	Zacheus Burnham.....	24	William Leeming.....	20
Thomas Clark.....	80	T. D. Harris.....	25	Thomas Champion.....	14
Samuel Street.....	80	G. S. Jarvis.....	40	Thomas S. Birchall.....	2
William Atkinson.....	20	John Paul.....	1	Henry Rowsell.....	3
Alexander Rennie.....	2	Samuel Gardiner.....	1	Alexander M'Nab.....	25
A. N. Bethune.....	10	Daniel M'Nabb.....	1	James Hamilton.....	2
D. Morrison.....	1	G. T. Dennison.....	20	F. L. Osler.....	47
John Ewart.....	20	Lawrence Heydon.....	1	Henry Cawthra.....	102
George M'Kay.....	2	Augustus Baldwin.....	45	F. T. Stow.....	11
Thomas W. Birchall.....	20	William Cayley.....	110	Church Society.....	100
Edward Robson.....	2	D. B. Stevenson.....	2	M. H. Street.....	3
Corry Coulson.....	12	Scott Shields.....	1	Jane Porter.....	17
John Wilson.....	8	C. Purcell.....	8	J. Armstrong.....	31
William Leslie.....	2	R. S. DeLatre.....	20	J. C. Moulton.....	21
John Stinson.....	8	J. S. Cartwright.....	10	W. Wakefield and Henry Rowsell.....	26
J. J. Carey.....	1	R. D. Cartwright.....	40	Robert Bethune.....	46
Thomas Platt.....	4	Thomas Ridout.....	2	Ann Stowe.....	77
Benjamin Thorne.....	25	John Rothwell.....	8	Luscious O'Brien.....	17
Duncan M'Donell.....	2	Ellen Murray.....	20	Robert R. Loring.....	985
Thomas Helliwell.....	20	Ann Logie.....	20	John Arnold.....	57
John Leys.....	2	John Miller.....	68	W. B. Hamilton.....	8
George Durnington.....	2	Angus Bethune.....	20	Ann Hill.....	12
John Baker.....	2	Frederick Huddlessone.....	133	Archibald Ward.....	46
Christopher Widmer.....	120	Charles Dade.....	20	Alexander Gavillier.....	24
J. Bloor.....	5	John Murray.....	80	James Gordon.....	115
Richard Northcote.....	1	Thomas Talbot.....	40	Edward M'Mahon.....	40
William M'Cracken.....	1	J. E. Irwing.....	137	Manly Dixon.....	290
Peter Diehl.....	72	Isabella Cooper.....	31	Jane Musson.....	12
William Woodruff.....	20	John Wilson.....	8	Levius P. Sherwood.....	229
Richard Woodruff.....	50	A. M'Donell.....	18	Finlay M'Callum.....	4
Henry Ruttan.....	20	Ann Scott.....	40	Dinah George.....	11
Jonathan Dunn.....	10	William Hepburn.....	249	John Paterson.....	20
Jonathan Scott.....	10	Jessie Ketchum.....	73	Sir Richard Armstrong.....	60
Joseph Rogers.....	10	James Richardson.....	2	William Morrison.....	21
Robert Cathcart.....	1	W. H. Boulton.....	145	William Kent, Senr.....	28
Peter Milnie.....	40	John Gilmour.....	78	Georgianne Horne.....	41
J. C. DeLatre.....	40	D. E. Blake.....	17	F. W. Coate.....	9
John Macaulay.....	12	Robert Sparke.....	217	C. B. Turner.....	30
John Coulter.....	4	A. J. Stuart.....	20	Robert Stewart.....	8
William Wilson.....	4	Emily Atkinson.....	77	Joanna Carfrae.....	9
Henry Guilderslieve.....	4	Mary Moore.....	10	William Workman.....	20
Peter Grant.....	3	R. D. Cartwright.....	27	A. Cuvillier and Sons.....	52
James Weir.....	8	J. S. Cartwright.....	13	J. Bell.....	11
G. S. Tiffany.....	8	Anson Green.....	12	Francis Hall.....	44
H. J. Boulton.....	10	Charles Matthews.....	102	W. H. Ripley.....	26
Thomas Bell, jun.....	2	George Willgress.....	9	M. A. Dunn.....	228
James Lesslie.....	20	H. C. Baker.....	4	G. W. Allan.....	20
J. L. Perrin.....	27	G. Mortimer.....	28		
Paul F. Whitney.....	2	J. D. Birchall.....	1		
				Total Number of Shares.....	8000

RETURN TO PARLIAMENT BY THE ST. LAWRENCE INLAND MARINE
ASSURANCE COMPANY, for the year 1846.

THE AMOUNT OF THE CAPITAL STOCK Subscribed is ONE HUNDRED THOUSAND POUNDS,
Halifax currency, of which Fifteen per cent., or FIFTEEN THOUSAND POUNDS, have been paid in.

	£	s.	d.	£	s.	d.
The Funds and Property of the Company consist of the following, viz. :—						
480 Shares Stock in the Gore Bank, amounting, at par value, to.....	6000	0	0			
200 do do Commercial Bank, do do	5000	0	0			
80 do do City Bank of Montreal, do do	2000	0	0			
88 do do Bank of Upper Canada, do do	1100	0	0			
18 do do Montreal Bank, do do	900	0	0			
				15000	0	0
Bills Receivable.....	5468	7	5			
Deduct amount of Bills Payable.....	1649	14	9½			
				3818	12	7½
Estimated value of the Company's Boats, &c., made use of in recovering damaged property				178	19	6
Estimated value of damaged property unsold at close of 1846				10	0	0
				£19007	12	1½
The property Insured during the year amounted to				860054	18	9
The Premium charged on the above property amounted to				8660	3	3
The amount of losses during the year, paid by the Company, was				7355	0	7
Additional losses of 1846, not yet settled, but estimated at				40	0	0

Justus S. Merwin, President, and Alpheus Jones, Secretary, of the St. Lawrence Inland Marine Assurance Company, severally make oath that the above Return is just and correct, according to the best of their knowledge and belief.

J. S. MERWIN,
President.

A. JONES,
Secretary.

Sworn before me, at Prescott, District of Johnstown,
Province of Canada (West),
this 28th day of June, 1847.

THOS. GAINSFORT, *J. P.*

CORRESPONDENCE

ON the subject of the removal of HENRY ALLEN, Esquire, from the Office of Judge of the District Court of the District of London, submitted, by command of the Governor General, to the Legislative Assembly for their information.

D. DALY,
Secretary.

SECRETARY'S OFFICE,
30th June, 1847.

MONTREAL, 1st March, 1845.

SIR,—Herewith enclosed I beg leave to hand you a Petition, to be laid before His Excellency the Governor General, and humbly trust that its contents will meet with the consideration which the urgency of the case demands.

The Petition is signed by one hundred and eighteen inhabitants, mostly yeomanry of the neighborhood of St. Thomas, men of property, and well known in the District of London.

Referring you to my letter of the 7th February, I have only to add, that the people of the London District have been subjected to the caprice of an incompetent Judge too long.

I have, &c.

EDWD. ERMATINGER.

Honble. D. Daly.

To His Excellency The Right Honorable Sir Charles Theophilus Metcalfe, Baronet, G. C. B.,
Governor General of British North America, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned Inhabitants of St. Thomas and its vicinity, beg leave most respectfully to represent to Your Excellency the great and growing dissatisfaction which prevails throughout this neighborhood, and we believe through the District generally, at the arbitrary and unjust decisions made by Judge Allen in many cases in our Division Court. Several of us are sufferers by his extraordinary decisions in the simplest cases, which we can only attribute to an aberration of mind; and we further beg to state, that we consider ourselves debarred from the prosecution and recovery of our just claims, in the Division Court, so long as Judge Allen presides therein.

If it be considered necessary, we can furnish Your Excellency with a list of cases, on which we believe improper decisions have been made.

We beg leave to request that Your Excellency will be pleased to take this matter into consideration, and that this just cause of complaint may be removed.

(Signed by 118 persons.)

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LONDON, 7th May, 1845.

SIR,—I have the honor to acknowledge the receipt of your letter of the 24th ultimo, acquainting me that His Excellency in Council had been pleased to fix the salary of the Judge of the London District Court at £400 cy.; and also the receipt of your letter of the 1st instant, acquainting me that His Excellency had had under consideration a representation made by Mr. Ermatinger, M.P.P. for the County of Middlesex, stating his opinion of my incapacity as Judge of the District Court, and that such opinion was the general feeling of the inhabitants of the District, and that His Excellency had therefore directed you to inform me of the alleged prevailing dissatisfaction, and to express his hopes that I would use every possible exertion to remove it.

In reply to the last-mentioned letter, and for the information of His Excellency as to the grounds of Mr. Ermatinger's opinion of my incapacity, I beg leave to transmit herewith a copy of the *St. Thomas Standard* of the 26th September last, and to refer to the article therein, on the third page, on the subject of the Division Courts, of which article Mr. Ermatinger has avowed himself the author, himself also being the person alluded to in the article as Mr. E.

Under these circumstances, I beg leave respectfully to submit, for the consideration of His Excellency, whether any possible exertion on my part, short of self-removal from office, could have the effect of removing the alleged dissatisfaction, or the influence of Mr. Ermatinger's opinion of my incapacity; nor will His Excellency expect of me any exertion except such as is consistent with the honest and independent exercise of the Judiciary office, the duties of which I have endeavoured faithfully and conscientiously to fulfil.

His Excellency will observe, that Mr. Ermatinger's *specific* charge against me implies simply the fact of my having erroneously or improperly declined a jurisdiction which, in his opinion, belongs to the Division Court. The course of proceedings for attesting by authority the soundness or propriety of my view of his case (say by an application to the Court of Queen's Bench for a Mandamus to compel the exercise of declined jurisdiction), is so obvious, that the mere circumstance of Mr. Ermatinger's having recourse to a newspaper attack on my conduct, instead of adopting the proper remedy for his alleged grievance, may fairly put in question his capacity to form an opinion on the subject of Judiciary incapacity.

Mr. Ermatinger having, as His Excellency will perceive, before his election, publicly avowed the object of effecting my dismissal from office, is perhaps not over cautious as to the use of means for effecting his object. If I could deem it possible that the use of similar means can in any respectable quarter be expected of a Judiciary officer, I might possibly (although very ignorant, and not very careful as to the state of popular feeling respecting my official character and conduct), get up a counter representation on that subject, as strong as Mr. Ermatinger's representation; and that in a part of the world where, as with deep regret I observe, it is a prevailing rule of practice that the exercise of public duty should be made the subject of personal quarrel.

I have the honor to be,
Sir,

Your most obedt. servant,

HENRY ALLEN,
J.D.C., L.D.

Hon. D. Daly,
Secretary's Office,
Montreal.

ST. THOMAS, 14th May, 1845.

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SIR,—I am in receipt of your letter of 1st instant, in reply to the Petition of myself and other inhabitants, representing the insufficiency of Mr. Allen, Judge of this District, in which you state "as the Petition involves no specific charge of improper conduct, His Excellency does not consider it a sufficient ground for his removal."

I now beg leave to submit several cases, which I believe do involve the charge of improper conduct:—

1st. At Aylmer, on the 25th April, 1844, where probably not much short of one hundred persons had been brought, many of them a distance of twenty miles, the Judge summarily adjourned the Court for a week, when scarcely any business had been done, because some noise was made in an adjoining room; and at the end of the week, when the people had been brought together again, and had been waiting all day, a message was received from the Judge, that the Court would not sit till about the end of six weeks.

2nd. In this part of the country, where the people carry on their trade and make bargains chiefly in New York currency, E. Raymond complains that his account was set aside because the items were set down in dollars and cents, although the total amount was reduced to currency. The same thing was done by the Judge in a case *Leonard vs. M'Queen*.

3rd. In a case against a man named Fransico, the plaintiff was required to get a lawyer's opinion before the Judge would give judgment. The defendant in the meantime left the country, and the debt is consequently lost to the plaintiff.

4th. At another time, the Court at Richmond was summarily dismissed, and removed seven miles further from the centre of the Division, on pretence that he, the Judge, could not hold an orderly Court there.

5th. A similar arbitrary act was committed by Judge Allen, at St. Thomas, on the 15th January last, when the Court was abruptly adjourned, without any business being done, to the 22nd of the same month, because the landlord of the inn where the Court was usually held refused to furnish fire without being paid for it. At no Division Court held at St. Thomas do less than one hundred persons attend, either as principals or witnesses, and to disappoint so many persons for so frivolous a reason was, at the time, and is still considered by a large number of people, as trifling with their time and interests.

6th. A person, George Fillmore, sued a man, Hale, for a debt of about £5, I believe; and on the *ipse dixit* of Hale that he was only the agent of Mr. Shuter of Montreal, the plaintiff, who is only one of five or six others similarly situated, was nonsuited, and thus left without the means of redress, and is unable, owing to Mr. Allen's improper decision, to recover a just debt.

7th. John McIntyre, of Aldboro, sued Wm. Hilday for about £5, and obtained judgment, March, 1844. He has been baffled ever since by the Bailiff and the defendant pretending he had no property, which Mr. McIntyre knows not to be the fact. He complained to the Judge, and quietly observed that if rogues could evade paying their debts by saying they had no property; it was good encouragement for others to do so. The Judge threatened to fine him, and he cannot recover his debt.

I could add to this list a great number of acts of petty tyranny, and of improper conduct on the part of Judge Allen, if I considered it necessary to do so. The cases which I have enumerated, I humbly submit,

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involve charges of improper conduct. Did these charges rest merely on the complaint of the parties aggrieved, any one of them singly might not establish Mr. Allen's insufficiency; several of them may even appear frivolous; but I beg leave to assure His Excellency the Governor General that every cause of complaint which I have noted, taking all the circumstances connected with it into consideration, if properly investigated, would shew that Mr. Allen is unfit for the office he holds.

The petition to which your letter of the 1st refers, was signed chiefly by those persons who had suffered by Mr. Allen's capricious conduct in adjourning the Court at St. Thomas on the 15th January, without doing any business. This act was inexcusable, and could only have been committed by a person regardless or unconscious of the importance of the duty confided to him. The Petition was written and signed by myself and a few others, on the grounds stated therein, before I left home to attend to my Parliamentary duties, and was left in my office; but such was the indignation and exasperation of the people at Mr. Allen's conduct that day, that it was sought for and signed by more than a hundred persons, without considering that it did not contain the specific charge of complaint which they intended to convey to the Government.

I have lived in St. Thomas sixteen years and have had much to do with Courts of Request, but I never knew so wanton, so arbitrary an act of injustice perpetrated towards a large number of people. The same course of conduct had been pursued at Richmond and at Aylmer, and each of these cases is without precedent in this part of the country.

Enclosed with this is a copy of two letters addressed to Mr. Allen by E. Raymond, which were forwarded to me in Montreal, containing his statement of several of the cases which I have noted herein. Had Mr. Raymond's complaints rested on his own unsupported testimony, I should not attach the same weight to them as I now do; but what he relates, in a style which I certainly disapprove of, is mostly corroborated by other respectable persons.

The case of George Fillmore is one of extreme hardship, who with several persons have been, I might say, defrauded of their just dues in the same way.

Before I conclude this statement, I beg leave to say that Mr. Allen's insufficiency is well known to the Bar in this District, who did unite in making a representation to the Government to that effect; and I consider that as long as he remains Judge of this District, the inhabitants cannot prosecute their just claims with any reliance upon his judgment.

I attribute to Mr. Allen no improper motives for his conduct; I consider it arises from the oscillations of an enervated mind, for which the inhabitants of the London District are in no way accountable, and for which they ought not to be made to suffer.

Be pleased to submit this communication to His Excellency the Governor General in Council, that the statements it contains may receive an early consideration, for I feel assured that this grievance, which has existed in the London District for several years, will be promptly redressed as soon as the Government becomes satisfied that the inhabitants have just cause of complaint, so long as the gentleman complained of retains his present office.

I have the honor to be,
Sir,

Your obedient servant,

EDWARD ERMATINGER.

Honorable D. Daly,
Provincial Secretary.

SECRETARY'S OFFICE,

29th May, 1845.

SIR,—I have the honor, by command of the Governor General, to transmit you a copy of a communication which has just been received from E. Ermatinger, Esquire, M. P. P., referring to a former complaint preferred against you by him and other inhabitants of the London District, on which His Excellency's decision has already been conveyed to you, and making certain specific charges against your conduct as Judge of the District and Division Courts of the London District, and I am to desire that you will transmit me such observations thereon as you may consider necessary for His Excellency's information.

I have the honor to be,

Sir,

Your most obedient servant,

D. DALY.

Henry Allen, Esq.,
Judge, London District Court.

SECRETARY'S OFFICE,

24th June, 1845.

SIR,—I have the honor, by command of the Governor General, to acknowledge the receipt of your letter of the 10th instant, and am to acquaint you in reply that His Excellency, before coming to any decision on the subject of the specific complaints lately made against you by Mr. Ermatinger, is desirous of having your observations thereon, as requested in my letter of the 29th ultimo.

On receiving these observations His Excellency will take such further steps as the circumstances of the case may seem to call for.

I have the honor to be,

Sir,

Your most obedient servant,

D. DALY.

Henry Allen, Esq.,
Judge, London District Court.

LONDON, July, 1845.

SIR,—I have the honor to acknowledge the receipt of your letter of the 24th ultimo, and in reply to transmit for the information of His Excellency the Governor General, my observations on the subjects of complaint made against me by Mr. Ermatinger.

I have the honor to be,

Sir,

Your most obedient servant,

HENRY ALLEN,

J. D. C., L. D.

Honorable D. Daly,
Secretary's Office,
Montreal.

LONDON, 10th June, 1845.

SIR,—I have the honor to acknowledge the receipt of your letter of the 29th ultimo, transmitting, by command of the Governor General, a copy of a communica-

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tion which had just been received from Edward Ermatinger Esq., M. P. P., referring to a former complaint against me by him and other inhabitants of the London District, on which His Excellency's decision had already been conveyed to me, and making certain specific charges against my conduct as Judge of the District and Division Courts of the London District; and desiring that I would transmit you such observations as I might consider necessary for His Excellency's information.

In reply I beg leave respectfully to observe that both the charges against me as Judge of the District and Division Courts, and also the character and tendency of the communication of Mr. Ermatinger; and of the article in the St. Thomas' Standard inclosed with my letter to you of the 9th ultimo, ought, as I respectfully submit for the sake of public justice, if for no other consideration, to be made the subject of judicial investigation.

At the same time I beg leave to state that if, after this communication shall have been laid before His Excellency, any explanation may be required respecting the matters of complaint, I am ready and willing to furnish an answer in detail to each and every charge preferred against my conduct.

I have the honor to be,
Sir,
Your obedient servant,

HENRY ALLEN,
J. D. C., L. D.

Honorable D. Daly,
Secretary,
Montreal.

"In a recent number we made some remarks respecting our Division Court, and stated that some of the proceedings in this Court are a caution to creditors; we now revert to the subject because we know that other individuals are justly aggrieved, as well as ourselves, at the manifest injustice of some of the decisions there come to; and when we contrast the proceedings with those of the former Court of Requests, we say, as far as our knowledge extends, that the public is worse served, under the operation of the present Division Court Act, than they were under the old Court of Requests Law.

"The difference is in this, that formerly we had less law and more equity. The Commissioners, it is true, were not learned in the law; but they were generally men acquainted with the parties litigant, and by this means could arrive at a more correct view of the causes they were called upon to decide, than is now the case, by a more strict adherence to legal forms. Then, the concurrence of several men was required before a decision could be pronounced, and if one should be more hasty or arbitrary in his judgment than his associates, there was a check upon him. The Commissioners, too, were more like Arbitrators than Judges, and by this means each party in a suit had the greatest latitude allowed him to establish the merits and justness of his claim.

"The disadvantages of our Division Court are:

"1st. Causes are allowed to accumulate for two months, thereby affording ample time for a dishonest creditor to make away with his effects.

"2nd. The causes so accumulated are disposed of in one short day and by one individual.

"3rd. The forms of law and the practice of the Higher Courts are too rigidly, and often unnecessarily, adhered to.

"4th. As a consequence of the foregoing, the most knowing and dishonest come off best.

"On the first of these points we need say nothing.

"On the second it may be said either party may cause a jury to be called. But how few will avail themselves of this privilege, and knowing how much it depends upon the capacity of the Judge to elicit the evidence and lay it before the jury, besides the increased expense.

"On the other point it may be said that no cause should be decided contrary to law, and that parties may employ a lawyer to protect their interests as in the higher Courts. This may be all very well in theory, but in most cases, the innocent creditor had better make the lawyer a present of his claim, for his fee, 'and there an end.'

"On the fourth point we shall only say it is a fact; we have had practical evidence of it.

"These remarks, we conceive, will apply generally to the Division Courts, constituted in place of our former Courts of Requests; we have been led to make them more particularly in reference to the Division Court which is held in St. Thomas, where we have witnessed the evils arising from the causes which we have pointed out.

"But our present business is not so much with the law as with the manner in which it is acted upon by the Judge who presides to administer it in this District. It is with extreme reluctance we enter upon this subject, but a sense of duty to the public and ourselves constrains us to say that several of the decisions in this Court have been contrary to law and equity, and contrary to evidence. Many are the complaints which we have heard on this account, but we shall now speak positively as to one:

"At the last Division Court held in St. Thomas, Mr. E., as Agent for the proprietors, sued E. M. for six months rent, which, under various pretenses, the said Mahan had baffled him out of for several years. Mr. E. swore positively that this Mr. M. had agreed to pay him the rent which he had claimed, and that he (Mr. E.) had received rent from the said Mr. M. prior to the term for which he (Mr. M.) had agreed. Without a particle of evidence to rebut this testimony, the plaintiff was non-suited on mere *ipse dixit* of the defendant, who happened to recollect, after trying every other expedient to cheat the proprietors of the premises out of a just debt, that he had not in the first instance got possession of the premises from Mr. E.; the fact is, he had got unlawful possession, which he had afterwards acknowledged by paying Mr. E. rent, as before stated.

"This case we cite as one of many we have heard of, upon which an absurd decision has been pronounced. We are no lawyers, neither do we presume to give an opinion upon Judge Allen's qualification as such. We speak upon facts, and these lead us unhesitatingly to state that his decisions have been frequently, in our Division Court, such as to create a very general opinion that he is incompetent to perform the arduous duties required of him. We consider the Executive Government has been remiss in its duty in allowing him so long to hold the important office he does.

"A strong sense of public duty could alone have prompted us to make the foregoing remarks, as we have

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not the least personal dislike to Judge Allen; but we feel the people of this District are laboring under a real grievance as long as he continues to be the sole dispenser of justice in our Division Courts, and which must be redressed ere long, for the feeling of discontent is daily increasing."

Observations.

1. I admit that I adjourned the Court held on the 30th April, 1844, to the following week, but not merely because some noise was made in an adjoining room, whereas in truth the adjournment took place in consequence of disturbance which rendered it out of my power to conduct the business of the Court, the disturbance being both in and outside the room, which is on a ground floor adjoining the street; and persons being encouraged, as I have since been informed, in their proceedings, by being told that the power of the Court to enforce order did not extend beyond its interior. On the following Tuesday, the day of the adjourned sittings, I left my house for Aylmer between seven and eight o'clock in the morning, and was first delayed by a barrier of timber placed across the plank road at about four miles from London, which could only be passed by crossing the tap-drain and regaining the road by an uncleared wood track; and I was further delayed by the state of the graded road, which was almost impassable for several miles on this side of St. Thomas, so that I did not reach that place, although in a light carriage and with a good pair of horses, until between one and two o'clock in the afternoon. Finding, from enquiry at St. Thomas as to the state of the roads beyond, that I could not reach Aylmer by daylight, and having to be in London on official business the next day, I despatched a messenger, on a horse hired at St. Thomas, with a letter to the Clerk, intimating that the hearing of the undisposed of cases would be postponed to the next Court day, on which they were heard accordingly.

I admit that the preservation of order in a Court of Justice is indispensable, as regards myself; and I observe that the existing powers of the Division Courts are wholly inadequate for the preservation of order in cases where, as at Aylmer and elsewhere in this District, there has been heretofore shewn a systematic design to thwart the operation of an unpopular Statute. The business of the several Courts does not admit of the employment of more than one Bailiff for each Division, who, besides having to call the parties and witnesses in each case, can obtain little or no aid from the bystanders of a crowded room, many of whom are, as I have reason to believe, collected for the sole purpose of disturbance, and not improbably, as I also have reason to believe, for the purpose of promoting the interests of a rival public house, and foiling the removal of the place of sitting of the Court from the precincts of one bar-room to those of another; the great inducement being the increased sale of spirituous liquors which takes place on a Court day. I admit, and I cannot but regret, that a practical lesson on the importance of order may have caused inconvenience and expense to innocent parties; but perhaps not more so to any individual than to myself in the instance referred to, my home being thirty-two miles from Aylmer, and the mud roads nearly as bad as they could be at the time mentioned. It is satisfactory, however, to observe that the lesson has, in a very great measure, answered its sole purpose, and that the business of the Division Courts can now be conducted with that comparative facility which has been the result of my endeavours to impress on the public mind the paramount importance of order.

2. I am unable, by reference to my notes, to trace precisely the history of the matter of complaint of E. Raymond. I presume his case must have been disposed of on the same, or the like grounds, as that of *Leonard vs. M'Queen*, in which the plaintiff was non-suited under the provisions of the Statute 2 Geo. IV. c. 13, sec. 2 and 3, making accounts, &c. inadmissible in evidence unless kept in Provincial currency. The same demand was again brought forward and adjudged on verdict found principally on the admissions of the parties; the plaintiff's claim, however, being reduced by the Jury to about one third of its amount, on a set-off, the notice and amount whereof the plaintiff had refused to admit on the occasion of non-suit.

3. By the case referred to as against a man named Francisco is meant, as I presume, the case of *Ruzyner vs. Francisco*, which was first set down for hearing at a Court held at Aylmer, by Mr. Givins, as Deputy Judge, and by him adjourned to the next Court day, on which it was heard by myself; when it appeared that the plaintiff's demand was for the balance of a note for an amount exceeding the jurisdiction, and both the balance and endorsements being denied by the Defendant, and unliquidated, I intimated my opinion (at the same time reserving judgment) on the case of the plaintiff; who subsequently asserted that Mr. Givins differed with me in the view I had taken of his (the plaintiff's) case; on which I had a conference with Mr. Givins, who expressed himself of the same opinion as myself, and thereupon a non-suit was ordered.

4. I deny that at any time the Court was summarily dismissed at Richmond, at which place one sitting only was held, say on the 22nd January, 1842, and the cases disposed of; after which, and on the requisition of a number of persons resident in that Division, the place of sitting was removed to Aylmer, which (as it appears by a map or plan accompanying the requisition) is the place of common resort nearest to the geographical centre of the Division, and absent two miles only from such centre. On the single occasion (the first sitting after the Division Court Act came into operation) when the Court was held at Richmond, there was a bar-room affray, attended with bloodshed, in the house wherein the Court sat.

5. I admit that the Court at St. Thomas was adjourned without any business being done from the 15th to the 22nd January last. On the occasion of adjournment (the 15th) I had been sitting at the Court of Aylmer on the 14th until about ten o'clock at night from the same hour in the forenoon, and consequently I was unable to leave that place until the morning of the 15th, when, on my arrival at St. Thomas, I found that the Clerk and Bailiff had been as usual endeavoring to provide for the accommodation of the Court at the accustomed place of sitting, a ball-room in the Mansion House Tavern, the landlord of which (Mr. Beaupré) had frequently intimated his desire that some other place of sitting might be provided; he objecting to the Court being held at his house, and insisting that the use of the room should be paid for by the Officers of the Court. Notwithstanding my desire to the contrary, they had agreed, on the occasion referred to, to pay him, provided he would furnish a stove and fire for the use of the room, which is about sixty feet by twenty, and many doors and windows on each of its two longest sides. On the morning of the 15th, Beaupré had refused to perform his agreement. It is well known that the Division Courts are frequently sitting from ten in the forenoon to as late or later an hour at night, and it is unreasonable to expect that the Officers of the Court should be exposed for that length of time to the rigors of a Canadian winter; particularly when, as in the instance referred to, the refusal to provide for the

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accommodation of the Court was avowedly for the purpose of forcing its removal, or exacting payment for the use of the room from the Officers of the Court. The adjourned Court was held accordingly on the following Wednesday, and necessarily at a different place, and in a room wholly inadequate for the purpose. I was obliged therefore to intimate that I should change the place of sitting to another part of the Division. In consequence of this intimation a requisition, signed by several merchants and other residents of St. Thomas, was presented to me on the next Court day, undertaking to provide for the accommodation of the Court, if I would continue its sittings at that place. On the faith of this undertaking, the sittings have been resumed at the Mansion House. These and many other circumstances connected with the difficulty of providing a place sufficient for the accommodation of the Court at St. Thomas were perfectly notorious at that place, and they must be well known to Mr. Ermatinger; who, however, has thought proper to suppress every fact except the single circumstance of adjournment for want of a fire.

6. In the case of *Filmore vs. Hali*, both the fact and notoriety of the defendant's agency were elicited in the cross-examination of the plaintiff's witnesses, and it was confirmed on examination on oath of the defendant, termed his *ipse dixit*.

7. The subject of this charge has reference to the matter of complaint made at the last May sittings, at Dunwich, in *ex parte McIntyre*, when the complainant as or to the effect mentioned in the charge, and on the Bailiff replying a counter claim as against defendant of the property to be levied on, I offered the complainant that the Bailiff should be sworn to the truth of his statement, and also that on his (the complainant's) giving an indemnity, a levy should be enforced. On this offer being declined, or not acceded to by the complainant, I dismissed the complaint, whereupon he observed it was an encouragement to rogues,—for which observation I admit that I reprimanded and threatened to fine him.

I have thus gone through, *seriatim*, the several matters of charge against my conduct. In reference to those matters it may be thought more proper that, instead of entering into such lengthy details, I should have confined myself to the observations: 1st. In regard to the charges connected with judicial decisions, that the judgments of the Division Courts are inapplicable, and that in my recollection of cases, and even of the names of parties, could only be supplied by notes which, I believe, are neither usual nor expected in Division Court cases; 2ndly. In regard to the charges connected with the removal of the place of sitting and adjournment of the Court, and of cases, that such removal is expressly authorized, and that the power incidental to every Court, of adjournment, is notoriously exercised without question for any and every assignable cause, and most certainly, for reasons of far less import than those mentioned in my observations on the 1st and 5th charges; And 3rdly. In reference to the whole scope and tenor of these charges, that they are all evidently founded on the *ex parte* statements of individuals who have thought themselves aggrieved by the effect of judicial decision, or of the legitimate exercise of the authority of a Court of Justice, and who have been invited to bring their complaints before a self-constituted Court of Appeal, and an unauthorized individual, who is so ignorant as not to feel the gross impropriety of publishing such a letter as that propounded as of A. Rayner, Esq., which has neither been seen nor received by me, and of making it part of a communication to the Executive Government.

All which is respectfully submitted,

HENRY ALLEN,
J. Divn. Courts, L. D.

In the case of *Page vs. Phelan*—1 U. C. Jurist, 254, in reference to judgments of a Division Court,—Robinson, C. J., says: Such judgments stand on the same footing as the judgment of Superior Courts; they are deemed conclusive upon the merits, into which we are not to examine, by putting ourselves as it were into the place of that tribunal which the law has made competent to decide the point.

H. A.

LONDON, 22nd April, 1846.

SIR,—I beg leave to represent, for the information of the Government, that owing to the conduct of Henry Allen, Esq, Chairman appointed by Law to preside over the General Quarter Sessions, the business of that Court has for the last year been conducted in an unpleasant and irregular manner, highly discreditable and tending to bring the Administration of Justice into contempt.

The Chairman has been constantly differing with the other Magistrates, frequently treating them and their proceedings with rudeness and contempt, although they have always endeavoured to perform their public duties in accordance with his wishes, so far as they could do so with regard to the convenience of the public and the requirements of the law. The Chairman has repeatedly refused to sanction or sign the orders adopted by the Magistrates, and to act with them in disposing of most important business; and as such difficulties are continued from Sessions to Sessions, there appears no probability of the affairs of the District going on as they should do unless some relief is afforded by the intervention of the Government or the Legislature. The Clerk of the Peace has been directed, by an Order of Sessions, to transmit to the Government copies of certain proceedings, shewing the refusal of the Chairman to act with the Magistrates, or to sign their Orders relative to the payment of the District Accounts.

The Division Courts over which the Judge presides, instead of being easy of access to the public, are rendered under his management more difficult and inconvenient than some of the higher Courts, chiefly owing to unreasonable rules and decisions being made for the regulation of their proceedings. The consequence is that these Courts are becoming exceedingly unpopular, the general impression being that the present Judge, from a want of knowledge of the general business and transactions of the country, and from deficiency in judgment upon matters coming under his decision thereupon, is incompetent to conduct the Court in a proper or satisfactory manner. There is a great cause of complaint during the last year that too great a portion of the District has been attached to the First Division, of which the Judge's son is Clerk, and many of the inhabitants have had to travel long distances and pay heavy Bailiff's fees; although the limits of the different Divisions were altered and appointed by an order of Sessions in July, 1845, yet notwithstanding the alteration, the Judge continued to hold and appoint the Courts in the former Divisions. The reason assigned, which was not given until nine months after the order had been passed, and not acted upon, was that there had been no order given by the Magistrates for advertising the new Divisions. And it appears that the Chairman had given directions to the Clerk of the Peace to withhold the proceedings required of him by law to carry the Order of Sessions into effect.

I herewith enclose a Memorandum showing some of the regulations and decisions of the Division Court, which are generally complained of, some of which seem to have been made to favor the Judge's son who con-

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ducts the principal office, comprising heretofore more than half the business of the District.

As Petitions are about to be presented to both Houses of Parliament, praying for relief, I have felt it my duty to bring the subject under the consideration of His Excellency the Governor General, to enable the Government to institute such enquiries as may be deemed advisable.

I have the honor to be,
Sir,
Your obedient Servant,

L. LAWRASON.

Hon. D. Daly,
Secretary,
Government House, Montreal.

Memorandum.

The Office hours are fixed from 11 to 2 o'clock, instead of from 10 to 3, as at other offices, and in the First Division, in which the son of the Judge is Clerk, he is seldom found in the office even during those hours, and when in the office, delays and puts off the most simple business from day to day, to the great inconvenience of those coming from distant parts of the Division; and, notwithstanding repeated complaints to the Judge, the inconvenience is still suffered to continue.

A Rule has been made that the Clerk shall not issue any subpoenas for witnesses on the day of the sittings of the Court.

Executions are not permitted to be given to the parties, but must be delivered only to the Bailiff.

Although the Statute allows the Bailiff or Clerk to take Confessions of Judgment upon equal terms, yet the Judge makes a distinction, considering those taken by the Bailiff as merely an acknowledgment of the debt of the same effect as if proved by any other witness, and the cost of hearing is charged. Interest is allowed upon Confessions taken before the Clerk and not upon those taken before the Bailiff.

No interest is allowed upon any Judgment, even if given upon a note bearing interest, unless a Confession is signed before the Clerk, with an agreement to that effect.

When the defendant does not appear and judgment is given by default, or appearing, makes no defence but admits the debt claimed, costs are charged for "*hearing a defended case*," and it is only where Confession of Judgment is signed that the costs are reduced to "*hearing an undefended case*." The hearing is charged in all cases of Confession.

A Rule is made to allow the Clerk one shilling for each service copy of a summons, which is excessive in amount, and not authorized by the Statute; and plaintiffs are prohibited from supplying their own copies, which throws a large sum of money into the hands of the Clerk by way of fees, and is a tax upon suitors not contemplated by the Statute.

The Clerk is allowed to charge for "*search*," in every instance where his duty requires him to perform any other act, as upon returning deposits to plaintiffs, issuing executions, receiving money and paying out money, &c. although the Statute only entitles him to a fee for search when the books are open to *any person desiring to search* the same; yet upon complaint being made to the Judge, it is decided that the Clerk cannot return the deposit for costs without a *search*,—that he cannot issue an execution or precept upon any

judgment without being *entitled* to a search—or receive money, or pay it out, without a *search* for each; thereby making four or five searches, and sometimes more, in each suit, in addition to the other costs.

MONTREAL, 27th April, 1846.

SIR,—The enclosed Petition has been forwarded to me by John Wilson, Esquire, a highly respectable Barrister in the Town of London.

Its contents appear to me of the very highest importance as affecting the Administration of Justice, and I beg leave to suggest, for the consideration of His Excellency the Governor General, that the Judge should be called upon for an immediate explanation, and that reference should be also made to the different parties named as concerned in the several transactions referred to as instances of the Judge's misconduct, with a view of procuring their statements in relation thereto, and that the Judge should be notified that this course has been taken.

I have the honor to be,
Sir,
Your obedient humble servant,

WM. H. DRAPER.

The Hon. D. Daly,
&c. &c. &c.

SECRETARY'S OFFICE,
29th April, 1846.

SIR,—I am commanded by the Governor General to transmit to you herewith, a copy of a complaint against you which has been received from Mr. Allen, Judge of the London District Court, and I am to request you will furnish me with your remarks on the subject for His Excellency's information.

I have the honor to be,
Sir,
Your most obedient servant,

D. DALY.

James Hamilton, Esquire,
Sheriff, London District, London.

BANKRUPTCY OFFICE,
London, 25th March, 1846.

SIR,—I have the honor to state, for the information of His Excellency the Administrator of the Government, that some disorderly proceedings having taken place a few days since before me, when sitting as Judge in the Court of Bankruptcy, I sent for the Sheriff, as the sole Officer appointed by the Bankruptcy Act, 7 Victoria, c. 10, for executing the process of that Court, and ordered him to take the offending party into custody.

Notwithstanding my order, and although the party in contempt, in the attitude, and using the language of menace, defied both the Court and the Sheriff to carry the order into effect, the Sheriff nevertheless refused to obey the order of the Court without its warrant in writing, urging ignorance of the nature and extent of his authority and duty under the aforesaid Act, and

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the effect of his absence at the time of the occurrence of the original cause of disturbance.

In consequence of the refusal thus stated of the Sheriff, and as he insists on the observance of its principle, both with reference to the case referred to, and to any future case of the kind which may arise, I have felt myself constrained to suspend the sittings of the Court of Bankruptcy, for want of an executive power to enforce that authority of the Court which is essential to the very existence of any and every Court of Justice.

I have mentioned this matter with a view solely to the information of the Executive Government, and in case it should be deemed expedient to interpose, either by way of instruction to the Sheriff, who appears most desirous to perform his duty, or if necessary by way of legislation, in order to define or declare the authority and duty of the Officer in whom alone and exclusively is vested the executive power of the Court of Bankruptcy.

I am,
Sir,
Your obedient humble servant,

HENRY ALLEN,
J. D. C., L. D.

Hon. D. Daly,
Secretary, Montreal.

SHERIFF'S OFFICE,
London, 23rd May, 1846.

SIR,—Absence from home prevented my sooner replying to yours of the 29th ult., containing a copy of Mr. Allen's complaint against myself. His allegations are correct—as also my reply. In the 7 Victoria, ch. 10, reference is had to the duties of the Sheriff, in the 24th and 25th sec., so far as giving notice and seizing property; sec. 36 gives full power to the Judge or Commissioner, by *writing under his hand*, to summon witnesses, &c., but does not carry out the inference that the Sheriff, or his Bailiffs, are the parties to whom such summonses are to be directed; and sec. 49 gives authority to the Judge to grant *Search Warrants* to the Sheriff.

From an attentive perusal of these sections, particularly that of the 36th, I am still of the same opinion, and all I requested was that Mr. Allen's order should be in writing, so as to save me harmless. Mr. Allen omitted stating that, on a prior occasion, he ordered my attendance in the same Court, and on my appearance directed me to furnish him with a Constable, which was done, but I am not aware that he directed the Constable to arrest Mr. Wilson. The same circumstance might occur in the Insolvent Debtors Court, where I believe the Sheriff is not called on in any manner. If I have erred it is through ignorance, and not wilful.

I have the honor to be,
Sir,
Your most obedient servant,

JAMES HAMILTON,
Sheriff, London District.

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To His Excellency the Right Honorable Lieutenant General Charles Murray, Earl Cathcart of Cathcart in the County of Renfrew, K. C. B., Administrator of the Government of the Province of Canada, &c. &c. &c.

The Petition of John Wilson, of London, in the District of London,

HUMBLY SHEWETH,

That your Petitioner is a Barrister of that part of the Province of Canada formerly called Upper Canada, of eleven years standing, and resides at London in the said Province. That Henry Allen, Esquire, has for above three years been Judge of the District Court of the London District, and has filled the official offices incident thereto, of Commissioner in Bankruptcy, Chairman of the Quarter Sessions, and Judge of the Division Court in the said District, since those offices devolved upon him as such Judge.

That your Petitioner conceives it to be his duty, in order that he may humbly pray, as hereinafter will be prayed, to lay before Your Excellency certain circumstances and occurrences in reference to the said Henry Allen, in his said several capacities.

And first, as regards his general qualification and conduct: That he is not fit or capable to fill these offices, with honor to himself or advantage to the community. That this arises from various causes, namely:—That he does not appear to have been engaged at any period of his life, in the active pursuits of the profession of the Law, nor to have mixed with men of different grades, and pursuits: that he professes to be an Equity Barrister only, whose practice had been nominal, and who, when he took upon himself the office he now holds, did not profess to be acquainted with the ordinary routine of the Court over which he presided: that although called to the Bar of this Province, previously to the passing of the Act under which he now holds office, he was not then of five years standing: that he had not at the time of his appointment resided long in this Province: that being advanced in years, on his arrival in the country, he had not had opportunities of knowing, and is past the period of life for receiving, a knowledge of its people, or their modes of speaking and thinking, dealing and acting, which appear in many instances inexplicable to him, so that in cases arising in the Division Courts especially, where parties usually appear in person, he is unable to appreciate, or fully understand, the causes of action and defence which occur before him, or to impress a belief, among the suitors, that their causes are fairly understood: that this gives rise to very frequent altercations, not always maintained with temper, and ending generally in dissatisfaction, sometimes in fines and expulsion, or summary dismissal of causes without hearing merits.

That his manner of speaking, partly through a natural deficiency in clear enunciation, and partly by reason of his unconnected mode of expression, is not intelligible to a large proportion of the usual attendants upon the business of the Court: that he is deficient in quickness of perception, and clearness of judgment so essential to a Judge: that although when time is given for reflection, his conclusions are generally correct, yet when called upon to decide without time for reflection, as is usually the case on trials, his decisions are either in one extreme of a pparent wilfulness, or in the other of wavering and indecision: that *this*, with the fact that he professes to entertain a most exalted idea of the dignity of a Judge, without the qualities which sustain it, are the most prominent and immediate causes of his so frequent altercations with Counsel and parties.

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That his unacquaintance with common names exposes him to unbecoming remarks; for example, in a case respecting the refusal of a pound-keeper to impound a yoke of stags for running at large, injuring cows: After the cause had been gone through, and it was a long one, he began to charge the Jury that animals "*feræ naturæ*," like tamed deer, should not be permitted to run at large; and on being told they were not deer, but castrated bulls which had been spoken of, he said "Castrated bulls! Do you call them stags? I never heard of such a thing in my life." And on a trial for larceny, the seed end of a potatoe was mentioned, and he said to the Counsel, "What does that mean? I never heard of such a thing."

That in a cause pending in the District Court, McIntyre vs. McQueen, he took offence at the Counsel after the evidence had been all heard, and said in a passion, "I have a great mind to dismiss the Jury." One Juror replied, "I wish you would." And the Judge answered, "Well, gentlemen, you are discharged;" and thus the cause was disposed of, to the amusement of the spectators.

Secondly,—As regards the District Court,—that during the last sittings in Term of the District Court, which commenced on the 16th day of March last at London, the Court was adjourned till twelve o'clock on the second day: that the Judge had not been usually punctual in his attendance: that on that day he came into Court about a quarter past twelve o'clock, got upon the Bench, hurriedly asked the Clerk if any one had come, ordered him to take the papers into the office, and made off as fast as possible, whereby several gentlemen were deprived of moving, that being the last day on which new trials could be moved.

That on the eighteenth day of March last, Your Petitioner, acting as the agent of a party, had a difficulty with the said Judge in Bankruptcy, which will hereafter be set forth, in which he charged Your Petitioner with being in contempt: that after the alleged contempt incurred, he heard Your Petitioner in the District Court, on an argument for a new trial in Colford vs. O'Brien, but on the next day, in the cause of Ryan vs. O'Flynn, refused to hear an argument for a new trial, on the ground that Your Petitioner was in contempt in Bankruptcy, in which your Petitioner never appeared as Counsel; and although he acknowledged and noted, that Your Petitioner was not in contempt in the District, yet he declared that he would not hear Your Petitioner in any Court in which he sat, until your Petitioner purged himself from the alleged contempt in Bankruptcy: that on that occasion, on its being suggested that he might not be sustained in the Quarter Sessions, he wavered and said, "Well, in all Courts in which I sit alone:" that wavering further, he said, "If Your Petitioner would submit to pay a fine of ten shillings, or even declare he submitted to his jurisdiction in Bankruptcy, he would allow Your Petitioner to proceed," to which Your Petitioner replied "That if the Vice Chancellor or Mr. Burns said Your Petitioner was wrong, he would make as ample an apology as the Court in Bankruptcy could require, but would neither pay a fine nor submit through fear to his threatened intention."

That the sittings of the said District Court, which began to be held at London, on the 7th day of April instant, when the first cause of Your Petitioner, that of Shaw, Scott *et al.* vs. Joyce, came on, the said Henry Allen stated that he would not hear Your Petitioner until he purged himself of the contempt in Bankruptcy, offering then and there to hold a *quasi* Bankruptcy meeting for the purpose of receiving Your Petitioner's submission, although he had, as will appear hereafter, refused and still refuses to hold any public meeting in

Bankruptcy. This Your Petitioner declined, and remonstrated, stating that by His Honor's notes in the case of Ryan vs. O'Flynn above referred to, it appeared Your Petitioner was not in contempt in the District Court, and Your Petitioner begged the said Henry Allen to note his objections, which he consented to do, and Your Petitioner objected:—*First*, That he was not in contempt in Bankruptcy; *Secondly*, That Your Petitioner never appeared in that Court as Counsel; *Thirdly*, That it appeared by His Honor's notes of last Term, in Ryan vs. O'Flynn, that Your Petitioner was not in contempt in the District Court; And, *Fourthly*, That the Court could impose a fine or imprison, but could not deprive Your Petitioner or the plaintiff otherwise of the privileges of a Barrister: that as Your Petitioner was going on, the Judge angrily ordered Your Petitioner to sit down, which Your Petitioner did, but rose again to proceed, when he ordered Your Petitioner again to sit down, at the same moment calling upon the Sheriff, who came towards Your Petitioner, and asked the Judge if he, the Sheriff, was to understand that he was to take Your Petitioner into custody. He said "No; but if Mr. Wilson rises again you will remove him from Court without further order."

That in the mean time another cause came on, in which Your Petitioner was not engaged, and was disposed of: that another cause of Your Petitioner's, that of Peters vs. McLaughlin, came on, and Your Petitioner rose and said "he was ready," upon which, without waiting, the Sheriff seized Your Petitioner forcibly by the arm in open and public Court, and on Your Petitioner asking him why? he replied "He did not know, but that was his order," and he dragged Your Petitioner from the Bar, and expelled him from the Court room, and refused to permit his return. And that thereupon an order was entered on the Record Book of the Court in these words: "Samuel Peters, plaintiff, vs. Patrick McLaughlin, defendant; "In the above cause His Honor the Judge directs the Sheriff that he should remove Mr. Wilson from the Court and not to be again admitted during the sitting of the present Court, unless he undertakes to the satisfaction of the Sheriff not to interrupt the Court."

Your Petitioner was therefore kept out of Court.

That on the following morning Your Petitioner had an interview with the Sheriff, who permitted Your Petitioner to enter the Court, on his promise not to speak: that on this day a cause in which Your Petitioner was plaintiff came on, and the said Judge allowed Your Petitioner as the party to conduct it: that afterwards both the said causes of Shaw, Scott *et al.* vs. Joyce, and Peters vs. McLaughlin, were called, and struck from the Cause List, the Judge declaring "that unless Your Petitioner submitted in Bankruptcy he would strike them out."

That in the afternoon of the same day, after the rising of the Court, Your Petitioner received from the Sheriff of the said District, a letter, in these words:

"Sheriff's Office, London, April 8, 1846.

"John Wilson, Esq.

"SIR,—I am directed by His Honor Judge Allen to acquaint you, that the order for your removal from Court yesterday is rescinded, and that you are now at liberty to attend in the District Court.

"Your obedient servant,

(Signed,) "JAMES HAMILTON,
"Sheriff, L. D."

But that in fact the order was not rescinded till the following morning. To which letter Your Petitioner replied in these words:

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"London, 9th April, 1846.

"SIR,—I had the honor to receive late yesterday afternoon, your letter, in which you inform me that you had been directed by His Honor Judge Allen, to acquaint me that the order for my removal from Court yesterday, Tuesday, had been rescinded, and that I was now at liberty to attend in the District Court. The order to exclude me from Court, and my consequent forcible expulsion, were both acts exceeding his authority, and attended with circumstances of extreme tyranny, and which I shall not fail to redress by all proper means. The direction you have received is but adding insult to gross injury, for although I am thus most graciously permitted to return, I am still subject to the same treatment if I presume as Counsel to say, 'I am ready with my causes'. If the Judge had said he was wrong in expelling me, it would have been something; but to say he rescinds the order, is affirming his right to make it, which I deny, and if any cause ever existed for so extraordinary and arbitrary an assumption of power, that cause emphatically remains.

"I am, Sir, yours, &c.,

(Signed), "JOHN WILSON."

Addressed to "James Hamilton, Esq., Sheriff,
"London District."

Postscript to said letter.—"At the rising of the Court the order was not rescinded, and it yet stands on the Record of the Court.

"J. W."

Thirdly.—That, as regards the Division Courts, the greatest dissatisfaction prevails, arising from misapprehension, harsh treatment, fines, threats and mismanagement. That Division Number One is the largest and most populous in the District, and contains in fact one half of the population of the District, and in which more than one half of the business is transacted: that the said Henry Allen appointed his son Clerk of that Division, a young gentleman of inattentive habits and notoriously unfit for the office: that the office hours of this Division were appointed by the said Judge to be from 11 A.M., till 2 P.M.—a regulation not extending to the other Division Courts—hours in themselves inconveniently short, when the Division extends over a distance of thirty miles: that this was represented to the Judge, who refused to alter them, saying, "he had the fixing of the hours:" that the Grand Jury at the last Quarter Sessions presented it as a grievance, and the answer of the Judge was "that they had nothing to do with it, that the presentment was an indignity to him:" that when the Magistrates in Sessions pressed him to extend the hours, he refused.

That the said Henry Allen authorizes his son to receive and take fees not contemplated by the Statute: that he allows the said Clerk one shilling each for a copy of the summons, which is in some cases more than the original, and has made a rule that no one but the Clerk should make these copies: that under the former Act, when the Clerk had a salary, he authorized the Clerk to receive and take one shilling for a search when he paid the deposit money back, so that if the deposit was a shilling, nothing was paid back, and if more, a shilling was always retained, although by the books it is made to appear the whole deposit is repaid; and the shilling so charged by the Clerk is paid out of the pocket of the plaintiff, and is not allowed to be charged against the defendant in any instance: that under the present Act, he authorizes six-pence only to be retained. When the

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plaintiff calls for his deposit, the Clerk says "I must have a search." That when an application is made for an execution the Clerk says, "I must be paid for a search," or one shilling formerly. The plaintiff says "I require no search, I want execution;" but before he can get it, a search must be paid for as well as the execution. That if an enquiry is made, as to whether the money has been paid in, the Clerk says, "I must be paid for the search." The plaintiff replies, "It is your duty to tell me whether you got the money;" "Yes, on being paid:" that the Clerk, if he has occasion to refer to a cause, although not at the instance of the party, a search is kept out of the deposit money: that there is a rule that the Bailiff must not pay the parties any money, it must be paid to the Clerk and by him to the party, and this gives rise to another search: that the sum, if small, is almost all swallowed up on pretended searches.

That the grievance was made the subject of complaint by Mr. Lawrason to the Judge, who informed him that it was right, and with his authority.

That the said Henry Allen holds, in Division Number One at least, that all causes not confessed by giving a cognovit before his son, the Clerk, are defended causes, and fees are charged accordingly.

That there is a rule that no money will be received on the day of Court. In the case of *Wright vs. Miles*, when the defendant had originally objected to the account as the plaintiff had claimed more than was due, and the plaintiff before the day of trial discovered his mistake, and wrote to the defendant that he would take what was offered to him, the defendant came into Court, and offered to pay this and the costs, the agent being present and willing to take it. The Judge said, "We can take no money on the day of trial, the trial must go on," to prevent which the plaintiff consented to withdraw the suit, receiving the costs, to be paid to the Clerk on another day.

That the orders existing in the said Court are vexatious; for example, the order already referred to of charging one shilling each for copy of summons, and there is also an order, that no subpoena shall be issued by the Clerk during the sitting of the Court. If, therefore, a witness is required pending a trial, or waiting for a trial during the Court, it cannot be obtained, contrary to the practice of all other Courts, and is in many instances most vexatious, parties expecting their subpoenas on their coming, and as the Court usually sits only one day in the week, the parties are either non-suited for want of witnesses, or the causes lie over till the next sitting of the Court, a period of two or three months. That there is an order that the execution shall not be delivered to the parties by the Clerk, but by him to the Bailiff. The injurious effect of this order, and of the short office hours, which are even not attended, was felt in *Lawrason vs. Simpson*, in which judgment had been obtained, and the defendant was moving off with his goods. On an application on one day, the execution was got ready on the next. When the plaintiff called, he saw the execution made out and ready, and asked to get it. The Clerk said "No; the order of Court is, I am to deliver it to the Bailiff." But the plaintiff replied, "The Bailiff is not at home, and before your office hours in the morning, the defendant will be off; I will give the execution to the Sheriff myself." The Clerk said "No." And when it was delivered to the Bailiff the defendant had gone with his goods.

That in the case of *Lawrason vs. Comfort*, the money had been paid into the Clerk's hand a long time before it was called for; when called for the Clerk said he did not keep money there, but would have it

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next week. The plaintiff said "I will call to-morrow." The Clerk said "No, next week." The plaintiff did call next week, and the Clerk said there was £1 not paid in. The plaintiff, observing that by the entry it was intended to be in full, said, "You must pay it all." The Clerk said "No; he would pay what appeared on the book." On a complaint to the Judge, he ruled that if the plaintiff would get from the defendant the Clerk's receipt, and it appeared to be paid, the Clerk would pay the money. The plaintiff remonstrated, that he should not be put to the trouble of getting the receipt of the Clerk from the defendant, who lived some miles off, and was not friendly, but the Judge ruled as before. The plaintiff took the trouble to get the receipt, and the Clerk then paid the money.

That the said Division Number One, uptill July last, embraced the Town of London, the Townships of London, Westminster, North and South Dorchester, Lobo, and Williams: that since said month of July last, it has continued to embrace same Townships and Town, contrary to the Order of Sessions, he having suppressed the said Order, under circumstances hereinafter detailed in that part of this Petition relating to the Quarter Sessions.

That one Duncan had a judgment and execution in 1843 against one Osborne, on which the money had been paid to the Bailiff, and, as the Bailiff said, to the Clerk. That after being put off until lately, the plaintiff employed McDaniell, his agent, to get the money: that on his application to the Clerk, he said, "that the execution had been returned to him as having been paid in full to the plaintiff." McDaniell, on behalf of the plaintiff, applied to the Court. The Judge swore the Clerk as to his books, and the Clerk stated on oath, "that the execution had been returned to him as paid to the plaintiff in full, but that the execution was lost." The Bailiff said that he had paid the money to the Clerk, who denied it, and said the execution was entered as returned paid to the plaintiff in full. McDaniell then applied for an order upon the Bailiff to pay it, which the Judge doubted whether he could grant, as the matter had occurred before the present Act. The Bailiff said, "The return was paid to the Clerk in full." Nothing was done by the Court. That a short time ago McDaniell went to the Clerk, to ask about it, and was informed that the execution had been found, and that he and the Bailiff were each to pay half. Being asked for the money he said he had not got it, and it has not yet been paid by the Clerk or Bailiff.

That very lately, in a case, *Barns vs. Keorstead*, when the defendant went to the Clerk with a view to pay debt and costs, he charged sixpence for searching, to see what was due besides all the costs, and was unwilling to give a receipt, as it formed no part of his duty.

That the relation of father and son, existing as between the Judge and Clerk of a Division Court, is subversive of the first principles of justice, namely, the absence of suspicion, of bias: that in the very nature of things, causes of complaint, real or imaginary, will arise against Clerks of Division Courts: that many cases are contemplated in the Act in which the Judge is to adjudicate upon the conduct of the Clerk, and especially by the 56th and 57th Sections, where the Judge is required in certain cases to imprison, and his case of adjudication, in case of accepting improper fees, renders the Clerk, Bailiffs or officers forever incapable of serving or being employed under the Act.

That in the present instance, neither a hearing nor justice can be expected: that so inconveniently and

with so little civility or consideration is the said Division Court managed, that except with a view to frighten defendants, it is of little practical use, and creditors often prefer losing or risking to lose their debts, rather than be annoyed or defeated in their object, and subjected to unreasonable and vexatious treatment at the hands of the Judge and his son, his Clerk, who in fact act as if the offices had been created for their convenience and whims. Cases have occurred in which the Judge has broken up the Court without cause, especially at a place called Aylmer.

Fourthly,—That as regards the Court of Quarter Sessions: that this Court has been for the last year the frequent scene of indecent altercation between the Judge and his fellow Justices: that the dispute between them is not in the perfect knowledge of Your Petitioner, so as to lay it before Your Excellency, but it is in the possession of the Government, or was ordered by the Quarter Sessions so to be. Your Petitioner can only state its public bearing, and refer to the Government Office for those proceedings.

That at the last Quarter Sessions held in January, a difference arose between him and the Justices, and he petulantly left the Bench, leaving them without a Chairman: that at the opening of the last Quarter Sessions the said Henry Allen delivered a long Charge to the Grand Jury, in which he exculpated himself and reflected on the Bench; and there being above seven Magistrates present, stated publicly before the Grand Jury and the Court, that the Charge contained untrue statements, and had emanated from the Chairman, not the Court, and thereupon moved that no Justice present concurred in the charge, and the Judge was not sustained by any Magistrate present, and stated that it was his own act.

That immediately afterwards a question arose about signing certain drafts on the Treasurer; it was stated publicly, before the Grand Jury and spectators, by the Judge acting as Chairman, and he threw it upon the Magistrates as untrue, that he had never refused to sign such drafts: whereupon two Magistrates on the Bench each asserted he had frequently and at different times refused, and had said that he would never sign them. The Judge asserted he had not, and they insisted he had, and he reiterated that he had not. That then he said he would adjourn the Court if there was no judicial business, or take the District Court; and turning from the Magistrates began the District Court, smarting under irritation, and immediately after followed the ruling in the District Court, which led to the expulsion of Your Petitioner, as hereinafter stated.

That at the same Sessions, on a subsequent day, the said Judge appeared at the opening of the Court, and opened the Court, but that there being only the business of accounts before the Court, requiring the attendance of seven Magistrates, he declared he would only wait five minutes for the Magistrates, and then absent himself; that seven Magistrates not coming within five minutes, he absented himself, although some were present, and in an adjoining room, the door being open, and although eight Magistrates were in attendance within ten minutes after the opening of the Court, whereby the Justices had to choose a Chairman. That he afterwards came into Court to move, as the Judge of the Division Courts, that the operation of the order about the limits of the Division Courts should be suspended, so as to legalize the Courts which he had held contrary to the limits set forth in July last, as hereinafter appears.

That at the same Sessions there arose an altercation between Mr. Horton and the said Judge, Mr. Horton

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objecting to matter of law advanced by the Court. The Judge said, "It was a gross insult to the Court to state that was not law which was stated by the Bench as law."

That at an Adjourned Sessions of the Peace held on the 9th May last, the Township of Williams, then lately added to the District, was added to Division Number One of this District. It then contained the Town and Townships of London, Lobo, Westminster, North and South Dorchester.

That at the General Quarter Sessions held in July last, a full Bench being present, a general division of the District into Division Court Divisions was made, and it was then Ordered, "That the Order of Sessions establishing Divisions for the Division Courts of the London District be now rescinded, and the following be hereafter the Divisions for the said Courts in the District of London :

- No. 1. The Town and Township of London, Westminster, to the line between the 5th and 6th Concessions; the Northern Division of the Township of Dorchester and the North part of this further Division of Dorchester, to the line between the 6th and 7th Concessions.
- No. 2. The Townships of Bayham and Malahide, and the southern part of South Dorchester, to the limit between the 6th and 7th Concessions.
- No. 3. Yarmouth and Southwold, and the South part of Westminster, to the limit between the 5th and 6th Concessions.
- No. 4. Dunwich and Aldborough.
- No. 5. Ekfrid and Mosa.
- No. 6. Delaware, Lobo and Carradoc; and
- No. 7. Adelaide, Williams and Metcalfe.

That this Order, although solemnly passed and signed by the Chairman, was not acted upon, nor entered by the Clerk in the Record Book; and that when the Magistrates at last Sessions enquired why it had not been acted upon, were informed by the Clerk of the Peace that the Chairman had ordered him, the Clerk of the Peace, not to act upon it. That it had not been ordered to be advertised, and it was not acted upon. That contrary to the said Order the said Judge has hitherto continued to hold his Courts, as if it had not been passed, thereby continuing Division Number One, in which his son is Clerk, in its former extent, thus putting parties sued in the Township of Williams, the remote parts of Westminster and Dorchester, to additional expense, and thereby acting in apparent disregard of the established Divisions.

That at last Sessions it was contended for by the Judge, that the said Order, before it could be acted upon, must be advertised, and although the Justices present held that all the Sessions had to do was to make the alteration, yet in order that no further impediment might be thrown in the way of so great a public necessity, on the 16th April instant, an Order was passed "that the Order of Sessions in July last, in reference to divisions of Townships for holding Division Courts, be now published in some newspaper in the District, and that the said Order be carried into effect." That the Magistrates on the Bench, in speaking of so extraordinary a proceeding as the suppression of the said Order by the Chairman, questioned the legality of the Courts held since. That on the next day the Judge first in person, after he had absented himself, then by Counsel, and lastly, as Chairman, begged that his acts might be legalized, by a suspension of the said Orders for a short time; and thereupon it was Ordered, "that in consequence of the several Division Courts being now appointed for their sittings within the District, and in order to prevent any impediment to the Administration of Justice in

"those Courts, the effect of the several Orders of Sessions altering the limits of the said Division, be suspended until after the times appointed for holding the said Courts."

That at the same Sessions the Grand Jury presented the shortness of the office hours, namely, from 11 A. M. to 2 P. M., and the conduct of the Clerk of the Division Court Number One as a grievance. That the Chairman in substance told them they had nothing to do with it: that it was an indignity to him, the Chairman, and that if they presented the office hours of all the officers of the District they would have something to do.

Lastly,—That as regards the Courts of Bankruptcy,—that at a Court of Bankruptcy, held some time previous to March last, at which Your Petitioner was not present, the Judge verbally ordered that the Solicitors should endorse the exhibits according to a form to be given by the Clerk, that is to say, that that part of the endorsement which is the act of the Court, should be done by the Solicitors, when in fact the order had not been promulgated: that at a Meeting in Bankruptcy, in the Commission against William Jones Geary, held at London, on Wednesday, the 18th March last, on Your Petitioner coming into Court, the Clerk, who is the Judge's son, threw over a small scrap of paper with these words written upon it:—"At the London District Court of Bankruptcy, 18th March, 1846; exhibited to me under a Commission in Bankruptcy against W. J. Geary," and said to your Petitioner, "unless you indorse your papers so, they won't be received." Your Petitioner was annoyed at the manner in which it was done, and replied, "Let your father or you do it,"—the Vice Chancellor of Upper Canada having allowed one shilling as a personal fee to the Judge or Commissioner for the service. That after some time it came to your Petitioner's turn to be heard, and Your Petitioner put in the claim of the Honorable George Jervis Goodhue, with the usual affidavit, and the promissory note, with which the Judge was satisfied, and also the Solicitor of the Assignee then present. The Clerk said to the Judge, "The paper is not marked, Sir." The Judge said "Give it to the Solicitor to mark." Your Petitioner submitted it was the duty of the Court to mark it, being paid for it, and that gentlemen who stood for extreme rights should not expect others to do what was their duty, except as a matter of courtesy. The Judge replied angrily, "Give it back—I shall not receive the proof unless it is marked; I shall strike it out;" and the paper was thrown upon the table. That Your Petitioner said he would not mark it, and did not choose to be *imposed upon*. The Judge replied, "Imposed upon! What do you mean?" Your Petitioner answered, he meant what he said, for he considered it an imposition to be treated so. The Judge replied, "I shall commit you for contempt: consider yourself under arrest, and I shall not hear you till you purge yourself of the contempt." Your Petitioner said he did not care whether he heard him or not; that he should not get his client into trouble about it, but would immediately bring up another case of his own, with a view to bring the question before the Vice Chancellor. He said in a rage, "I shall not hear you," and reiterated the expression. Soon after Your Petitioner rose again to present a petition; the Judge said in a rage again, "I shall not hear you." Your Petitioner replied, "Do you suppose we shall be annoyed with your childish pettishness? You have been arbitrary in your proceedings." He said to the Clerk, "Take down these words," and the Court was adjourned.

That on the next day after this occurrence the said Judge heard your Petitioner in the cause of Colford

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vs. O'Brien in the District Court not then making the objection he afterwards made: that afterwards on the same day, the Adjourned Bankruptcy Meeting of Geary was held: that Mr. Duggan of Hamilton, put in a claim which was objected to as not marked. Mr. Duggan said: "Marked! How marked? I don't know what you mean." The judge said "Marked as exhibited." Mr. Duggan said "Is Your Honor satisfied with the proof?" The Judge replied "Yes." "Well," Mr. Duggan said, "that is all I want." The Judge said "I shall only receive it as a claim not proved." Mr. Duggan said, "I don't care how you mark it," and sat down. The claim was received.

That Your Petitioner upon this rose, and said that he fancied he was purged of the contempt, if it existed, by the act of the Court. The Judge in a rage said "I shall not hear you." That Your Petitioner proceeded to say that the Court had received from another what had been refused from Your Petitioner, and had therefore imposed upon Your Petitioner; that the Sheriff was sent for. Before his arrival all was quiet. The Judge said: "Take Mr. Wilson into custody." "For how long?" said the Sheriff. "No length of time, but remove him," replied the Judge. Your Petitioner said to the Sheriff, "Show me your authority; if you put your hand upon me I shall bring an action." The Sheriff then applied for a warrant, which the Judge declined to give, saying, if it was afterwards required he should have it. The Sheriff said he would decline, unless he got it at present, and the Court was proposed to be adjourned, but was not till some time after. That it is *on this conduct of the Sheriff* that the said Judge refuses to hold any further or other Public Meeting in Bankruptcy, till the power of the Court is ascertained, as he alleges, as will hereafter appear.

That on the 21st March last, Mr. Daniell, as Solicitor for the estate of John Jennings, a bankrupt, made an appointment to hold a meeting on the 23rd, being the day advertised for such meeting: that the Judge attended for the purpose of holding such meeting, and the parties and Solicitor were assembled in the Court House for that purpose: that the Judge, before proceeding to do any business, directed the Clerk to send for the Sheriff, who came, and who, on being asked by the Judge if he would obey the order of the Court, verbally made, to take any person into custody, replied, that "He, the Sheriff, would not consider himself justified in arresting any person, without a warrant signed by the Judge": that the Judge, upon receiving this answer, said that "There was no protection for him, and that he would adjourn the Court until it was decided whether the Sheriff was obliged to obey the verbal order of the Judge, or not, in the Bankrupt Court"; and the Court was adjourned for three weeks; the Judge directing no fees should be charged: that afterwards a bill was handed to Mr. Daniell, by the Clerk, for £1 17s. 6d., in which were the following charges:—Appointment of meeting, 1s. 3d.; Clerk and filing, 3s. 4d.; Record, 5s.; Schedule of debt, 2s. 6d.; which the said Mr. Daniell refused to pay, it being for charges for a meeting not held.

That on the 31st March last the said Mr. Daniell made an appointment with the Judge's Clerk to obtain a summons against Joseph Sifton and one against Charles Bebee, and paid the fees: that on the following day he attended for the summons, but was informed by the Clerk that the Judge had ordered him to receive no more papers from him, Mr. Daniell, until the fees in Jennings' matter were paid: that Mr. Daniell, not believing such an order had been made, went to the Judge, who told him, that as he, Mr. Daniell, had not paid the fees in Jennings' case to the Clerk, he, the

Judge, would hold him in contempt, and that unless they were immediately paid, he would issue an attachment against him: that Mr. Daniell replied, "He ought to inform himself more particularly of the matter, as he, Mr. Daniell, did not feel disposed to pay a bill which was unjust": that the Judge went to the Clerk's office, and merely asked whether the amount of the bill had been paid, and, being informed that it had not, told the said Mr. Daniell that he, the Judge, would *not hear* him in any matter, until he, Mr. Daniell, had paid the fees, and then absolutely refused, on that ground, to grant the summons against the said Sifton and Bebee: that when the said Mr. Daniell endeavoured to point out the unfairness of the proceeding, the said Judge replied, "I will not hear you; you have my answer; you can apply to the Court of Review": that on the same day the said Mr. Daniell offered the fees to the Clerk, in the presence and hearing of the Judge, to make an appointment to obtain a summons against one James Farley, in bankruptcy: that the Clerk was then ordered by the Judge not to receive any papers from Mr. Daniell until the fees in Jennings' case had been paid: that after such delay the said Mr. Daniell was obliged to employ Mr. Shanley, another Solicitor, to apply for the summons.

That Mr. Shanley did, at the instance of Mr. Daniell, on the 17th April instant, apply for a second meeting of the creditors of John Jennings: that the Judge refused until the fees were paid, being then over four pounds, as was alleged: that Mr. Shanley replied, that "*That* was more than Mr. Daniell had said." The Judge replied, that "Since what was charged was not paid, he should charge as if a full meeting had been held": that on Mr. Shanley's offering to pay the fees, the Judge said, "There was another difficulty,—that there would be no public meeting until it was decided that the Sheriff should obey his orders": that on being remonstrated with, and asked if he had applied to the Court of Review, or any where else, or when it was to be decided? replied, "He did not mean to take any step about it, and did not know when it would be decided."

That a similar application was applied for by Mr. Shanley, for Mr. Daniell, in the matter of Geary, a bankrupt, which was refused on the ground that until it was decided the Sheriff would obey his orders, he would not hold any public meeting.

That the first meeting of the creditors of William Henry Bennett was appointed by the said Judge to be held on the 6th day of April instant, and advertised in the *Canada Gazette* and *London Times*, to be held on that day: that the said Judge refused to hold the said meeting, saying it was no use to hold any meeting until the powers of the Court were ascertained, whereby no Assignee was appointed, or anything done in reference to the disposal of the estate, then and now in the Sheriff's hands.

That the said Henry Allen refuses to allow the articulated Clerks of Solicitors to do business at Chambers in Bankruptcy before him. In the case of Bennett, a bankrupt, he declared that "I will not hear any but officers of the Court. This is a Court of Justice, and I will not permit Solicitors to send their Clerks here; it is treating *it* with *disrespect*. They must in every case appear themselves, and in future the rule will be strictly adhered to;" although the Judges of the Queen's Bench have never held it to be disrespectful towards them to do business with the articulated Clerks of Attorneys before them at Chambers.

That as to the Insolvent Court,—That one Thomas Browne had obtained an interim order for protection until the 21st February, being the day appointed by

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the Judge for the examination of the said Thomas Brown: that Mr. Daniell, his Solicitor, gave the necessary notices of such meeting, having it advertised according to the Statute: that by an order of the said Henry Allen, it is required that an appointment should have been made with his Clerk, his son, on the day before any meeting: that according to such order, Mr. Daniell went to the office of the said Clerk during his office hours, which are from eleven o'clock, A.M., till two, P.M., to make such appointment, but was unable, he being absent from his office.

That on the 21st there was a Bankruptcy meeting, and Mr. Daniell went with the fees to the Clerk, and offered to pay him for Brown's meeting, stating the reason why they had not been paid on the day before was his own absence, and that Brown would be subjected to great expense and delay in again advertising: that the said Mr. Daniell was thereupon informed that no meeting would be held, the order not having been complied with.

Wherefore, Your Petitioner humbly prays that Your Excellency will take such measures as may be deemed expedient and wise under the circumstances.

And Your Petitioner, as in duty bound, will ever pray.

J. W. WILSON.

London, 23rd April, 1846.

SECRETARY'S OFFICE;
1st May, 1846.

SIR,—I have the honor, by command of the Governor General, to transmit you copies of two complaints which have been made against you, the one by John Wilson, Esquire, the other by L. Lawrason, Esquire, and I am to request that you will, with your earliest possible convenience, furnish such observations thereon, for His Excellency's information, as you may consider necessary.

I am at the same time to acquaint you that reference will be made to the different parties named, as concerned in the several transactions referred to as instances of your alleged misconduct, with a view of procuring their statements in relation thereto.

I have the honor, &c.,

D. DALY.

H. Allen, Esq.,
Judge,
London District Court.

SECRETARY'S OFFICE;
4th May, 1846.

SIR,—I have the honor, by command of the Governor General, to acquaint you that a communication has been received from John Wilson, Esq., Barrister-at-Law, London, against Henry Allen, Esq., Judge of the London District Division Courts, in which various charges of incapacity are preferred against the said Henry Allen, and your name is mentioned, along with those of other gentlemen, as having been cognizant of various acts of incapacity and malversation on the part of the said Judge in the various Courts over which he presides, and I am therefore to request that you will be pleased to favor me, with your earliest convenience, with

any remarks on the subject, for His Excellency's information.

I have the honor, &c.,

JAMES HOPKIRK.

W. Horton, Esquire,
Barrister-at-Law,
London.

LONDON, C. W., 11th May, 1846.

SIR,—I have the honor to acknowledge the receipt of your letter of the fourth instant, acquainting me that a communication has been received from John Wilson, Esquire, Barrister-at-Law, London, against Henry Allen, Esquire, Judge of the London District and Division Courts, in which various acts of incapacity are preferred against that gentleman.

I am aware of the contents of the communication referred to containing those charges.

I regret to have to state that the specific acts charged against Henry Allen, Esquire, as set forth in the communication of John Wilson, Esquire, are true, and that I was present upon almost all the occasions referred to.

I cannot, however, attribute the line of conduct pursued by him to intentional misconduct or malversation in office, but from the opportunity of forming an opinion which I have had, I ascribe it chiefly to the following causes:—

In the District Court, Court of General Quarter Sessions, and Court of Bankruptcy, I think his exceedingly sensitive and irritable disposition causes him to conduct the business of those Courts in the unsatisfactory manner alleged against him.

With regard to his mode of conducting the business of the Division Court Number One—His son is Clerk of that Court, and I feel persuaded the want of proper enquiry into the conduct of the Clerk, and his being tolerated to remain in that situation, are attributable to his father's extreme partiality for the son, and his reluctance to believe him capable of misconducting himself, notwithstanding the numerous complaints made against him.

I have the honor to be,

Sir,

Your most obedient servant,

W. HORTON.

James Hopkirk, Esq.
&c. &c. &c.

SECRETARY'S OFFICE,
5th May, 1846.

SIR,—I have the honor, by command of the Governor General, to acquaint you that a complaint has been preferred by John Wilson, Esq., of London, Barrister-at-Law, against Henry Allen, Esq., Judge of the London District Court, in which various charges of incapacity are preferred against the said Henry Allen. Among other circumstances, certain reference to one of the proceedings in which, it appears, you were employed as Agent, and I am to transmit you extracts from that part of the complaint referring to them, and to request that you will, with your earliest convenience, furnish

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me with your statement relative to the Judge's conduct in the matter referred to, for the information of His Excellency.

I have the honor, &c.,

JAMES HOPKIRK.

— Daniell, Esquire,
Barrister-at-Law,
London.

LONDON, May 10th, 1846.

SIR,—I have the honor to acknowledge the receipt of your communication of the 5th instant, respecting Henry Allen, Esquire, Judge of the London District Court, and beg to state in reply that I furnished Mr. John Wilson with the statements referring to me in his complaint, and they are correct.

The case of Duncan *vs.* Osborne in the Division Court, since the complaint made by Mr. Wilson was forwarded. I endeavored to settle with the Clerk, and made a second application to the Judge on oath during the last sittings of the Division Court, on the 4th May instant, stating to him again how the case stood, which the Clerk acknowledged to be true. The Judge stated that he would issue process against the Clerk upon the personal application of the plaintiff, and compel the Clerk to pay the amount of the judgment, but refused to issue any process upon my application, although I informed him that I held a Power of Attorney from the plaintiff to collect the money from the Clerk and Bailiff, and the matter was in that way delayed until the plaintiff applies in person. I cannot attribute the conduct of the Judge in this case to any other motive than to that of protecting the Clerk, who is his son; and by his decision, should the plaintiff have resided at a distance from London, it would effectually prevent him from taking any steps whatever, as the amount of the judgment would not pay the expense of his attendance.

With regard to the Bankrupt Court, the business has been stopped for nearly two months in consequence of the Sheriff refusing to arrest a person upon the verbal order of the Judge; but a few days since the Judge intimated that he had taken the opinion of Counsel, and was advised to hold meetings in Bankruptcy, and that he would again commence business. The mode of conducting matters in this Court by the Judge renders it extremely painful and unpleasant for Solicitors and others, as they are compelled to submit, right or wrong, to his decisions, or be put to the expense of an appeal to the Court of Review, and he will not hear Counsel who dissent from him with patience. I have several times refused business in that Court, rather than appear there.

I have the honor to be,
Your humble servant,

JAMES DANIELL.

James Hopkirk, Esq.,
Assistant Secretary.

LONDON, 7th May, 1846.

SIR,—I have the honor to acknowledge the receipt of your letter of the 1st instant, transmitting copies of two complaints which had been made against me, the one by John Wilson, Esq., the other by L. Lawrason, Esq., and requesting that I would, with my earliest possible convenience, furnish such observations thereon,

for His Excellency's information, as I might consider necessary.

I beg leave, in reply, to say, that my observations on the several matters of complaint shall be furnished accordingly at the earliest possible period.

At the same time, I beg leave, for the information of His Excellency, respectfully to acquaint you, that from tomorrow, the 8th, until the 13th instant, inclusively, I shall be engaged on the business of the Division Courts; and on the 14th, and following days, on the Assize Commission for this District.

I am, Sir,
Your most obedient servant,

HENRY ALLEN,
J.D.C., L.D.

Honble. D. Daly,
Secretary.

SECRETARY'S OFFICE,
12th May, 1846.

SIR,—I have the honor, by command of the Governor General, to acknowledge the receipt of your letter of the 7th instant, intimating your having received my letter of the 1st, enclosing copies of the complaints of John Wilson, Esq., and L. Lawfason, Esq., against you, and stating that you will transmit your observations thereon at the earliest possible period, but that from the 8th to the 13th instant you will be engaged with the Division Courts, and on the 14th and following days in the Assize Commission for the District.

His Excellency desires me to state, that the unsatisfactory nature of this reply precludes him from further delay in recommending the complaints against you to be brought under the consideration of the Parliament.

I have, &c.

JAMES HOPKIRK.

Henry Allen, Esq.,
Judge, London District Court.

LONDON, 20th May, 1846.

SIR,—In obedience to an Order passed at the April Court of General Quarter Sessions of the Peace held in and for the London District, I have the honor to enclose you copies of Orders of Sessions of the July and November Sessions of 1845, and of the January and April Sessions, 1846, in reference to the auditing accounts and the signing of checks therefor.

I have the honor to be, &c.,

J. B. ASKIN,
C. P.

The Honble. D. Daly,
&c. &c. &c.,
Montreal.

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At the Court of General Quarter Sessions of the Peace, held at London, in and for the District of London, in the month of July, 1845,

It was moved—in the Committee Room, the following Magistrates being then present: Henry Allen, Esquire, Chairman; Lawrence Lawrason, Duncan M'Kenzie, Thomas H. Ball, Hugh Carmichael, Christopher Bar, Wilson Mills, and Alexander Anderson, Esquires—

by Lawrence Lawrason, Esquire, seconded by Duncan M'Kenzie, Esquire, that the list of Accounts taken into the consideration of the Committee appointed for that purpose, which they have examined and now submit, be now taken into consideration by the Court, that they be now passed, and that the Chairman be now requested to sign drafts for the same.

Memorandum of entry made by the Clerk of the Peace:—

On the Audit of Accounts, it was moved by Lawrence Lawrason, Esquire, seconded by Duncan M'Kenzie, Esquire, as above entered; and the same motion having been put by the Court, no dissent is offered.

The Chairman being present, respectfully declines acting in passing the accounts in question, and to sign the drafts in reference thereto.

Dated London, 4th day of July, 1845.

A true copy,
J. B. ASKIN, C.P.

The Accounts to which the above refer are annexed.

J. B. ASKIN.

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LIST OF ACCOUNTS against the London District, examined by the Committee appointed to Audit, 2nd July, 1845.

	No.		£	s.	d.
1 Vic. ch. 5,.....	1	Robert Haskett, for fuel and potatoes supplied for the Gaol, from 1st January to 30th June, 1845,.....	12	9	0
	2	James Stearns, for urine tubs supplied for the Gaol,.....	3	15	0
	3	Samuel Glass, bread supplied for the Gaol,.....	7	19	4
	3½	William Faulds, bread supplied for the Gaol, from 1st January to 31st March, 1845,.....	0	12	0
	4	John McIntosh, for 5 pairs blankets supplied,.....	5	0	0
	5	William McMillan, meat for Gaol, from 1st January to 30th June,.....	27	6	5
7 Wm. 4, ch. 18,.....	6	Samuel H. Park, Gaoler, necessaries and washing for the Gaol, to 30th June, 1845,.....	18	4	3
	7	John Harkness, Constable,.....	1	0	0
do.	8	Peter McCann, services rendered Coroner, for one coffin and burying two bodies,.....	1	10	0
do.	9	Robert Casack, Constable,.....	3	18	4
1 Vic. ch. 5,.....	10	William Howe, bread for the Gaol, from 1st April to 30th June, 1845,....	8	10	1
7 Wm. 4, ch. 18,.....	11	David Evans, Constable,.....	3	10	0
	12	Levi Myrick, do.	0	10	0
do.	13	Jesse Anderson, do.	3	0	7
	14	Philo Bennett, do.	3	3	9
	15	John Matthews, do.	3	16	10
1 Vic. ch. 5,.....	16	L. Lawrason, necessaries supplied the Gaol,.....	15	11	4
7 Wm. 4, ch. 18,.....	17	Duncan McKellar, Constable,.....	2	16	0
	18	Ephraim Bullard, do.	6	12	6
do.	19	Hugh Madole, do.	0	5	0
do.	20	Findley McDonald, do.	1	2	6
1 Vic. ch. 5,.....	21	Hugh Falconer, necessaries for Gaol,.....	9	8	5
	22	Murray Anderson, do.	3	15	0
	23	Abraham Cornelius, Indian Interpreter, attendance at Court,.....	1	0	0
4 and 5 Vic. ch. 12, } 6 Wm. 4, ch. 4, }	24	George H. Hackstaff, printing and publishing,.....	4	11	7
	25	John Caughall, Constable,.....	1	5	0
7 Wm. 4, ch. 18,.....	26	Peter Bowlby, do.	1	5	0
	27	Alexander Gunn, do.	2	10	0
do.	28	D. V. Nickerson, do.	0	18	0
4 and 5 Vic. ch. 12,....	29	O'Reilly and Newcombe, printing and publishing,.....	3	10	9
	7 Wm. 4, ch. 18,.....	30	Archibald McFarlane, Constable,.....	1	10	0
do.	31	Michael McGeary, Constable,.....	160	6	8
do.	32	Henry Groves, do.	12	4	4
do.	33	Cyrus Sumner, do.	21	12	6
do.	34	George Elliott, do.	4	4	0
			8	15	0
			207	2	6

The foregoing Accounts have been examined and found correct, and therefore submitted to the Court to be passed, and that Drafts may be given upon the Treasurer for the several sums due.

A true Copy,
J. B. ASKIN,
C. P.

L. LAWRASON,
Chairman, Committee of Accounts.

London, 3rd July, 1845.

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At the Court of General Quarter Sessions of the Peace held at London, in and for the District of London, in the month of November, 1845,

On the 19th day of November, 1845,

It is Ordered, That the accounts against the District for debts due for the Administration of Justice be now taken into consideration.

In open General Quarter Sessions of the Peace, London, 19th November, 1845.

(Signed,) HENRY ALLEN,
Chairman.

Ordered, That a Committee be appointed to proceed to examine the accounts for debts due by the District for the Administration of Justice, with the view to their being audited by the Court, and the checks signed by the Chairman, agreeably to the provisions of the 7th Wm. IV., ch. 18, and that the following Magistrates form the Committee of Accounts:

Duncan M'Kenzie,	Simeon Morrill,
James B. Strathey,	Alexander Anderson,
Lawrence Lawrason,	John Harris, and
Charles Montserrat,	John Lang, Esquires.

On the 21st day of November, 1845, the following Magistrates being present, namely,

Henry Allen, Esquire, Chairman, Lawrence Lawrason, Duncan M'Kenzie, John Harris, James B. Strathey, John Lang, Charles Montserrat, Simeon Morrill, and Alexander Anderson, Esquires,

Ordered, That the Court do now proceed to audit and pass the accounts submitted by the Committee appointed for their examination, and that the Chairman do sign checks or orders upon the Treasurer for the several sums found due to individuals, in accordance with the provisions of the Statute 7 Wm. IV., ch. 18.

In open Court of General Quarter Sessions of the Peace, London, 21st November, 1845.

(Signed,) HENRY ALLEN,
Chairman.

The following accounts passed :—

No. 1. Robert Haskett, for fuel and potatoes supplied and furnished for the prisoners in gaol,	£12	9	0
2. James Stearns, for urine tubs supplied for the use of the prisoners in the Gaol,	3	15	0
3. Samuel Glass, for bread supplied and furnished for the prisoners in the Gaol,	7	19	4
3½. Wm. Faulds, for bread supplied and furnished for the prisoners in the Gaol,	0	12	0
4. John M. G. M'Intosh, for blankets supplied and furnished for the prisoners in the Gaol,....	5	0	0
5. William M'Millan, for meat supplied and furnished for the prisoners in the Gaol,	27	6	5
6. Samuel H. Park, Gaoler, for necessaries furnished, and for washing for the prisoners in the Gaol, 18	4	3	

The account of John Harkness for service as a Constable is presented, and here at this time, the Chairman, being moved to sign the order for the payment of this account, reserves the further consideration of this and other Constables' accounts, and thereupon the following Order is submitted to the Bench :—

Ordered, That the account of John Harkness for services rendered as a Constable, now presented, be audited and passed, and that the Chairman do sign a

draft authorizing the payment of the said account by the Treasurer.

In open General Quarter Sessions of the Peace, London, 21st November, 1845.

(Signed,) HENRY ALLEN,
Chairman.

Ordered, That the Bench do not consent to postpone the consideration of signing the drafts on the Treasurer for the Constables' accounts, which are audited, but that the drafts for the same be now signed.

Upon the above Order being unanimously adopted by the Magistrates present, it was submitted to the Chairman for his signature, who refused to sign it.

In open General Quarter Sessions of the Peace, London, 21st November, 1845.

(Signed,) L. LAWRASON.
" JOHN HARRIS.
" C. MONTSERRAT.
" ALEXANDER ANDERSON.
" S. MORRILL.
" J. B. STRATHEY.
" JOHN LANG.

10. William Howe, for bread supplied and furnished for the prisoners in Gaol,	8	10	1
16. L. Lawrason, for necessaries supplied and furnished to the prisoners in the Gaol,	15	11	4
21. Hugh Falconer, for necessaries furnished and supplied the prisoners in Gaol,	3	15	0
22. Murray Anderson, for necessaries furnished and supplied to the prisoners in Gaol,	9	8	5
23. Abraham Cornelius, an Indian Interpreter, in attendance on the Court of Assize on a trial, ...	0	0	6
24. George H. Hackstaff, for printing,	4	11	7
29. O'Reilly & Newcombe, for do....	3	10	9
1. Robert Haskett, for potatoes and fuel furnished and supplied to the prisoners in the Gaol,	8	19	11
2. William Howe, for bread furnished and supplied to the prisoners in the Gaol,	11	0	6
3. Hope, Birrell & Co., necessaries furnished and supplied for the Gaol,	6	7	2
4. James Monahan, necessaries furnished and supplied to prisoners in Gaol,	6	6	6
5. Lionel Ridout, for do. do.	9	19	0
6. Rose & Brown, for do....	4	16	4
7. James Williams, for shackles and irons for the prisoners in Gaol, ..	4	11	1
8. Murray Anderson, for necessaries furnished for the prisoners in Gaol,	0	11	3
9. William M'Millan, for meat furnished and supplied for the prisoners in the Gaol,	23	8	4
11. Samuel H. Park, for necessaries furnished and supplied for the prisoners in Gaol,	13	18	6
31. David J. Bowman, services as a Coroner. This account is reserved,			
36. Alexander Anderson, services as a Surgeon in attendance on the prisoners in the Gaol for nine months, at £25 per annum, ...	18	15	0

A true copy,
J. B. ASKIN, C. P.

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LIST OF ACCOUNTS examined by the Committee appointed for that purpose, and submitted to the Quarter Sessions for audit, November Sessions, 1845.

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	No.		£	s.	d.
	1	Robert Haskett, 10 bush. potatoes for Gaol, at 1s. £0 10 0 and 31 $\frac{7}{12}$ cords wood, at 5s. 4d. 8 9 11			
			8	19	11
	2	William Howe, bread supplied the Gaol, from 1st July to 17th November, inclusive, 11 0 6	11	0	6
1 Vic. ch. 5.....	3	Hope, Birrell & Co., supplies for bedding and clothing for Gaol, 6 7 2	6	7	2
	4	James Monaghan, clothing for prisoners, 6 6 6	6	6	6
	5	Lionel Ridout, handcuffs and fetters, and other necessaries, for Gaol, 9 19 0	9	19	0
	6	Brown & Rose, for clothing and necessaries for Gaol, 4 16 4	4	16	4
	7	James Williams, blacksmith, irons and shackles for prisoners, 4 11 1	4	11	1
	8	Murray Anderson, necessaries for Gaol, 0 11 3	0	11	3
	9	William M'Millan, meat for Gaol, 23 8 4	23	8	4
	10	Samuel H. Park, necessaries for Gaol, 13 18 6	13	18	6
7 Wm. IV. ch. 18...	11	Finlay M'Donald, services as a Constable, 3 15 0	3	15	0
do.	12	Moses Prince, do. do. 2 17 0	2	17	0
do.	13	James Marr, do. do. 3 10 0	3	10	0
do.	14	Jesse Anderson, do. do. 2 6 3	2	6	3
do.	15	Talbot Chief, do. do. 1 5 0	1	5	0
do.	16	Robert Cusack, do. do. 6 19 6	6	19	6
do.	17	Malcolm Smith, do. do. 2 0 6	2	0	6
do.	18	John Quigley, do. do. 0 10 0	0	10	0
do.	19	Edmund Sharp, do. do. 0 15 0	0	15	0
do.	20	Thomas Grayham, do. do. 0 10 0	0	10	0
do.	21	John Bullard, do. do. 0 14 0	0	14	0
do.	22	Daniel Drake, do. do. 12 10 0	12	10	0
do.	23	Alex. Gunn, do. do. 0 10 0	0	10	0
do.	24	Levi Myrick, do. do. 1 2 9	1	2	9
do.	25	Philo Bennett, do. do. 2 17 3	2	17	3
do.	26	John Campbell, do. do. 1 5 0	1	5	0
do.	27	Eusebre King, do. do. 0 19 10	0	19	10
do.	28	John Arnold, do. do. 1 5 0	1	5	0
do.	29	— Atkins, do. do. 1 5 0	1	5	0
do.	30	Israel Doan, do. do. 1 3 1	1	3	1
25 Geo. II. ch. 29...	31	David J. Bowman, Coroner, 15 10 0	15	10	0
7 Wm. IV. ch. 18...	32	William Little, Constable, 4 1 2	4	1	2
do.	33	Cyrus Sumner, do. 5 4 0	5	4	0
do.	34	John Matthews, do. 1 5 0	1	5	0
do.	35	Henry Groves, do. 17 1 10	17	1	10
1 Vic. ch. 5.....	36	Alexander Anderson, Surgeon, three-fourths year attendance in Gaol, from 1st Jan. 1845, to 1st Oct. 1845, 18 15 0	18	15	0
7 Wm. IV. ch. 18...	37	Samuel S. Sumner, 1 1 3	1	1	3
do.	38	Michael M'Geary, 7 12 6	7	12	6
			209	17	2
		Amount of Accounts examined at July Sessions per list herewith presented, which were submitted to the Court on 3rd July last, for which the Chairman then refused to sign orders upon the Treasurer for payment, 207 2 6	207	2	6
			416	19	8

The Committee appointed to examine the accounts presented against the District for debts incurred for the expenses of the Gaol, and the Administration of Justice respectfully submit to the Court, that they have carefully examined the claims submitted to them and find due to the several individuals mentioned in the accompanying list, which was examined and submitted to the last July Sessions, and to the above list which is now submitted, the several sums opposite their respective names; and have numbered the same and noted upon the margin, the Act or Acts under the authority of which the said sums are payable.

The Committee therefore now submit the whole for the consideration of the Court, and that the same may be now audited, and that checks or orders upon the Treasurer of the District may be signed in favor of the different individuals to whom the said debts are due, agreeably to the provisions of the Statute 7 Wm. IV., chap. 18.

The Committee find that some of the Contractors for supplies for the use of the Gaol have discontinued to furnish such supplies, in consequence of not being paid according to agreement, and that a considerable additional expense has consequently arisen in obtaining the said supplies, and that the whole of the Contractors refuse to continue the supply unless their accounts are so arranged as to enable them to draw the payment when due.

All of which is respectfully submitted.

L. LAWRASON,
Chairman of Committee.

A True Copy,
J. B. ASKIN,
Clerk of the Peace.

Committee Room,
November 21, 1845.

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In the early part of the month of December, 1845, the Tariff of Fees established by the Judges under and by virtue of an Act passed in the eighth year of Her Majesty's Reign, ch. 38, was received by the Clerk of the Peace, and immediately communicated to the Chairman of the Quarter Sessions, who immediately thereafter came into the Office of the Clerk of the

Peace, examined the several accounts of Constables, for services which had been reserved at the Audit of Accounts in November last, and after examination of the several accounts, signed drafts or certificates on the Treasurer of the District, for the payment of the same, to the following persons, and for the sums opposite to their respective names, as follows:

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On the first Audit of the Accounts in July Sessions, 1845, the following claims were allowed to Constables for services:—

Accounts No.								£	s.	d.
7	John Harkness, for services as a Constable,...	...	...	...	...	...	...	1	0	0
8	Peter McCann, for do.	...	...	...	...	...	...	1	10	0
9	Robert Cusack, for do.	...	...	...	...	...	...	3	18	4
11	David Evans, for do.	...	...	...	...	...	...	3	10	0
12	Levi Myrick, for do.	...	...	...	...	...	...	0	10	0
13	Jesse Anderson, for do.	...	...	...	...	...	...	3	0	7
14	Philo Bennett, for do.	...	...	...	...	...	...	3	3	9
15	John Matthews, for do.	...	...	...	...	...	...	3	16	10
17	Duncan M'Kellar, for do.	...	...	...	...	...	...	2	16	0
18	Ephraim Bullard, for do.	...	...	...	...	...	...	6	12	6
19	Hugh Madole, for do.	...	...	...	...	...	...	0	5	0
20	Finlay McDonald; for do.	...	...	...	...	...	...	1	2	6
23	Abraham Cornelius, for do.	...	...	...	...	...	...	1	0	0
25	John Campbell, for do.	...	...	...	...	...	...	1	5	0
26	Peter Bowlby, for do.	...	...	...	...	...	...	1	5	0
27	Alexander Gunn, for do.	...	...	...	...	...	...	2	10	0
28	D. V. Nickerson, for do.	...	...	...	...	...	...	0	18	0
30	Archibald McFarlane, for do.	...	...	...	...	...	...	1	10	0
31	Michael McGeary, for do.	...	...	...	...	...	...	12	4	4
32	Henry Groves, for do.	...	...	...	...	...	...	21	12	6
33	Cyrus Sumner, for do.	...	...	...	...	...	...	4	4	0
34	George Elliott, for do.	...	...	...	...	...	...	8	15	0
								86	9	4

LIST of ACCOUNTS examined at the November Sessions, 1845, by a Committee of Magistrates.

Accounts No.								£	s.	d.
11	Findlay McDonald, services as Constable, ...	...	...	...	...	...	...	3	15	0
12	Moses Price, do.	...	...	...	...	...	...	2	17	0
13	James Marr, do.	...	...	...	...	...	...	3	10	0
14	Jesse Anderson, do.	...	...	...	...	...	...	2	6	3
15	Talbot Chief, do.	...	...	...	...	...	...	1	5	0
16	Robert Cusack, do.	...	...	...	...	...	...	6	19	6
17	Malcolm Smith, do.	...	...	...	...	...	...	2	0	6
18	John Quigley, do.	...	...	...	...	...	...	0	10	0
19	Edmund Sharp, do.	...	...	...	...	...	...	0	15	0
20	Thomas Grayham, do.	...	...	...	...	...	...	0	10	0
21	John Richards; do.	...	...	...	...	...	...	0	14	0
22	Daniel Drake, do.	...	...	...	...	...	...	12	10	0
23	Alexander Gunn, do.	...	...	...	...	...	...	0	10	0
24	Levi Myrick, do.	...	...	...	...	...	...	1	2	9
25	Philo Bennett, do.	...	...	...	...	...	...	2	17	3
26	John Campbell, do.	...	...	...	...	...	...	1	5	0
27	Eusebre King, do.	...	...	...	...	...	...	0	19	10
28	John Arnold, do.	...	...	...	...	...	...	1	5	0
29	— Atkins, do.	...	...	...	...	...	...	1	5	0
30	Israel Doan, do.	...	...	...	...	...	...	1	3	1
32	William Little, do.	...	...	...	...	...	...	4	1	2
33	Cyrus Sumner, do.	...	...	...	...	...	...	5	4	0
34	John Matthews, do.	...	...	...	...	...	...	1	5	0
35	Henry Groves, do.	...	...	...	...	...	...	17	1	10
37	Samuel L. Sumner, do.	...	...	...	...	...	...	1	1	3
38	Michael McGeary, do.	7	12	6
								84	5	11
								86	9	4
Total amount,...							£	170	15	3

(A true copy.)

J. B. ASKIN, C. Peace.

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At the Court of General Quarter Sessions of the Peace, held at London, in and for the District of London, in the month of January, 1846,

The following Magistrates being present,—Henry Allen, Esquire, Chairman, Alexander Anderson, James B. Strathey, Murdoch McKenzie, Lawrence Lawrason, Richard Webb, Charles Montserrat, John Hubert Cuddy, Esquires,

It is Ordered—That the undersigned Magistrates be a Committee to examine the accounts and claims against the District, at this present Sessions, and report thereon to the Bench, viz :

L. Lawrason, Esquire, J. B. Strathey, Capt. Cuddy, John Harris, C. Montserrat, Wilson Mills, Esquires, of whom three do form a quorum for the examination of the District Accounts.

Dated in open Court of General Quarter Sessions of the Peace, London, 6th day of January, 1846.

(Signed,) HENRY ALLEN,
Chairman.

Ordered—That the agreement or receipt signed by some of the Constables for their accounts audited last Session, be produced in Court, and submitted to the Committee of Accounts, and that the Sheriff be requested to furnish a statement of the transaction.

In open General Quarter Sessions of the Peace, London, 7th January, 1846.

(Signed,) HENRY ALLEN,
Chairman.

The following is a copy of the Statement produced by the Sheriff in reference to the above Order of the Court, and contains the names of the Constables, with

the amount set opposite their respective names, or enumerated in the preceding pages, and marked in red ink *a*, and concluding with the letter *b* (which is not here copied because it would be a mere repetition), producing the total sum as there stated of £170 15s. 3d., with the following memorandum by the Sheriff.

Memo:—Dec. 1, 1845, I drew a Note, favor J. R. Askin, Esquire, for £75, payable at the Agency of the Gore Bank, endorsed by Henry Allen, and due March 3, 1846.

£75 0 0
Off discount,... 0 9 3

Amount received, £73 17 0

A true copy of the Memorandum and Order of Sessions.
J. B. ASKIN, C. P.

Memorandum.—The Note of Memorandum at the bottom of the Statement submitted by me to the Magistrates at the January Sessions, 1846, has reference to a note of hand drawn by me in favor of J. B. Askin, Esquire, and endorsed by Henry Allen, Esquire, on the Gore Bank, for the sum of £75, to enable me to relieve such of the Constables whose circumstances required assistance, and who were willing to receive such assistance, subject to the percentage charged by the Bank.

JAMES HAMILTON,
Sheriff, L. D.

Sheriff's Office, London,
May 20, 1846.

WE whose Names are hereunto written do severally acknowledge to have received from Messrs. Henry Allen, Chairman Quarter Sessions, John B. Askin, C. P., and James Hamilton, Sheriff, the several sums opposite our respective names, as part payment of our claims against the London District, for services as Constables, agreeably to the adjoining Schedule.

Date.	Names.	Amount of Drafts.	Proportion of Discount.	Amount paid in advance.
		£ s. d.	s. d.	£ s. d.
December 1	Henry Groves,.....£21 12 6			
	-Do. 17 1 10			
	Samuel L. Sumner,.....	38 14 4	9 2	38 5 2
	Michael McGeary,..... 12 4 4	1 1 3	0 3	0 10 0
	Do. 7 12 6			
	Ephraim Bullard,.....	19 16 10	4 10	9 15 0
	John Matthews,..... 3 16 10	6 12 6	1 7	6 10 11
	Do. 1 5 0			
	Cyrus Sumner,..... 4 4 0	5 1 10	1 3	5 0 7
	Do. 5 4 0			
	Talbot Chief,.....	9 8 0	2 4	9 5 8
	Duncan McKellar,.....	1 5 0	0 4	1 4 8
	Levi Myrick,..... 0 10 0	2 16 0	0 9	2 15 3
	Do. 1 2 9			
	George Elliott,.....	1 12 9	0 5	1 12 4
		8 15 0	2 2	8 12 10
		£ 95 3 6	23 1	83 12 5
	Bank add Discount,.....			1 3 1
				84 15 6
	Due S. L. Sumner,.....			0 11 0
	Due Michael McGeary,.....			9 17 0
				95 3 6

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The Sheriff states verbally that the drafts were received by him from the Clerk of the Peace upon or before the 10th December.

The Clerk of the Peace states that the drafts were signed by the Chairman at his Office immediately after the receipt of the Tariff of Fees, which was about the 5th December, and given to the Sheriff immediately after.

A true copy,
J. B. ASKIN, C. P.

Ordered, That the Accounts presented for audit after the present Sessions of the Peace, for services performed or supplies furnished for the Administration of Justice, shall have an affidavit attached, of the party claiming such accounts, that such services or supplies were necessarily performed and furnished, and that all Constables' Accounts shall also be certified by the Magistrates or Coroners under whose authority the services were performed.

In open General Quarter Sessions of the Peace,
London, 9th January, 1846.

(Signed,) HENRY ALLEN,
Chairman.

Ordered, That all Officers connected with the Administration of Justice shall render their Accounts against the District, at the April and November Sessions of each year.

In open General Quarter Sessions of the Peace,
London, 9th January, 1846.

(Signed,) HENRY ALLEN,
Chairman.

On Tuesday, the 13th January, 1846,

In consequence of some misapprehension on the part of the Magistrates present (with the exception of the Honorable George J. Goodhue, who expressed his willingness to proceed to the discharge of the business left unfinished, if any one of the other Magistrates would assist him) as to whether the Court could be legally opened without the presence of the Chairman, as directed by 8 Victoria, ch. 13, sec. 3, no order or adjournment was made in reference thereto. The Clerk of the Peace therefore enters the adjournment as directed by law, to the 13th February next, to enable the Magistrates to take up the unfinished business of the Court of General Quarter Sessions of the Peace.

At the Court of General Quarter Sessions of the Peace held at London in and for the District of London, in the month of April, 1846,

Moved by Lawrence Lawrason, and seconded by John Harris, Esquires, That it be ordered, that the Address of the Chairman to the Grand Jury is not concurred in by the Bench.

In open Court of General Quarter Sessions,
London, 7th April, 1846.

It was urged by Lawrence Lawrason, Esquire, one of the Magistrates present, that a motion or order to the following effect be now submitted to the Sessions, as follows:—

Ordered, That for the purpose of disposing of the Accounts presented to this Court for audit, with the least delay and inconvenience to the public, a Committee be appointed to examine into and prepare a list

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of those accounts, preparatory to their audit in open Court of General Quarter Sessions, as required by law, and that such Committee be composed of Alexander Anderson, Simeon Morrill, John Harris, Levi Fowler, Hugh Carmichael, James B. Strathey, Lawrence Lawrason, Henry Sherwick, and George B. Ivor, Esquires. This is seconded by John Harris, Esquire.

The Chairman declines putting the order till tomorrow. This entry is requested to be made by L. Lawrason, Esquire; Murdock M'Kenzie, Esquire, dissents; the other Magistrates present being silent.

J. B. ASKIN, C.P.

Ordered, That the accounts presented at the last Court of General Quarter Sessions, which were examined by the Committee appointed for that purpose, but were not audited, in consequence of the Court dispersing without signing the checks, be now audited and disposed of according to law.

Dated in the open General Quarter Sessions of the Peace,
London, 8th April, 1846.

(Signed,) HENRY ALLEN,
Chairman.

List of Accounts examined by the Committee of Accounts, January Sessions, 1846, and upon which the several sums opposite their respective names are found due, the following Magistrates being present: Henry Allen, Esquire, Chairman; Hugh Carmichael, George B. Ivor, John Harris, Simeon Morrill, Alexander Anderson, Lawrence Lawrason, Henry Sherwick. The following claims are presented, and drafts signed:—

No.	Description	£	s.	d.
1.	Robert Haskett, for fuel wood, ...	6	10	8
2.	Samuel M'Bride, necessaries for Gaol, fms, &c. ...	3	0	4
3.	James Oliver, clothing for prisoners, ...	2	5	7
4.	John Grey, necessaries do. ...	0	13	10
5.	Dennis O'Brien, clothing and other necessaries for prisoners, ...	20	16	7
6.	Samuel H. Park, necessaries, do. ...	7	7	7
7.	William Howe, bread, do. ...	2	1	0
8.	Samuel Olray, do. ...	3	9	8
9.	Lawrason & Chisholm, necessaries and clothing for prisoners, ...	10	16	6
10.	J. G. Macintosh, blankets, do. ...	2	0	0
11.	Wm. Faulds, bread, do. ...	1	11	4
12.	David J. Bowman, Coroner, ...	35	7	9
13.	Edmund Millis, do. ...	23	3	6
14.	David J. Bowman, Surgeon, post-mortem examination, ...	6	0	0
15.	Edmund Mills, Surgeon, post-mortem examination, ...	3	0	0
16.	Robert Cusack, Constable, ...	3	2	5
17.	Philo Bennett, do. ...	5	12	6
18.	John Fowler, do. ...	0	15	0
19.	Alexander Anderson, Surgeon, attending on the prisoners in Gaol one fourth of a year, ...	6	5	0
20.	Wm. McMillan, Contractor for meat, ...	9	16	6
21.	Michael M'Geary, Constable, ...	8	0	0
22.	Peter Schram, High Constable, ...	25	0	0
23.	Henry Groves, Constable, ...	8	13	3
24.	William Plümmerfelt, do. ...	0	10	0
25.	Jesse Anderson, do. ...	2	2	6
26.	Hugh Madole, do. ...	1	1	3
27.	Jared Teeple, do. ...	3	9	0
28.	Mark Dyer, do. ...	4	14	7
29.	John M. Park, do. ...	9	10	0
30.	Cyrus Sumner, do. ...			

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It is Ordered, That the account allowed to Cyrus Sumner, of seven pounds, for twenty-eight days' services as a Constable in attendance upon the Courts at London, as certified by Feter Schram, High Constable, be now audited, and that the Chairman do sign a draft upon the Treasurer for the amount.

In open General Quarter Sessions,
London, 5th April, 1846.

The Chairman declines signing this draft, or any other where the account is not produced before the Court, and this denial applies to all the claims when the account of the individual is not produced.

	£	s.	d.
38. J. B. Askin, C.P., for fuel and stationery for the year 1845, ...	25	0	0
39. J. B. Askin, C.P., for disbursements, ...	4	9	10
40. James Hamilton, Sheriff, services, 138	2	0	0
41. Thomas Phillips, Coroner, ...	28	18	6
42. Thomas Phillips, Surgeon, ...	4	10	0
43. Samuel H. Park, salary as Gaoler one year, ...	130	0	0

All the accounts submitted at the January Sessions are audited and signed, with the exception of certain claims of certain Constables, whose accounts are not produced, with the exception of the certificate and list of the High Constable, as to their having been in attendance at the Courts. These drafts for these services will be signed by the Chairman as soon as the accounts be produced and filed in the Court.

On the 16th day of April, 1846,

It is Ordered, That the Order of Sessions passed in January Sessions of the Peace, and dated the 9th day of January, 1846, requiring an affidavit to be attached to every account to be presented for audit, be and is hereby rescinded.

Dated in open Court of General Quarter Sessions of the Peace, London, 16th April, 1846.

(Signed,) HENRY ALLEN,
Chairman.

Ordered, That the account to be hereafter allowed to any Surgeon for *post-mortem* examination, in ordinary cases, before a Coroner's Inquest, or to the Coroner, being a Surgeon, for such *post-mortem* examination, where the attendance of another Surgeon cannot be conveniently obtained, shall be one pound ten shillings.

Dated in open General Quarter Sessions of the Peace, London, 16th April, 1846.

(Signed,) HENRY ALLEN,
Chairman.

A true copy,
J. B. ASKIN, C.P.

On the 16th day of April, 1846,

The following Magistrates being present: Henry Allen, Esquire, Chairman; Lawrence Lawrason, Thomas C. Dixon, George B. Ivor, Alexander Strathey, James B. Strathey, Henry Sherwick, David Doty, Esquires; the following accounts were submitted, examined, allowed, and passed, and orders therefor signed on the Treasurer of the London District.

	£	s.	d.
No. 1. John B. Askin, for services as Clerk of the Peace of the London District, from 25th February, 1844, to the 1st January, 1845, ...	115	0	5

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	£	s.	d.
2. John B. Askin, C.P., for services from 1st January, 1845, to 1st January, 1846, ...	221	17	6
3. James Hamilton, for services as Sheriff of the London District, from 1st January to April Sessions, 1846, ...	29	17	5
4. John Matthews, services as a Constable, ...	1	15	0
5. Alexander Anderson, as Surgeon to the Gaol for one quarter, ...	6	5	0
6. Jared T. Teeple, services as a Constable, ...	2	5	0
7. Henry Groves, do. ...	6	19	5
8. Philo Bennett, do. ...	27	0	0
9. Gideon G. Bostwick, do. as a Crier of the Court, ...	23	12	6
10. William Elliott, services as a Constable, ...	1	13	6
11. Jared Teeple, do. ...	0	15	0
12. David J. Bowman, Coroner, ...	5	9	3
13. Thomas Neil, as a Constable, ...	1	17	6
14. Do. do. ...	2	5	10
15. Rowan Sumner, do. ...	0	14	0
16. Francis Pope, interment of the body of a female, by order of Coroner, ...	1	0	0
Albert Berdem, sawing wood for Gaol, ...	9	15	7½
Rowan Sumner, services as Constable, ...	0	19	10
Hugh Madole, ...	4	0	0
Jared T. Teeple, services as a Constable, ...	0	5	6
20. Henry Erroll, do. ...	1	2	3

On the 17th day of April, 1846,

The Court opened, agreeably to adjournment. Present: Henry Allen, Esquire, Chairman, and John Harris, Esquire. The Chairman left the Bench.

Subsequently entered Lawrence Lawrason, John Harris, David Doty, Joseph Odell, Simcon Morrill, James B. Strathey, Henry Sherwick, George B. Ivor, Esquires, the Magistrates present, and Lawrence Lawrason, Esquire, Chairman *pro. tem.*

The following accounts were submitted, audited, and allowed in open Court, and the orders on the Treasurer signed by Lawrence Lawrason, Esq.:

	£	s.	d.
21. Robert Cusack, services as a Constable, ...	7	16	10
22. Hugh Easkins, do. do. ...	1	12	6
23. Daniel Doake, do. do. ...	5	4	9
24. John Lodge, do. do. ...	0	10	0
25. Samuel L. Sumner, do. do. ...	1	10	0
26. Benj. Fairchild, do. do. ...	1	5	0
27. Ephraim Bullard, do. do. ...	3	5	0
28. Alex. Gunn, do. do. ...	1	15	0
29. Jairus Huff, do. do. ...	1	10	0
30. Cyrus Sumner, do. do. ...	1	2	6
31. Jared T. Teeple, do. do. ...	6	17	11
32. John T. Traverse, Surgeon, ...	1	10	0
33. Thos. Phillips, Coroner, ...	6	14	6
34. Elijah Toles, services as Constable, ...	0	19	0
35. Hy. B. O'Connor, supplies for the Gaol, ...	1	8	0
36. Henry Gellings, services as a Constable, ...	0	13	1½
37. Joseph Cowley, public printing and publishing, ...	29	15	0

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Alexander Anderson, Hiram D. Lee, and Alexander Strathey, Esquires, came into the Court, and went on to the Bench.

	£	s.	d.
38. Saml. H. Park, salary, &c.; signed on 8th April, ...	130	0	0
39. Lawrason & Chisholm, stationery, &c. ...	5	7	8½
40. Leonard Perrin, bread found for the prisoners in Gaol, as per contract, ...	10	13	4½
41. William A. Park, meat found for the prisoners in Gaol, as per contract, ...	22	7	9
42. Edward Matthews, 2 bedsteads in the Gaol, ...	1	10	0
43. Lawrason & Chisholm, necessaries supplied to the prisoners in the Gaol, ...	12	12	0
44. John Matthews, services as a Constable, ...	2	8	9
45. Samuel Olray, bread found and supplied to the prisoners in Gaol, ...	2	10	10
46. Elijah Williams, cord-wood found and supplied for the Gaol and the rooms in the Court House, per contract, ...	19	2	8
47. James Monaghan, necessaries supplied to the prisoners in the Gaol, ...	3	11	3
48. Saml. H. Park, necessaries found and supplied to the prisoners in Gaol, ...	14	7	4

It is Ordered, That all accounts against the District for services performed or supplies furnished, presented for audit, after the present Sessions, shall be accompanied with the affidavit of the party claiming such account, or the certificate of the party ordering such supplies, that the service performed or supplies furnished were actually and necessarily performed or furnished; and this Order be published in all the newspapers of the District forthwith.

A true copy,
J. B. ASKIN, C.P.

It is Ordered, That the Clerk of the Peace shall forthwith cause to be published in all the newspapers of the District, the Order of Sessions passed in January last, that all the accounts against the District shall be submitted for audit at the April and November Sessions in each year.

Dated in open Court of General Quarter Sessions of the Peace, London, 17th April, 1846.

(Signed,) L. LAWRASON,
Chairman *pro tem.*

Ordered, That the Clerk of the Peace be directed to transmit to the Government copies of all Orders and other proceedings of the General Quarter Sessions held in the months of July, November, and January last past, and at the present Quarter Sessions, relative to the auditing and payment of Constables and other accounts due by the District, and of all Proceedings and Orders in any of the said Courts, shewing the refusal of the Chairman of Quarter Sessions to sign the orders adopted by the Magistrates in reference to such accounts, or to audit and sign checks upon the Treasurer for payment thereof.

In open General Quarter Sessions,
London, 17th April, 1846.

(Signed,) L. LAWRASON,
Chairman *pro tem.*

A true copy,
J. B. ASKIN, C.P.

In open Court of General Quarter Sessions of the Peace, held at London, in and for the District of London, in the month of April, 1846:

It was Ordered, That the copy of a Presentment found at this Court in reference to the hours of attendance at the Division Court Office, No. 1, be transmitted to the Government.

(Signed,) HENRY ALLEN,
Chairman.

Dated, 16th April, 1846.

Memorandum—That the Clerk of the Peace do transmit the same.

A true Copy.
JOHN B. ASKIN, C. P.

The Jurors of our Sovereign Lady the Queen, upon their oath present, that the office hours of all public offices are usually fixed from 10 o'clock A. M., until 3 o'clock P. M.; that the office hours of the Clerk of the Division Court, No. 1, in the London District, are limited from 11 o'clock A. M., until 2 o'clock P. M.; that during these hours the Clerk is very frequently absent, and when present puts off and delays business.

And the Jurors aforesaid, upon their oath further present, that in consequence of the hours being so short, the inattendance of the Clerk during these hours, and his unwillingness to perform his duty, greatly hinder and prevent the public from transacting business in that Court.

(Signed,) WM. McMILLAN,
Foreman.

A true copy,
JOHN B. ASKIN,
C. P., London District.

To His Excellency Lieut. Genl., The Right Honble. Charles Murray, Earl Cathcart of Cathcart, in the County of Renfrew, K. C. B., Governor General of the Province of Canada, and Commander of Her Majesty's Forces in British North America, &c., &c., &c.

The Petition of Henry William Bennett, of the Town of London, in the District of London, Chemist and Druggist,

HUMBLY SHEWETH:—

That a Commission in Bankruptcy issued against Your Petitioner, on the sixteenth day of March last past, out of the Court of Bankruptcy for the said District of London.

That Your Petitioner was gazetted to appear before His Honor Judge Allen, the Judge in Bankruptcy for said District, at the Court House in London; on the sixth day of April then next following.

That Your Petitioner, with his Solicitor, appeared at the Court House according to the said notice, prepared with Schedule, and for examination, as required by law.

That His Honor the Judge informed Your Petitioner that he would not act in the matter, as Mr. Wilson, the Solicitor for the Petitioner's creditor, was in contempt.

That Your Petitioner has been deprived, in consequence of the Judge of the London District Court refusing to act in his case, from obtaining his examination, and thereby entirely deprived of his right, under the Act of Bankruptcy, to obtain his Certificate, and

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thereby prevented from commencing any business, to maintain his wife and children, from the date of the issue of the said Commission until this day.

That Your Petitioner is greatly grieved, and destitute of the means of maintaining himself and family in consequence thereof, and is also in great distress thereby.

That Your Petitioner is advised to lay his case before Your Excellency, and pray relief.

That Your Petitioner respectfully encloses, for Your Excellency's perusal, a letter from Edward Ermatinger, Esquire, M. P. P., in answer to his complaint to him.

That Your Petitioner makes this application not in any manner to the prejudice of His Honor Judge Allen, but for the purpose of obtaining that equal justice due to all Her Majesty's subjects.

Therefore, Your Petitioner most humbly prays that Your Excellency will be graciously pleased to cause enquiry to be made into your Petitioner's case, and upon the truth being satisfactorily made known to Your Excellency, to cause such relief to Your Petitioner as in Your Excellency's judgment may seem meet and right, and his case in justice demands.

And Your Petitioner, as in duty bound, will ever pray.

(Signed,) HENRY W. BENNETT.

London, C. W., 4th June, 1846.

MONTREAL, 15th May, 1846.

DEAR SIR,—I am in receipt of your letter of 12th, and am sorry for your distressed situation. You will see by the papers that I am exerting myself all I can to have Judge Allen removed, that people may be able to obtain justice; but I have met with a great delay on the part of the Government. The law protects Judges a great deal, and causes a great deal of trouble to get rid of them; but Mr. Allen will not be allowed to go on much longer as he is doing. Summonses have gone up to-day for him and witnesses.

Hoping you may soon get out of your difficulties,

I am, Sir,
Your obedient servant,

EDWD. ERMATINGER.

Mr. H. W. Bennett.

MONTREAL, 5th June, 1846.

SIR,—I beg leave to transmit herewith my observations on the matters of complaint against me, of J. W. Wilson and L. Lawrason, Esquires, and respectfully request they may be laid before His Excellency the Governor General, as required, for His Excellency's information.

I have the honor to be,
Sir,
Your most obedient servant,

HENRY ALLEN,
J. D. C., L. D.

The Honble. D. Daly,
Secretary.

Observations.

MONTREAL, 4th June, 1846.

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The Committee of the House of Assembly, to whom were referred the several matters of complaint against me, of J. W. Wilson and L. Lawrason, Esqrs., having for the present closed the investigation, after hearing evidence in support to the charges against me, I now proceed to furnish my observations thereon, with a view to the explanation required by the Executive Government, confining myself generally, as the Committee have confined their enquiry, to the specific allegations contained in the Petition, and adding only, under the first head of complaint, such general observations as may appear illustrative of the general matter of complaint contained under the first heading of the Petition.

I proceed therefore to observe:—

Secondly, That as regards the District Court, I deny that at the last sittings in Term of the District Court, which commenced on the 16th day of March last, I had not been usually punctual, or that on the second or any other day in Term I came into Court hurriedly, or that I left it without transacting any business, whereas, in truth, my attendance on all the Courts is notoriously punctual at the appointed hour, and on the day named, Tuesday, 17th March, I granted a rule, which had been reserved for consideration on the previous day, which rule had been moved by the Petitioner, who, however, was not even present when the same was granted.

That what is called by the Petitioner a difficulty with the said Judge in Bankruptcy, in reality involves a gross case of contempt, committed by the Petitioner in the face of that Court, and hence brought by himself under the immediate cognizance of the District Court at its Term Sittings, and leading to his expulsion for about two days altogether from the last mentioned Court, which expulsion has by the Petitioner been made the subject of an appeal to the Court of Queen's Bench. During the pending of this appeal the Petitioner has thought proper to assume the illegality of my conduct, which he has made a prominent subject of complaint both to the Executive Government and to the Legislature. On the other hand, I purposely abstain from making any further or other comment on transactions, the character of which, in point of law and justice, has to be determined hereafter in a Court of ordinary jurisdiction; and as these matters are contained in and form the sole subject of the other charges relating to the District Court, I proceed to the third head of complaint, and observe:—

Thirdly, That as regards the Division Courts, the Petitioner does not and cannot furnish any proofs of misapprehension, harsh treatment or mismanagement. And if, as alleged, the greatest dissatisfaction prevails, it certainly has not the effect of decreasing litigation, which some may be disposed to think a great public necessity, but which I am inclined to think a great public evil, and, as regards our locality, a positive incubus on the general prosperity of the District.

It is not true that, as alleged, Division No. 1 contains half the population of the District, or that it furnishes half the business of the Division Courts. The truth of the denial will be seen by reference to the Population Returns, to the Fee Fund Accounts, and to my Report of September, 1844, in reply to the Hon. Mr. Daly's Circular of August, 1844, to which documents I beg leave respectfully to refer; and at the same time to state that there is a progressive increase of litigation, accompanied by a decrease in the num-

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ber of jury cases, so that in point of fact at the very last sittings of the Division Courts, out of 482 cases disposed of, five only were jury cases.

The appointment of my son as Clerk of Division No. 1 was one out of twelve appointments connected with the Division Courts, the other eleven of which were made on the nomination of the practitioners of the District Court, to whom, including the Petitioner, I freely gave such nomination; and their nominees are, for the most part, continued in office to this day.

With respect to the office hours, they were originally appointed, both with reference to the quantity of business contemplated, and to the amount of remuneration to the Clerk when paid by salary; I subsequently found that the same hours, say from 11 o'clock A.M. to 2 o'clock P.M., had been appointed for Toronto, at which place I believe they have been since extended. But I respectfully submit that the appointment is a matter of internal regulation, and that it belongs exclusively to the Court itself, and that it is not a proper subject for presentment. I deny having in the course of my observations on the subject to the Grand Jury at the last Sessions made use of the term indignity, or of any other term implying offence, which was as far as possible from my thoughts or intentions.

I deny that I have ever authorized any particular amount of charge for making out service copies of summonses, but I admit that in deference to repeated suggestions on the subject in many influential quarters, I did, on the enactment of a new Schedule of Fees, under which the Clerks are now paid in that way, instead of by salary, inform the Clerks that they would be permitted to charge for service copies according to the practice in other Districts and of the Courts of Requests. The subject was brought before me at the last sittings by way of complaint, which has been reserved for consideration and inquiry as to the practice elsewhere. I believe it would be found on inquiry that the spirit and policy both of the original and amended Division Court Acts has been enforced with peculiar strictness in the London District.

With regard to the search, I observe that the charge is expressly authorized both by the original and amended Acts, by which last the amount of charge is reduced from 1s to 6d. The rule as to charge is, that in general, and except in the few cases where a second execution is applied for, one search only is allowed for all services of the kind performed during the progress of a suit, and that when the case is settled without a hearing or judgment, the charge is deducted out of the deposit money. Every item of costs, including the charge for search, is specifically indorsed on the several processes as they are issued, and each item of costs is recapitulated in the writ of execution, so that parties may easily know both the amount and particulars of all costs charged. I am not aware of any deviation from the rule on the part of the Clerk of Division No. 1, or of any other of the Clerks of my District. The Clerk's books, as well as the processes and writs, ought to shew the exact state of this matter.

It is not true that all causes not settled by cognovit in the Clerk's Office are charged as defended cases, whereas in truth and in fact, they are not so charged either in case of confession to the Bailiff or of admission in Court, or in case of cognovit; but they are so charged in cases of default, subjecting the Court to the trouble of taking evidence and proving the case as against the absent party. This construction of the Schedule of Fees which concerns the Government alone, and in which the Clerk has not the slightest interest, was adopted by me after a reference to the Treasurer as Receiver General of the Fee Fund.

It is scarcely possible that any other business than such as is connected with the hearing of the cases should be attended to on the Court day, that is, during its actual sitting. Such, I believe, is the practice of the Home District. I deny, to the best of my recollection, having ever expressed myself as alleged in the case of *Wright vs. Miles*, nor is it at all credible that I should have interfered to force a matter to a hearing against the will of the parties.

There is no Order of Court respecting the charge alleged for service copies, which, as before observed, is entirely matter of construction, for which the inferior Court is responsible.

As to the non-issue of subpoenas at the sitting of the Court, the same answer applies as that regarding the non-receipt of money, besides that I have long since discovered that when the issue was allowed, it was the practice for litigants to collect a number of witnesses in Court, and to apply for subpoenas just before or during the hearing of the case for the purpose of taxing their adversary with the costs of witnesses' attendance.

The non-delivery of executions to a party or otherwise than to the Bailiff or his deputy is, according both to the Statute and the direction of the writ itself, which is solely to the Bailiff, who might justly complain if the Clerk were to deliver them to the parties instead of to himself, the Bailiff, to whom they are directed. A gross case of abuse, arising out of a deviation from the practice, is disclosed in my answer to the complaint of one J. Sifton. Any and every plaintiff in any and every Court is liable to lose his remedy under almost any conceivable circumstances of precaution.

I am not aware of the circumstances of the case of *Lawrason vs. Comfort*. If the Clerk can be shewn to have retained the whole, or any part of the amount collected, or even to have made an error in the entry, putting the plaintiff to the trouble of getting a receipt from the defendant, he, the Clerk, would, on complaint, be made to pay all costs and damages.

In the case of *Dawson vs. Osborne*, I was unable, in consequence of the non-production of the writ of execution, and of imperfect information on the matter of complaint which was brought forward at the Sittings of March last by Mr. Daniell, as agent for the complainant, to make a final adjudication on the matter of complaint; but I intimated my opinion to the Clerk and Bailiff, that they ought each to pay half of the amount in arrear (if unpaid) to the plaintiff. On an intimation by Mr. Daniell at the last May Sittings that this had not been done, I ordered process to issue in favor of the complainant. I presume the matter has since been settled; but at any rate it is the party aggrieved, and not his agent, who ought to come forward, and who can alone discharge the Clerk or Bailiff from the claim (if any) for the amount recovered.

I deny that complaints are ever discountenanced by the Court, which, on the contrary, is in the habit of inviting and redressing them by all just means. I am not aware that it has any jurisdiction to deal with matters of complaint when they are brought forward as by the Petitioner, not only without the authority, but against the protest, as I have witnessed, of the parties in whose behalf they are ostensibly brought forward.

Of the case stated as referred to, of *Burns vs. Kinstead*, I know nothing, except as it is made a subject of complaint, on the face of which it appears that the Clerk is entitled to a search, and that the party is

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entitled not to a receipt, but to have the payment entered, as I have no doubt it is, on the Court books.

Fourthly, On the matters of complaint arising in the Quarter Sessions. I am not aware that the difficulties which, as alleged, have arisen in that Court during the last twelve months, have been of my creation; on the contrary, and from the time when, in January Sessions, 1845, these difficulties commenced, with the refusal of the Treasurer to pay certain accounts audited at these Sessions, which accounts have all, except the account of the Sheriff, been since paid, I have used every effort in my power to relieve both the Bench and the Public Officers from the effect of a state of things so anomalous and unprecedented. The particulars, and generally those of all matters of complaint connected with the Quarter Sessions, can be best illustrated by Records and Documents either in the possession of the Government or in the Office of the Clerk of the Peace.

I beg to observe, first, in answer to the charge of absenting myself from the Bench on the second day of the audit of accounts for the April Sessions last, that such absence was occasioned partly by business in the District Court, and partly by an appointment in Bankruptcy, which, in consequence of my attendance at the Quarter Sessions, had been postponed for the four previous days successively.

The Order of Sessions respecting the New Divisions was not suppressed by me, but it has remained, as far as I know, in the hands of the Clerk of the Peace, from the time of its being passed, unless when laid before the Bench at Quarter Sessions. The Order was prepared and brought into Court ready for signature, after having been settled at a mere meeting of Magistrates, without the slightest intimation or consultation with the Chairman, who was merely required to affix his signature to the Order. The sittings of the Division Courts had been then appointed for the then next sittings under the old Divisions, of which I did not nor could contemplate the alterations, and before the November Sessions another sitting was again appointed under the old Divisions, the July Order containing no provision either for its publication or for the time of its coming into operation. Moreover, the Order was accompanied with a verbal nomination both of the Clerk and of the place of sitting for the new Divisions, matters exclusively within the appointment of the Judge of Division Courts. On an observation to this or the like effect, by one of the Magistrates present at the time of passing the Order, as on the propriety generally of consulting the Judge on the subject of the Order, the observation was at once met by the reply, that "Adelaide would be a pleasant ride for the Judge." On application to myself by the Clerk of the Peace, I told him that I neither could nor should carry the Order into effect until its publication should have been directed by the Bench, and a time fixed for its being brought into operation; but I have never in any way given any directions as to its transmission to the Government, a duty which belongs exclusively to the Clerk of the Peace, and in which I have in nowise interfered.

The subject of the Order was again brought forward at the last November Sessions, to the best of my recollection, and certainly at the last January Sessions, when, on suggestion by some of the Magistrates, I drafted a Memorandum for five Divisions, restricting No. 1 to three Townships. The Memorandum was on the Bench for the whole or the greater part of the January Sessions, and so left by me when I absented myself from the Bench on the evening of 12th January last, and the said Memorandum is or

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ought to be now in the Office of the Clerk of the Peace.

There having been no action taken on the Memorandum, the July Order was again brought forward at the last April Sessions, when, in consequence of my earnest application both through counsel and personally, the Bench at length consented to supply the deficiencies both in point of publication and of time, and the Order having been published, and a time fixed for its coming into operation, I have made the requisite appointment for the new Divisions accordingly.

With reference to the previous and original extent of Division No. 1, I observe that the old Divisions were made before I was even one of the Bench of Magistrates, and without the slightest consultation with myself. When Williams was re-annexed to the London District, it, Williams, having been severed from the Huron District, I called a Meeting of Magistrates at the Adjourned Sessions of May, 1845, for the purpose of having the Township of Williams annexed to one of the then existing Divisions, and on that occasion urged particularly, by way of objection, the extent of Division No. 1, and proposed that Williams should be added to the Delaware Division, (No. 6,) as heretofore it had been. My proposal was overruled by Mr. Lawrason, who insisted successfully that Williams should be annexed to No. 1, and it was so annexed accordingly. Yet I am now charged with having been the author of that annexation, and of continuing the increased extent of Division No. 1, with a view, as insinuated, to the emolument of my son, who, by the way, would, as I have reason to believe, prefer that Division No. 1 should be confined to the Town of London.

Lastly, As regards the charges connected with the Court of Bankruptcy, the Petitioner begins with the matter, the question on which, as I have already observed, is substantially involved in the Appeal to the Court of Queen's Bench, and which therefore ought not, as I again respectfully submit, to be made at present the subject of unnecessary comment.

I admit to have heretofore discontinued the public sittings in Bankruptcy, under the circumstances and for the reasons stated in my letter to the Honble. Mr. Daly, as the subject to which I beg leave to refer. On the occasion stated, of a meeting appointed in the matter of Jennings, a Bankrupt, I stated that I should remit any claim to fees on my own behalf. This remission, instead of being taken in the spirit in which it was offered, was subsequently insisted on by Mr. Daniell as a claim of right, not only as against myself, but as against the Government, and all other parties entitled to fees. I am also informed by the Clerk that certain fees incurred at a previous meeting in the same matter were refused payment by Mr. Daniell, in consequence of which refusal I made the Order complained of for his exclusion from practice until his fees in arrears should have been paid. I submit that the power of exclusion belongs to me as a matter of right, and that in the apparent absence of any direct authority to enforce the orders of the Court of Bankruptcy, it must be necessarily resorted to as the only means of protection to the Court, and to the Clerk, who, as I am informed, has had to advance fees due to the Government and elsewhere, which fees either do now or did lately remain unpaid to the Clerk. The public sittings in Bankruptcy have been resumed.

I am not aware that the Attorneys of the Court of Queen's Bench, or even the Solicitors in Chancery, have an indefeasible right of practising in the Court of Bankruptcy, the Statute creating which makes no

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provision, like the Imperial Statutes on the same subject, for the admission of any particular class of practitioners.

It is not true, as alleged, that I refuse to allow the articulated Clerks of Solicitors to do business at Chambers in Bankruptcy before me, although I have a clear and undoubted right to exclude them if I thought proper. Had the Petitioner specified an instance of such exclusion, it would have turned out, as I think, that the alleged refusal took place on an occasion when one of the Clerks of the Petitioner appeared on his behalf at a public sitting in the matter of Lawless, a Bankrupt, and then and there produced a Power of Attorney to the Petitioner, under which he, the Clerk, appeared and offered proof on behalf of the creditor, who had by Power of Attorney authorized the Petitioner to appear and prove on his, the creditor's, behalf, and also to vote on the choice of Assignees. The proof offered was rejected on the principle that delegates not *potest delegare*. The Clerks and Students are in the constant habit of attending even at private meetings and appointments in Bankruptcy.

On the charges connected with the matter of Brown, an insolvent debtor, I observe that I am wholly unaware of the particulars, but I cannot think that an appointment in the case would have been refused; and, if so, certainly not for the non-payment of fees, seeing, as is the fact, that no fees had been charged in insolvency for several months past, the Tariff of Fees, which, as I am informed, has been settled by the Judges of the Court of Queen's Bench, not having been yet published.

The charges contained in Mr. Lawrason's letter refer generally to the same matters as are contained in the Petition of Mr. Wilson. I have only therefore to repeat my denial as to having been the cause of the troubles which have occurred in the Quarter Sessions during the last twelvemonth.

In reference to the Division Courts, I again observe, that the amount of business in those Courts furnishes, unfortunately, as I think, for the litigants, no proof whatever of their unpopularity. The complaint as to interest refers to a very old matter urged by Mr. Lawrason, who long since applied to the Court to have the executions indorsed by the Clerks, not only with the debt and costs, according to the form of the order for payment, but with debt, costs, and interest, a charge for which I am unable to find any authority, either in point of law or justice, although I admit that there is a difference of opinion and practice in this point of interest, in the different Districts of the Province.

Experience has shewn that the right of making the service copies, and of filling up all blanks, ought to be, as it is, vested exclusively in the Clerks of Division Courts, who are directly responsible to the Court. I at one time detected an extensive system of fraud practiced by one of the agents for suitors, who, I found, had been in the habit of falsifying the process of the Court by indorsing on the service copies a larger amount of costs than that on the original, and the excessive amount was afterwards collected from the defendants by the said agent, on a settlement between the parties. Such frauds can only be effectually prevented by making it the exclusive right and duty of a responsible officer of the Court to fill up all blanks, and to make out the service copies; they, the Clerks, making a small charge for the latter, according to the usual practice in all offices. I am informed that the sum of five shillings is, in one or more of the Districts, charged for the Certificate of Judgment, authorized under the provisions

of the amended Division Court Act, Vic. c. s. : whereas, in the London District, no charge whatever has been hitherto made or allowed for such documents. And again, the agency system of collecting debts and notes on a percentage, is wholly prohibited. In fact, I am in hopes it would be found, on a proper inquiry being instituted, that, as I have before observed, the spirit and policy of the Division Court Acts have been enforced and carried out with peculiar strictness in the London District, and most conscientiously with a view to the rights and interests of parties to suits in those Courts.

In conclusion, I beg leave respectfully to observe, that I have in every respect endeavoured most faithfully and conscientiously to perform my duty as Judge, both of these Courts, and of every other Court of which, by virtue of my office, I have to exercise the jurisdiction, and that for error or misconduct I am directly responsible to the ordinary tribunals; and I cannot but consider it an indirect reflection either on the law and jurisprudence of the Province, or on its administration, or both, if it be true, as alleged, that I have been for nearly five years exercising acts of tyranny over a whole District, without ever, as is the fact, having been made amenable to the Courts of ordinary or appellate jurisdiction, while, at the same time, I am vested only with an inferior and directly responsible jurisdiction.

Finally, I observe, that it is somewhat remarkable that the Petitioner should heretofore have charged me, as he has in fact, with being too lenient and too conscientious; and that on the offer, which he made about three years since, of a private apology for a series of public insults, he should have expressed himself, as in truth he did, as being the more sorry for the occurrence of former troubles, inasmuch as he said he was convinced of having been in the wrong, and that his opinion of my incompetency was founded solely on the alleged circumstance that on my accession to office I appeared not to have been sufficiently habituated to the routine business of a Court of Law.

In point of fact, the Petitioner has made the leading subject of his charges against me, the very first attempt at exercising the penal jurisdiction of any one of the Courts above the Division Courts, which attempt he has, moreover, in the meantime, successfully resisted, as far as it regards the Court of Bankruptcy, and made the subject of an Appeal still pending in the Court of Queen's Bench.

As for error, I observe, that one case only, decided by me, has been heard on Appeal, and the judgment appealed against confirmed with costs,—2 Can. Reports, U. C. Jurist, p. 546.

Having been desirous of furnishing these Observations for the information of His Excellency before leaving Montreal, I reserve for an Appendix thereto, to be transmitted as soon as possible after my return to London, copies of, and references to, documents which may be illustrative of these Observations; and, in the meantime, I make it the subject of my respectful request, that in case any omissions shall have inadvertently occurred, or any further explanation be required, I may be favored with a communication accordingly by the Executive Government.

All which is respectfully submitted.

HENRY ALLEN,
J.D.C., L.D.

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LONDON, 31st July, 1846.

SIR,—I had the honor when at Montreal to have left at the Secretary's Office, a letter, dated 5th June, to you, with my Observations, for the information of His Excellency the Governor General, on the matters of complaint against me, of J. Wilson, Esquire, and L. Lawrason, Esquire, and also mentioning that I would, as soon as possible, after my return hither, transmit copies of and references to documents which might be illustrative of those Observations; and further requesting that in case any omission should have inadvertently occurred, or any further explanation be required, I might be favored with a communication accordingly by the Executive Government.

I now beg leave to transmit, on the subject of those complaints, certain documents and references, which have been classed according to the order suggested in the Petition to His Excellency of Mr. Wilson.

I am, Sir,
Your most obedient servant,

HENRY ALLEN,
J.D.C., L.D.

Honble. D. Daly,
Secretary,
Montreal.

(Copy.)

In the District Court of the London District,
March Term, 1846.

Matthew Ryan, Plaintiff, }
vs. }
John O'Flynn, Defendant. }

Motion for Rule to shew cause why the verdict obtained in this cause should not be set aside, and a new trial granted on the grounds that the verdict was rendered contrary to evidence.

(Signed,) JOHN WILSON,
For Defendant.

A true copy,
J. B. ASKIN, C. D. C.

March 16, 1846.

In the District Court of the London District,
March 20, 1846.

Matthew Ryan, Plaintiff, }
vs. }
John O'Flynn, Defendant. }

I hereby respectfully require the Judge of the District Court of the District of London, to certify under his hand to the Court of Queen's Bench, the pleadings in this cause, and all Motions, Rules, or Orders, that have been made, granted and refused thereon, together with his judgment or decision, thereon, and all objections and exceptions thereto.

Your's, &c.

JOHN WILSON,
Defendant's Attorney.

To His Honor,
The Judge of the District Court,
Of the District of London.

In the District Court of the District of London.

Matthew Ryan, Plaintiff, }
vs. }
John O'Flynn, Defendant. }

Upon reading the Affidavits made, and the papers filed in this cause, it is Ordered, that the Plaintiff, upon notice of this Rule to be given to him or his Attorney, do shew cause why the verdict obtained in this cause should not be set aside, and a new trial granted on the ground that the verdict was rendered contrary to evidence.

Upon motion of

JOHN WILSON,
For Defendant.

By the Court,
A true copy,
J. B. ASKIN, C. D. C.

Dated 17th March, 1846.

In the District Court of the District of London.

Matthew Ryan, Plaintiff, }
vs. }
John O'Flynn, Defendant. }

Marcus Cumming Montserratt, of London, in the London District, Gentleman, maketh oath and saith, that he did on the eighteenth day of March, instant, personally serve Thomas Scatehard, Clerk to William Horton, Esquire, the Plaintiff's Attorney in this cause, with a true copy of the annexed Rule *Nisi*.

(Signed,) M. C. MONTSERRATT.

Sworn before me, at London, in
the London District, this 20th day
of March, 1846.

(Signed,) J. SHANLEY,
A Commissioner for taking Affidavits in
the Queen's Bench, in and for the
London District.

LONDON, 6th August, 1846.

SIR,—Having received a Commission, under the Great Seal of this Province, to examine into and report upon certain charges preferred by yourself and others, against Henry Allen, Esquire, Judge of the London District Court, I beg leave to inform you that I shall be prepared to commence the investigation thereof, at the Court House in London, on Monday next, the 10th instant, at the hour of ten o'clock, A. M.

I have the honor to be,
Sir,
Your obedient servant,

HENRY SMITH, JR.

J. Wilson, Esquire,
London.

NOTE.—A copy of this letter, addressed severally to Messrs. Lawrason and Ermatinger, and another of a similar nature, to Judge Allen, were sent on the day it bears date.

H. S., Jr.

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LONDON, C. W.,
28th September, 1846.

DEAR SIR,—Judge Allen has called upon me this morning, and requested me, as one of his Counsel, to ask of you an extension of the time allowed by you for putting in his written reply to the charges made before you. His reason for this is, that Mr. Harrison, Q. C., before whom his reply was to have been laid, has, ever since his arrival here, on the 21st instant, been so busily engaged as Counsel for the Crown, owing to the illness of Mr. Prince, as to have rendered it impossible for him to give that time to Judge Allen's case it would require. I have consulted with Mr. Harrison in the matter, and he joins me in requesting you to postpone the sending in of your Report until the 15th October, by which day you shall be in possession of Judge Allen's reply in defence.

Hoping you will take this into consideration, and awaiting your favorable reply,

I remain your obedient servant,

J. SHANLY, JR.

Henry Smith, Jr., Esq., M.P.P.

KINGSTON, 16th Oct., 1846.

SIR,—I have the honor herewith to transmit to you my Report upon the charges and complaints made to the Executive Government of this Province against the conduct of Henry Allen, Esquire, Judge of the District Court of the District of London, and also the proceedings and evidence taken by me under the authority of the Commission, which His Excellency was pleased to confer upon me in July last.

I have the honor to be,
Sir,
Your most obedient, humble servant,

HENRY SMITH, JR.

Honble. Dominick Daly,
Provincial Secretary, &c. &c. &c.,
Government House,
Montreal.

Indorsed, (Exhibit No. 1.)

IN BANKRUPTCY.

In re—Beebee.

31st March, 1846—Fees per Stat., summons, 1s 3d,	£0	1	3
“ to Judge appt., 1s 3d,			
attendance 5s.,	0	6	3
“ to Fil., 8d.,	0	0	8
“ to Clerk, Fil., 8d.,	0	0	8
	£0	8	10
In re—Sifton, fees the same,	0	8	10

Received the above,

(Signed,) H. G. A. ALLEN.

Indorsed, (Exhibit No. 2.)

CANADA,
LONDON DISTRICT,
TO WIT:

To the Sheriff of the London District, GREETING :—

Whereas by the twentieth section of an Act of the Parliament of this Province, passed in the seventh year of the Reign of Her Majesty Queen Victoria, intituled,

“ An Act to repeal an Ordinance of Lower Canada, intituled, ‘ An Ordinance concerning Bankrupts and the administration and distribution of their estate and effects,’ and to make provision for the same objects throughout the Province of Canada,” amongst other things it is enacted, that the several Judges of the District Courts in this Province shall and may, within their respective Districts, locality and jurisdiction, exercise, fulfil and perform the acts, powers, duties and authority by that Act vested in, given to, or directed, or authorized to be performed by them for the several purposes in that Act contained: And whereas it appears that Henry William Bennett is a Bankrupt within the true intent and meaning of the said Act; and whereas William Lyman, Benjamin Lyman and Henry Lyman, creditors of the said Henry William Bennett for fifty pounds and upwards, due to the said William Lyman, Benjamin Lyman and Henry Lyman, have made application to me upon the affidavit of the said Benjamin Lyman and others filed with me, to issue a Commission of Bankruptcy against the said Henry William Bennett, according to the form and force of the said Statute: Now I, Henry Allen, Esquire, Judge of the London District Court, in pursuance of and by virtue of the powers, duties and authorities by the said Act vested in, given to, and authorized to be performed by me, do hereby require and authorize you, the Sheriff of the London District, to take possession of all the estate, real and personal, of the said Henry William Bennett, (except such as may be by law exempted from attachment,) and all the deeds, books of accounts and papers of the said Henry William Bennett, and to keep the same safely until the appointment of Assignees according to the form of the Act: I do hereby appoint and fix the first Meeting of Creditors of the said Henry William Bennett to take place on the sixth day of April next, at two o'clock in the afternoon, in the Court House, in the said District.

Given under my hand and seal, at London, in the said District, this fourteenth day of March, in the year of Our Lord one thousand eight hundred and forty-six.

HENRY ALLEN.

(Indorsed.)

COMMISSION.

Let the within Commission be published in the *Canada Gazette*, and in the *London Times* newspaper, and a personal notice thereof be given to the Bankrupt.

H. ALLEN, J.

14th March, 1846.

Let the adjourned First Meeting under the within Commission be published in the *Canada Gazette* and *London Times* newspaper, and a personal notice thereof be given to the Bankrupt, for Monday, the 6th July, at 2, P. M.

H. ALLEN, J.

Dated 18th June, 1846.

Indorsed—(Exhibit No 3.)

BANKRUPT.

Henry William Bennett, of the Town of London, Druggist.

Commission issued by Henry Allen, Esquire, Judge of the London District Court, dated, the fourteenth day of March, one thousand eight hundred and forty-six.

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First Meeting of Creditors on the sixth day of April next, at two o'clock in the afternoon, in the Court House, London.

JAMES HAMILTON,
Sheriff, London District.

Sheriff's Office, London,
March 16, 1846.

(Exhibit No. 4.)

In the District Court of the District of London,
March 20, 1846.

Matthew Ryan, Plaintiff, }
vs. }
John O'Flynn, Defendant. }

Motion to make the Rule granted during this Term, in this cause, absolute.

J. W. WILSON,
For Defendant.

Indorsed—Ryan vs. O'Flynn.

Refuses to hear Mr. Wilson for the causes assigned.

ASKIN, C.

Filed, 20th March, 1846.

Hy. A.

(Exhibit No. 5.)

SHERIFF'S OFFICE,
London, April, 1846.

John Wilson, Esquire.

SIR,—I am directed by His Honor Judge Allen, to acquaint you that the order for your removal from Court yesterday is rescinded, and that you are now at liberty to attend in the District Court.

Yours, &c.,

JAMES HAMILTON,
Sheriff, L. D.

(Indorsed.)

B.

Mr. Wilson received this letter at half-past four o'clock, P. M., after the Court had adjourned on the 8th April, 1846.

H. HAMILTON.

(Exhibit No. 6.)

LONDON, 9th April, 1846.

SIR,—I had the honor to receive, late yesterday afternoon, your letter, in which you inform me "that you had been directed by His Honor Judge Allen, to acquaint me that the order for my removal from Court yesterday (Tuesday) had been rescinded, and that I was now at liberty to attend in the District Court."

The order to exclude me from Court, and my consequent forcible expulsion, were both acts exceeding his authority, and attended with circumstances of extreme tyranny and which I shall not fail to redress

by all proper means. The direction you have received is but adding insult to gross injury, for although I am thus *most graciously* permitted to return, I am still subject to the same treatment if I presume, as Counsel, to say I am ready with my causes. If the Judge had said he was wrong in expelling me, it would have been something, but to say he rescinds the order is affirming his right to make it, which I deny; and if any cause ever existed for so extraordinary and arbitrary an assumption of power, that cause emphatically remains.

I am, Sir,
Your obedient servant,

JNO. WILSON.

Jas. Hamilton, Esq.,
Sheriff, London District.

At the rising of the Court the order was not rescinded, and it yet stands on the records of the Court.

(Exhibit No. 6. and 7.)

Augustus Rayner, }
vs. }
William Pautling. }

SIR,—The Judge when at Aylmer, at my request, looked over his notes in the above cause; he cannot, from the conflicting testimony given, make any decision. He has directed me to give you the option of taking a non-suit or an honorary judgment of one shilling, without costs. If you prefer the latter, you can bring the matter on again for hearing, when, perhaps, a Jury might be able to decide the matter.

Your servant,

FRANS. H. WRIGHT.

Aylmer, 7th May, 1845.

(Exhibit No. 7.)

SIR,—I wrote to you on the 2nd July, to beg you would condescend to give me your decision in the case of Rayner vs. Pautling, but have received no answer; probably it might have lowered your dignity. I wish now to ask you a few questions arising from the declaration you was pleased to make at the last Court at Aylmer, viz: That you sat there to do justice, and not waste the people's time; and to make good the said declarations you were pleased to fine me four dollars. Was that doing justice?

When the Court sat on or about the 25th of April, and probably one hundred persons present ready to go on with their suits, some of them having come from a distance of more than twenty miles, with witnesses, who had made sacrifices of all their property and means to get to the Court; and before you had well begun, you sent them all about their business without any just cause, saying some noise disturbed you, when there was no noise; but the room was as orderly and quiet as any Court of Queen's Bench I ever saw, ordering them to come again that day week. How much of the people's time and money did you waste at that time? Was that doing the people justice?

The people came again that day week with witnesses. After waiting until nearly night for your Lordship, you was pleased to condescend to send them word that you would attend to them in about six weeks' time, when your dignity would condescend to hear them, so that their time and money were again thrown away. Was that doing the people justice?

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Agreeably to your mandate, the people met again at the end of six weeks, when my case was heard by you, but no decision given; I therefore wrote to you to beg you to let me know what it was, but received no answer. It was probably of more consequence to attend to a brother fellow craft than to attend to the justice of the case, and at this time a person has taken possession of all the property that did belong to the defendant, so that if you should now give the decision, as you should have done in the first instance, it is probable I shall lose it altogether. Is this doing justice?

Again in Hollowood's case, when I gave in my accounts in dollars, as the transaction was done, and the sum total reduced into currency, did not that make the transaction more clear and plain to a person not acquainted with currency, that you should throw it aside altogether, although I had witnesses to prove the transactions, and so to deprive me of my just due? Is that doing justice?

Again in Francisco's case, which was put off from time to time, and you affected not to understand the case; but you told me if I would get an Attorney's opinion, you would give me judgment. I did so and told you that Mr. Givins and the young man in his office was surprised at your seeing any difficulty in the case, when any common man with common sense could not but understand it; nevertheless, you let it remain until Francisco was pursued for robbing, and fled to the States, so that I have lost it altogether through your..... Is that doing justice?

Again in White's case, through your son, the Clerk in London, and the Bailiff, not paying proper attention to their business, I had to come twice to London to get a summons served, and I live at a distance of fifty miles, making that extra travel about two hundred miles, besides bringing witnesses to Court when no summons was served, although I was told by the Bailiff that I might depend on its being served in time, which made one hundred and twenty miles more travel, several days lost time and about \$12 expenses. Is that doing justice?

It seems you first held your Court at Richmond; at that time it also appears that you had some sense of justice in fixing your Court in the centre of the Division; but now, feeling your great power, you not only hold your Court seven miles nearer home, but keep the people for hours together to wait for you, thinking it easier to call hundreds of people seven miles than to travel seven miles yourself. Is that doing justice?

When I see your arbitrary and despotic conduct, with more affectation and pomposity than the Lord Chief Justice of England, it sickens me. It seems that your having been advanced to the office of a Lord Chief Justice of a Court of Conscience, has made you giddy: the situation is too high for you. But "pigmies are pigmies still, tho' perched on Alps." I have seen Commissioners of Courts of Conscience in England transact business, when, if a man had delivered his account in Arabic, they would have taken care to have it investigated, so that justice might be done to the parties, and not have told them to bring it at a future time and in another fashion, and so have put them to double expense, when probably their last shilling was expended.

Humility was their dignity, and Justice their Polar Star. May you follow such an example, is the wish of

(Signed,) AUGUSTUS RAYNER.

Port Burwell, 7th September, 1844.

(Exhibit No. 8.)

MONTREAL, 7th February, 1845.

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SIR,—I beg leave to submit for the information of the Government, that great dissatisfaction exists in the London District, at the continuance in office of H. Allen, Esq., Judge of that District; his inability to discharge the duties required of him, being matter of general complaint.

As Judge of the District Court, Mr. Allen's incapacity was taken notice of by the whole Bar of the District one or two years ago, although I am not aware that any representation was made to the Government. But the object of this communication is to represent Mr. Allen's unfitness to perform the duties required of him as Judge of the Division Courts. I not only make this representation on the authority of public opinion, but in several cases within my own knowledge his decisions have been contrary to evidence, and the reverse of what they ought to have been.

In a case in which I was concerned as agent for the plaintiff, and proved by my own oath that the defendant had contracted to pay the sum sued for, £7 10s., the plaintiff was non-suited without any evidence on the part of the Defendant to justify this decision.

This is only one of several cases which have come to my knowledge, in which improper decisions have been made by Judge Allen.

I should not bring this matter to the notice of the Government, were it not that the discontent at Judge Allen's judicial conduct is universal throughout the District of London. I therefore beg leave to request that the Executive will take early steps to remove this just cause of complaint.

I have the honor to be,
Sir,

(Exhibit No. 9.)

The Jurors of Our Sovereign Lady the Queen, upon their oath, present, that the office hours of all public offices are usually fixed from 10 o'clock A.M. until 3 o'clock P.M.: that the office hours of the Clerk of the Division Court No. 1, in the London District, are limited from 11 o'clock A.M. until 2 o'clock P.M.: that, during these hours, the Clerk is very frequently absent, and, when present, puts off and delays business.

And the Jurors aforesaid, upon their oath, further present, that, in consequence of the hours being so short, the inattendance of the Clerk during these hours, and his unwillingness to perform his duty, greatly hinder and prevent the public from transacting business in that Court.

WILLIAM McMILLAN,
Foreman.

(Exhibit No. 10.)

In open Court of General Quarter Sessions of the Peace, adjourned to meet this sixteenth day of November, 1841,

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It is Ordered, That the following Divisions be now made in the District of London, as required under the second clause of an Act, entitled, "An Act to repeal the laws now in force in that part of this Province formerly Upper Canada, for the recovery of small debts, and to make other provisions therefor," passed in the 4th and 5th Vic., ch. 3.

1st Division.—To comprise the following Townships and Towns—Townships of London, Lobo, Westminster, Dorchester North, and the six front Concessions of the Township of Dorchester, Southern Division, and the Town of London.

2nd Division.—To comprise the Townships of Bayham and Malahide, and the six rear Concessions of the Township of South Dorchester.

3rd Division.—To comprise the Townships of Yarmouth and Southwold.

4th Division.—To comprise the Townships of Dunwich and Aldborough.

5th Division.—To comprise the Townships of Mosa and Ekfrid.

6th Division.—To comprise the Townships of Adelaide, Delaware and Carradoc.

Dated at London, this sixteenth }
day of Nov., 1841.

JOSEPH B. CLENCH,
Chairman, Gen. Qr. Sessions.

(Exhibit No. 11.)

LONDON DISTRICT.

In open Court of General Quarter Sessions of the Peace held at London, adjourned to the 9th day of May, 1845,

It is Ordered, That the Township of Williams be annexed to, and form part of Division No. 1, in the District of London.

That the Township of Metcalfe be annexed to and form part of Division No. 6.

And that this Order be advertised in the newspapers of this District.

[Three Insertions.]

HENRY ALLEN,
Chairman of Q. S., L. D.

In compliance with 3rd clause of the Act entitled "An Act to amend an Act passed in the 4th and 5th years of the Reign of Her Majesty, entitled, 'An Act to repeal the laws now in force in that part of this Province formerly Upper Canada, for the recovery of small debts, and to make other provisions therefor.'" H. A.

(Exhibit No. 12)

ORDERED,

That the Orders of Sessions establishing the Divisions for the Division Courts of the London District be now rescinded, and that the following be hereafter the Divisions of the said Courts in the District of London.

No. of Divisions.

No. 1. The Town of London, the Township of London, the northern part of the Township of Westminster to the line between the 5th and 6th Concession, the Northern Division of the

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Township of Dorchester, and the north part of the Southern Division of Dorchester, to the line between the 6th and 7th Concessions.

No. 2. The Townships of Bayham and Malahide, and the south part of the Southern Division of Dorchester, to the line between the 6th and 7th Concessions.

No. 3. The Townships of Yarmouth and Southwold, and the south part of the Township of Westminster, to the line between the 5th and 6th Concessions.

No. 4. The Townships of Dunwich and Aldborough.

No. 5. The Townships of Ekfrid and Mosa.

No. 6. The Townships of Delaware and Lobo and Carradoc.

No. 7. The Townships of Adelaide, Williams, and Metcalfe.

Dated in open Sessions of the Peace, this fourth day of July, 1845.

HENRY ALLEN,
Chairman.

Entd.

(Exhibit No. 12.)

In open Court of General Quarter Sessions of the Peace, held at London, this 16th day of April, 1846,

It is Ordered, That the Order of Sessions of July last, passed in reference to the divisions of Townships for holding the Division Courts, be now published in some newspaper in the District, and that the said Order be carried into effect.

Dated 16th April, 1846.

HENRY ALLEN,
Chairman.

Entd.

(Exhibit No. 13.)

That in consequence of the several Division Courts being now appointed for their next sittings within the District, and, in order to prevent any impediment to the Administration of Justice at those Courts, the effect of the several Orders passed at the present and former Sessions altering the limits of the said Divisions, be suspended until after the time appointed for holding the next sittings of the said Courts.

In open Court of Quarter Sessions, 18th April, 1846;

HENRY ALLEN,
Chairman.

(Exhibit No. 14.)

In open Court of General Quarter Sessions of the Peace, holden at London, in April Sessions, 1846,

It is Ordered, That the copy of a Presentment found at this Court in reference to the hours of attendance at the Division Court Office No. 1, be transmitted to the Government.

Dated 16th April, 1846.

HENRY ALLEN,
Chairman.

Entd.

Memorandum—That the Clerk of the Peace do transmit the same to the Government.

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LIST OF ACCOUNTS examined by the Committee of Accounts, January Sessions, 1846, and upon which the several sums opposite their respective names are found due.

Date when paid.	No.			Received from the Treasurer the Sums opposite our names in full.					
				£	s.	d.			
1846. January.	1	1	Robert Haskett,.....	Fuel wood,	6	10	8	Robert Haskett.	
		2	Saml. McBride,.....	Necessaries for Gaol,	3	0	4	Saml. McBride.	
	1	3	James Oliver,.....	Clothing for Prisoners,	2	5	7	Paid by Dft. 7 May, 1846.	
	2	4	John Gray,.....	Necessaries,	0	13	10	Paid.	
		5	Dennis O'Brien,.....	Do. and Clothing,	20	16	7	Lionel Ridout.	
		6	Saml. H. Park,.....	Do.	7	7	7	Saml. H. Park.	
		7	William Howe,.....	Bread,	2	1	0	William Howe.	
		8	Saml. Abery,.....	Do.	3	9	8	Saml. Abery.	
		9	Lawrason and Chisholm,.....	Necessaries, &c.	10	16	6	Lawrason and Chisholm.	
		10	J. G. McIntosh,.....	Blankets,	2	0	0	J. G. McIntosh.	
	3	11	Wm. Faules,.....	Bread,	1	11	4	Paid by Dft. 7 May, 1846.	
	4	12	D. J. Bowman,.....	Coroner,	35	7	9		
		13	Edmund Mills,.....	Do.	23	3	6	Edmund Mills.	
	5	14	David J. Bowman,.....	Surgeon,	6	0	0		
		15	Edmund Mills,.....	Do.	3	0	0	Edmund Mills.	
		16	Robert Cusack,.....	Constable,	3	2	5	Robert Cusack.	
		17	Philo Bennett,.....	Do.	5	12	6	P. Bennett.	
	13	18	John Fowler,.....	Do.	0	15	0	Lawrason and Chisholm.	
		19	Alexander Anderson,.....	Surgeon, 1 qr.	6	5	0	Alexander Anderson	
	19	20	William McMillan,.....	Contractor for Meal,	9	16	6	W. McMillan.	
		21	Michael McGeary,.....	Constable,	8	0	0	W. McGeary.	
	13	22	Peter Schram,.....	Do.	25	0	0	Peter Schram.	
	13	23	Henry Groves,.....	Do.	8	13	3	Henry Groves.	
		24	William Plummerfelt,.....	Do.	0	10	0	William + Plummerfelt. his mark	
	6	25	Jesse Anderson,.....	Do.	2	2	6	Paid by Dft. 7 May, 1846.	
	13	26	Hugh Madole,.....	Do.	1	1	3	Hugh Madole.	
		27	Jared Teeple,.....	Do.	3	9	0	Jared Teeple.	
	15	28	Mark Dyer,.....	Do.	4	14	7	Mark Dyer.	
		29	John M. Park,.....	Do.	9	10	0	J. M. Park.	
			Less £8 received by the Sheriff and carried to account, 11th Feb., 1845.						
	13	30	Cyrus Sumner,.....	Do.	7	0	0	Cyrus Sumner.	
	13	31	Garrett Stevens,.....	Do.	8	0	0	Garrett Stevens.	
	13	32	Nelson B. Schram,.....	Do.	6	10	0	Peter Schram.	
	13	33	Alex. Gunn,.....	Do.	4	15	0	Alex. Gunn.	
	13	34	S. L. Sumner,.....	Do.	7	0	0	Saml. S. Sumner.	
	13	35	John Mathews,.....	Do.	5	0	0	John Mathews.	
		36	George Elliott,.....	Do.	2	0	0	George Elliott.	
		37	Ephraim Bullard,.....	Do.	4	5	0	Ephraim Bullard.	
	19	38	J. B. Askin,.....	Stationery, 1845,	25	0	0	J. B. Askin.	
		39	J. B. Askin,.....	Disbursements,	4	9	10		
		40	James Hamilton,.....	Sheriff,	138	2	0	James Hamilton.	
		41	Thomas Phillips,.....	Coroner,	25	18	6	Thomas Phillips.	
		42	Thomas Phillips,.....	Do.	4	10	0	Thomas Phillips.	
					£	459	6	8	Carried below.

Errors excepted,

(Signed,)

L. LAWRASON,

Chairman of Committee.

A true copy,

J. B. ASKIN, C. Peace.

The Gaoler's salary for one year, from 1st January, 1845, to 1st January, 1846,.....130 0 0

By order of Sessions,..... 65 0 0

SAML. H. PARK.

Certified to be a true copy,

(Signed,)

D. DALY,

Secretary.

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30th June.

John Harris, Esquire,
Treasurer, London District.

LONDON, 26th Jan., 1846.

SIR,—Please to let the bearer, Lionel Ridout, have £20 16s 7d, cy., being the amount of my bill against the London District, and you will much oblige,

Your most obedient, humble servant,

(Signed,) DENNIS O'BRIEN.

Certified to be a true copy,
D. DALY,
Secretary.

(Exhibits No. 16 and 17.)

No. 22.

£118 17s 10d.

To the Treasurer of
The London District.

SIR,—Please pay John B. Askin, C. P., the sum of one hundred and eighteen pounds seventeen shillings and tenpence, currency, for services performed for the past year, and to the 29th Febry., 1844, under several Acts of Parliament and Orders of Sessions.

Dated in open Court of General Quarter Sessions, in London, this 18th day of April, 1844.

H. ALLEN,
Chairman.

No. 11.

In General Quarter Sessions, 8th
April, 1846.Under Provincial Statute 7 Wm.
VI., ch. 18.

£1 11s 4d.

The account of William Faules for bread was audited at one pound eleven shillings and fourpence, and ordered to be paid from the District Funds.

HENRY ALLEN,
Chairman.To the Treasurer of
The London District.

REPORT.

On the sixth day of August last, I arrived at London, and immediately forwarded to the complainants, and to Judge Allen, notifications of my appointment, and of my intention to proceed with the investigation.

Mr. Allen's absence at Toronto, whither he had proceeded to engage Counsel, prevented my commencing to take evidence until the eleventh, then instant, when John Wilson, Esquire, appeared as one of the

complainants, and Judge Allen, with one of his Counsel, Henry C. R. Beecher, Esquire, was also present.

The proceedings taken under the Commission at London continued until the twenty-fourth day of August, when Judge Allen having stated by his Counsel, James Shanly, Esquire, that it was not his intention to offer any *viva voce* testimony at London, I consented to delay making my Report until the first day of October, in order to give him ample time to prepare and put in such documentary evidence, and written statements, as might be deemed expedient in his defence.

A subsequent application has since been made to me to extend the time until the fifteenth day of October, instant, and to which I have also assented.

Upon reference to the Statute of last Session, under which my appointment was made, I do not feel myself warranted in making any comment, or in offering any opinion upon the charges and complaints made against Mr. Allen, or upon the evidence taken in relation thereto.

During the whole investigation I have carefully abstained from receiving any evidence from the complainants, as to the fitness of Judge Allen to discharge the duties of his office, and I have declined receiving evidence of a similar nature from him.

The facts proved must decide Mr. Allen's case, and from a careful perusal of the evidence, it will be found that the following charges are sustained :

1st. For having placed Mr. Wilson in contempt in the Bankruptcy Court without sufficient cause.

2nd. For refusing to grant summonses in Bankruptcy against Beebee and Sifton, to Mr. Daniell, although the fees had been paid.

(See Exhibit No. 1.)

3rd. For having placed Mr. Daniell in contempt without cause, and prevented him from practising in the Bankruptcy Court.

4th. For adjourning the Court *in re* Jennings, a Bankrupt, without transacting any business.

5th. For refusing to hold a meeting *in re* Bennett, a Bankrupt, although the fees had been paid, and the meeting advertised in the Official Gazette.

(See Exhibits Nos. 2 and 3.)

6th. For refusing to receive papers from the hands of articulated Clerks.

7th. For adjourning the District Court on the second day of Term in March last, in an abrupt manner, so as to prevent parties moving for new trials.

8th. For refusing to hear Mr. Wilson in the District Court in Term, on account of an alleged contempt in Bankruptcy.

(See Exhibit No. 4.)

9th. For having refused to hear Mr. Wilson at the District Court sittings, expelled him therefrom, and stricken out his causes for trial.

10th. For having dismissed a jury in *McIntyre vs. McQueen*, after the case had been closed by Counsel for plaintiff and defendant.

11th. For having adjourned a Division Court at Aylmer without cause, and without transacting the necessary business.

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12th. For having refused to try a cause in the Division Court, where the account was made out in dollars and cents, although reduced into currency.

Rayner
vs.
Hollowood.

13th. For having neglected to give judgment against the defendant, whereby the plaintiff lost his debt.

Rayner
vs.
Francisco.

14th. For having removed the Division Court from Richmond to Aylmer against the public interest.

15th. For having broken up the Division Court at St. Thomas without sufficient cause.

16th. For having given judgment against the evidence.

Fillmore
vs.
Hale.

17th. For retaining Mr. Henry G. A. Allen, Clerk of the Division Court, No. 1, in his situation, although the most gross dereliction of duty had been proved against him, and for allowing the said Clerk to receive illegal fees.

18th. For not attending to the presentment of the Grand Jury against the conduct of the same Clerk, and the inconvenience of the office hours.

(See Exhibit No. 9.)

19th. For not dismissing the Clerk on the complaint of Mr. Lawrason, although the Judge admitted the Clerk had taken illegal fees.

(See 4 and 5 Vict. c. 3, Sec. 57.)

20th. For having suppressed the Order of the Court of Quarter Sessions, of July, 1845, establishing new Divisions for the Division Courts.

(See Exhibit No. 12.)

21st. For refusing to sign drafts on the Treasurer of the District, for the payment of the accounts relating to the Administration of Justice, although the same had been duly audited by the Committee of Accounts, and certified to be correct.

22nd. For having in his Charge to the Grand Jury, at the April Sessions, reflected upon the conduct of the Bench of Magistrates, and for having made incorrect statements in that Charge.

(Signed,) HENRY SMITH, JR.,
Commissioner.

Dated 16th October, 1846.

The answer of Henry Allen, Esq., Judge of the District Court, of the London District, on a Commission, bearing date the 28th July, 1846, to Henry Smith, Esq., M. P. P.

Having already answered the several matters of complaint which have been made the subject of investigation under this Commission, in the form of Observations, and Observations by way of supplement on the said matters, I respectfully request that the Observations referred to, and which are transmitted herewith, together with the documents accompanying the same, or therein referred to, or such part thereof respectively as may appear material or necessary to this, my answer, may be deemed and taken as part thereof.

By a careful perusal of these documents it will be seen that the whole, or a greater part of the charges against me, will have been answered as it were by anti-

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ipation, and that my further reply thereto will consist principally of comments on the evidence adduced in support of the prosecution before His Honor the Commissioner, and of copy extracts from my notes, supported by such statements and documents as may tend to illustrate the general subjects of this inquiry.

With a view to arrangement, it is proposed to give the names of the witnesses in the order in which they occur in His Honor's notes, and to make such observations on their respective testimony as, if any, may appear necessary or relevant, by way of answer thereto, or comment thereon.

1.—Honble. George J. Goodhue.

As this witness appears to have forgotten or mistaken the day on which the Sheriff was ordered to take Mr. Wilson into custody, and even to fail in his recollection of having ever expressed himself in reprobation of Mr. Wilson's conduct on the occasion spoken of, I make no further comment on his testimony.

2.—Mr. James Daniell.

By the testimony of this witness, it appears that Mr. Wilson had been made aware of my ruling on the point of practice respecting Exhibits, and that, previously to the occasion of his urging the case in which arose the discussion of the same point, he had been endeavouring to incite the witness to resist the effect of my ruling. The assistance offered by the Clerk in furnishing the form of Exhibit, was entirely gratuitous, and formed no part of his duty; the question on which (if any) lay exclusively between Mr. Wilson and myself. It may here be observed that out of this single transaction have arisen all the subsequent proceedings against me, commencing with the Petition to His Excellency the Governor General, which has been fully answered by the aforesaid Observations. The next proceeding was on a Petition to the same effect to the Legislative Assembly—before a Committee of whom the Petition was referred. Then followed an Appeal to the Court of Queen's Bench, in the case of Ryan vs. O'Flynn, which was abandoned without argument; subsequently a Rule Nisi for a Mandamus in the Queen's Bench, which was discharged; and finally, an action of trespass against the Sheriff and myself, which was tried at the late Assizes, and the plaintiff, Mr. Wilson, nonsuited under the direction of the Court. The Bill of Fees spoken of by this witness, he has failed to produce. If produced, it would shew, as is the fact, and as appears by the entry on the Clerk's account, that they had been incurred at a meeting *in re* Jennings, held on 23rd February, 1846, the business of which was disposed of; whereas Mr. Daniell has sworn that the bill was exclusively for fees incurred at the meeting appointed for Monday, 23rd March, 1846, at which no business was transacted. The testimony of this witness, which commenced on the 12th August, was resumed on the 19th August, after he had absented himself during its progress, when he still persisted in his original statement as to the Bill of Fees, which was not produced.

3.—W. Horton, Esquire.

The testimony of this witness relates to the occurrences in the Court of Bankruptcy, and also shews my reasons for discontinuing the public sittings of that Court.

4.—Mr. William Murray.

5.—Mr. H. J. Askin.

The testimony of these witnesses is in proof of the discontinuance of public sittings in Bankruptcy.

6.—Mr. G. Parke.

Shews that I sent for the Solicitor on an application on his (the Solicitor's) behalf, by witness, for a Commission of Bankruptcy, which appears to be considered by many persons, including the witness, as a matter of course, and issuable as a summary proceeding.

7.—James Shanly, Esquire.

Proves the discontinuance of public meetings in Bankruptcy, and the cause thereof.

8.—John Wilson, Esquire, Messrs. Shanly, Horton, and Henry Askin.

State occurrences in the Court of Bankruptcy and District Court, from Wednesday, 18th March, to Saturday, 21st, inclusively. For my own statement of the occurrences mentioned, I beg leave, respectfully, to refer to my affidavit, read on argument of the Mandamus case in the Queen's Bench, a copy of which affidavit is one of the papers herewith transmitted and returned.

I therefore proceed to the evidence of Mr. Beecher, on the matter of complaint arising out of the case of McIntyre vs. McQueen.

9.—Henry C. R. Beecher, Esquire.

Witness states the true reason for my discharging the Jury in that case. In the Petition it is made to appear a mere act of ridiculous wantonness. The witness appears to have forgotten that it was opened by Counsel as a short cause. I have no doubt that both the Court and Jury were tired out in hearing a matter which appears by the statement of this witness to have occupied four hours, when it ought to have been disposed in a few minutes; and, as regards myself, ought not to have been heard at all. I admit to have been vexed with myself for having allowed the case to proceed after it had been shewn to be *dehors* the jurisdiction of the District Court.

The same witness speaks to my misapprehension of the use of the word "stags," a mistake which had not the slightest influence on the merits of the case, on which the plaintiff, for whom Mr. Wilson appeared as Counsel, obtained a verdict, which was sustained on argument in the subsequent Term. I have the draft of my notes for judgment, a copy of which can, if required, be furnished, in illustration of this matter of charge.

10.—Anson Paul.

11.—George Fillmore.

12.—Daniell.

13.—James McQueen.

14.—Thomas Scatchard.

Testimony of these witnesses has reference to the Division Courts, and partly to matters on which my answer (to which I beg leave to refer) was transmitted to the Government in January, 1845; and partly to matters forming part of my answer to the Petition of Mr. Wilson to His Excellency the Governor General.

Mr. Scatchard is the person referred to in the last-mentioned answer as having been detected in an extensive system of fraud, practised on defendants to suits in Division Court No. 1. He is a clerk to Mr. Horton, whose office is on the ground floor of the Court House, and near the stairs leading to the Division Court Office, which is on the first floor of the Court House. I have frequently seen Mr. Scatchard at the office when the Clerk has been casually absent, sometimes by my direction. The round number of times of absence sworn to might be easily accomplished at al-

most any one of the public offices in the place, by the exercise of a little vigilance, and by a much less degree of attention to the public interests, than, as will be seen in another part of the evidence, has been bestowed by Mr. Wilson, who appears to have been in the habit of sending his clerks to the Division Court Office, *not having any business there* himself, but for the purpose of ascertaining the fact of the Clerk's presence or absence thereat.

18th August.

Messrs. Horton and Wilson.

The observations in the last paragraph are, in the testimony noted on this day, illustrated by that of Mr. Wilson, who avows himself as a complainant on behalf of the public. The Division Court Acts give no such power; but neither of these appear to have been ever read either by Mr. Horton, according to his own admission, or by Mr. Wilson, *who speaks of matters of enactment* as Judge's orders.

As this part of the evidence first introduces the statement subsequently made also by Mr. Lawrason, that the Clerk of Division Court No. 1 had refused to furnish the original summonses, I shall merely observe that the most superficial enquiry at the office, followed up by an inspection of the records, would at once have shown that such statements are founded on gross error. Mr. Wilson, who has had little or no business in the Court, has doubtless been misled by others; but I cannot help expressing surprise at the fact that the testimony of Mr. Lawrason goes directly to support a statement, the error of which can be proved by the inspection of a great many summonses issued at the suit of Mr. Lawrason himself, all of which, both in the body of the writ and in the signature, are obviously in the handwriting of the Clerk, or occasionally of his deputy, and issued by himself or such deputy. There is doubtless confusion regarding the original and service copies, which last were for a considerable time supplied by the parties, and not by the Clerk.

It appears by Mr. Lawrason's statement that the Clerk at first made a small charge for the service copies; but, on complaint, the practice was prohibited; and the Clerks were subsequently informed, in the words or to the effect mentioned to me by Chief Justice Robinson, to whom and to Mr. Justice Macaulay, I submitted the questions, that the Clerks might either perform the service, or decline its performance for parties, but, in case of performance, should make no charge, nor accept any fee. At the same time, His Lordship the Chief Justice, with his characteristic kindness, was pleased to observe, extra-judicially, as he expressed himself, that the Clerks had better take the opinion of some eminent Counsel, and abide by its effect, and act accordingly. I presume this course must have been adopted in other Districts; for, after some time, I discovered that a charge for service copies had been habitually made in other Districts. A short time before the amended Act came into operation, I so far relaxed the effect of prohibition as to enjoin the Clerks to furnish the service copies, and to permit a charge therefor. It now appears by the statement of my son, *that he declined to avail himself of the permission, that he abstained from making any charge for service copies* (although supplied by him) until the amended Act came in force.

It will be seen by the provisions of Section 9 of that Act, that the Clerk is required to fill up all blanks in any writ or process before its delivery to the Bailiff. I refer to the statement of my son for the further illustra-

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tion of this matter, and of the *still more surprising statements* of Mr. Lawrason respecting the Clerk's Office; and also to the Records of the Court, which, *had it not been for the ruling hereafter noticed of His Honor the Commissioner*, could have been at once produced in refutation of the errors disclosed, by the effect of Mr. Lawrason's testimony. Surely on such a charge as that, based on the alleged knowledge of the witness, when he says he had known many cases in which four or five searches had been charged, one of such cases might have been specified.

Again, as to the alleged distinction in regard to confessions, a distinction founded, as alleged, on the corrupt motive of increasing the emoluments of my son, a simple reference to the Fee Fund Account Book would at once show that the charge is founded wholly on error or misconception.

I again refer to the statement of my son, and to the Records of the Office, as to the testimony of this witness on matter of fact, observing on the unusual license with which he has been allowed to speak on matters of law, and of statutory construction, which have been long since judicially determined.

15.—John M'Intyre.

This witness proves having been threatened with a fine, and that, on his explanation, it was not inflicted.

After his explanation Mr. Wilson proposes to go into evidence in relation to what he terms an order for the non-payment of money otherwise than to the party entitled, observing that it is one of those absurd verbal orders which had been referred to, thus shewing, if any proof were wanting, *that he is wholly ignorant of the policy and provisions of the Division Court Acts.*

19th August.

16.—Mr. Henry G. A. Allen.

This witness proves that he had been directed not to deliver executions, without a special order, otherwise than to the Bailiff, to whom they are addressed; and that he had uniformly obeyed such directions.

It was proposed on my behalf to cross-examine him with a view to the defence; and ruled by the Commissioner, on argument, that no questions can be put on cross-examination, except such as in reason arise out of the examination-in-chief.

The effect of this ruling having been to exclude from my defence what may be termed an extensive and recognized class of evidence, I notice such effect at the point of its occurrence, with a view to the observation that the rule has also had the effect of excluding from my defence the primary evidence of the contents of written documents—namely, the documents themselves, a great number of which might have been produced by this witness in direct refutation and disproof of the principal charges against me, including, amongst others, the charge of corrupt conduct; and further, the witness would have been enabled to meet many of the charges against himself, including all matters of charges not already answered, by shewing that they are either wholly or partially unsupported by fact.

I will here state, in connection with this most material portion of my defence, that *I was overruled by His Honor the Commissioner*, in requiring the pro-

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duction of the record in the case of "Leonards vs. McQueen;" James McQueen, the defendant in that case, whose evidence was adduced to prove, as a matter of charge, that I had allowed an objection in point of law raised by the witness himself, having stated that I granted a non-suit on the ground that the account annexed to the summons was in dollars and cents reduced into currency.

The principle of this ruling, had it been applied to the prosecution, would have curtailed this, my answer, to very narrow limits; inasmuch as its effects would have been to exclude all the documents which have been exhibited under the Commission.

Indeed, on referring to my subsequent notes, I find that the cross-examination of the next witness, Mr. Daniell, whose evidence was resumed on his re-appearance this day, was altogether excluded under the effect of another ruling of His Honor the Commissioner; a ruling which, taken together with those before and subsequently noticed, induces the belief, founded on a careful revision of my notes of proceedings on this Commission, that the rulings noticed were intended as protective, and in furtherance of my defence.

Assuming the correctness of this view, I observe that its obvious effect is to curtail my answer to a very few additional statements and comments on the proceedings subsequent to the examination of Mr. Daniell; because the view stated, if well founded, must lead either to another Commission, or to a further proceeding under this Commission, of a character directly and avowedly defensive and protective.

Finally, I mention, in reference to this subject, that the Commissioner also declined to receive my own testimony on the matters of charge, although the Statute of 9 Vic., c. 38, empowers the Commissioner appointed by virtue of its provisions to take the evidence of any party or witnesses (s. 8.)

- 17—Mr. Askin, Clerk of the Peace,
- 18—Wm. Strathey,
- 19—Dr. Lee,
- 20—Mr. French,
- 21—Philo Bennett,
- 22—John O'Flynn,
- 23—John Gourlay,
- 24—Wm. Harris.

Messrs. Wilson and Lawrason.

Having thus named and numbered the other witnesses examined under this Commission, I will briefly notice the effect of their testimony, under a few heads of reference.

1st. *On the law of Presentment.*

I have frequently, both in writing and orally, stated my opinion on this subject, citing authorities thereon, accompanied with comments; but expressing myself generally in the terms of citation, and to the effect that presentment should be on matters within the knowledge or observation of the Grand Jury, such as libel, nuisance, and the like; and such as, generally speaking, can be made the subject of investigation or direct action in the Court, before which a presentment is made; for that otherwise, the institution of a Grand Inquest might be perverted to purposes of oppression, and subject individuals, who have had no opportunity for defence or explanation, to the worst effects of a malicious prosecution; and I, on one occasion, adduced an instance in this District, in which a young gentleman for a long time lay under the charge of embezzlement in the Division Court, which was made the subject of presentment

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at one Assize, and no prosecution was had thereon until the third following Assizes; and then only at the earnest instance of the party charged, and his Counsel; the Counsel for the Crown considering the matter as one of complaint to the Division Court, and his view being sustained by the Judge (Mr. Justice Hagerman), who, after hearing the case for the prosecution, as stated by the Queen's Counsel, immediately directed an acquittal of the party charged.

2ndly. On the matter of the District Accounts.

The difficulty herein commenced, not as alleged in January, 1845, but in truth and in fact in April Sessions 1842, being the second Court at which I presided as Chairman of Quarter Sessions; when Mr. Wilson, as Warden of the District Council, contended for the right of appropriation by that body of the District funds, and the power, inferred from such alleged right, of fixing salaries in lieu of fees to the District Officers.

These points having been disposed of by the Court of Queen's Bench, the matter of accounts was again mooted through means of the refusal of the Treasurer to pay some of the Chairman's drafts, signed at the January Sessions, 1845, and the Treasurer sustained in such refusal by the Court of Queen's Bench, on the application to that Court for a Mandamus to the Treasurer by the Sheriff.

I thought then, as I still think, that the District Officers connected with the administration of justice in Criminal matters constitute a class described and specified by their names of office in the Tariff Act Vic. c. , and that as such they all had, before that statute, an equal right to fees, founded on usage and prescription, of which fees they could not be deprived otherwise than by the Legislature; and that therefore the principle of refusal enforced in one case should have been upheld universally. I am not aware that the time required for establishing a prescriptive right of this nature has ever been defined; nor that, for instance, a Tariff of Fees, originated in the year 1837 could be summarily abrogated, in regard to particular claimants, forming the constituents of a class, in the year 1845.

The Sheriff's account, audited by the Magistrates at the January Sessions, 1845, still remains unpaid.

With these views, which imply a direct submission and deference to authority, I delayed for a few days my signature to certain orders for the payment of the Constables' accounts audited in the November Sessions, 1845, having, in the meantime, made myself a party to a note for raising funds for their immediate accommodation. Even this proceeding has since been made a matter of charge against me. There are also eight orders for the payment of certain accounts of Constables not presented, as required by 7 Will. IV., c. 18, s. 1., at the last April Sessions, which remain unpaid.

This matter being now and for the future definitely and most satisfactorily, as I think, settled by the terms of the late Memorandum in Council respecting such accounts, I abstain from any further comment, referring for particulars, if required, to my Quarter Sessions notes, and to previous communications to the Executive Government, as well as to Mr. Justice McLean and Judge Burns on the subject of a serious difficulty, for the existence of which I respectfully submit that I am not justly chargeable.

3rdly. The sole remaining matter which appears of importance is that connected with the alleged suppression of the Division Court Order made at the July Sessions, 1845. I meet the charge by a direct denial of its truth; and say that the truth of the denial is proved by

the testimony of Mr. Lawrason himself, who has thought proper to make the charge, and thereupon to found another charge of corrupt conduct. Moreover, the testimony of this witness, by means of his assertion that the matter was talked of at every subsequent Sessions, but that the Judge refused to hear anything about it, supports my recollection, hitherto imperfect, of the fact which I assert, that I brought the matter forward myself with a view to supply the deficiencies of the original Order, and that the Bench of Magistrates gave effect to the objection of Mr. Lawrason, who insisted that the Bench had done all that was required in making the Order as it originally stood, and that it was the duty of the Judge of the Division Courts to see to its publication, if necessary, whereas the Tariff of Fees expressly shews that duty to belong to the Clerk of the Peace, who is allowed a fee for its performance, which is one of several other services connected with the same matter. It is, moreover, my belief, that had it not been for the fact of Mr. Givins having urged this matter as Counsel on my behalf, that the original deficiencies of the order would have still remained unsupplied, for the Clerk of the Peace could not act in the matter without an Order of Sessions; and for myself I have reason to know to my cost that the Bench will not, indeed, as now appears, cannot, audit any account for expenses incurred by or under the direction of the Chairman of the Quarter Sessions, if not made the subject of a Bench Order.

Still less could I, either as Chairman of the Quarter Sessions, or as Judge of the Division Courts, control the action of the Clerk of the Peace in regard to duties imposed on him by Statute. I have, however, no recollection of having given the Clerk of the Peace any directions whatever respecting the Division Court Order, or of having mentioned the subject otherwise than as stated in my answer (to which I beg leave to refer) to the Petition of Mr. Wilson.

Lastly, as to the Order itself, I observe that both in its inception, and in its accompaniments, it was, at least, of a questionable legality, independently of its actual deficiencies in its inception, because its terms were settled at a mere meeting of Magistrates; and in any discussion on its terms, at once, both at the time of its being brought into Court for signature and at subsequent Sessions, altogether repudiated, and its completeness insisted on in the absence of my order for its publication, and of any time being fixed for its coming into operation in its accompaniments, because the Magistrates had taken on themselves the nomination of a Clerk, and the appointment of the place of sitting of the Court for the new Division. As to the signature of the Chairman, I have thought it better with a view to avoid unseemly discussions on the Bench, that such signature should be given as a matter of course to any order which, to use the expression of Judge Burns on the same subject, is not clearly and manifestly illegal, or, as I may add, may not involve a principle of such importance as that already noticed with regard to the accounts.

Nor will it probably be thought irrelevant to this matter that I should observe it would have been a mere act of common courtesy to have consulted the Judge of the Division Courts on the subject of an Order, which, as stated by His Honor the Commissioner, changed the whole system of the then existing Divisions, and which incidentally had the effect of increasing the Judge's travelling 360 miles, in addition to 900, that being the number of miles I had to travel in each year before the new division was made.

It is satisfactory to observe, with regard to the origin of these proceedings, that as they respect the Court of Bankruptcy, the law of contempt, as sought to be

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maintained by me, has now been declared and defined by legislation, and that the intermediate suspension of the public sittings of that Court is only in accordance with the maxim, that in the absence of such a law every Court of Justice must necessarily cease to exist; and that on another matter of charge which is connected with the accounts, the difficulty has been settled through means of executive action, induced by legislation, and in accordance with the principle contended for by myself in regard to the audit of such accounts.

It is also satisfactory to observe, that on almost all the matters of charge, I have been in frequent and candid communication with the Executive Government, and also with some of the Judges of the Superior Courts, and more particularly with Judge Burns, who kindly permits me to make use of his name, and, if required for further explanation, of the correspondence which has taken place between His Honor and myself.

All which is respectfully submitted.

(Signed) HENRY ALLEN,
J. D. Court, L. D.

LONDON, CANADA,
October 14, 1846.

SIR,—Referring to the matter of Judge Allen, I beg respectfully to remind you, for the information of His Excellency the Governor General, that Judge Allen made it a strong point in his defence, that anything he had done in reference to me, was susceptible of remedy in the ordinary course of Law. To test this point, I moved a Mandamus to compel him to hear me as Counsel in the District Court. His answer to the Rule, calling upon him to shew cause why the Mandamus should not issue, was that he was mistaken, in refusing to hear me in that Court; that he had rescinded the Rule for my exclusion, and was willing to hear me. I then brought an action for the injury I had sustained in being expelled the Court by force, and carried it down to trial. I was non-suited; the Judge of Assize declaring "that Mr. Allen was wrong, undoubtedly wrong, in what he had done, but that no action would lie for such a judicial act, however wrong."

Mr. Allen, in the first instance, before the Committee of the House, insisted that he had done nothing but what the Ordinary Courts could remedy; now, however, he says, I failed in the ordinary course of law; therefore, he was sustained in what he did.

By this mode of reasoning, he was sure to acquit himself, but when the grounds upon which it is based are understood, the matter appears in its true light. I regret to be again troubling His Excellency, but I could not allow so glaring an attempt to pass unnoticed.

I have the honor to be,
Sir,
Your obedient servant,

J. W. WILSON.

Honble. D. Daly,
Secretary,
Montreal.

KINGSTON, October 29th, 1846.

SIR,—In the absence of Henry Smith, the younger, Esquire, I have the honor to forward you the answer

of Judge Allen, in the matter of the complaints of Mr. Wilson and others.

The enclosed papers were received while Mr. Smith was at L'Original, and a delay in forwarding them has been necessarily occasioned until instructions were received from Mr. Smith, who, by his letter of 25th instant, desired me to inform you that on the 16th instant, he sent in his Report in the matter of Judge Allen, being then obliged to leave Kingston to attend the Assizes at L'Original, Bytown, and Perth, as Crown Officer.

May I then request an acknowledgment of the receipt of the Report and the enclosed answer.

I have the honor to be,
Sir,
Your most obedient servant,

JAS. A. HENDERSON.

Honble. D. Daly,
Montreal.

References and Documents.

I.—Marked A.

- H. P., 1. Reference Letter dated 26th April, 1841—self to Hon. J. B. Harrison, Secretary.
2. Paper dated 26th May, 1846, read on the day of its date to the Committee of the House of Assembly.

II.—Marked B.

1. Copy Rule *Nisi* for a Mandamus, of my affidavit on shewing cause, and of the Order for discharge of said Rule.
2. Copy extracts furnished by Mr. Askin, Clerk of the District Court, from the Records and Papers of the said Court.

III.—Marked C.

1. Reference Circular, on the Fee Fund, of Hon. D. Daly, dated 8th August, 1844, and my reply of Sept. s. y.
2. Reference Correspondence in Secretary's Office on complaint of E. Ermatinger, Esq., May to July, 1845.
3. Statement of Clerk of Division Court No. 1, L.D.
4. Memorandum made at the office of Mr. Pringle, Clerk of Division Court No. 1, M.D.

IV.—Marked D.

1. Reference to my letter of 1st Dec. 1845, to the Hon. D. Daly, and reply dated 15th Dec. s. y.
2. Copy Memorandum and Observations, read, as part of my Charge to the Grand Jury at April Sessions last.

V.—Marked E.

1. Papers marked B. No. 1.
2. Ref. my letter of 25th March, 1846, to Hon. D. Daly.

VI.—Marked F.

General Observations by way of supplement.

H. ALLEN.

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I. A.

Previous to the Committee entering into the matters of complaint contained in the principal one of the two Petitions which have been made the subject of reference, I desire respectfully to submit, by way of preliminary objection to those matters being now heard,—*First*, that the same Petition is now before the Executive Government with a view to my observations on the matters of complaint therein contained, and there is also pending an application to the Government by myself for further time to answer the several matters, which, as will be observed, extend over the whole period of my official career: *Secondly*, that on the face of the said Petition it is apparent that every single allegation may be made the foundation for proceedings before the ordinary tribunals, and that in point of fact one of the principal matters of complaint is actually in the course of Appeal to the Court of Queen's Bench; that, as Judge of the several Courts over which I have to preside, I exercise an inferior and subordinate jurisdiction, for any excess or refusal of which I am directly amenable to the higher Courts, and precisely in the situation of an ordinary Magistrate, whose errors or misconduct may be the subject of correction or redress, on any and every occasion of their or its occurrence. (See Hale's Jurisdiction of Parlt. p. 105—6. 6 Lord's Journals, p. 700, (9th Sept., 1644,) 1 Bl. Com., 143.)

That it appears preposterous that an individual who thinks himself aggrieved by the effect of certain proceedings, of which the legality or illegality is a question *sub judice*, should be permitted to assume that question according to his own views, and at once resort to a tribunal whose interference is, in all cases, or in almost all cases, as far as I am aware, grounded on the fact that the errors or abuses complained of are irremediable otherwise than through the intervention of Parliament. (See authorities cited *ante*.)

Such has ever been the foundation of proceedings like the present, which have been instituted, not against the Judges of Inferior Courts, but against those of the Higher Courts, who are not so directly responsible for misconduct, to the ordinary tribunals, as are the Judges of Inferior Courts.

The highly penal nature of this course of proceedings,—the avowed object of this reference,—the peculiar constitution of the Committee, presided over, as it is, by the Honorable Member who is my accuser,—should, as I respectfully submit, induce the Committee to abide the result of the investigation into the several matters of complaint which has been instituted by the Government; instead of at once rushing into a proceeding of a character so highly penal as is implied by the avowed object of this reference.

It would be a sad reflection on the Law and Jurisprudence of this Province, or rather on its administration, if it were true, that, although, as alleged, an inferior Judge has been exercising acts of tyranny, over a whole District, for the space of nearly five years, that, as is the fact, not a single proceeding up to the present time has been had or taken against him; and with regard to error or incapacity, I state that one case only has been carried to appeal, and the judgment appealed against confirmed with costs. (See 2nd Com. U. C. Jurist, 546.)

I mention this only as a fact from which the Committee can draw their own inference.

(Signed,)

H. ALLEN.

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Indorsed as follows :

A. (Copy.)

In matter of complaint of J. Wilson and others against self.

Preliminary Objections on reference to the Committee.

H. A.

Montreal, 26th May, 1844.

P.—Mem.

Read to the Committee.

H. A.

(Indorsed, II. B, No. 2.)

In the District Court of the District of London,
20th March, 1846.

Matthew Ryan, plaintiff,
vs.
John O'Flynn, defendant.

Motion to make the Rule granted during this Term in this Court absolute.
JOHN WILSON,
For Defendant.

A true copy,
J. B. ASKIN.

Copy of the Entry in the Term Book,
Thursday, 19th March, 1846.

Patrick Devany and Eleanor,
his wife, administrators of Hugh
McCann, deceased, plaintiffs,
vs.
James Ellis, defendant.

Motion for the Rule for the weekly allowance of five shillings.
WM. HORTON,
For Defendant.

Rule Absolute,
Granted.

Friday, 20th March, 1846.

John Norval, plaintiff,
vs.
Thos. H. Traverse, defendant.

Motion for Rule absolute in this cause.
JAMES SHANLY,
Counsel for Deft.

Rule withdrawn.

David McIlroy, plaintiff,
vs.
George Durand, defendant.

Motion for a Rule absolute in this cause.
JAMES SHANLY,
Counsel for Deft.

Rule discharged.

Saturday, 21st March, 1846.

Ebenezer Hull, plaintiff,
vs.
Isaac Cuddy, defendant.

Rule *Nisi* in this cause argued, Mr. Beecher moving to have the Rule discharged, upon his peremptory undertaking to proceed to trial. Peremptory undertaking extended by Mr. Beecher to bring this cause to trial at the April Sittings of this District.

Rule discharged, subject to the peremptory undertaking being filed.

J. BEECHER.

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Matthew Ryan, plaintiff,
vs.
John O'Flynn, defendant.

Rule argued.

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I certify that the above is a true copy of the entries made in the Term Book, by my Deputy, of March last, 1846.

JOHN B. ASKIN,
C. D. C.

(Indorsed, B. II.)

(Copy Rule *Nisi*.)

In the Queen's Bench—Easter Term, 9 Vict.

In the matter of complaint of John Wilson against Henry Allen, Esquire, Judge of the District Court of the District of London.

On reading the affidavit filed, it is Ordered, That Henry Allen, Esquire, Judge of the District Court of London, on notice of this Rule, do shew cause why a Writ of Mandamus shall not issue, commanding him to hear John Wilson, Esquire, a Barrister-at-Law of that part of this Province formerly Upper Canada, in the several causes of *Peters vs. McLaughlin*, and in *Shaw, Scott et al. vs. Jones et al.*, and in any and all matters in which he is now or shall be retained as Counsel in the said District Court.

On motion of Mr. Wilson,

By the Court.

(Signed,) CHAS. C. SMALL.

Dated 11th June, 1846.
No. 51.

(Copy.—Affidavit in answer to the above.)

In the Queen's Bench.

In the matter of complaint of John Wilson against Henry Allen, Esquire, Judge of the District Court of the London District.

Henry Allen, Esquire, Judge of the District Court of the London District, maketh oath and saith, that on the eighteenth day of March, now last past, this deponent was sitting as Judge as aforesaid, in the matter of one William Jones Geary, a Bankrupt, whereupon the said John Wilson appears on behalf of the Honble. G. J. Goodhue, a creditor of the said Bankrupt, and then and there offered proof, which was at first received by this deponent, as such Judge as aforesaid, on behalf of the said George J. Goodhue; and this deponent further saith, that the said John Wilson having refused to mark for signature by this deponent, certain Exhibits produced in support of the said proof; this deponent told the said John Wilson that the proof could not be received unless the Exhibits were marked by or on behalf of the creditor; and that if I was thought wrong in my decision on the point of practice, he, the said John Wilson, could appeal from my decision to the Court of Review; and that thereupon the said John Wilson answered in terms or in effect—"I shall not mark them: you may do it yourself,—you are paid for it;" and afterwards added, "I will not be imposed upon;" on which this deponent said, "Imposed upon! what do you mean?" when the said John Wilson replied, "I mean what I say: I will not be imposed upon;" and thereupon this deponent answered, "Mr. Wilson, you must be aware of the impropriety of such an observation, which you

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must retract, and apologize for its use. I will give you the day to consider whether you will apologize." And this deponent further saith that the said John Wilson replied in the terms or to the effect following, that is to say, "I shall neither retract nor apologize: I repeat I will not be imposed upon." And this deponent said, "As that is the case, I shall hold you in contempt, and shall decline to hear you until you clear yourself of your contempt: you will therefore leave the Court in self-custody;" to which the said John Wilson replied, "I shall not leave the Court, but will remain here as long as I please;" and the said John Wilson did remain in Court; the business whereof was proceeding, when, or soon afterwards, he again, to the best of this deponent's recollection, obtruded himself upon the Court, whereupon this deponent sent for the Sheriff, who soon afterwards came, and was told by this deponent to remain in Court, or to have a Constable in attendance for the purpose of preventing any further disturbance. And this deponent further saith that the said Sheriff remained in Court accordingly, and also had a Constable in attendance, and the business being proceeded with, the said John Wilson, after a short time, left the Court, and continued absent for an hour or thereabouts; after which he returned, and again addressed the Court; he, the said John Wilson, having repeatedly before, and on his addressing the Court as last aforesaid, been told that he would not be heard until he cleared himself of his contempt. And this deponent further saith, that thereupon the said John Wilson addressed this deponent in the words or to the effect following, that is to say—"You have no dignity,—your proceedings are arbitrary: do you think I will submit to your childish pettishness?" and also made use of other like and grossly offensive expressions to this deponent, acting as such Judge as aforesaid; whereupon, and in consequence of the disturbance thus created or renewed, and for the purpose of enabling this deponent to take time for reflection on the means requisite for preventing such disturbance or interruption to the proceedings of the Court of Bankruptcy, this deponent caused the said meeting in the said matter to be adjourned to the following day, Thursday, the nineteenth of March last. And this deponent further saith, that at the adjourned meeting held accordingly, the said John Wilson again insisted on being heard, and from time to time persisted in interrupting the Court, notwithstanding the decision of this deponent not to hear the said John Wilson till he should clear himself of his contempt; and this deponent, finding it impossible to continue the proceedings in consequence of the interruption thereof caused by the conduct of the said John Wilson, this deponent again sent for the Sheriff, and on his, the said Sheriff's, coming into Court, this deponent ordered him to take the said John Wilson into custody, for the purpose, as this deponent saith, of having the said John Wilson removed from the Court, as being an obstacle to its proceedings. And this deponent further saith, that the said John Wilson openly defied the said Sheriff to lay hands on him, the said John Wilson, and addressing this deponent, said, "You had better take care what you are about;" and the said Sheriff did, in fact, and under the influence of the threats of the said John Wilson, refuse to take him into custody without a warrant in writing under the hand of this deponent, the said Sheriff alleging that the disturbance complained of had not taken place in his presence. That on this refusal this deponent observed that the only course was to adjourn the Court, and this deponent was about to adjourn accordingly, when, on the application and remonstrance of other persons present, this deponent was induced to continue the proceedings, which were so continued until the close of the business of the said meeting. And this deponent further saith, that on the day following the close of the said meeting, Friday, the twentieth day of March last, and on this deponent going

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to the District Court for the purpose of attending the Term Sittings which were then in progress, the said John Wilson, being then and there present as Counsel, did bring the said matter of contempt, which had so occurred as aforesaid in the Court of Bankruptcy, under the immediate cognizance of this deponent, then and there sitting as Judge of the District Court; he, the said John Wilson offering to this deponent to make an apology for his, the said John Wilson's, conduct in the Court of Bankruptcy, provided either His Honor the Vice Chancellor, or His Honor the Judge of the Home District Court should be of opinion that this deponent was right in his decision respecting Exhibits; to which offer of the said John Wilson this deponent, after an observation addressed to the said John Wilson, to the effect that he must be aware of the utter irrelevancy of any such question with reference to the contempt he, the said John Wilson, had been guilty of, by the use of insulting language to this deponent, read to the said John Wilson, from the Term notes of this deponent, a Memorandum in the words or to the effect following, that is to say: "On Mr. Wilson offering to make an apology for his conduct in the Court of Bankruptcy, provided either the V. C. or the Judge of the H. D. C. should be of opinion that I was right in my decision on the point of practice respecting Exhibits,

"State,

"That, as Judge of the District Court, I cannot escape from the consequences of a judicial knowledge of the contempt of a Court over which I have to preside, as Judge of the District Court; and declare accordingly that until a proper submission shall have been made by Mr. Wilson to the outraged jurisdiction of the Court of Bankruptcy, I decline to recognise his, Mr. Wilson's, right to appear professionally in any Court over which I have to preside as Judge of the District Court (explain as sole Judge), and consequently refuse to hear a motion in a case mentioned by Mr. Wilson, say the case of *Ryan vs. O'Flynn*.

"Mr. Wilson,

"Objects that he has not been guilty of any contempt in the District Court, which is conceded."

Notice of Appeal.

And this deponent further saith that the said notice of appeal was preceded and accompanied with a threat, uttered by the said John Wilson to this deponent, in the District Court, as such Judge as aforesaid, to the effect that in case such appeal should be sustained, he, the said John Wilson, would, unless this deponent would accede to the terms so offered as aforesaid by the said John Wilson, bring actions against this deponent, at the suit of any party who might think himself aggrieved by the effect of the refusal of this deponent to allow the said John Wilson to appear as Counsel in the District Court; and that this deponent then and there told the said John Wilson that he should refuse to hear him at the Trial Sittings of the District Court. And this deponent further saith that, notwithstanding the notice so given as aforesaid by this deponent, as such Judge as aforesaid, to the said John Wilson, he, the said John Wilson, did appear as counsel at the Trial Sittings which commenced on Tuesday the seventh day of April last, and notwithstanding the notice of appeal from the decision of this deponent, as such Judge as aforesaid, given and entered on record by the said John Wilson, he, the said John Wilson, then and there affected entire ignorance of any such decision having been made, and insisted on being heard in certain cases in which, as alleged, he, the said John Wilson, had been retained as Counsel; on which this deponent repeated his refusal to hear the said John

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Wilson, unless he would make his submission to the Court of Bankruptcy, he, this deponent, at the same time stating to the said John Wilson, that in case of any doubt being suggested in a proper quarter as to the soundness of such decision, he, this deponent, would immediately rescind and annul its effect, but that, in the meantime, he, the said John Wilson, must abstain from again addressing the Court as Counsel. And this deponent further saith that the said John Wilson nevertheless persisted in interrupting the proceedings of the said District Court at its Trial Sittings, whereupon this deponent, as such Judge as aforesaid, addressed the said John Wilson in the terms or to the effect following, that is to say, "Mr. Wilson, you appear to me to be wantonly and wilfully endeavouring to place me in a most painful and embarrassing situation, by compelling me to exercise the penal jurisdiction of this Court, the exercise of which, as you are well aware, would be most unwillingly and reluctantly carried into effect; and I now tell you that the Sheriff will be ordered, in case of your further interruption, to remove you from the Court." And this deponent further saith that the Sheriff was so ordered accordingly to take the said John Wilson into custody, and to remove him from the Court, in case of any further interruption; and that the said John Wilson, on his persisting in such interruption, was accordingly taken into custody by the Sheriff; and the said John Wilson did, both at the time of his being so taken into custody, and on his removal from Court, treat the said Court and its proceedings, and this deponent, as such Judge thereof as aforesaid, with open and contemptuous ridicule and laughter. And this deponent further saith that on the following morning, Wednesday, the eighth day of April last, he, this deponent, having written to two of the District Judges on the subject of his, this deponent's, decision respecting the appearance of the said John Wilson in the District Court, received from one of the said Judges a letter, in which said letter a doubt was suggested as to the jurisdiction so assumed to belong to this deponent as such Judge as aforesaid, and enabling this deponent to refuse to hear a Counsel who had been guilty of a gross contempt in another Court; and that upon the receipt of the said letter, this deponent did rescind the order for the removal from Court of the said John Wilson, and direct the Sheriff to inform him, the said John Wilson, that the said order was rescinded, and that the said John Wilson would be permitted to appear as Counsel or otherwise, as he might think proper, in the District Court. And this deponent saith that the said John Wilson might have so appeared at the said Trial Sittings, and may still so appear as Counsel or otherwise in the District Court, both in the causes mentioned in the *Rule-Nisi*, and in any other cause or matter in which he may be retained as Counsel or otherwise. And this deponent further saith that the circumstances so detailed as aforesaid constitute the first occasion in which this deponent, as such Judge as aforesaid, has ever exercised the penal jurisdiction of any of the Courts, above the Division Courts, over which this deponent has to preside by virtue of his office as such Judge as aforesaid; and that this deponent purposely postponed the exercise of such jurisdiction, in order to give the said John Wilson the most ample time for reflection on his conduct, and with a view to the apology and submission which, as is urged and respectfully submitted to the Honorable Court, by this deponent, is due to this deponent as such Judge as aforesaid. And that this deponent cannot therefore conscientiously admit, as required by the said John Wilson, that he, this deponent, was wrong in making the order which is the matter of this complaint, and which order has, in manner and for the reasons aforesaid, been actually and in fact rescinded. And this deponent further saith

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that he is unable to distinguish in what Courts and upon what occasions the said John Wilson appears as Counsel or Solicitor, because, as this deponent saith, the said John Wilson is in the constant practice of appearing in all the Courts over which this deponent has to preside, either in the costume of a barrister or otherwise, at his option; and notwithstanding the example and frequent directions of this deponent that Counsel should appear, when acting as such, in their appropriate costume. And this deponent saith that he is not aware that there is any difference in point of principle whether the commission of an offence of a character so detrimental to the interests of justice, as that of gross contempt and insult addressed to a Judge sitting and acting in his judiciary capacity, be under the garb of a Counsel or in that of a Solicitor.

And this deponent further saith that the said matter of complaint of the said John Wilson is now pending in two several Petitions, one of which has been addressed to His Excellency the Governor General of this Province, and the other to the Honorable the Legislative Assembly of the said Province, by the said John Wilson; and that the same matter is also pending on an appeal to this Honorable Court, instituted by the said John Wilson on behalf of the defendant, in the case of Ryan vs. O'Flynn, in which this deponent, for the reasons aforesaid, refused to hear the said John Wilson in the District Court; and the said John Wilson has also threatened this deponent with actions at law, as hereinbefore mentioned, for the same matter of complaint.

(Signed,) HENRY ALLEN.

Sworn at London aforesaid, in the District aforesaid, this fifteenth day of June, in the year of Our Lord one thousand eight hundred and forty-six, before me,

(Signed,) J. B. ASKIN,

A Commissioner for taking Affidavits in the Queen's Bench.

(Copy.)

In the Queen's Bench.—Easter Term, 9 Vict.

In the matter of complaint of John Wilson, Esquire, vs. Henry Allen, Esquire.

It is Ordered, That the Rule *Nisi* granted in this case be discharged, without costs.

On the motion of Mr. Harrison, of Counsel for Henry Allen.

By the Court,

(Signed,) CHAS. C. SMALL.

Dated 20th June, 1846.
No. 1811.

(III. C., No. 4)

Copy of Memorandum taken in the Midland District.

As to Service Copies:

Mr. Pringle, Clerk of Division Court, No. 1, Midland District, says: Service Copies are and have been,

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since Mr. P. became Clerk, in 1843, and previously, as Mr. P. knows, charged uniformly as original Summonses, and as against each defendant, if more than one defendant.

As to Searches:

These are charged either on settling of the case, by execution, or if before hearing, by deducting the charge for Search (6d.) from the deposit money.

Subpoenas are not issued on the Court day unless specially ordered by the Judge.

When a Certificate under the amended Act, Section 11, is transmitted hither from another District, it is entered as a Judgment, and charged accordingly. On issue of Certificate from this District to another, a fee for Search only is charged.

On a return of "no goods," interest is charged on the issue of another execution, not otherwise.

(Signed,) A. PRINGLE.

All processes, warrants, &c., are not delivered otherwise than to the Bailiff, unless by special order of the Judge.

Witnesses' fees for attendance not charged, unless pre-paid to the Clerk by the party applying for a Subpoena, and at the time of its issue.

(Signed,) A. P.

A true copy,
HENRY G. A. ALLEN.

In the matter of complaint of Duncan vs. Osborne.

N. B.—Forms furnished, with Power of Attorney to receive money at this office.

H. A.

(III. C., No. 3.)

In answer to the charges brought against me, as Clerk of the First Division Court, of the London District, by John Wilson, of London, in a Petition against the Judge of the District Court, I beg most respectfully to state that the said John Wilson is not in a situation to judge of the manner in which the business of the said office is conducted, as he has been a suitor in this Division Court in only four or five cases since I obtained the situation of Clerk, in 1841, and in those cases, I believe, he had no grounds of complaint, as they were settled either by the process of the Court or by himself.

The hours of attendance complained of are sufficient for the transaction of the general business of the office; but frequently I have to attend long after the usual time, as, of course, this business must be done; and I do not remember an instance of a person coming from a distance, after office hours, in which I have refused to attend to his business.

I deny the charge of making suitors pay for "pretended searches." In every case that comes into Court, I charge one search; and in cases when a second execution is applied for, or a party, after the settlement of a suit, seeks information as to any proceeding in the course of such suit, then and then only do I charge a second search; though I have reason to believe that the charge for search is much more frequent elsewhere.

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The charge for copies of summonses has been made since the passing of the amended Act, (8 Vict. c. 37,) and in pursuance of the practice of Clerks of the Courts of Requests, when paid for their services by fees. The charge of a shilling has been made by me on all copies until lately; but I now charge the amount of the original for each copy, and I would wish to be informed officially, as to whether the fee to the Fee Fund should not also be charged on service copies, they being in fact, precisely the same as originals, and issued from the Clerk's office, signed and filled up by himself, as Clerk, under the amended Act, 8 Vict. c. 39, s. 9.

I am not aware of the existence of any Order of Court to the effect stated, "that no subpoena shall be issued by the Clerk during the sitting of the Court;" but I have certainly often refused to do so from necessity, as in a Court in which cases are disposed of so quickly as are the majority of those in the Division Courts, the Clerk must be kept constantly in attendance to the necessary routine of business of the Court itself, and consequently has no time to attend to the issue of subpoenas, which might surely be applied for in the course of the two months which intervene between each Court. In the case of "Lawrason vs. Simpson," I took more trouble than my duty demanded of me, to oblige Mr. Lawrason, on his (Mr. Lawrason's) application to me for the execution; I refused to deliver it first to one of his Clerks, and afterwards to himself, as I considered that the Bailiff was the proper person to receive it; at the same time, I told Mr. Lawrason that I would, myself, take the trouble to give it to the Bailiff in the afternoon. I accordingly, after office hours, went about the Town in search of the Bailiff, and, not finding him, left it at his house, and he received it the same day. The plaintiff (Mr. Lawrason) had expressed himself satisfied with my promise to give the execution to the Bailiff.

In the case of "Lawrason vs. Comfort," I made a mistake in the amount of the debt and costs, when charging them against the defendant, and in paying over the amount to the plaintiff, discovered that I had received about nineteen shillings less than the actual amount. I told Mr. Lawrason, then, and afterwards in Court, when the complaint was made by him, that if it should appear on the receipt given by me to the defendant, that he had paid the full amount of debt and costs to me, I, of course, would pay the difference myself. On a copy of the said receipt being taken, it proved to be in full of debt and costs, without any specification of the amount, nor would the defendant state what amount of money he did pay. I therefore paid Mr. Lawrason the difference, although it appears by my books, in which I always make an entry of all moneys received and paid, immediately, that the amount was never paid to me. The statement of Mr. Wilson is incorrect, that "the plaintiff took the trouble to get the receipt"; on the contrary, the Bailiff, at my instance, took a copy of it for me.

In the case of Duncan vs. Osborne, a mistake occurred on the part of either the Bailiff or myself—the Bailiff stating that he had paid the money into Court, and I, on the other hand, said, and still say, that the money was never received by me. I searched in vain in the office for the execution, in the presence of Mr. Daniell and the Bailiff, twice, and I thought it might have been lost in the removal of all my papers at a fire during my absence; the Bailiff afterwards found it when I was away from the office, and the indorsement in his (the Bailiff's) handwriting, corresponded with his statement. But here, as in the former case, I must advert to the fact, to which the Bailiff himself in this case bore testimony, that in each case in which money is paid into Court, either on execution or otherwise, I immediately made entries of it as debited

against in two books, and on the return of the executions, the Bailiff sees the entries made; in this case, however, no entry appears anywhere, except that of the execution having been returned "received in full by plaintiff." However, as there was a mistake somewhere, I told the Bailiff that I would pay one-half of the amount if he would pay the other, to which he immediately consented. On Mr. Daniell's first calling for the money, I told him that I had it not to give him that day, but that immediately after the ensuing Court, I would pay it to the plaintiff (Duncan) himself. The money has been paid by both myself and the Bailiff long ago, each paying one half.

At the same time that Mr. Wilson brought forward this last mentioned complaint in Court, he brought up another, not named in the Petition, namely, that a person of the name of Rymal had called two or three times for money that had been paid into Court. I acknowledged it, and my reasons were, that I had foolishly given credit for fees to parties in this place, which fees, when due to the Treasurer or Bailiff, I, of course, had to pay out of any moneys in hand at the time, although I had not then nor have since received any part of what I had given credit for, as aforesaid. At the same time, the money in question, in Rymal's case, was in my hands, as I showed to him (Rymal) when he first called, in the shape of a check on the Bank of Montreal, given to me by Mr. Daniell (whose name is mentioned in the Petition), and which, on presentment for payment, was dishonored, and remained unpaid for some days afterwards. Rymal stated, while under oath, on the occasion of being called by Mr. Wilson to prove that he did not get the money when he first called for it, that he had no complaint to make on his own behalf, as he had received the money in full from me. In spite of this, Mr. Wilson stated openly in Court that this money had been paid into Court, and spent by the Clerk.

In the case of Burns vs. Kingstead, I did charge sixpence for a search, as I always do when a defendant comes to pay debt and costs in full; and I respectfully submit that the Clerk is entitled to the fee for such search in such a case, that forming the one charge for search in each suit as before mentioned.

The statement is entirely unfounded, "that the said Henry Allen holds in Division Number One, at least, that all causes not confessed by giving a cognovit before his son, the Clerk, are defended causes, and fees are charged accordingly." The only cases charged as defended are those in which the Court is obliged to enter into proof of the debt. A defendant saves the expense of a defended suit by giving cognovit, confession to the Bailiff, or by acknowledgment in open Court; in all which cases the charge is for "hearing an undefended cause."

I respectfully submit the above statements, in answer to the charges brought against the conduct of my office, by the said John Wilson, and also to those preferred by Mr. Lawrason, in another Petition against the Judge of the District Court.

In regard to the Court of Bankruptcy, I am rather surprised that Mr. Wilson should state that he was annoyed at the manner in which I treated him in the Court, on the 18th March, 1846; all who were present noticed his peculiarly marked rudeness to me. I took the trouble, on the occasion referred to, to copy from a Book of Practice the terms of indorsement of Exhibits in Bankruptcy; and with a view to afford him as much information as possible, and so as not to retard the business of the Court by delays for writings during its sitting, I threw the form, as copied, across the table to him, (the only way in which I could convey it to him.)

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saying, at the same time, "Mr. Wilson, will you be kind enough to indorse your papers in those words?" To which he answered, and proceeded before the Court, as he himself describes.

In conclusion, I would beg most respectfully to submit, in the first place, that Mr. Wilson has brought forward no charge against me as of his own knowledge, but only such as he has collected from various parties in Town and Country, none of whom have ever come forward to make their complaints in the proper quarter. Secondly, as to the general charge of non-attendance at the office, I beg most respectfully to submit that the business which has been transacted since I have held the office, could not have been performed in much less time than the hours of attendance, (from 11 to 2) and, as before stated, I am frequently obliged to remain in the office longer; and, moreover, it seems hardly fair that I should be the sole object of attack, for temporary, and in most cases, necessary absence from office during hours, whilst other office-holders in the place can, with impunity, leave their offices for weeks together, without even a person in them capable of transacting business; and in one office in this place in particular, with which I am necessarily in communication at times, I am generally obliged to go there two or three days in succession, or to walk round the Town to find the gentleman who holds it, before I can get my business transacted. Lastly, when Mr. Wilson charges me with wilfully keeping back or "spending" money which has been paid into Court, he should, at the same time, inform himself of the amount of money (I think between four and five thousand pounds at a low calculation) which has passed through my hands since the year 1841; and should also remember, that between six and seven pounds, actually paid by me to the Government and the Judge, in a case of Bankruptcy in which he was Solicitor for the Assignee, and which fees were so paid by me nearly a year and a half ago, still remain unsettled on his part, although repeatedly applied for by me.

All which is most respectfully submitted,

HENRY G. A. ALLEN,
Clerk of Divn. Ct., No. 1,
L. D.

(IV. D)

MEMORANDUM for a Statement of certain occurrences at the Quarter Sessions for January, 1846.

In my Charge to the Grand Jury, on Tuesday, the 6th instant, after adverting to the state of the Calendar, I observed at some length on the Tariff of Fees recently established for the payment of Public Officers, both as a matter of great public importance to the Province generally, and more particularly to this District, in which the subject had become one of peculiar interest, and also as a foundation for certain suggestions as to the mode of transacting the business of Quarter Sessions.

The suggestions referred to had for their special object that of giving priority to that part of the business of the Quarter Sessions which required the intervention of the Jury, as distinguished from what may be termed District business; such as the audit of accounts, licensing, and other miscellaneous matters. For the purpose of explanation, I took the liberty of reading part of a letter from Judge Burns to myself, received a few days before, and mentioning the practice as existing in the Home District, wherein there appears to have been established a course of proceeding, the effect of which is to postpone the audit of accounts to an Adjourned Sessions, appointed for a day certain on the

second day of the Quarter Sessions, and to enable the consequent discharge of the jurors and witnesses and parties, at an earlier period, instead of their being detained during the time required for the disposal of mere District business.

Notwithstanding these suggestions, the whole of the day of the 6th, and a considerable portion of three other days, were occupied exclusively with the District business; so that on Saturday, the 10th instant, only three short District Court causes, occupying about two hours altogether, had been disposed of, and one criminal case remained for trial in the Quarter Sessions on Monday evening, the 12th.

In the mean time, the matter of the District accounts had, on the second day of Sessions, been taken into consideration as usual, and according to the Statute 7 Wm. IV., c. 18, and a Committee was appointed for the examination of the accounts, and in deference to my suggestion, the audit fixed for Tuesday, the 13th instant.

The appointment thus made was subsequently defeated, in consequence of an objection urged by one of the Magistrates, and assented to by a Bench consisting of other Magistrates who had not been present at the original appointment thereon, made for the following morning, Saturday, the 10th, at 10 o'clock, with a view to their being audited and passed.

At and for nearly half an hour subsequent to the time so appointed, there was present only one Magistrate besides myself, by whom the Court was opened, and on the failure of an appointment requiring the presence of seven Magistrates, I entered on the District Court business, there being then fifteen causes on the Docket, and so continued until the whole were disposed of—three on the Saturday, and the remaining on the following Monday.

During the progress of one of these causes, and early in the afternoon of Saturday, several of the Magistrates being then in Court, one of them came on the Bench, and insisted that either the matter of accounts should be taken up forthwith, or another appointment made by myself, to which I replied, my intention to go through the District Court business, at the same time offering to adjourn the place of sitting of that Court, and to give up the use of the Court Room for the Quarter Sessions, urging, with reference to my declared intention in regard to the District Court business, and to the fact of the two appointments for the matter of accounts having been already defeated without any default of mine, and also with reference to a sitting of one of the Division Courts appointed for Tuesday, the 13th instant, my absolute inability to make any further appointment which might require my personal attendance.

After an interruption of some duration, during which a District Court Jury were in the box, and in the midst of a cause then pending, the business of that Court was at length suffered to proceed, and so continued by adjournment over Saturday until its conclusion, which took place at about six o'clock on Monday evening, the 12th instant, when the business of the Quarter Sessions was removed, and sentence passed in the single case of conviction which had occurred during the Sessions, and the Grand Jury were discharged in deference to the wishes of the Bench, and contrary to my own expressed opinion, there being a case of larceny still untried, and other judiciary business, exclusively of the matter of accounts, still pending.

Having been in uninterrupted attendance in Court from 10 o'clock in the morning till half past six that

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evening, and daily for about the same time on four days of the previous week, and on the previous day (Sunday) so unwell as to be unable to attend Divine Service, and also having to be at Aylmer, a distance of 30 miles from hence, at an early hour, say 10 o'clock, of the forenoon of the following day, Tuesday, I stated to the Magistrates my inability to take any more business on the Monday night. Notwithstanding this statement, and although I had declined to entertain two applications, one by the Clerk of the Peace for the trial of the cause of larceny before mentioned, and the other alleged by Counsel as of pressing importance; one of the Magistrates, being the same as had in the manner before mentioned interrupted the business of the District Court on the previous Saturday, and who, according to information since received, appears to have expressed, with a single exception of dissent, the unanimous sense of the Bench, insisted on the audit of accounts being forthwith taken, and protested against the adjournment of Court, urging the absolute necessity in point of law of my attendance as Chairman. Being of opinion that the course of proceeding which appeared to have the assent or acquiescence of the Magistrates present was both unreasonable and inconsiderately harsh towards myself, I left the Bench with an intimation to the Magistrates, to the effect that my absence must be dealt with as a matter of fact, and after retiring to the Judge's room, sent by the Clerk of the Peace a message to the effect that I was unable to attend to any more business that evening, and early on the following morning I left home for Aylmer, and arrived thither at the hour appointed for the Division Court, 10 o'clock, A. M., having first written to Mr. Goodhue, a letter to be read to the Bench, explaining the cause of my absence.

I am informed, that, after I had absented myself from the Court on the Monday evening, an adjournment of the Quarter Sessions took place to the usual hour of 10 o'clock of the following morning, Tuesday; and that at or soon after the hour of adjournment, there were several Magistrates in attendance, and that the Court was opened, but no business transacted in consequence of the intention declared by all the Magistrates present, except Mr. Goodhue, not to elect a Chairman under the provisions of the District Court Act, 8 Vic., c. 13, s. 3; the refusal being grounded on the alleged illegality of the adjournment of the previous evening, and the want of authority assumed in point of law to transact any business, or to open or adjourn the Quarter Sessions unless on its being clearly and on unquestionable proof shewn to the other Magistrates, that the absence of the Chairman had been occasioned by sickness, or other unavoidable cause, and that the holding of the Division Courts is not such a cause of absence as would authorize the Magistrates to elect a Chairman *pro tempore*. In support of this view it was urged by Counsel, to whom the matter was referred, that the Judge of Division Courts has power to appoint a Deputy.

It will be observed that such a view of the case assumes a power to the Judge of Division Courts to enforce the effect of deputation, and that it moreover implies a virtual abrogation of the Commission under which the Quarter Sessions are held; and further, that if it should be held to be a condition precedent to the election of a Chairman *pro tem.*, that the other Magistrates should first inquire into and ascertain the precise cause of absence, and also have to estimate and define in each particular case of absence the nature and extent of its effective cause, it will follow that an authority given by the Legislature, which may be made available for a convenient division of the business, and for the consequent abridgment of the period of numerous attendance at the Quarter Sessions, and which subject may possibly have been had in contemplation by

the Legislature itself, must for every useful and practical purpose be rendered perfectly nugatory.

Independently of any other observation on a construction which appears quite hypercritical, I observe that the mere waste of time occupied in a discussion by a numerous judiciary, of the nature and value of any and every cause of absence, is of itself sufficient, in my humble opinion, to prove the unsoundness of such a construction.

Again, it is observable that the construction adopted by the Bench implies the existence of a right, not only not recognized, but which has been denied on express authority, that all or any of the Magistrates can act as members of a judiciary body, hear and determine a case involving the nature and extent of their or any of their individual responsibility.

I am also informed, which is scarcely credible, that it was argued that the Quarter Sessions could be only adjourned by the same Chairman as that by whom the Court had been opened.

I am further informed that these views were adopted by the Bench, after a reference to the opinion of Counsel, two of whom out of the four present expressed themselves for, and two against, such construction; the reference having been made to a case in which the judicial opinion and action of the Chairman had been in effect determined, both expressly and by inference, as connected with the fact of my absence. The result, in point of fact, of the several circumstances thus stated, is, that matters of importance, including the trial of a female prisoner in gaol on a commitment, and the audit of the District accounts, remain undisposed of. The Clerk of the Peace has entered on record an adjournment from Tuesday last, the 14th instant, to the period fixed by law—30 days therefrom.

(Signed,)

HENRY ALLEN.

16th January, 1846.

To this Memorandum or Statement of Facts I shall add a few observations, tending to shew that I am not justly chargeable with their consequences, which are, 1st, the prolonged detention, without trial, of a prisoner who may be innocent of the offence laid to her charge; and 2dly, the non-disposal of that and other business, and the consequent prolongation of the period of these Sessions.

You will have observed that on the second day of the last Sessions a Committee of Magistrates was appointed for the examination of the accounts, and for that purpose alone. By the same Committee was, as I presume, transacted a great variety of business properly belonging to the Quarter Sessions, and, amongst others, no less than — Bench Orders, which were brought into Court already prepared for the signature of the Chairman, and, having been read by the Clerk of the Peace, were all, except one, passed without discussion. The excepted Order was one, the terms of which appeared to me to imply an act of legislation; besides that its immediate effect would have been to deprive the prisoners in Gaol of the means of subsistence, had not the oversight, which was pointed out to the Bench by the Sheriff, been immediately corrected by the passing of a supplemental and temporary Order.

Again, it is observable, with reference to the matter of accounts, for the examination whereof the Committee were named, that a most important question connected therewith, and with the construction of a recent Statute (8 Vic. c. —) for the payment of the

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District Officers, and also by the Tariff of Fees established by virtue of its provisions, was decided by the Committee; and their decision has, I am informed, been carried into effect, on the assumed legality of such decision.

Now it appears to me that, considering the importance of the question thus, as it were, judicially determined by a mere meeting of Magistrates, it would have implied no very overstrained view of the law if the Committee had at once assumed, on the mere fact of the absence of the Judge of the District Court, that such absence was for an unavoidable cause, and proceeded to elect a Chairman *pro tem.*, either during the progress of the District Court business, or after I had absented myself from the Bench for the reasons before stated.

It is, moreover, somewhat unfortunate that the view taken by the Bench, in deference to the opinion of Counsel, who, as I am told, were equally divided on the question, and in opposition to that of the Chairman, should have been precisely that view which had the practical result of impeding the public business.

I have thus, at some length, brought these matters forward in one of the few and only ways in which judicial proceedings or matters arising in a Court of Justice, can, for any practical purpose, be brought before the public; that is, in the Court itself in which those proceedings or matters have taken place.

I am in hopes, moreover, that this notice of the subject may have the effect of inducing the other Magistrates who may attend these Sessions, to co-operate with me in endeavoring, by every means in our power, to abridge the period of your attendance and that of the other Jurors; and that is by severing as much as possible the business requiring the intervention of a Jury from the mere District business. This object may be readily accomplished by postponing to the close of the Jury business, all other matters of District business except the matter of accounts, which must be entered upon, *pro forma*, on the second day of Sessions, and except other matters (if any there be) which take precedence by virtue of any Statute.

The object of separation thus noticed, is likely, as I have reason to hope and believe, to be made the subject of legislation.

Finally, I state advisedly that the Chairman, as having presided over the Court of Quarter Sessions, is vested with the power and duty of regulating the business of that Court, and incidentally with the power of adjournment, and that to as far an extent as is the Judge of Assize in regard to the business of the Assizes. And I promise you, Gentlemen, that if necessary, this power of regulation will be exercised, with the view of shortening, as much as possible, the period of your attendance. I repeat, however, the expression of my hope that I shall meet with that co-operation and assistance which is due to an object of so much importance to the public interest.

(Signed,) HENRY ALLEN.

Memorandum.

LONDON, 22nd April, 1846.

The foregoing Memorandum and Observations were read accordingly at the recent Quarter Ses-

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sions commencing on the 1st instant, as part of my Charge, in which, after adverting to the state of the Calendar, I noticed the probability that the Sessions would occupy a period longer than usual, in consequence of the arrears of business left undisposed of at the previous Sessions. At the close of my address to the Grand Jury, Mr. Lawrason observed aloud that the Bench did not concur in the Charge, and I was charged with having been guilty of suppressing the alleged facts: 1st, That I had declared publicly, both at the last Quarter Sessions, and frequently at other times, that I would never sign another draft for the payment of the public accounts; and 2ndly, Of a circumstance which it was alleged I must or ought to have known, but of which, in point of fact, I was wholly unaware, namely, that the prisoner, under commitment on a charge of felony, and left untried at the last Quarter Sessions, had been discharged on bail by Mr. Lawrason, who, as I am informed, had neither taken the examination nor was party to the commitment of the prisoner. An Order stating the non-concurrence of the Bench in the Charge delivered by the Chairman, was moved, seconded, and passed the Bench, immediately after the Grand Jury had retired from the Court-room. The Jury business was disposed of, and the Grand Jury discharged, before the audit of accounts took place.

(VI. F.)

Observations by way of Supplement.

A few observations are added by way of explanation of the documents referred to or transmitted herewith.

First. As regards my general qualifications and conduct: It will be seen by reference to my letter of the 26th April, 1841, to Mr. Harrison, that there was no disguise or reserve on my part on the subject, or as to my professing, as alleged by the Petition, to be an Equity Barrister only, a term to which it is difficult to say what meaning is attached by the Petitioner, who is probably unaware that the term would be equally applicable to such men as Sir Samuel Romilly or Mr. Bell, and at all times to a large class of English Barristers of eminence and distinction.

As to my alleged unacquaintance with the modes of thinking, dealing and acting of the residents in this part of the Province: I admit that there are matters of the kind which are somewhat unintelligible; but none more so than the mode of thinking, dealing, and acting, which is disclosed by the Petition itself, and what may be termed the ludicrous forms in which the illustrative instances of *unacquaintance* are adduced by the Petitioner, who might easily accumulate similar anecdotes by reference to the gossip of Westminster Hall, connected with the misapprehension of technical and local terms by Judges, and even by Counsel.

The allegation that, although when time is given for reflection, his conclusions are generally correct, &c., &c., would, if divested of its offensive mode of expression, apply to all Judges whose errors at *Nisi Prius* are frequently corrected by the Court above, themselves as frequently aiding such correction, by a review or reversal of their own opinion. With regard to myself, the Petitioner might have recollected more than one instance, wherein, on a reference of my decisions at the trial sittings to the Judge of Assize, such decision has been sustained; and that in more than one case, when it had been received at the same time by the Petitioner in the peculiar mode

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with which he is accustomed to treat a difference of opinion between himself and the Judge of the District Court, the mode of reception being illustrated by his treatment, as disclosed by the Petition, of my ruling on the point of practice respecting Exhibits in Bankruptcy, by the Petitioner, who appears to think that the expression of an opinion, if adverse to his own, authorizes the use of insulting language.

Secondly. In regard to the District Court: I observe that the case mentioned in the Petition to His Excellency, as that of *McIntyre vs. McQueen*, in one of the Division Courts, is correctly referred to in the Petition to the Legislative Assembly, as occurring in the District Court, in which I admit to have discharged the Jury, because the case, after being propounded by Counsel, as one of damages liquidated by the act of the parties, turned out on evidence of a conflicting and complicated character, to be a case of unliquidated damages, and on an open account exceeding the jurisdiction then existing of the District Court, and on which therefore a verdict could be of no use, nor could judgment be entered thereon.

I have transmitted the two documents, marked B., both as a full answer to the principal charge contained in the Petition, and in order to shew that a very different coloring has been given to the matter, as mentioned in the Petition, and partly, also, as connected with the evidence before the Committee, of Mr. Henry Askin, Deputy Clerk of the District Court, who, although he appeared to have stated many particulars unknown to myself by reference to his memory, at the same time had wholly forgotten, as is the fact, that I read to Mr. Wilson, from my Term Notes of the District Court, my decision on his conditional offer of apology, and that he (Mr. Askin) even forgot the day of occurrence, which was on Friday, the 20th March last, and not on Saturday; and I also observe that in the Term Book, from which extracts have been furnished, and a copy of which is transmitted herewith, and which Term Book only was produced to the Committee, there is no entry whatever of the case of *Ryan vs. O'Flynn*, on the Friday, whereas there is an erroneous entry on the Saturday of the Rule being argued, as it was not in fact, inasmuch as the case had been disposed of, and notice of appeal given on the previous day, Friday. It will also be observed, on the face of my sworn statement, and by the facts of the case, and the times of the several occurrences, that my judicial treatment of the whole matter was originated and sustained with the greatest reluctance on my part, and only under a painful sense of duty, instead of under the unworthy influence of rage, as is suggested by the Petitioner; and that the order for his exclusion was at once rescinded on a doubt as to its legality being suggested by one of the two of my brother Judges, to whom I had written on the subject.

Thirdly. That as regards the Division Courts, I observe that the statement of my son, as Clerk of Division No. 1, in reference to the charges against himself, has been forwarded by him, in obedience to my requirement.

I trust it will not be thought unbecoming, or beyond what is due to my son in common justice, that he should make his own statement by way of defence, at a time when it is sought to deprive him of the office of Clerk of Division Court; and during the pendency of an application which I am informed has been made by him for the office of Clerk in Bankruptcy; an office in which I have from time to time appointed him in the several matters of Bankruptcy arising in this District, and which office he has conducted to my entire satisfaction. Its location is at present the same

as that of the Division Court, and immediately adjoining the Court and Judge's Room. For the more effective conduct of the office, my son engages, in case of his appointment to the clerkship in Bankruptcy, to provide the services of a clerk, in addition to his own.

Fourthly. With regard to the Quarter Sessions: It will be seen by reference to my letter of 1st Dec. to the Hon. D. Daly, that there has been no reserve on my part in bringing the matters in difference under the immediate cognizance of the Executive Government. Those differences resolve themselves into the facts: 1st, That I refused to sign any orders in the shape of money drafts on the risk of their being unpaid; and that the form of order for the payment of accounts was consequently, and in deference to my suggestion, altered so as to correspond with the form used in the Home District, and in which form all the orders have been since signed by me at the time of audit; except those of the Constables, reserved under the circumstances and for the reasons stated in my aforesaid letter to Mr. Daly, and except also a few Constables' accounts which were not presented according to the provisions of the Statute 7 Will. IV. c. 18, at the April Sessions, and which were reserved for signature on their presentment, as required by law. All the accounts presented at the late July Sessions have been, on the motion of Mr. Lawrason, and on the statement of the Treasurer that he had no funds for their payment, postponed for audit until the next November Sessions, although the Statute mentioned appears to confer a right on any creditors who may think proper to present and have their account audited at any Session after the account may have been incurred.

I also admit to have so far differed with the other Magistrates, inasmuch that, for the reasons stated in my Memorandum, read as part of my Charge to the Grand Jury at the April Sessions, I refused to sign an order for the appointment of a Committee of Accounts, because the action of a like Committee, instead of being confined to the matter of individual reference, had been diverted to other matters which are the subjects of the jurisdiction of the Bench of Magistrates, and which ought, as well as all questions connected with the accounts, to be the subject of public discussion.

Fifthly. That as regards the Court of Bankruptcy, I have nothing to add to my previous observations on that subject, beyond a reference to the documents therein transmitted, or referred to, and marked E.

Lastly. I might urge, that during the pendency of this matter, I have been subject to much annoyance and embarrassment; but as I have no right to place any matter of mere personal consideration in opposition to the interests of public justice, if requiring my dismissal from office, I shall merely observe, that many of these matters, if detailed, would exhibit such extravagant ideas on the subject of British jurisprudence, and of what is due to a British subject who has the honor to be entrusted with a judiciary commission, as would at once prove, as to those persons who have put themselves forward in this matter, that their qualifications for forming an opinion on judiciary competency, are but ill displayed on this occasion.

For instance, it has been said by these persons: 1st, That I should be dismissed from office, without a hearing, on the mere suggestion of the Petitioner or others; 2ndly, That when on such hearing *ex parte* and for the prosecution only, a Committee of the House of Assembly could not or would not come to the desired conclusion, that the late Statute for altering the te-

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nure of office was intended as an "*ex post facto*" measure for the sole and express purpose of enabling the Administration to recommend His Excellency to dismiss me from office.

The Petitioner, who is probably the author of these rumours, is availing himself of their effect and of the pendency of this matter, and also of the existing delay, uncertain in duration, of the payment of my salary, to bring, as Attorney, and without the slightest notice, numerous actions against me, at the suit of persons who are induced to believe that one of the effects of my dismissal from office would be to place me in a state of pecuniary destitution.

All which is respectfully submitted for the information and consideration of His Excellency the Governor General.

HENRY ALLEN,
J.D.C., L.D.

LONDON, 4th November, 1846.

SIR,—I have the honor to acknowledge the receipt of your letter of the 28th ult., acquainting me that, under the circumstances therein mentioned, my services in the capacity of Judge of the District Court would be dispensed with so soon as His Excellency should have been enabled to take the necessary measures for the appointment of my successor.

As it appears that the reasons alleged for such dismissal are the assumed proof of twenty-two charges, and the neglect to furnish the Commissioner with my defence, I beg for the information of His Excellency, to acquaint you that my answer to the charges preferred against me, under date of the 14th October, was transmitted by me, under cover, addressed to Henry Smith, Esquire, M. P. P., on the 15th of the same month, from Toronto to Kingston, and through the Honorable S. B. Harrison, acting as my Counsel, in the matter of such charges.

Under these circumstances, I trust His Excellency will reconsider and suspend the effect of his judgment on a matter so deeply affecting me, not only in a pecuniary point of view, but in regard to character, until at least he shall have had an opportunity of considering what I have urged in my defence.

May I also request that you will favor me with a specification of the twenty-two charges alleged to be confirmed by the Report of the Commissioner.

I have the honor to be,
Sir,
Your most obedient servant,

HENRY ALLEN,
J.D.C., L.D.

Hon. D. Daly,
Secretary.

LONDON, 17th November, 1846.

SIR,—In the matter of Judge Allen, I very much regret that I should appear troublesome to His Excellency the Governor General, but I am anxious that the affair should be properly understood.

I have not had the honor to receive a copy of his defence; nor have I had any opportunity of offering

any remark upon it; nor have I any perfect knowledge of what it contains.

May I beg the favor of having a copy of it. He had a copy of all the proceedings against him, and I would like, for the same reason, to have his answer. I have been informed that he offers, as an excuse for many of his acts, that Mr. Burns, of the Home District, does the same kind of things in his Small Courts especially. Now, I have spoken to Mr. Burns, and I find his practice the very contrary of Mr. Allen's, and he assures me that he never informed Mr. Allen that his practice is what Mr. Allen has on various occasions represented.

If His Excellency the Governor General has already decided on dispensing with the services of Mr. Allen, then it will be quite unnecessary to give me the copy spoken of.

I have the honor to be,
Sir,
Your obedient servant,

J. W. WILSON.

The Hon. D. Daly,
Secretary,
Montreal.

TORONTO, 19th November, 1846.

SIR,—On behalf of Mr. Allen, Judge of the London District, for whom, during the investigation which has recently taken place, I have acted professionally, I have the honor to request that you will move His Excellency the Governor General to direct that a reconsideration of his case may be had before His Excellency in Council. I do this as Counsel for Mr. Allen, because it appears that the decision was made upon the Report of the Commissioner upon the case of the complainants alone, without His Excellency in Council having had an opportunity of considering any defence on the part of Mr. Allen. Now, from whatever cause this occurred, it was unfortunate for him, because, having had an extension of time allowed him to forward his defence, he did so forward the same through me on the day limited for that purpose.

On these grounds I venture to hope His Excellency will feel that I am not asking too much in requesting, on Mr. Allen's behalf, a reconsideration of his case.

If this be granted, it will obviate the necessity of my asking to be informed which of the charges against Mr. Allen are the twenty-two which are considered as proved, mentioned in your official communication to Mr. Allen of the 28th ulto. If not, then I must beg you to request that His Excellency will be pleased to order that a specification of the twenty-two charges may be afforded to Mr. Allen, that he may be informed on what specific grounds he is to be dismissed.

I have the honor to be,
Sir,
Your most obedient servant,

S. B. HARRISON.

The Honble. Daly,
Secretary,
&c. &c. &c.

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KINGSTON, 14th December, 1846.

SIR,—I have the honor to acknowledge the receipt of your letter of the 9th instant, in which I am requested to state whether, during the proceedings had before me in relation to Judge Allen, that gentleman requested to be sworn, and was refused.

In reply to which I have the honor to state, for the information of His Excellency, that during the time a witness was under examination, (I think Mr. Henry Askin,) Judge Allen did contradict the witness in an abrupt and positive manner, and then offered his own evidence, which I refused to receive as being out of place. Upon that, as well as several other occasions, Mr. Allen was much excited, and appeared to lose all command of his temper.

Not having the proceedings before me, it is difficult to speak with certainty, but if reference be had to the book containing the evidence, it will be found that, on the last day of my sittings at London, an application was made by Mr. Shanly, of Counsel for Judge Allen, in the following terms:

“Mr. Shanley moves, that as it is not the intention of Judge Allen to offer any *viva voce* testimony at London, the Commissioner be requested not to send in his Report until the first day of October next.”

I have the honor to be,
Sir,
Your most obedient humble servant,

HY. SMITH, Jr.

Hon. D. Daly,
Provincial Secretary,
Montreal.

LONDON, 31st March, 1847.

SIR,—I have the honor to acknowledge the receipt of your letter, of the 22nd instant, informing me that His Excellency the Governor General did not consider that he would be justified in acceding to my application for a hearing before His Excellency in Council.

It had certainly occurred to me that the application would have been acceded to, as addressed not to the prerogative of mercy but to that of Justice. The whole tenor of my defence, as far as it has gone, shews that it was impossible that the evidence which I proposed to adduce should have been advanced until I was made aware on what specific charges the Executive Government meant to rely, as the grounds of my removal from office. The information on this subject, for which I made my most earnest request by my letter to you, of the 6th November last, was not vouchsafed to me until the receipt of your letter of the 6th of February last, apprizing me that His Excellency had been pleased to confirm the decision of his predecessor; or in other words, the finding of an indictment against me is contemporaneous with my conviction and punishment thereon.

Had a similar application for a hearing been grounded on the result of a single and isolated charge, the Executive Government would give every facility to the effect of any and every circumstance of extenuation, and with a view to the remission or mitigation of a penalty; whereas the charges on which I am punished, range over the whole period of my official career, and they can, therefore, never be answered without a continual reference to my own notes on the subject of those charges, and to the Records of the several Courts with which they are connected.

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A similar application has, it appears, been recently granted to one of the Public Officers of this very District; and its result has been the reinstatement, in office, of the applicant, although the removal complained of was from one only of the several offices held by him, and that after his successor had been actually appointed; whereas my application for a hearing was transmitted at a time when I was still exercising the duties of the office, which had been merely offered to its present incumbent.

I have now only to request that, under the circumstances of destitution, and apparent disgrace, in which I am placed by the result of proceedings so anomalous and unprecedented as that, fortunately for other Judges, no British Minister will ever dare to avail himself of those proceedings by way of precedent, His Excellency will be pleased to direct that a copy of the whole proceedings, with the authentication of His Excellency, may be furnished to me for transmission to the Imperial Executive: and that I may not, in addition to all the harassment I have already suffered, as the result of faithful and conscientious endeavors to perform my duty, in the sight of that Being to whom the secrets of all hearts are known, have to experience the lingering and uncertain effect of an appeal to the same Parliament which has already given its sanction to the proceedings complained of.

I have the honor to be,
Sir,
Your most obedient servant,

HENRY ALLEN,

Honble. D. Daly,
Secretary,
Montreal.

SECRETARY'S OFFICE,
April 13th, 1847.

SIR,—I have the honor, by command of the Governor General, to acknowledge the receipt of your letter, of the 31st ultimo, requesting to be furnished with authenticated copies of all the documents relating to your removal from the office of Judge of the London District Court, and to inform you that His Excellency has directed them to be furnished to you in compliance with your request, but, as they are very voluminous, some time must necessarily elapse before they can be supplied to you.

I have the honor to be,
Sir,
Your most obedient servant,

D. DALY.

Henry Allen, Esquire,
London.

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PROCEEDINGS taken under a Commission from His Excellency the Governor General, under the Act 9 Vict., chapter 38, appointing Henry Smith, the younger, Esquire, to enquire into and report upon certain charges preferred by certain parties against Henry Allen, Esquire, as Judge of the District Court of the District of London. Commission dated 27th July, A. D. 1846, and returnable in three months from the date thereof.

First sitting at the Court House in London, on Monday, the tenth day of August, 1846.

Mr. Allen not having returned from Toronto, the Commissioner adjourned until Tuesday, the 11th inst., at 10 o'clock, A. M., when

The Commissioner having read the Commission, John Wilson, Esquire, one of the complainants, appears, and is prepared to proceed with the complaints as made by him. Henry Allen, Esquire, also appears, with Henry C. R. Beecher, Esquire, his Counsel.

Mr. Wilson now proposes to take up that part of his Petition relating to the charges against Mr. Allen in the Bankruptcy Court, and puts in the Tariff of Fees under the Statute, in which, among the fees to the Judge or Commissioner, appears this item, "For marking Exhibits produced, each £0 1s 0d."

The Honorable George Jarvis Goodhue, called by Mr. Wilson as to this cause of complaint, being duly sworn, says:—That he was present at the meeting in Bankruptcy in March last against William Jones Geary, a Bankrupt, and had a claim against the said Bankrupt, which was, by him, placed in the hands of Mr. Wilson as his Solicitor, and for the purpose of being proved. Recollects an affidavit, with a promissory note, being put in by Mr. Wilson; thinks the Judge received the papers, and that he asked the Solicitor for the Assignee, Mr. Horton, if he were satisfied with the claim, which was then admitted by Mr. Horton, and also by the Bankrupt himself. At that time the Clerk of the Bankruptcy Court, Mr. Henry Allen, threw across the table to Mr. Wilson a small paper, which Mr. Wilson having read, replied to the Clerk, "No, it is not my duty; it is the duty of the Court or yourself to indorse the papers, as there is an allowance for it." The papers were then handed to the Clerk, and he then informed the Judge that they were not indorsed, upon which Mr. Wilson remarked, "that if others stood upon extreme rights, he would do the same, and if the Judge refused to receive and file the papers, he, the Judge, would do so at his peril." The Judge then replied that he would not receive them as proof in that case, and the claim would not be received as proved. After some further conversation between the Judge and Mr. Wilson, the papers were then thrown down upon the table by the Judge, saying, that the claim would be struck from the book, unless they were indorsed by Mr. Wilson. After this, Mr. Wilson said to the Judge "that he did not choose to be imposed upon," upon which the Judge said, "What do you mean by 'being imposed upon?'" to which Mr. Wilson replied, "I mean what I say." The Judge then directed a Constable to proceed for the Sheriff, before which, however, he remarked to Mr. Wilson, that "he would not submit to such language, and that he was to leave the Court, as he was in contempt." On the Sheriff's coming into Court, the Judge directed him to remove Mr. Wilson from the Court. On the Sheriff's advancing to Mr. Wilson, Mr. Wilson said, if he arrested him it would be at his, the Sheriff's, peril, and said, "You see I am not disturbing the Court, and do not intend to do so." The Sheriff hesitated, and having consulted Mr. Horton,

remarked to the Judge, that he would prefer having a warrant for his own security, before he would remove Mr. Wilson from Court. The Judge then remarked, that he did not consider it necessary to give him a warrant, but if it were, he would do so at some future time: it is possible that witness might have been present on a second occasion, and some part of what he has related might have occurred upon a subsequent day. After the Sheriff had been ordered to take Mr. Wilson into custody, Mr. Wilson handed the papers over to Mr. Daniel, saying, he had a claim of his own against the Bankrupt, and that he would test the legality of the Judge's proceedings.

Cross-examined by the Judge and Mr. Beecher:—

Does not recollect the Judge saying that if he were wrong, he, Mr. Wilson, might appeal to the Court of Review. Thinks it was on the first day that the Judge ordered Mr. Wilson into custody, and that Mr. Wilson refused to leave the Court when ordered by the Judge. The Sheriff was directed by the Judge to remain in Court, or to have a Constable in attendance. Thinks that the Judge ordered Mr. Wilson into custody on the day on which the altercation took place. Both the Judge and Mr. Wilson appeared excited. Witness might have been present on the second day: It was after witness's examination before the Judge, that the altercation took place. There was nothing apparently excitable in the conduct of Mr. Wilson before the paper was thrown down by the Clerk. The remark about extreme rights was made by Mr. Wilson before the Exhibits were thrown down, and after the Judge had refused to receive them. Mr. Wilson appeared warm from the time he received the paper from the Clerk. Believes the paper thrown down by the Clerk, in the first instance, merely contained the form of marking or endorsing the papers, with an intimation from the Clerk that they would not be received unless so marked. Thinks that the Judge remarked upon the impropriety of Mr. Wilson's expression, "that he would not be imposed upon." Does not recollect the Judge calling on Mr. Wilson to apologize. Does not recollect that he has ever expressed himself strongly against Mr. Wilson's conduct, but always supposed Mr. Wilson's expression about "being imposed upon" was a contempt of Court. Appears upon this occasion without being subpoenaed, having been called upon by Mr. Wilson. Knows Judge Allen intimately.

Re-examined by Mr. Wilson:—

The Judge appeared to consider Mr. Wilson's remarks as an insult to the Court; but Mr. Wilson did not say anything about imposition until after the Exhibits had been thrown down. Saw a deal of irritation on all sides after the papers were thrown down. Thinks that if it were not the duty of the Solicitor to mark the Exhibits, he (witness) would have acted as Mr. Wilson did, except he might not use the word impose. Understood Mr. Wilson's remarks, that he conceived the Judge was attempting to enforce a duty upon him, for which there was an allowance made to the Judge.

James Daniell, Esquire, called by Mr. Wilson, being sworn, says:—He was present at a meeting in Bankruptcy, held in London, on the 18th day of March last, in the case of William Jones Geary. Was present at a previous meeting in the matter of Lawrence Lawless, in Bankruptcy, when the Judge ordered, that the Solicitor should mark all the Exhibits which required the signature of the Judge. It was a verbal order made during a sitting, and Mr. Wilson was not present on that occasion. In the case of Geary, after some claims had been proved, Mr. Wilson observed that witness was marking some Exhibits or Affidavits, when

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he stated to witness, that it was the duty of the Court to mark the papers. A claim of the Hon. Mr. Goodhue's was shortly after put in by Mr. Wilson, for the purpose of being proved, before which Mr. Henry G. A. Allen, the Clerk in Bankruptcy, and son of the Judge, threw a small Memorandum, and said to Mr. Wilson, "You must mark your papers so," alluding to the Memorandum, "or they will not be received;" the words in the paper were, "At the L. D. C. of Bankruptcy, 18th March, 1846, exhibited to me, under a Commission in Bankruptcy, against W. J. Geary." Mr. Wilson replied, "Let your father or yourself mark them; you are paid for it." This was said before the Exhibits were offered. The claim of Mr. Goodhue was then proved and entered, as witness thought, in the Judge's book. The Solicitor to the Assignee, Mr. Horton, was asked by the Judge, if he were satisfied, and he replied in the affirmative. The papers were then handed to the Clerk, who said to the Judge, "they are not marked." The Judge replied, "Hand them to the Solicitor to mark;" the papers were then thrown down by the Clerk to Mr. Wilson, who said it was the duty of the Clerk to mark them, and that he (Mr. Wilson) would not do it. The Judge replied that he would not receive them as proof, unless they were marked, and that he would strike it out. Mr. Wilson then rose up and stated that he did not wish to be imposed upon, or words to that effect; the Judge replied, "Imposed upon! what do you mean?" Mr. Wilson's reply was that "He meant what he said." The Judge then said he would hold him in contempt, and would not hear him till he had made an apology, and withdrew the words spoken. Mr. Wilson then rose, when the Judge said, "I will commit you for contempt; you will consider yourself under an arrest." Mr. Wilson then handed Mr. Goodhue's claim, with some others, to witness to prove, remarking to witness at the same time, that as he did not choose to bring his client into trouble, he would bring up a claim of his own to try the question. He understood, from the discussion which had taken place, that Mr. Wilson could not again be heard in that Court until he had purged himself of the contempt. Witness left the Court for a short time and returned, after which the Court was adjourned. Some claims were proved by witness, as Solicitor, after the altercation had taken place; the Court adjourned until the following day, the nineteenth of March, when witness was present at the opening. Mr. Duggan, of Hamilton, put in a claim for a small amount, which having been proved by affidavit, and handed to the Clerk, he remarked to the Judge, that the Exhibit was not marked. The Judge stated to Mr. Duggan, that it should be marked, who pretended ignorance of what was meant by marking, and said to the Judge, "Marked! how marked? what do you mean?" Mr. Duggan then rose from his seat and went to where the Clerk was sitting, asking him for an explanation. Mr. Duggan returned to his seat, and asked the Judge if he was satisfied with the proof; the Judge replied that he was satisfied, and the affidavit was correct. Mr. Duggan then said, "Mark it as you please;" or, "I care not how it is marked," to which the Judge said, "I shall receive it as a claim," and it was handed to the Clerk, who filed the paper. Mr. Wilson then being present, rose in Court, and remarked to the Judge, that he considered the Court had purged him of the contempt, by permitting another Solicitor to do that which had been refused to him. The Judge replied that he would not hear him, and would put him under an arrest; the Judge appeared to be in a passion on account of Mr. Wilson's rising to address the Court. At that time the Judge directed the Sheriff to be sent for; witness left the Court, and on his return, found that the Sheriff had been sent for. Shortly after the Sheriff came into Court, the Judge directed the Sheriff to take Mr. Wilson into custody; the Sheriff asked for how

long a time; the Judge said, "No time; remove him from the Court." As the Sheriff approached Mr. Wilson, Mr. Wilson said, "If you lay your hand on me, I will bring an action against you," and witness thinks that Mr. Wilson advised the Sheriff to get a warrant from the Judge, or asked him (the Sheriff) to shew his authority. The Sheriff first asked the Judge for a written warrant, who replied he would give it to him should it be afterwards required. The Judge assigned as a reason for not making out the warrant, that the proceedings in Bankruptcy would have to be recited, and it would take some time to draw it out, and that he considered the Sheriff bound to obey the orders of the Court without a warrant. The Sheriff took the advice of several of the Solicitors, who advised him not to arrest Mr. Wilson, on which advice he subsequently acted, and did not arrest him. The Judge then threatened to adjourn the Court, and directed the Clerk so to do, alleging as a reason that he could keep no order in the Court, as the Sheriff refused to obey him. Afterwards, Mr. Duggan addressed the Court at some length, and business was resumed and gone through; there were some persons present from the country, who wished to prove their claims, and witness thinks the Judge resumed business on that account. Witness was Solicitor for the Assignee of Jennings, a Bankrupt, and made an appointment on Saturday, the 21st March, to hold a meeting on the following Monday, the 23rd; the Solicitors and Bankrupt were present. The Judge, without proceeding to business, sent for the Sheriff; when he came, the Judge asked him if he were willing to obey the verbal orders of the Court in Bankruptcy, to take any person into custody who might disturb the Court; he replied, he would not feel himself justified in so doing without a warrant from the Judge. Upon receiving the Sheriff's answer, the Judge said there was no protection for him in the Court, and he would adjourn it until it was decided whether the Sheriff should obey the verbal orders of the Court or not. The Court was then adjourned for three weeks; the Judge directed that, in consequence of no meeting being held, no fees should be charged in that matter. The Clerk immediately afterwards handed to witness a Bill of Fees, in which there were charges for the meeting which, in fact, had not taken place. On the 31st March, witness made an appointment to obtain two summonses, one against Chester Bute, and another against Joseph Sifton; it was required by the Judge, the day previous to holding a meeting in Bankruptcy or any other business, that the Solicitors shall make an appointment with the Clerk, and deposit the fees chargeable, either by the Clerk or the Judge, and leave the papers with the Clerk the day previous to holding the meeting, or transacting any other business in the Court. In accordance with this rule, witness paid the fees, and deposited the papers with the Clerk. Witness called the following day for the summonses, when the Clerk informed him that the Judge had ordered him not to receive any more papers from him until the fees in Jennings' case had been paid. [An Exhibit is here put in by witness, in the hand-writing of the Clerk, being a receipt for the fees in the two cases before mentioned, (marked No. 1).] Witness did not believe that the Judge had made such an Order, as he had directed that no fees should be charged for the meeting in Jennings' matter, and enquired of the Clerk where the Judge was to be found, and was informed, in the District Court Clerk's Office, where witness proceeded, and enquired from the Judge if he had made any such Order as that mentioned by the Clerk. He replied that he had made such an Order, and would hold witness in contempt, and not hear him in any matter in the Bankrupt Court, until these fees were paid. Witness informed the Judge that he had deposited the fees in the matter of Bute and Sifton, and had a right to the summonses. The Judge replied that it was the highest contempt witness could have com-

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mitted, as it was taking an advantage of the Clerk, and he, the Judge, would issue an attachment against witness if those fees were not paid. Witness is sure that the conversation had reference to Jennings' matter. He requested the Judge to go to the Clerk's Office and enquire into the matter, as he did not feel disposed to pay a bill, which he, witness, thought unfair. The Judge went to the Clerk's Office, and inquired if those fees had been paid. The Clerk informed him they had not, when the Judge turned to witness, and said, "I will not again hear you: you can apply to the Court of Review." These were in fact cases of Mr. Wilson's; but as he was held in contempt by the Judge, on that account they were given to witness. Mr. Wilson was present, and, seeing the witness could not get the summonses from the Judge, applied personally for them. The Judge refused to hear him. The papers were afterwards transferred to Mr. Shanly, who got the summonses, after some days' delay. On the first day of April last, witness applied to make an appointment for a summons against James Farley, and offered to pay the fees and leave the papers. The Judge was then present in the Clerk's office. He directed the Clerk not to receive any papers from witness, as he, witness, was in contempt, and afterwards witness was obliged to employ Mr. Shanly to transact any business he might have in the Bankruptcy Court. Mr. Shanly, at the instance of witness, made an application for a meeting, on the 17th day of April, in the matter of Jennings.

The Commission adjourned until Wednesday, the 12th instant, at 10, A.M., when Mr. Wilson informs the Commissioner that the last witness, Mr. Daniell, has left town, and he proposes to resume his examination on his return. If not resumed and cross-examined, his evidence will be struck out.

Mr. Allen here objects to his being recalled upon any subsequent occasion to resume his evidence, the proceeding being highly penal, and of a criminal nature, resulting in the dismissal or acquittal of a Judicial officer.

Mr. Allen here applies to the Commissioner to adjourn the proceedings on this investigation to Toronto, it being unprecedented that a Judge should be tried in his own District, directly subversive of all the principles of justice, and tending to bring the Administration of Justice in the London District into a state, if possible, of greater degradation than at present. Mr. Allen requires the evidence of persons of high professional eminence living at Toronto, who are more fit to form an opinion of the judiciary qualifications of a Judge, than those persons in this District who have made themselves prominent in this matter. Mr. Allen further argues that his Counsel at Toronto cannot leave that city at present.

To this application Mr. Wilson objects, that this investigation is not a trial in the sense implied in the objection of Mr. Allen, but an enquiry into the truth of certain charges, preferred against a Judicial officer, and *place* cannot effect the enquiry; that the removal of the enquiry to Toronto would defeat its object, because it would be impossible to procure the attendance of a number of witnesses at that place—that the opinion of any Judge or other eminent professional man as to the fitness of Mr. Allen to discharge the duties of his office, could only be formed from a knowledge of his mode of proceeding, which the present investigation intended to shew.

The Commissioner decides upon this application, that this investigation must be held at London, according to the instructions received by him from the Executive Government.

Mr. Wilson now calls:

William Horton, Esquire, who, being duly sworn, says:—He was present at the meeting in Bankruptcy, of William Jones Geary, held in March last. It was in the Court Room, and witness was sitting at the table when Mr. Wilson commenced proving a claim of the Honorable Mr. Goodhue, against the estate of the Bankrupt—the claim was proved and handed by Mr. Wilson to the Clerk, who handed to Mr. Wilson, as witness thinks, a memorandum containing a form of marking Exhibits in Bankruptcy. Mr. Wilson stated that it was the duty of the Court to mark the papers—that the Court was paid for it, and he, Mr. Wilson, was not. The Judge then remarked, that if Mr. Wilson would not mark the papers, he would not receive the claim as proved. The papers were then handed by the Judge to the Clerk, who threw them over to Mr. Wilson. At the time the memorandum was handed by the Clerk to Mr. Wilson, he stated that the papers were to be marked in that way, or they would not be received. When the papers were thrown down by the Clerk, Mr. Wilson remarked, that it was an imposition in the Court to require him to mark papers, for which the Court was paid. The Judge said, "Imposition! What do you mean, Sir?" Mr. Wilson replied, "that he meant what he said," and "that if the Court insisted upon extreme rights, he would do the same." The Judge then said that Mr. Wilson should apologize for that language, or leave the Court; to which Mr. Wilson replied, that he had nothing to apologize for. There was some further altercation, and recollects the Judge saying to Mr. Wilson to consider himself under arrest. The Judge then asked if the Sheriff was in Court, who, not being present, was sent for. On the arrival of the Sheriff, the Judge ordered him to send for a Constable, and John Matthews, who is a Constable, was left in Court, as deponent believes, to preserve order. When the Judge refused to receive the claim of Mr. Goodhue, Mr. Wilson said he would not prejudice the interests of his client, and gave the papers over to Mr. Daniell, stating, at the same time, that he had a claim of his own, on which he would bring up the question. Witness recollects that Mr. Wilson attempted, to address the Court frequently after the altercation, but the Judge refused to hear him until he was purged from the contempt of which he was guilty. Both the Judge and Mr. Wilson appeared excited on that occasion. Shortly afterwards the Court adjourned. On the day following, recollects Mr. Duggan, of Hamilton, being present. Mr. Duggan had a claim against the Bankrupt, and it was known to the profession there present, that the Judge would not receive the papers unless marked in the manner insisted upon by him the day previous. Witness was not aware of any rule or order requiring the Exhibits to be so marked until the second meeting of the creditors of Geary, which was held on the 10th day of March. On Mr. Duggan handing in his paper, the Clerk informed him that it could not be received as proof unless marked "as exhibited" by Mr. Duggan. Mr. Duggan said, "How marked? What do you mean? I do not understand you," and went to the Clerk and had some conversation with him in a low tone. He then came to his place, and addressed the Court on the subject. Mr. Duggan stated to the Court that the Clerk had refused to receive the paper unless marked by him, and that he, Mr. Duggan, did not conceive it was part of his duty to do it; that he would be stating a falsehood on the back of the paper, inasmuch as the memorandum was "Exhibited to me," and to be signed by the Judge. The Judge said it was a point of practice, and he wished to adhere to it. The Judge stated he could not receive the paper as proof unless it was so marked. Mr. Duggan replied, that he was satisfied that he had done all that was required of him, and if the Judge would not receive it as proof he might re-

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ceive it as a claim; to this the Judge assented, and the paper was filed as a claim, but not as a proof. Mr. Wilson then stated to the Judge, that as the Court had received from Mr. Duggan what it had refused from him, he considered himself purged from the contempt by the Judge's own act. The Judge then asked Mr. Wilson if he intended to interrupt the Court again, and refused to hear him until he had purged himself of the contempt which he had committed the day before. Witness understood the contempt to consist in the expression of Mr. Wilson about the Court imposing on him, and his conduct to the Court generally on the day previous. Mr. Wilson said that the Court had imposed upon him by requiring him to do what had been dispensed with in Mr. Duggan's case: Mr. Wilson further said that the Judge had struck out Mr. Goodhue's case altogether, but had received Mr. Duggan's as a claim, though not as proof, and that if the Court desired to ensure respect, it ought, at least, to be consistent. The Judge appeared unwilling to enter into any argument on the subject, but insisted in not hearing him. The Sheriff was then sent for; on his coming in, the Judge ordered him to take Mr. Wilson into custody and remove him out of Court. Mr. Wilson said to the Sheriff, "You had better get a warrant: you see I am not interrupting the Court, and if you lay your hand upon me, I will bring an action against you." The Sheriff then consulted witness as to what course he should adopt, and witness advised the Sheriff to ask for a warrant, as the Bankruptcy Act did not appear to define the powers of the Judge or the Sheriff. The Sheriff then said he would commit Mr. Wilson if the Judge would give him a warrant. The Judge said he considered a verbal order quite sufficient for that purpose; that every Court had power within itself to ensure order in the Court. After some further conversation between the Sheriff and the Judge, the latter stated it was impossible to write out a committal there, as the proceedings in Bankruptcy might require to be recited, but that any time afterwards he would give him a warrant for his safety. The Sheriff declined arresting Mr. Wilson without a warrant, and the Judge then said, "There is no protection for this Court, and I must adjourn it." At the time the papers were thrown back to Mr. Wilson, witness understood the Judge to say that the claim was struck out.

Witness was present at a meeting in Bankruptcy in re Jennings, held on the 23rd March, but the Court was opened by the Judge, when he immediately sent for the Sheriff. On his coming into Court the Judge asked him if he still persisted in not obeying the Order of the Court, in case it was found necessary to commit a party for interrupting the business of the Court. The Sheriff said he should not arrest any party unless he had a warrant. The Judge then stated that the Court should be adjourned, as there was no protection for it. Witness then suggested to the Court that it would be better to go on with the business, and if any interruption did take place, it would then be time to adjourn the Court. The Judge said he could not do that, as he was liable to be interrupted every moment. Witness said to the Judge that it would be better to fine the Sheriff a nominal sum, and let him apply to the Court above for a Mandamus to have the fine remitted. The Judge told the Sheriff it was a contempt in him to refuse to obey its order. Witness understood that the Judge acquiesced in his suggestion about imposing a nominal fine on the Sheriff, and the Judge commenced writing in his note book what witness supposed to be the heads of such an arrangement. The Judge subsequently declined fining the Sheriff, and adjourned the Court. Witness heard the Judge tell the Clerk that no fees were to be charged for that meeting. Mr. Wilson was not present at the meeting.

Cross-examined by Judge Allen:—

Has no recollection of having stated to Mr. Allen, or any other person, that Mr. Wilson's conduct was most insulting to the Judge. Witness has stated that he thought Mr. Wilson ought not to have made use of the words "imposed upon." The reason assigned by the Judge at the meeting on the 18th March was that it was a point of practice in England for the Solicitor to mark the Exhibits for signature, and he wished to adhere to it. It had been ruled as a point of practice by the Court, previous to Mr. Wilson putting in the papers. Does not know if Mr. Wilson had been present when it had been so ruled, except in the case *ex parte* Goodhue. Witness would not have raised a point of practice, by using the language of Mr. Wilson, unless he was aware that the Court charged for marking the Exhibits. In that case he would; and witness thinks that Mr. Wilson was justified in using the language he did upon that occasion, if he thought that the Judge received a shilling for marking such Exhibits. Recollects hearing the Judge say to Mr. Wilson that he would give him time to consider the language made use of, and to apologize. This was on the day of the altercation. Mr. Wilson stated that he should not apologize; upon which the Judge said that Mr. Wilson must leave the Court, and consider himself under an arrest until he made an apology, or that he would hold him in contempt. Mr. Wilson then said he was not then interrupting the Court, and did not intend to do so, and therefore he would not leave it. The Judge repeatedly told Mr. Wilson he would not hear him until he had purged himself of the contempt. Witness thinks that Mr. Wilson left the Court before the arrival of the Sheriff, on the first day; but subsequently returned, and had other altercations with the Judge. The altercations took place on account of Mr. Wilson's endeavouring to convince the Judge that he ought to be heard. Witness has not heard any such language in Court before; but he has heard irritable language between Judge Allen and several Counsel, in the District Court. Has heard no altercation between the Judge and Mr. Givins, except once. Several cases of proof were heard after Mr. Wilson left the Court. More business would have been done on that day, were it not for the interruption. Witness thinks that no public meetings in Bankruptcy were held by the Judge for about six weeks, commencing on the twenty-third day of March last. Understood that it was an order of the Judge that no Solicitor would be heard, who was in arrear in fees.

Mr. Wilson now proposes to proceed with the case of Henry William Bennett, and puts in Commission as Exhibit No. 2, by which it appears that the first meeting was to be held on the 6th April, 1846, at the hour of two o'clock, P.M.

Henry James Askin, Esquire, being called and sworn, proves the signature of the Judge to the Commission, and to the indorsement.

Mr. William Patrick Hunter Murray, being duly sworn, says:—He is Sheriff's Clerk, and was so on the 14th March last. He received the Commission put in on that day. In pursuance of the order of the Judge, indorsed on the Commission, he caused an advertisement to be inserted in the Official Gazette and London Times. The notice is now put in, and marked as Exhibit No. 3. It was published once in each paper.

Mr. Askin's evidence resumed:—

On the fourth day of April last, witness was acting as Clerk to the Bankruptcy Court, in the absence of,

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and at the request of, Mr. Henry G. A. Allen. On that morning, a clerk of Mr. Wilson's left with witness one pound, as fees to be paid for the appointment for the meeting to be held on the 10th instant. On the afternoon of Saturday, the fourth day of April, the Judge came into the office of the Clerk of the Peace, where witness took the papers and delivered them to the Judge, and informed him that the fees had been paid by Mr. Wilson for the meeting to be held *in re* Bennett, and the appointment of an Assignee. The Judge informed witness that he would hold no meeting in public until the powers of the Court were ascertained; that he had no objections to grant summonses in Chambers; and that he would make no appointments in public in that Court. The Judge having refused to hold the meeting on the Monday following, witness returned the money to Mr. Wilson, and informed him of the Judge's refusal to hold the meeting.

Cross-examined by Judge Allen:—

Witness was not aware of what had taken place at a previous meeting *in re* Jennings.

Ephraim J. Parke, Esquire, called by Mr. Wilson, and being duly sworn, says:—Witness was an articled Clerk to Mr. Wilson, but is now admitted as an Attorney. He was sent by Mr. Wilson, some time in the month of February or March last, to take out a Commission against Henry William Bennett. Witness went to the Division Court Office, where he found Judge Allen, an appointment having been made the day previous. After the Judge had looked over the papers, and some conversation had taken place between witness and the Judge, respecting the business then before him, he said, in substance, to witness, that he would not hear any but officers of the Court; "that it was a Court of Justice, and that he would not permit Solicitors to send their clerks there: it was treating it with disrespect: they must, in every case, appear themselves, and that, in future, the rule would be strictly adhered to."

Cross-examined by Judge Allen:—

This took place in reference to an application for a Commission. There was no Petition among the papers, although witness had one partly written. The refusal to grant the Commission was on the ground of the Judge declining to transact business with an Attorney's Clerk. Witness would have finished the petition, had the Judge not made the remarks mentioned before. Witness thinks the granting of a Commission is a matter of course, when the papers are regular. The remarks of the Judge applied solely to the Bankruptcy Court.

James Shanly, Esquire, called by Mr. Wilson, and being duly sworn, says: That he was retained as Counsel, *in re* Jennings, to move for an appointment for an Adjourned Second Meeting. On making an application, he was informed by Mr. Henry G. A. Allen, the Clerk of the Bankrupt Court, that there were fees due in the case, which must be paid before the application could be granted. Witness understood that the fees claimed by Mr. Henry G. A. Allen, were for the meeting at which no proceedings were had, and other fees in the same case. Witness thinks that the application made by him was in the month of April; the fees for the meeting in arrear, and the second Adjourned Meeting, amounted to upwards of four pounds. The Judge told witness that no public meeting could be held until the difficulty between himself and the Sheriff was set at rest. Witness asked the Judge if any action had been taken to decide the matter; when the Judge said, he was not aware that any means had been taken to settle the question. Witness had another application

(thinks it was *in re* Geary) to make, but did not do so from the answer given by the Judge, in Jennings' case.

Cross-examined by Judge Allen:—

Thinks the difficulty between the Judge and Sheriff was the principal reason for not granting the application, and remembers the Judge saying, that even if the fees were paid, there would still be that difficulty. Witness thinks the refusal on the part of the Sheriff, to obey the verbal orders of the Judge, was a sufficient justification for not proceeding with that meeting. The witness left a meeting in the month of March, anticipating an altercation between Mr. Wilson and the Judge, at which witness did not desire to be present. There has never been any angry altercation between witness and the Judge, and he has always treated witness with courtesy; he has never heard the Judge treat the Counsel in a discourteous manner.

Re-examined by Mr. Wilson:—

At the meeting where the Judge refused to go on, on account of the Sheriff's refusal, there was no appearance of any interruption, and witness does not think any interruption would have taken place. Witness understood that Mr. Wilson had made frequent applications to be heard, which were the interruptions before spoken of.

The Commission adjourned until Thursday, at 10 o'clock, A. M., 13th August, A. D., 1846.

Mr. Wilson now offers his own evidence:

John Wilson, Esquire, being duly sworn, says:—That he was not present when the Order was made *in re* Lawless, that the Solicitors should indorse the Exhibits, nor did he know of such Order, until the meeting *in re* Geary, on the 18th March last. Soon after witness came into Court, Mr. Henry G. A. Allen, the Clerk, threw over, to witness, the little memorandum spoken of, containing the form to be indorsed on the Exhibits, and he said to witness, that unless the papers were marked in that way, they would not be received. On this, witness felt annoyed at the manner of the Clerk and the substance of the Order, which witness then heard for the first time, and said to Mr. Allen, "Let your father or yourself do it, you are paid for it; I shall not do it." Witness then allowed other proofs to be made previous to his attempting to prove that of Mr. Goodhue; then witness commenced with Mr. Goodhue's claim. Mr. Goodhue was sworn, and the proof gone through with, to the satisfaction of the Court and the Solicitor for the Assignee, who was then present. The papers were put in, and the Clerk said to the Judge, "They are not marked, Sir." Witness thinks the Judge took the papers in his hand until an altercation commenced. The Judge said, "Give them to the Solicitor to mark;" witness said, "No, it was the duty of the Court to mark them, being paid for it." Witness then remarked that, "Gentlemen who stood upon extreme rights should not expect others to do what they themselves should do." On this the Judge, as well as witness, became excited. He said, "Give it back; I shall not receive the proof unless it is marked; I shall strike it out," and witness understood then that the claim was struck out, and the papers were thrown upon the table by the Clerk. Witness was very much annoyed at the whole transaction, and picking them up, said, "I do not choose to be imposed upon." The Judge said, "Imposed upon! what do you mean?" when witness replied that "he meant what he said." Witness then further remarked that he considered it an imposition to be treated in that way. Something was said to witness by the Judge about retracting the words or apologizing,

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which witness refused to do; the Judge said, "I shall commit you for contempt," and told witness to consider himself under an arrest. Witness continued to address the Court, but the Judge refused to hear him, saying, "I shall not hear you, I shall not hear you, till you purge yourself of the contempt,—that it was language no Court could endure." Witness then, not being able to be heard, said, that he did not care a straw whether the Judge heard witness or not, that he would give the papers to another, and bring up the matter in a case of his own. The Judge replied, "I shall not hear you," and was very angry. Witness afterwards attempted once or twice to present a petition on the part of the Bank of Montreal, to the Court, but the Judge said all the time, "I shall not hear you; I shall not hear you." While these altercations were going on, the Judge sent his son for the Sheriff; when the Sheriff came, the Judge said to him, "You must remain in Court, or send a Constable." The Sheriff went away, and, while away, witness left the Court for about a quarter of an hour. On witness returning to Court, he found one Matthews, a constable, in attendance. There was another altercation after witness returned, on a desire to be heard. When witness attempted to be heard, the Judge characterized each attempt as an interruption. Witness then said to the Judge, "Do you suppose we shall be annoyed with your childish pettishness?" and witness also said, "that the Judge had been arbitrary in his proceedings." Witness has no recollection of the Judge saying he would give him a day to consider; but he does recollect that he was called on to retract or apologize. The Court then adjourned, as witness believes, on account of the last altercation between himself and the Judge. On the following day, the meeting was resumed, and after Mr. Duggan of Hamilton had put in his claim, in the way spoken of by Mr. Horton in his evidence, and the claim had been received by the Judge, witness rose and said that he fancied he was purged from any contempt, if there was one, by the act of the Court. The Judge, as before, and while witness was speaking, said, "I shall not hear you," and was angry. Witness then said that the Judge had received from another what he had refused to receive from witness, and therefore witness had been imposed upon. The Judge then sent for the Sheriff. On his coming in, the Judge said to him, "Take Mr. Wilson into custody." The Sheriff said, "How long?" The Judge said, "No time; but remove him." The Sheriff was coming toward witness, when witness said, "If you put your hand on me, I will bring an action against you." And witness thinks he then said to the Court, "You had better take care what you are about." The Sheriff hesitated, and witness in a low tone said to him, "I do not want to get you into difficulty; you had better ask some of them (meaning the professional gentlemen present) what you should do." The Sheriff then spoke to Mr. Horton, and after a few minutes applied to the Judge for a warrant. The Judge said he did not think it was necessary, but if it were, he should afterwards have it. The Sheriff declined obeying the Judge's order without a warrant. The Judge was then about to adjourn, and Mr. Duggan rose to address the Court, and requested the Judge to continue his sittings, urging as a reason that he himself and others had come a great distance, and it would be very inconvenient to have another adjournment; and the Court was continued. Witness knows that the Judge refused to hold meetings, in consequence of the Sheriff not obeying his order. Witness was present when Mr. Daniell applied for the summonses in Bute's and Sifton's cases and heard the Judge say to Mr. Daniell, it was the grossest contempt to the Court not to pay fees, and that he, the Judge, would attach him. The fees spoken of were those in *re* Jennings, where a meeting had not been held. Mr. Daniell denied owing any fees. Mr. Daniell, however, did apply for

the summonses, and said the fees on these, at least, have been paid, and he wanted them. The Judge said, "I shall not hear you: you have my answer: you can apply to the Court of Review." The Judge ordered the Clerk not to receive any papers from Mr. Daniell until these fees were paid. Witness then took the papers, and said to the Judge that he wanted to get the summonses, as the cases were, in fact, those of witness. The Judge, turning angrily to witness, said, "I shall not hear you."

Witness was present on the 6th day of April, at the time and place for the holding of Bennett's meeting, but no meeting was held; when witness used the expression about extreme rights, it had reference to an application for the summons in *re* Bennett, in which witness had sent his Clerk to make an appointment for a summons. Mr. Parke having told witness that he had made an appointment, witness went up at the time—the Judge and Clerk were both there; on witness asking for the summons, the Clerk denied that any appointment had been made; witness then returned to his office, for the purpose of getting an explanation from his clerk, after which he went to the Bankrupt Court Office, and informed the Clerk that Mr. Parke had left the papers and made the appointment. Young Mr. Allen, in the presence of the Judge, said, "Yes, he left the papers, but he did not pay the money, and of course there was no appointment." Witness then asked the Clerk if he had not 15s of witness's money in his hands, which was then admitted. Witness then offered to pay the fees, and said to the Judge, he should like to get the application granted. The Judge said, "I have made the rule, and I shall adhere to it." Witness did not get the summons until some time afterwards; the witness states this circumstance, not as a charge, but merely explanatory of the remark he made about extreme rights.

On the 14th day of March last, witness's Clerk returned, and informed him that the Judge refused to grant him a Commission, and said, that the Solicitor must appear in person. Witness then went to the Judge, and asked him how was it he would not hear clerks. The Judge replied, that on looking into Books of Practice he found that the Solicitors did business themselves, and not their clerks—they must attend themselves. Witness remarked to the Judge, that if he had made such a rule, it would not affect witness alone, and of course he would submit to it. The Petition was not among the papers, but witness made it out afterwards, and the Judge waited till witness had got it ready. On that occasion the Judge was very obliging.

Cross-examined by Judge Allen and Mr. Beecher:

Witness thinks that if the meeting was held the Judge had no authority to remit the fees due to the Fee Fund. Witness is the principal person concerned in the Petition to the Government, but did not intend to take such steps until the Judge had refused to hear him in the District Court, which was two days after the first altercation in Bankruptcy: witness did not commence his Petition until after the sittings of the District Court in April last: witness assisted in preparing a Petition to Parliament; it was general, and signed by witness and a number of other persons: witness took an active part in getting signatures to the Petition to Parliament, with a view to getting the Judge removed. The Petition was printed and copies sent by witness to different parts of the District for signature. Witness having been summoned before a Committee of the House of Assembly to prove the allegations in his Petition, took with him Mr. Daniell and Mr. Henry Askin: witness remarked that they might as well accompany him as wait to be summoned; and

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in the meantime he, witness, would pay their expenses: witness paid their expenses from London to Montreal; except part of Mr. Daniell's, which he himself paid. They were summoned on their arrival at Montreal, and their expenses were paid from the Contingencies. Witness never intentionally annoyed the Judge before the altercation: witness does not recollect making any remark offensively to the Judge during the time of his charging any Grand Jury: witness has said that he thought the Judge in some instances too lenient—has heard the Judge say he adopted a mild course for the purpose of creating an influence with the profession, but having failed in that, he would try the power of the Court: witness never, except in his own case, knew the Judge to commit any person in the District Court, but has heard him threaten to commit all the members of the profession, excepting Mr. Shanly and witness; the members of the profession are Mr. Beecher, Mr. Horton and Mr. Givins: witness would not have taken any part against the Judge had it not been for his conduct to witness in the District Court.

Mr. Wilson here closes the evidence in relation to his complaints against Mr. Allen, specially set out in his Petition, as regards the Court of Bankruptcy, except that he desires to finish the evidence of Mr. Daniell, on his return to town.

Mr. Beecher objects to the examination of Mr. Daniell being resumed, and insists that his evidence already taken should be struck out, he having absented himself, without any cause assigned, during his examination in a penal proceeding.

The Commissioner decides that Mr. Daniell's examination may be resumed and finished, if he return before the evidence against Judge Allen is closed.

Mr. Wilson now proposes to go on with that part of his complaint relative to the District Court.

Henry J. Askin, Esquire, again called, being already sworn:—Recollects the Judge coming into Court on the 17th day of March last; it was the second day of Term, and the last day for moving for new trials. The Judge asked witness if there was any thing to be done on that morning? Witness replied, he did not know, but that Mr. Wilson and Mr. Shanly had been there, and thinks he told the Judge that Mr. Shanly had gone for his gown; it was about 12 o'clock noon, and the Court was to meet at that hour. The Judge said he could not wait, as Judge Ackland, from Goderich, was at his house; he, however, before leaving, granted a Rule *Nisi*, which Mr. Wilson had moved for the day before. The Judge then left. On his leaving the Bench, and as he was going out of the Court room, Mr. Wilson came in, and asked witness where the Judge was going? To which he replied, he believed he was going home. Immediately afterwards Mr. Shanly came into Court. Thinks the Court did not sit longer than ten minutes on that day.

Cross-examined by Judge Allen:—

Knows that the Judge has returned to Court after it had risen, for the purpose of attending to District Court applications in the District Court Office. The Judge has frequently been compelled to wait for Counsel. Mr. Wilson, on the day referred to, had not his gown on, but was carrying his bag into Court; it was after the Judge retired to the Judge's room that Mr. Wilson came into Court. Has been sent by the Judge to different offices to notify the profession that the Judge was in attendance; the Court sat a much shorter time on that day than usual.

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Wm. Horton, Esquire, recalled:—Says, on the Tuesday in Term he had two Rules *Nisi* to move for new trials, and had his papers ready at 12 o'clock on that day, which was the hour at which the Judge was to be in Term; being engaged at his office, witness left as soon as he could, for the purpose of attending the Court and making the motions; on going up stairs he met Mr. Wilson, who asked witness if he were going up to Term, to which witness replied, he was. Mr. Wilson then informed witness that he was too late, as the Judge had just left; witness, to satisfy himself, ran up stairs, where, not finding the Judge, he returned, and accompanied Mr. Wilson across the square, to a watchmaker, to ascertain the time. On enquiry it appeared to be 25 minutes past 12; witness and Mr. Wilson then went to another watchmaker, where they found the time to be 20 minutes past 12.

Cross-examined by Judge Allen:—

Has never been refused by Mr. Allen any Chamber business where the application has been made at the Judge's house. Knows the Judge has sometimes returned to Court after he adjourned in Term; witness thinks the Judges in the Court above would remain in Court from 11 A. M. until 5 P. M. on the last day of moving for new trials, even although no Counsel were present. Witness's office is in the Court House, and he has frequently seen the Judge's carriage pass witness's office window, but did not see it on the Tuesday referred to, nor did witness think the Judge had arrived. Has heard the Judge say he would insist on not hearing Counsel in Term unless in full costume; but he is aware that the Judge has not been strict in enforcing the order.

John Wilson, Esquire, again called, and says:—That on the morning of the day referred to, he was at the Court House awaiting the arrival of the Judge, but witness had gone out before he came; about 10 minutes past 12 witness came back, and as he came in by one door of the Court Room, the Judge was going outside of the Bar. The Judge looked round and saw witness, and passed out of the opposite door; but the bag which witness carried the Judge could not have seen. Witness spoke to the Clerk, Mr. Askin, and then went down stairs to see Mr. Horton; just as witness was going in to Mr. Horton's office the Judge was getting into his carriage to go away. After Mr. Horton had gone up stairs to satisfy himself, he and witness went to the watchmaker's; as related by Mr. Horton.

By the Commissioner:—

Thinks the Judge left the Court on that occasion as a lesson to the Profession to be more punctual in future.

By Mr. Shanly:—

Thinks that the Profession have waited for the Judge as often as the Judge has for the Profession.

Mr. Thomas Scatchard, being duly sworn, says:—He is a Clerk in the office of Mr. Horton; knows that Judge Allen is unwilling to transact Chamber business at his own house; he has generally, however, transacted the Chamber business at his house, but said it should be left at the District Court Office until he came into town. On one occasion the Judge granted to witness a rule to impute, in one instance in Chambers, but said at the time it was irregular, as the motion should be made in open Court. The Judge always complained about transacting business at his own house. Witness is an articled Clerk, and has been nearly four years in Mr. Horton's office.

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Cross examined by Mr. Beecher :—

As a general principle, the Judge was opposed to doing business at his own house. The Judge resides about a mile and a quarter from the Court House; witness has been to the Judge on business after 5 o'clock, p. m., but generally between 3 and 5 p. m. Did not sign the Petition against the Judge, nor was he asked to do so,—within a year witness has been refused two or three times. On one occasion he applied for a Commission in Bankruptcy, which was refused. Witness knows that the Judge had previously granted a Commission, on an application made at his own house, without a Petition: this was two years ago.

John Wilson, Esquire, again called :—

In a case of Colford and O'Brien in the District Court, a rule *Nisi* has been granted on the first day of Term to witness, as Counsel for defendant, which came on for argument on the Thursday following. Witness was heard in argument by Judge Allen without being stopped by the Court, although the contempt incurred in Bankruptcy had taken place on the day previous. Mr. Horton was also heard as Counsel for the plaintiff in the same argument. On the day following (Friday) witness was in Court with other Counsel when the business began; the Judge commenced the Bar with Mr. Horton, and passed over witness, who was senior to Mr. Horton. Mr. Daniell had retained witness as Counsel in Norval and Travers, which came on for argument on the Friday. On witness rising to address the Court, the Judge intimated that he would not hear witness, as he was in contempt in the Bankruptcy Court. This surprised witness, who said this case was one in which Mr. Daniell had retained him, and that he could not have the matter discussed in that case, but would wait till the question came up in one of witness's own cases. After some time the case of Ryan *vs.* O'Flynn came on.

The Commission adjourned until to-morrow, at 10 o'clock,

When, on Friday morning, 14th August, Mr. Wilson resumes :—

The Judge stated that he could not but notice that he was the same Court and the same jurisdiction which witness had outraged before, and until witness purged himself of the contempt in Bankruptcy, he, the Judge, would not hear him; and that in all Courts in which he sat, he would not hear witness. On witness suggesting that the Judge might not be sustained in that by the Sessions, the Judge replied, "Well, in all Courts in which I sit alone." During this discussion the Judge said to witness, he would not stop him in a pending rule, but would afterwards not hear him in any new matter. Witness said it made no difference, if the Judge intended to stop him, whether he did so in that case or any other; the Judge then said, "Very well, let it be in this." Witness then went on to shew cause in the case, when he was stopped by the Judge, who noted his objection in his book. Witness understood the Judge to note that he could not but judicially notice that witness was the same person, and he the same jurisdiction, that witness had outraged in Bankruptcy; and the Judge noted that he conceded that witness was not in contempt in the District Court, but that he could hold witness in contempt in the District Court until he purged himself of the contempt in Bankruptcy. There had been no altercation, and witness had not spoken to the Judge on that day, until he rose to shew cause in the case before referred to. During the discussion, which was not of an angry nature, the Judge said, that if witness would pay the costs of the Bankruptcy meeting (adjourned), or a fine

of ten shillings, he would allow witness to proceed. Witness refused to submit, and appealed the cause to the Court above. On the next morning (Saturday) witness came to Court early, and when the Judge went into his room, witness followed him in, and said, he wished to speak to him. The Judge was angry, and said, that it had gone too far to speak about in that way; that it must be said publicly. Witness replied, that the Judge should hear him then, and that it was very unpleasant, and if the Judge would listen to witness and think of it, at least,—and then witness went on to say that he would not attempt to speak in Bankruptcy at all, until it was decided whether he was right or wrong about the Exhibits,—that if witness were wrong, he would make any kind of apology—if the Judge were wrong, witness would say no more about it, and that in the meantime witness should be allowed to proceed in the District Court. The Judge gave witness no specific answer, and the Judge and witness went into Court. Afterwards, in Court, the Judge said to witness, "What was that you were going to say, or said to me in there?" Witness said that he would repeat to the Judge what he had before stated to him in the Judge's room, and did, in substance, and more fully, repeat what he had before stated. The Judge said, that if witness would pay the costs of the Bankruptcy meeting, pay a fine of 10s., or even say he submitted to his jurisdiction, he would be satisfied. Witness said he wanted nothing generous, but expected justice, and he would render the Judge the same kind of justice; and that if witness were wrong, he would not consider that as any amends, but would make a far more ample apology. The Judge said, whether right or wrong about marking the Exhibits, witness should not have used the language referred to, as witness understood, "imposed upon," used upon the occasion in Bankruptcy. On this point, witness and the Judge differed, but during the discussion on both Friday and Saturday, witness offered to refer the matter to the decision of the Vice-Chancellor, or Mr. Burns, the Judge of the Home District Court.

Cross-examined by Judge Allen :—

Witness recollects, in the discussion in the case of Ryan and O'Flynn, having asked the Judge why he heard witness in Colford and O'Brien; he replied to witness, that he hoped witness would have seen the necessity of making some apology for his conduct in the Court of Bankruptcy. Witness urged that the jurisdiction of one Court had nothing to do with the other. Witness has had occasion to refer to the Judge's notes, and found them correct; he recollects referring on two occasions, but not connected with any matters which are the subject of complaint against the Judge.

James Shanly, Esquire, again called :—

Witness was engaged to move a rule absolute, as defendant's Counsel in Norval and Travers, on the Friday. Thinks it was the first case called; Mr. Daniell, Solicitor for the plaintiff, was present, and appeared to be giving some instructions to Mr. Wilson, as Counsel for the plaintiff. On Mr. Wilson rising to open the case, Judge Allen informed Mr. Wilson, that until the contempt in Bankruptcy was removed, he could not hear him. Witness thinks this was the first observation made on that morning. Mr. Wilson then said, as this case was not one of his own, he would not go on with it, as he would prefer it coming up in a case of his own. Mr. Wilson gave up his brief, and Mr. Horton was then retained.

Witness remained in Court until, and after, this case was disposed of. Recollects a case of Ryan and O'Flynn coming on for argument. Mr. Horton and Mr. Wilson were opposed to each other as Counsel.

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The Judge made a similar observation to Mr. Wilson, on his rising to address the Court, as he had made in the case of Norval and Travers. Mr. Wilson then offered to leave the matter to the decision of the Vice Chancellor or Mr. Burns, but before doing so, denied being in contempt in the District Court. The Judge said he could not hear Mr. Wilson in any Court in which he presided as Judge of the District Court, until he had purged himself of the contempt in Bankruptcy. Witness recollects that Mr. Wilson asked witness to note that the Judge admitted that he, Mr. Wilson, was not in contempt in the District Court.

Cross-examined by Judge Allen:—

Does not recollect if Mr. Wilson was in Court when witness came in; he heard nothing about an apology on the Friday. The Judge noted down the offer made by Mr. Wilson to refer the matter to the Vice Chancellor or Mr. Burns, and understood Mr. Wilson to say, that if he were wrong, he would apologize. Witness took the opportunity of this discussion, to leave the Court on business. Thinks that the Judge's notes are generally correct.

William Horton, Esquire, again called:—

Says, he recollects Mr. Wilson being heard in Colford and O'Brien on the Thursday. On Friday Mr. Wilson and witness, Mr. Daniell and Mr. Shanly, were present in Court. Witness was the first person called on by the Judge to move—afterwards, on the Judge calling upon Mr. Shanly, Mr. Wilson rose to answer a rule, in Norval and Travers, which had been moved by Mr. Shanly. Mr. Wilson was acting as Counsel for the plaintiff, on behalf of Mr. Daniell, who was the Attorney. The Judge stated that he could not hear Mr. Wilson, in consequence of his being in contempt in Bankruptcy—that he would not prejudice any pending rule, but he would not hear him in any new matter. Mr. Wilson stated that he wished no such distinction to be drawn, and if he could not be heard in all matters in the District Court, he did not wish to be heard on a pending rule. Mr. Wilson further said, that as the case was not one of his own, he would not insist on his right to be heard in that case, but that he would bring forward a matter of his own, when he would urge his right to be heard. He then returned the papers to Mr. Daniell. Witness afterwards shewed cause in the case of Ryan and O'Flynn, in which Mr. Wilson had previously moved the rule. On Mr. Wilson's attempting to reply to the argument of witness, the Judge stated that he hoped Mr. Wilson did not consider he had a right to reply until he had made the concessions required of him by the Judge. The Judge afterwards said, as that rule was a pending rule, he would hear Mr. Wilson upon it; to this Mr. Wilson said, that if he had not the right to conduct all matters in the District Court as usual, he did not wish to be heard in that case as a matter of favour, and he then appealed the case to the Court above. Is not aware that there was any angry discussion between the Judge and Mr. Wilson on that day. On Mr. Wilson asking the Judge if he considered him in contempt in the District Court, the Judge replied, he did not; but as Mr. Wilson had grossly insulted him in the Bankruptcy Court, he would hold him in contempt in all the Courts over which he presided. Mr. Wilson suggested, that the Judge might not be sustained in the Sessions, to which, in substance, the Judge said, he would not allow him to be heard in any Court where he had the power of preventing him. The Judge also said, that he could not but recollect that Mr. Wilson was the same person who had outraged his jurisdiction in the Court of Bankruptcy, and that although he was sitting as Judge of the District Court, he could not forget that he was the same person whom

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Mr. Wilson had insulted in the Bankruptcy Court. Mr. Wilson offered to refer the matter in Bankruptcy, as a point of practice, to the Vice Chancellor and to Mr. Burns, and if either of them would say that he was wrong, he would make a more ample apology for the language used than the Judge would require. Witness was present on Saturday, the day following; saw Mr. Wilson and the Judge come out of the Judge's room into the Court. Having taken his seat on the Bench, the Judge asked Mr. Wilson what it was he wished to say to him in his room. Mr. Wilson then proposed, that if the Vice Chancellor or Mr. Burns said he was wrong, as to the point of practice in marking Exhibits, he would apologize; if they determined the Judge was wrong, he, Mr. Wilson, would say nothing more about it, and in the meantime Mr. Wilson would not desire to be heard in Bankruptcy, if the Judge would hear him in the District Court. The Judge then said, that the decision would not alter the contempt, and suggested that Mr. Wilson should pay the costs of the Adjourned-Meeting in Bankruptcy, or pay a nominal fine, or apologize. Mr. Wilson said, that if he were wrong, either of those alternatives would not be sufficient amends to the Judge, and if the Judge were wrong, he would not be doing justice to himself.

Cross-examined by the Judge:—

Witness says that the Judge would have been satisfied with either of the three alternatives. On Friday, saw the Judge taking notes during the discussion; is sure that the proposals made by the Judge and Mr. Wilson were made on the Saturday.

James Shanly, Esquire, again called:—

Says, that his evidence given on this subject to-day, relates to what occurred on the Friday, and the evidence of Mr. Wilson and Mr. Horton, given to-day, as to what occurred on Saturday, did not take place in his presence on the Friday.

Henry J. Askin, Esquire, again called:—

Is sure that Mr. Wilson went into the Judge's room on the Saturday, the 20th March, before the opening of the Court. Mr. Wilson first came into Court, the Judge afterwards, and took his seat on the Bench. The Judge said to Mr. Wilson, "You were saying something to me in the room; you had better state it now." Mr. Wilson replied, he was glad that some of the members of the Bar were present, or words to that effect. Mr. Wilson said, I now renew the offer I made to you in the room, which witness understood as follows: that the matter of dispute should be referred to the Vice Chancellor or Mr. Burns, and if either of them said he was wrong, he would submit to what the Judge required of him. After some discussion, the Judge said, that if Mr. Wilson was willing to pay the expenses of the Adjourned Bankruptcy Meeting, he would hear him; this Mr. Wilson refused to do, but said, if either of those gentlemen, the Vice Chancellor or Mr. Burns, said he was wrong, he would submit to pay any fine the Court could impose upon him. The Judge then proposed that Mr. Wilson should pay a nominal fine of 10s., which he declined to do, alleging that it would not be sufficient amends. The Judge then proposed, that if Mr. Wilson would apologize and submit, he would be satisfied. To this Mr. Wilson replied, that he could not do that; if it was decided that he was wrong, he would make a more ample apology than he at that time could do, or any apology, which the Judge might dictate. Mr. Askin is Acting Clerk of the District Court; produces Exhibit No. 4—the indorsement: "Refuses to hear Mr. Wilson for the causes assigned," was put on the paper, at the request of Mr. Wilson, on the Friday, and by the sanction of the Judge. Witness read it over aloud after it was written.

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Cross examined by Judge Allen:—

Does not recollect anything about an apology, being said on the Friday. There was a good deal of discussion on that day, on account of the Judge having refused to hear Mr. Wilson in Ryan and O'Flynn. The Judge may have read from his notes on Friday, but witness does not recollect it. When Mr. Wilson came into Court, is not sure if any other member of the Bar was present. The Bond of Appeal was put in on the Saturday, and filed on that day.

By the Commissioner:—

Gave evidence on this subject before a Committee of the House of Assembly, substantially the same as he has given here to-day. The Judge informed the father of witness, and in his presence, that he had made an affidavit denying the truth of that part of witness's testimony relative to the three propositions made by him to Mr. Wilson, and which witness has again stated to-day.

John Wilson, Esquire, again called:—

Says that, at the District Court Sittings, which commenced on the 7th day of April last, when the cause of Shaw Scott *et. al.*, vs. Joyce *et. al.*, came on, the Judge took up the Record, and stated that he would not hear witness, as Counsel, in the cause until he had purged himself of the contempt in Bankruptcy, and then offered to hold a *quasi* meeting in Bankruptcy, to receive witness's submission, if he chose to make any. Witness objected, that he was not in contempt, in Bankruptcy; that he never appeared in Bankruptcy as Counsel; that it appeared by the Judge's notes of the last Term, in Ryan vs. O'Flynn, that witness was not in contempt in the District Court; that if he were in contempt in the District Court, the Court could fine or imprison, but it could not deprive witness or his clients of his privileges as a Barrister. Witness was proceeding to make other objections, but was stopped by the Judge and ordered to sit down; he appeared angry. Witness rose again to address the Court, when the Judge called to the Sheriff, who came towards witness. The Sheriff asked the Judge, "Am I to understand I am to take Mr. Wilson into custody?" The Judge said, "No, but if Mr. Wilson rises again you will remove him from Court without any further order." Another case came on and was soon disposed of. Witness was not, however, engaged in it. After that, a case of Peters and McLaughlin came on; witness was Counsel for the plaintiff, and rose to conduct the case, and informed the Judge he was ready to proceed. The Sheriff then took hold of witness by the arm. Witness asked why? The Sheriff said he did not know, but these were his orders, and he pulled witness out of Court. Witness attempted to come in again, but was prevented by the Sheriff, who placed a constable at the door to keep witness out. An order was made on that day by the Judge, in the cause, in these words:—

"Samuel Peters, Plaintiff,
vs.
Patrick McLaughlin, Defendant." }
"John Wilson, for Plaintiff."

"In the above cause, His Honor the Judge directs the Sheriff that he should remove Mr. Wilson from the Court, and not to be again admitted during the sitting of the present District Court, unless he undertakes to the satisfaction of the Sheriff not to interrupt the Court."

Just after the time that the Judge had ceased to note witness's objections in Shaw, Scott *et. al.*, vs. Joyce

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et. al., witness was stating to the Judge the hardship of being stopped, and insisting on being heard. The Judge said, "I see, Mr. Wilson, you are urging the Court to an extreme measure." Witness denied this, but said he was only trying to bring it to an issue, and that he would be obliged to bring an action or do something to settle it. The Judge appeared to take offence at using the words about bringing an action, and said, "Do you threaten the Court?" Witness said "No." The Judge then said, if anything would make him adopt the course he intended, it would be that. He ordered witness to sit down, which witness did. It was on rising afterwards that he called upon the Sheriff. On Wednesday, witness, on a promise made by him to the Sheriff, not to address the Court, was allowed to enter. When the cases of Scott *et. al.*, vs. Joyce *et. al.*, and Peters vs. McLaughlin, came on, in turn, they were struck out, and the Judge stated that unless the witness submitted, in Bankruptcy, he would strike them out, but if parties chose to employ other Counsel, they might do so. Witness said they would do no such thing, and wanted the causes disposed of. The Judge then said, "Strike them out," and they were struck out. The witnesses were in attendance, and witness had to lose the expenses. On the Wednesday evening, witness received a letter from the Sheriff, a true copy of which is put in, marked Exhibit No. 5; it was received after the rising of the Court, to which witness sent an answer, marked as Exhibit No. 6. If the letter from the Sheriff had stated that witness was out of contempt in the District Court, he would have returned to that Court, and he firmly believed that if he had attempted to proceed with any other cause, he would not have been permitted. Witness left London on Thursday afternoon for Sandwich; on his return the following week, and after the Court had broken up, witness asked the Sheriff what the Judge said to witness's letter, to which the Sheriff replied, that the Judge meant that witness might proceed with his business.

The Commission then adjourned until Saturday morning, the 15th instant, at 10, A. M., when

William Horton, Esquire, re-called, says:—

He was present on Tuesday, the 7th day of April last, at the District Court Sittings. On Mr. Wilson rising to address the Court, in Shaw, Scott *et. al.*, vs. Joyce *et. al.*, the Judge stated Mr. Wilson was in contempt in the Court of Bankruptcy, and that he was aware of the Judge's decision in the District Court Term, not to hear him, and asked Mr. Wilson why he persisted in addressing the Court contrary to his ruling. Mr. Wilson then asked the Judge if he considered him in contempt in the District Court? The Judge replied, that he was not in contempt in the District Court, but that he was aware of what had taken place in Bankruptcy, and, therefore, he could not hear him. Mr. Wilson then made the objections stated by him in his last evidence; the Judge refused to hear him, and ordered him to sit down. Mr. Wilson still continued to urge his objections, but was again ordered to sit down. The Judge then said to the Sheriff, "If Mr. Wilson rises again, you will remove him from the Court without further orders." Shortly after, Peters and McLaughlin came on; Mr. Wilson rose to conduct the case, and intimated to the Court, that he was ready in the cause. The Judge then ordered the Sheriff to remove Mr. Wilson from the Court. The Judge did not strike out Mr. Wilson's cases the first day, but allowed them to remain, stating that Mr. Wilson would probably submit. On the day following, witness was present when the Judge struck out two of Mr. Wilson's cases. Thinks that Mr. Wilson was in Court. Witness suggested to the Judge that these cases should be disposed of, and the Judge appeared unwilling to strike them out, again saying that Mr. Wilson might submit. Mr. Wilson

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then said that if the Judge expected any submission from him, he was very much mistaken; on which the Judge ordered the cases to be struck out.

Cross-examined by Mr. Beccher:—

The Judge appeared anxious to try the causes, and acted with due deliberation in striking them out. Is aware that Mr. Wilson gave some of his cases to other Counsel to conduct; was requested to appear by Mr. Wilson, to give his evidence on this investigation; has signed a Petition against the Judge. Mr. Wilson did present a Petition to witness for signature, which witness refused to sign until modified. There was a great deal of persuasion on the part of Mr. Wilson to induce witness to sign the first Petition, but there was no particular persuasion used with reference to the last, which witness did sign; thinks the Judge was unwilling to proceed with rigor against Mr. Wilson, and stated that it was painful for him to take these steps. Mr. Wilson was aware of the Judge's decision, and that he would not be heard.

By Mr. Wilson:—

Witness thinks that Mr. Wilson contended with a good deal of pertinacity for his right to be heard in the District Court; did not hear Mr. Wilson use any disrespectful language while contending that he should be heard.

Henry C. R. Beccher, Esquire, called, being duly sworn, says:—That he was Counsel for plaintiff, in the District Court, in the case of McIntyre against McQueen. It had been a long cause, and a great many objections had been urged on both sides; the main question was whether a set-off for pork delivered had been paid or not, by the plaintiff's giving up to the defendant a promissory note for the amount of it, which the plaintiff held against the defendant, and which did not form a part of the plaintiff's claim in the suit. After the Judge had charged the Jury, witness, on the part of the plaintiff, requested that the jury might take with them the promissory notes for which the action was brought, and a memorandum in the defendant's hand-writing, shewing that the set-off for pork had been paid. Mr. Wilson, for the defence, urged that a small book containing the charges for the pork, in the defendant's own hand-writing, and which had not been proved, should also go to the jury. Witness objected to its going, and urged that Mr. Wilson knew it ought not to go. The Judge by that time was out of patience that the case had been protracted so long, and said, "If you make any more objections I shall discharge the jury." The jury were then standing up and about to leave the box with the Constable, when one of them said, in answer to what the Judge had said, "I wish your Honor would discharge us." The Judge replied, "Then, gentlemen, you are discharged," and the jury immediately dispersed. No assent was given on either part as to discharging the jury. The Judge, throughout the trial, seemed unwilling to try the cause, on the ground, that the plaintiff's whole claim was over £40, the then jurisdiction of the District Court, and which claim, by assent of both Counsel, had been forced before him; in his Charge to the Jury, and during the progress of the cause, the Judge intimated that Counsel assumed the power of bringing matters before him beyond his jurisdiction, and that they had no such right. Witness is satisfied that if his claim had been under £40, the Judge would not have discharged the jury. The notes declared on were under £40, and after addressing the jury, the defendant's Counsel suggested to witness, that he might as well put in the other note which was not sued on, and thereby, have the whole matter settled at that trial; to this, witness assented, and the note was put in, making the whole claim over £40; at the

same time, witness admitted a part of defendant's set-off, which reduced the plaintiff's claim to about £35; the residue of set-off was the only question left.

By Judge Allen:—

Witness intimated to the Court that, by consent of parties, a note not declared on should be put in. Thinks the trial occupied three or four hours. Witness has heard, that when the Judge first came to the District, Jurors have complained that they did not understand him; latterly, witness does not think it to be the case. Was present, as Counsel, in the District Court, in the case about the stags, alluded to in the Petition. Witness's recollection of the circumstances is as follows: The Judge, in charging the Jury, seemed to think the stags, the subject of the action, were deer, and stated, that as no objection had been made by Counsel as to an action lying on the ground that the animals were *feræ naturæ*, it was not the business of the Court to interfere. Recollects that it was explained to the Judge that the animals were not deer, but castrated bulls; does not recollect what the Judge said; has no doubt but that the Judge amended his Charge accordingly. Witness was Counsel for the defence during all the trial; the Judge did not appear to know what the animals were. This case was tried shortly after the Judge came to the District. The Judge has frequently consulted witness on points of practice in the Courts.

Cross-examined by the Judge:—

Has heard of a Judge of the Court of Queen's Bench of this Province, having, in the course of a cause, spoken of a horn, and mistaking its interpretation.

William Horton, Esquire, recalled:—Says, in answer to the question, is Mr. Allen capable of filling his offices with advantage to the community, he objects to answer, subject to the decision of the Commissioner.

The Commissioner will take time to consider, and adjourn until Monday next, the 17th instant, when

The Commissioner decides, "That the witness has properly refused to answer this question; it must rest solely with the Executive Government, after the whole evidence is placed before it. If the question were allowed, it would make every man a judge of a Judge."

Monday, 17th August, 1846.

Mr. Wilson has now concluded his charges relative to the District Court and Bankruptcy, except concluding the evidence of Mr. Daniell, should he return before the complaints are closed, and before Mr. Allen enters upon his defence.

Mr. Allen objects to the erratic course of proceeding on criminal charges tried in his own District, on the prosecution of a Barrister, who is ostensibly an officer of his own Court; and of taking up the charges contained in another Petition, before those in the first one are proceeded to an end, and in the midst of an enquiry into the truth of a specific allegation.

Mr. Wilson, in reply, says:—It was intimated by the Commissioner, and well understood by Mr. Allen, that the complaint of Mr. Ermatinger was to be investigated on to-day, and in the meantime that Mr. Wilson was to cease proceeding, so as to let Mr. Ermatinger go on; that no objection was taken by Mr.

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Allen, of the course intended to be pursued, until Mr. Ermatinger comes here with his witnesses. As to the use of the words "criminal charges," it is but a play upon words.

The Commissioner decides against the objection, and also on the grounds that the witnesses have come a great distance to give their evidence, and should not be detained.

Augustin Rayner, sworn on the part of Mr. Ermatinger, who proposes to go on with his complaints against Judge Allen in the Division Courts:—Witness lives in the Township of Bayham, 20 miles distant from where the Division Court is held in his Division; was present at the Division Court held at Aylmer on or about the 25th of April, 1844. He had sued a man named Pantling. The Judge sat an hour or more, and before coming to witness's case, adjourned the Court for one week. The witness was prepared to go on; and his witnesses, four at least, who had travelled 20 miles each, were present. The Judge said he adjourned the Court on account of some noise, but witness, although at the door, did not hear any disturbance, or more than usual noise at such places. Witness finding his case could not be tried for almost a week, returned home, and came again to Aylmer with his witnesses, on the day to which the Court had adjourned. After waiting there until the afternoon of the second Court, a Message was delivered by the Clerk, stating that the Judge could not come, and the Court was adjourned for a length of time: witness thinks for about six weeks. At the time appointed, witness attended again with his witnesses, and his case was tried, but no judgment given. About a year afterwards, he heard from the Clerk of the Court that the Judge would not decide the case, as there was conflicting testimony, but that witness might bring on a new trial. Witness did not bring another suit, as he had spent more money in his own and witnesses' expenses than he sought to recover. At the first Court, there were possibly fifty persons present, as many at the second, or more.

By the consent of the Judge and Mr. Wilson, I receive, as evidence, Exhibits Nos. 6 and 7.

Cross-examined by Mr. Shanly:—

Thinks that the Judge sat two hours on the first day; heard no disturbance, nor persons attempting to excite disturbance; heard no disturbance on that day other than the hum usually attending these Courts. After the Court adjourned, by way of ridicule, some persons said a dog jumped up in the window. Thinks his own case might have been tried without any difficulty; does not recollect the Judge offering to give to persons, who might assist in preserving order, half of the fine imposed. The Court was kept at a tavern, in a room on the ground floor. Witness was not crowded, but the room was pretty full. Did not hear any person say that the Court had no power to keep order. People walking up and down before the windows might have disturbed the Judge. Did write a letter, a copy (Exhibit No. 7) of which is put in, and sent the original to the Judge; a copy was also sent to Mr. Ermatinger, M. P. P., to be laid before the Government. Was fined by the Judge, but it was never exacted; it was several times called for, but witness refused to pay. Attended once before at the same Court, held at Toser's, about half a mile from Aylmer. Does not recollect any race there; knows that the Judge has not always attended at ten o'clock; sometimes as late as three in the afternoon. Understands the Judge travelled in a light carriage.

Witness is now re-called by Mr. Wilson, on the second charge in Mr. Ermatinger's letter.

Mr. Shanly objects that the evidence of this witness, as to that charge, should not be received without producing the Records of the Court where it was tried.

Mr. Wilson denies that there can be a Record of a case not tried.

Commissioner decides against objections.

Witness said:—A person named Hollowood, upon an account made out in dollars and cents, but reduced into currency, the Judge refused to try the case because it was not made out in Provincial Currency.

Witness is again called as to the third charge of Mr. Ermatinger. He sued a man named Francisco, on a note originally over £10, but reduced by payment to less than that sum. The case was tried before Judge Allen, but he refused to give judgment. Afterwards, witness found he was likely to lose his debt, and called upon Judge Allen, at his house, in London, for the purpose of getting the judgment. The Judge told witness if any professional gentleman would say he could do it legally, he would do so. The witness went to Mr. Givins for his opinion, and returned to the Judge afterwards. The Judge informed witness that he would call on Mr. Givins, and if they agreed in opinion, witness should collect his debt, and there would be judgment in his favor. Witness never obtained judgment, and has lost his debt, as the defendant has run away.

Cross-examined by Mr. Shanly:—

Saw the Judge afterwards, and was told he would give witness judgment in witness's favor, provided a professional gentleman would give an opinion that he was entitled to it.

Witness is fully satisfied that Mr. Givins knew nothing of this case until he was applied to by witness.

Witness is again called as to the fourth charge of Mr. Ermatinger:—Knows that a Division Court was held at Richmond; it is central, and the public, as far as witness knows, are satisfied of its locality. It was afterwards moved about seven miles further west, to a place called Aylmer, which place is seven miles nearer to the Judge's residence than Richmond.

Cross-examined by Mr. Allen:—

Does not know of any requisition to the Judge about holding the Court at Aylmer.

As to the fifth charge in Mr. Ermatinger's letter,

John Beaupré, being duly sworn, says:—He was an inn-keeper and lived at St. Thomas. The Court was held at witness's house, in the winter of 1844 and 5. On one occasion, the Bailiff came to witness the day previous, and asked if the Court could be held at his (the witness's) house, to which witness assented; if a stove were wanted he (the witness) would help the Bailiff to put it up. The Bailiff came over on the following morning, and said, the day was so fine, the stove would not be needed. The Court met and very soon broke up. The people who were in attendance were much dissatisfied at not getting their business adjudicated. There were usually from sixty to a hundred persons at Court, and on that day as many as usual. The stove could have been put up in five minutes time, and witness told the Bailiff so.

Cross-examined by Mr. Shanly:—

Witness had before refused a room for the use of the Court unless paid for it. The Bailiff and Clerk pro-

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mised to pay for it, but witness never exacted any pay; he never said "they should not hold a Court there." Does not know of any application to Mr. Ivor; it was not a very cold day the Court broke up. Witness on one occasion remarked, that the Judge need not grumble about ringing the triangle for dinner, as he never received any of his custom. The Clerk of the Court is an elderly gentleman; witness heard no disrespectful remark made to the Judge. There was one Court held in the house after witness left; it has since been removed to another house about a quarter of a mile distant. The Court was held the following week at a Mr. Wilson's. Witness understood it was on account of the want of fire at his house.

Anson Paul, of London, inn-keeper, being duly sworn, says:—Was present on the occasion spoken of by last witness. He then lived at St. Thomas; was in the Court at the time it adjourned; heard it stated it was on account of there being no fire in the room. The Judge gave his reasons for adjourning the Court, that it was too cold, and there was no fire. The Judge appeared out of humour. Witness thinks it was rather a mild day for the time of the year. Heard Mr. Beaupré say he would put up a stove, and could do so in five or ten minutes. Thinks there was a good many people present on that day. A number of persons were discontented at the adjournment of the Court. It was adjourned, as witness thinks, for a week. Witness was a suitor in the Court, but his cases were tried the next week.

Cross-examined by Mr. Shanly:—

The adjourned Court was held at Mr. Wilson's, and the cases were all disposed of; never knew of any difficulty at Beaupré's beyond the ringing of the bell or triangle for dinner; never knew of any refusal to hold the Court there; has heard that application had been made to Mr. Ivor to hold the Court at his house; has heard the Judge complain about the Court Room.

By the Commissioner:—

Thinks the room was the most advantageous to the public.

George Fillmore, of the Township of Yarmouth, boarding-house-keeper, being duly sworn, says:—That in the early part of 1844, he sued a man named Hale for board and lodging. When the case came on, witness proved his account to the satisfaction of the Judge; the claim was about four pounds or upwards. After witness had proved his case, the Judge swore the defendant, who stated, that he was only the Agent for Mr. Shuter, and that he was not bound to pay it. The Judge non-suited (plaintiff) the witness. Nearly a year afterwards, at a subsequent Court, witness sued Hale, and had a jury summoned, on which Hale came forward and paid the debt. Witness had to pay costs of the non-suit.

Cross-examined by Mr. Allen:—

Mr. Horton was employed for the defendant, and cross-examined plaintiff's witnesses.

By the Commissioner:—

The Mr. Shuter spoken of is a resident of Montreal, and at the time of the trial, witness remarked to the Judge, how could he recover his debt, when the Judge said, "Go away, I won't hear you."

By Mr. Shanly:—

Has signed a Petition against the Judge; there was nothing but Hale's evidence on which the Judge could non-suit the witness.

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Daniel Gunn, of Yarmouth, being sworn, says:— That he was present at St. Thomas when Fillmore's case came on against Hale. After the case had been proved, as witness understood, to the satisfaction of the Judge, the defendant stated that he was Agent for Mr. Shuter; thinks that defendant was sworn on what the defendant stated. The Judge non-suited the plaintiff. Witness had a similar claim against Hale at that time; about nine months afterwards, witness sued Hale, and recovered, through the intervention of a jury. The Judge's decision, in Fillmore's case, deterred witness from suing before.

Cross-examined by the Judge:—

In witness's case, the jury were charged by the Judge; in the event of witness losing his case, he and others were to share the expenses; it was brought to test the question. The Judge was of the same opinion as in Fillmore's case, and charged the Jury accordingly. Does not recollect having signed a Petition against the Judge.

Mr. Ermatinger, M. P. P., for the County of Middlesex, puts into the hands of the Commissioner, a letter to the Provincial Secretary at Montreal, dated 7th February, 1845, marked Exhibit No. 8. It is a copy of the original sent in.

The Commissioner refuses evidence on the specific charge or complaint, as he has not received the original letter from the Government.

Mr. Ermatinger further urges that he should be allowed to go into evidence on the Petition from the inhabitants of St. Thomas, received by Government on the 5th March, 1845.

The Commissioner refuses also to receive any evidence on this Petition, as there is no specific charge set forth.

James McQueen, of St. Thomas, being called to support Mr. Ermatinger's second charge, is sworn, and says:—That he was sued, in the Division Court, by one Leonard, in the spring of 1845. The account was made out in dollars and cents, but was reduced into currency, and amounted to upwards of three pounds. The plaintiff refused to acknowledge service of witness's set off, whereupon witness applied to the Court to non-suit the plaintiff as the claim was in dollars and cents. The Judge granted the non-suit.

Cross-examined by Mr. Shanly:—

The case was afterwards tried by a jury and a verdict was given against defendant. After some errors had been corrected, witness admitted the account.

Mr. Wilson now proposes to go on with that part of his Petition relating to Division Courts.

Thomas Scatchard re-called:—Knows Division No. 1, for this District. Henry G. A. Allen, the Judge's son, is Clerk; thinks there is more business done in this Division than any other two; the office hours in Division No 1, are from 11, A. M. to 2, P. M. Knows that Mr. Henry G. A. Allen did not attend to those hours before the Petition was sent in to the Government. Some days he did not attend at all, and he never made a practice of attending regularly. During the year 1844, until the month of May, 1846, witness has been at the office of the Clerk two hundred times, and did not find him in his office. Witness now alludes to the intervals between 11, A. M. and 2, P. M. On a complaint being made by Mr. Wilson to the Judge in open Court, witness stated the fact before men-

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tioned under oath. On witness swearing to the fact, the Judge asked witness if ever he had complained to him before; the witness replied he had so complained. The Judge then asked witness what he himself said to witness on his making the complaint. Witness said that the Judge had spoken to the Clerk on the subject, but nothing had been done. Mr. Wilson then said to the Judge, "Will you take any action on the complaint then before him." The Judge then said, "You want to get the Clerk removed," to which Mr. Wilson replied, "Of course he did." Witness heard the Judge say sharply, "You will not." Mr. Wilson then replied, "He did not expect he would." There were other witnesses brought up before the Judge on the same subject; one of them swore, that during the same period that witness spoke of, he, the other witness, had attended one hundred and fifty times without finding the Clerk in the office during the said hours; the witness now alluded to is John Gourlay; after each witness had been called and sworn, in all some six or seven, Mr. Wilson put the question to the Judge, if he would take any action on the complaints made? The Judge has ordered that the Clerk of the Court shall make out the copies of the summonses issued, and be paid by the party getting the summons; when the order was first made, sevenpence halfpenny was charged for each copy, subsequently sixpence, and latterly, one shilling currency. In all cases, the Clerk charged the same, and where there were more than one defendant, he charges a shilling for each. Witness, on account of the shortness of the hours, and the absence of the Clerk during those hours, has requested the Clerk to allow witness to draw the copies, and he would pay for them the same as if made by the Clerk.

This was to enable him to get the summons issued in time, and witness has paid the Clerk for copies made by witness himself. Witness was present in Court when the Judge made the order that the Clerk should make out the copies of summonses, and be paid for by the party taking them out; witness afterwards sued a party in his own name, the copy of the summons made out by the Clerk was incorrect, and the Judge noticed the fact at the trial, and said the case could not go on; witness said, that if he had been permitted to draw out the copy, the mistake might not have occurred, upon which the Judge ordered the Clerk to pay back to witness the costs, which was done.

Before the next Court the defendant left the country, and the debt was lost. In May, when Mr. Wilson made the complaint, he mentioned about taking the shilling, and that the Clerk was not authorized by law. The Judge then said, it was the practice in the Home District. Mr. Wilson replied, the practice was incorrect. The Judge remarked to Mr. Wilson, that he had been informed that Mr. Small, at the Crown Office, charged for copies of writs issued out of his office. Mr. Wilson said, he would like to see Mr. Small charge him for writs which he would get out of the office. The Judge upheld the practice, and said, that it was the practice of the Home Division Court, and also the Crown Office at Toronto. This was said in open Court, and before a great number of persons. Mr. Wilson was present, and also Mr. Horton. Witness knows that the Clerk, under the old Act, charged a shilling, currency, for returning the deposit money in each suit, alleging he was entitled to it for a search. Under the new Act sixpence is charged for the same service. This was made a matter of complaint by Mr. Wilson in May last, and witness had complained himself, and several others, to the number of twenty times, to the Judge, of the same fact. The Judge informed witness that he had taken the opinion of the Judges about it, and that

they were with him in opinion. Witness has given receipts for the deposit money in more than three hundred suits, in all of which cases the shilling has been retained from the witness. Several cases have occurred in which the deposit money had amounted to only a shilling; in those cases, as well as others, the shilling was kept for the search, which the Clerk charged in looking for the amount. Upon one occasion, the Judge referred to Mr. Askin as to his opinion, which was in accordance with the Judge's. On Mr. Wilson remarking to the Clerk, in the Judge's presence, that the receipts in the Book were false, as he did not pay it back, he said, "It was a matter of convenience; the party might as well allow him to retain the shilling as to take one out of his pocket and pay for the search." In the fall of 1844, and beginning of 1845, the Clerk was in the habit of charging the plaintiff 2s. for searches in each cause, one for return of deposit money, and the other for issuing the execution. In some cases the Judge would tax off the charge for issuing the execution, and the plaintiff would lose it altogether. The Judge would say, on being complained to, "Sue the Clerk, and recover it back," and informed the Clerk that he might appear by Counsel and support his right to the charge. Witness knows that latterly no subpoena will be granted by the Clerk during the Court day; formerly it was otherwise, the parties would bring their witnesses and get their subpoenas at Court. The Judge will not tax the witnesses' expenses for attending unless subpoenaed, and the witness has known persons attending before the Court day to get subpoenas, but were unable, from the Clerk being out of his office. The party bringing the witness would thereby lose the expense of witness's attendance. Has heard continually at the Division Courts in London, complaints made to the Judge, of the Clerk, to which the Judge would pay no attention other than speaking to him, and the same thing would be repeated. Complaints have also been made to the Judge, of the Clerk being out of his office during office hours, and when in his office, refusing to transact business. The Clerk will not receive any more than one account at a time, and keeps parties waiting in his office until each summons is made, upon each account being handed. The rule was adhered to, and sustained by the Judge in the year 1844, and part of 1845, and in May last the Judge said, he would uphold the rule, although it was then not insisted upon by the Clerk himself; this order has, with several other matters, been made the subject of complaint to the Judge, but he has refused to hear the complaints; got in a passion, and in some instances threatened the parties with fine. Witness never could get any business done in the office in a satisfactory manner, and the complaints to the Judge were equally unsatisfactory. Witness has known parties delay bringing on their suits for six months, on account of the unsatisfactory manner in which business is conducted in the office.

Cross-examined by the Judge:—

Has conducted a great many suits in the Division Court; the original copy was indorsed by the Clerk for a certain amount of debt and costs; at this time the plaintiff's agent was in the habit of drawing the copies of the summonses, and would insert a nominal sum on the summonses for costs; the reason for this, as far as witness is concerned, was, that he could not obtain the original summonses from the Clerk. Witness always collected from the defendants, as near as he could, the true costs; if the defendant paid more than the true amount, it was owing to witness's inability to obtain the correct sum from the Clerk. Witness often copied from the original; in some cases, where he did not know the true amount to be inserted,

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has received the full amount inserted in the copy made by himself. Persons, generally, sued in the Division Courts, can read. The Judge told witness in open Court, that he, witness, had committed an extensive fraud on the District, and gave him to understand that he would send him to the Penitentiary. Witness was excluded by Judge Allen from conducting suits in the Division Court, from January, 1845, until the Assizes in April. Col. Prince, in speaking of Judge Allen at the Assizes, in the spring of 1845, advised witness not to give the Judge such a chance to injure witness again, and said, it would be better to have nothing more to do with him in future. Might have had 50 cases to conduct at the time that Judge Allen imputed fraud to witness. All the cases in which witness was concerned as agent, were struck out by the Judge, and witness had to pay about £15 of costs. There was no defendant who made objections to the service copies being incorrect, until the Judge ordered them to be struck off, and the expenses given to the defendants. The business done in Division No. 1 is performed by Mr. Henry G. A. Allen. Witness is a Clerk to Mr. Horton, who has an office in the Court House. The office of the Division Court is also in the same building; thinks that the Clerk's office is worse attended than any other office witness knows in the District. Witness thinks the Court grossly mismanaged, but in monetary matters, as far as witness is concerned, has always found Mr. Henry Allen perfectly honest. The Judge never acts on complaints against his son, and always gets in a passion when spoken to on the subject. When called upon in May last by Mr. Wilson, he told the Judge he had no complaint to make against the Clerk personally, then. The Judge then said, witness should not be sworn without he wished it; on which Mr. Wilson said, he wished it, and insisted that witness should be sworn; saw the Judge taking down what witness swore to, but cannot say whether it was taken down correctly. The Judge is generally in the habit of noting complaints made to him; in May last he must have noted something. Witness has not signed the Petition against Judge Allen, nor was he requested by any person so to do. Mr. Wilson asked witness to go before the Grand Jury on this matter, which witness refused. When the Judge spoke of having consulted the Judges, and they were with him, witness understood Judge Allen to refer to one or more of the *Nisi Prius* Judges. Is positive that Judge Allen said it was the practice of the Home District to charge for service copies of summonses. Witness believes that the costs of the search and copy of summonses, if carried on to execution, will be made out of the defendant. Every item of costs is specified in the execution, except service and mileage. Witness had not read over the amended Act carefully, but has looked over it.

Commission adjourned until 10, A. M., Tuesday, the 18th August, when, Mr. Wilson recalls

William Horton, Esquire:—Was present in May last in the Division Court, when the matter about the Clerk receiving pay for the copies of summonses came up. The Judge stated he had made an Order that the Clerk should make out the copies, and receive pay therefor. Mr. Wilson complained to the Judge against the practice. The Judge said, he had made enquiries at Toronto, and found that it was the practice in all the public offices to charge for copies of papers; that he had ascertained that the Clerk of the Crown at Toronto had copies of all original writs and papers made out in his office, and that he charged for them. Mr. Wilson said, he would like to see Mr. Small charge him for copies of writs.

Cross-examined by Mr. Beecher:—

Is certain the Judge spoke of the Clerk of the Crown at Toronto. The Judge said, as witness understood, for all original writs and papers; thinks that Judge Allen, on the same occasion, said, that he had ascertained it was the practice of the District Court Office at Toronto to charge for copies. On the day when this took place, witness went into Division Court Office, having heard that an investigation was going on.

John Wilson, Esquire, recalled, says:—That about the beginning of May last, witness was passing through the Court room when the Division Court was sitting, but did not intend to go in. The Judge appeared to have a Presentment of the Grand Jury, respecting the hours of the Division Court, before him. The Judge said to witness, "I see your name on the back of this Presentment; what complaint have you to make?" Witness said, he complained of what was stated in the Presentment, and would make it good. Witness further said, he had no knowledge of what was going on; but there were witnesses present in Court, who could prove the complaints contained in that Presentment. The Judge then said, "Have you any personal complaint?" Witness said, not particularly, but he was interested in the proper Administration of Justice in the District, as every inhabitant was. The Judge then referred to the Act, and said, "It was only persons having complaints themselves that he was bound to listen to." Witness said, he had made a complaint, and could prove it; but if that was the Judge's ruling, witness would go away. Witness had gone nearly to the door, when the Judge called him back, and said, he would take the proof, although, strictly speaking, he had no right to receive it. Witnesses were called, to the number of seven or eight, to substantiate the charges contained in the Presentment; and witness has no doubt but the Judge noted the evidence correctly. On each witness coming up, the Judge asked them what they had to complain of severally; they generally said they did not wish to complain, on which witness said, he was the complainant, and they were the witnesses. In speaking of Rymal's matter, witness said, the Clerk had spent the money, it having been admitted before the Judge that the Clerk had the money, but had not paid it over, although called upon four or five times for it; the Clerk said, "It is false; it is false." Witness said, he did not want any impertinence. The Clerk said, "He meant it as impertinence: it was false." The Judge said to the Clerk, "stop, stop;" but the Clerk persisted in using the expressions to the witness. When witness first spoke of the Order, that the Clerk should make copies of summonses, and charge for them, the Judge seemed to have forgotten that he had made such an Order. On being reminded of the Order by Mr. Scatchard, the Judge stated he had made enquiry at Toronto, and found in the Home Division Court that it was the practice, and that in the Crown Office in Toronto the Clerk was entitled to be paid for all copies of papers whether the parties made them or not. Witness said, "He would like to see Mr. Small charge him for copies," and was proceeding to explain to the Judge what copies were paid for, when he was interrupted by the Judge, who said it was a matter of construction of the Act, and he repeated, that was his construction.

Cross-examined by the Judge:—

The question under discussion had reference to the Clerk's right to make and charge for the service copies of the summonses, and no other papers were

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spoken of. Witness was a Commissioner under the old law, and Mr. Beecher was Clerk of the Commissioners. If the plaintiffs asked the Clerk to make the copies, he was allowed to make a charge. Witness has not read the last amended Division Court Act; thinks it came into operation in June, 1845. Witness understood, that previous to the amended Act, the Clerk refused to furnish the original summons, but merely signed his name on a summons being produced.

Mr. Wilson now calls—

Lawrence Lawrason, Esquire, who, being duly sworn, says:—That he has been in the habit of doing business in the Division Court since it first came into operation. In 1842 witness applied to the Clerk for several summonses, the Clerk charged the usual fee on the summonses, and wished to charge witness sevenpence-halfpenny each for copies. Witness was willing to pay the charge for copies, if it could be taxed against the defendant. The Clerk stated, it could not be taxed against the defendant, and witness refused to pay the charge, but demanded the Clerk to issue process, as required by law; he refused to issue copies of the summonses. Witness took the original summonses, and gave them to the Bailiff; the day appointed for the Court, the summonses were not served, and witness complained to the Judge of the circumstance; it was explained that the copies had not been supplied, as witness had refused to pay for them. Witness then made a formal complaint to the Judge against the Clerk, under the 57th section of the Act, 1841, and prayed the Judge to dismiss the Clerk from his office, for having received illegal fees. The Judge appeared not to be aware of the charge having been made for copies, and stated, it was wrong for the Clerk to charge for copies, and that he would not allow him to issue any copies, and made an Order that the Clerk, in future, should not make out the copies of summonses. Witness then called the attention of the Judge to that part of the Statute which required the Clerk to issue the summons or process, and that witness conceived the Clerk was bound to issue the process complete, and ready for service. The Judge replied, that the duty of the Clerk, in issuing of the summons, was merely to sign his name and make the entry in his book; that the parties were bound to furnish printed forms and fill them up. This practice was upheld in the Court for a length of time—witness thinks for about two years. It caused a great deal of inconvenience to the country people, and was the means of establishing petty agencies for doing business in the Division Court. About the year 1844, witness was informed by the Clerk that the Judge had ascertained it was the practice in the Home District for the Clerk to make out the copies of the summonses, and charge them as costs against the defendants; that an Order had been made that the Clerk should charge a shilling for each copy of summons, and that charge has since been made, and continues to the present time, without reference to the amount of the plaintiff's claim. Since the amended Act, the practice of the Clerk is to charge sixpence for a search on returning the deposit money to the plaintiff, and also sixpence for a search on being applied to to issue an execution. When money is collected, the Clerk charges sixpence for a search before he pays it over. On the 15th day of September, 1845, witness paid to the Clerk (25s 6d.) twenty-five shillings and sixpence for fifty-one searches, for as many suits as witness had brought in the preceding Court. This charge was for searches for returning the deposit money deposited in those suits. Witness refused to pay the charge, and said he required no searches, as he had a list of the deposit moneys with him, which he merely wanted returned,

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as required by law. These charges were not collected from the defendants, and witness had to lose the 25s. 6d. On the following Court after this occurrence, witness complained to the Judge in open Court. The Judge desired witness to wait until the trial business was over, which witness did. Witness complained that the Clerk charged sixpence for a search when required to return deposits, and another sixpence when required to issue execution, and a sixpence for every act which required a reference to his book, and which was also required by law to be done by him. Witness also stated, that in many cases the searches amounted to four or five in one suit, and he prayed the Court to order the Clerk to return to witness, the 25s. 6d., which he had charged for the fifty-one searches, on the occasion before referred to. Witness referred the Judge to the tenth section of the Division Court Act, and said to him that the book should be open to all persons desirous of searching the same; that witness did not desire to make any search, but merely wanted a return of the deposits which the Clerk was required by law to do. The Judge replied, "That this charge of 25s. 6d. was correct, and that the Clerk could not return the deposits without making a search, and also, that he could not issue an execution without making a search." Witness has paid the Clerk for a search in all cases where he called for the money paid in. He considered this oppressive, and in all cases endeavoured to get the money from the parties themselves without going to Court; in consequence of this, witness has a number of suits standing in the Clerk's book as open, when, in fact, they have been actually settled with witness. The difficulty and expense of getting business done in that office has caused this practice of settling *inter partes*. Witness knows the Judge made a distinction between confessions taken by the Bailiff and the Clerk, and that he allows interest on those taken before the Clerk, and refuses to allow interest on those taken before the Bailiff. Upon those confessions taken before the Clerk, judgment is entered up, and it is put down as hearing an undefended cause; upon those confessions taken before the Bailiff, the Judge requires the evidence of the Bailiff, and charges the fees as for a defended cause. In all cases where witness had recovered judgment upon promissory notes bearing interest, the Judge refuses to allow interest after judgment, except in those cases where confessions are signed before the Clerk. Witness has stated to the Judge repeatedly, that interest ought to be allowed on judgments, particularly on notes bearing interest, and he replied, "That was his construction of the law, that if interest were allowed on judgments in that Court, the country would make it a Savings Bank, and it would increase the business of the Court to a very great extent." Witness knows that the Clerk refuses to issue subpoenas on the Court day, during the sitting of the Court; this is done by the Judge's order; has seen cases where parties have been refused subpoenas, although their witnesses were actually in Town, and, in consequence, the parties were obliged to put off or lose their suits, or suffer very great inconvenience and injustice. Witness knows it is the practice of the Clerk to refuse to deliver executions to the plaintiff. In a case of witness against Samuel Simpson, the defendant had left the District after summons served, but witness had obtained a judgment against him; witness afterwards saw the defendant in Town with a horse, sufficient to satisfy the judgment, and went to the Clerk and applied for an execution which was then overdue. Witness paid for a search and the execution, and then left, so as to give the Clerk time to make it out. Witness returned in about half an hour, the execution was made out and lying on the Clerk's table; he, however, refused to give it to witness, stating, there

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was an Order of Court that the execution should only be delivered to the Bailiff. Witness informed the Clerk that this was a peculiar case, the Bailiff having gone to St. Thomas, and would not return until after the office was closed, and the defendant was going to leave Town early the next morning, and if the execution could not be taken out that day, witness was fearful he would lose his debt. Witness promised to deliver the execution to the Bailiff on his return, and also keep the Clerk harmless from any blame. The Clerk said he would adhere to the Order, and refused to give witness the execution. The claim was for about £2 10s.; the defendant went away with his property, and witness has lost his money in consequence. Witness had a judgment against one "Comfort" for about £2, in which the money was paid in; on calling on the Clerk for the money, witness was several times put off on trifling excuses. At last, having applied several times, the Clerk offered to pay the amount of the execution, but in so doing, he retained twenty shillings out of the judgment, stating that he had not received the full amount. Witness then said it had been fully paid, and required him to pay it over or he (witness) would complain to the Judge; at the next sitting of the Court, witness did complain to the Judge that the Clerk had not paid the full amount; the Clerk stated he had not received the full amount, but he had paid to witness the money received. The Judge then made an Order that the Clerk should pay him the balance on witness producing the receipt of the Clerk, which defendant held. The defendant lived ten miles from London, and witness had to wait a month before he saw the defendant. On getting the receipt, the Clerk paid witness the balance of his judgment; in consequence of this, witness was kept out of his money for some time. Witness is aware that until lately, the Clerk was very inattentive to his office; the most simple business has been put off for months without any reasonable cause. Witness has frequently abstained from suing in the Division Court, on account of the difficulty of getting business done. The office hours of the Court are inconvenient, and witness applied to the Judge to have it remedied, on which the Judge said, "It was a matter under his control, and nobody else had anything to do with it." The Clerk is seldom to be found in his office during the hours, and when there, unnecessarily delays and puts off the most simple business from day to day. Although numerous complaints have been made to the Judge, the evil is still suffered to continue.

(No cross-examination.)

Ephraim Parke, Esquire, re-called, says:—That in April last, he went from fifteen to twenty times during a period of three weeks, to the Division Court Office, between the hours, 11, A. M. to 2, P. M., and generally found the Clerk absent from his office, and the office locked. Before this, witness had frequently occasion to transact business with the Clerk, as Clerk of the Bankruptcy Court, and has also found him absent during the office hours of the Division Court. In May last, when the complaint was made by Mr. Wilson to the Judge, witness mentioned the particular times, both the hour and the day, in several instances, but not in all.

Cross-examined by the Judge:—

Witness was frequently sent by Mr. Wilson to the office on business and otherwise; did not know that Mr. Wilson had any suits in the Division Court.

Mr. Wilson proposes to go on with the seventh charge, contained in Mr. Ermatinger's letter.

John McIntyre, of Aldboro', being duly sworn, says:—He sued one William Hill, at the Division

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Court, in Aldboro', in the spring of 1844, and obtained judgment for upwards of £5. Witness applied to the Clerk three several times for the execution before he obtained it; after it was issued, the Bailiff went to the defendant for the purpose of levying property, but was informed it belonged to his (the defendant's) father-in-law. Witness finding he was likely to be baffled out of his judgment, went before Judge Allen at a Court held in Dunwich, and complained of the conduct of the Bailiff; when the execution was issued, witness informed the Clerk he would indemnify the Bailiff in seizing property. The Judge found fault with the Clerk for not issuing execution before he did, although witness had previously paid for it; when witness complained against the Bailiff, the Judge called upon him for an explanation; the Bailiff said the property belonged to the father-in-law of the defendant, on which the Judge said, the Bailiff was not obliged to sell without an indemnity. Witness complained that it was too hard to lose his debt by this man pretending to hold the defendant's property, and if it was allowed, it would encourage others to do the same thing, and creditors would be defrauded of their dues. Witness spoke in civility to the Judge; he then got in a passion, and on witness sitting down, the Judge called him up and threatened to fine witness for insulting the Court. Witness replied that he had not insulted the Court, nor intended so to do. The Judge opened a book, but did not fine witness. Afterwards, witness recovered part of his judgment by indemnifying. Since then, witness lost another small debt sooner than being it before Judge Allen, on account of the treatment he had previously received.

Cross-examined;—

Says, he said it would be an encouragement to other rogues to do the same. Mr. Munro was present; never presented a Petition to the Judge. Witness was not angry when he made the remark about rogues.

The Commissioner adjourned until Wednesday, the 19th instant, at 10, A. M., when Mr. Wilson calls

Henry G. A. Allen, Esquire, who wishes to know by whom he is to be paid. The Commissioner decides that he is entitled to no pay at present, and he must apply to the Government.

Henry G. A. Allen, Esquire, being duly sworn, says:—That the Judge has given directions to witness, verbally, not to issue the executions in Division Court No. 1, to any person but the Bailiff, and witness has strictly adhered to the rule.

Mr. Allen (the Judge) here insists upon his right to cross-examine the last witness to any extent connected with the foregoing proceedings.

Mr. Wilson replies:—He can only cross-examine as to anything arising in reason out of the examination-in-chief.

The Commissioner overrules the objection.

Mr. Daniell is recalled by Mr. Wilson for the purpose of finishing his examination-in-chief as to Bankruptcy and Insolvent Court charges.

Mr. Daniell resumes, and says:—That in the case of Jennings, £1 17s. 6d. was claimed by the Clerk, of which 12s. 1d. were for costs of the second meeting, at which nothing was done. Afterwards upwards of £4 was claimed by the Clerk, in this case, of

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which £1 5s. 9d. was for costs of the second meeting, which was not held. Witness refused to pay this bill, as he considered it unfair, and told the Bankrupt that if he wished to go on with the matter he must pay the fees himself.

Mr. Wilson now proposes to call Mr. Daniell as to the Insolvent Court charges. Witness now says:— That *in re* Brown, in the Insolvent Court, he obtained an *ad-interim* order until the 21st February last, for the protection of the Insolvent. That day was appointed for his examination; the meeting was advertised in the Gazette and one of the London papers, to take place on that day. By an Order of the Judge it is necessary, in Insolvent cases, as also in Bankruptcy, to make an appointment on the day previous to the meeting, and to pay the fees on that day, although such meeting may have been appointed by the Judge. On the day previous to the meeting witness went to the Clerk's office for the purpose of making the appointment and paying the fees; the Clerk was not in his office, although during office hours. On the following day there was a meeting in Bankruptcy, at which time witness offered to pay the fees in the Insolvent's case. The Insolvent was present and ready for examination. The Clerk refused to receive the fees, stating, that as no appointment had been made, the meeting could not be held. No meeting was held in consequence. The Insolvent had to pay the expenses, and the matter was discontinued.

Cross-examined by Mr. Shanly:—

In re Jennings, witness gave Mr. Shanly an account of fees, amounting to £1 17s. 6d. The bill contained the items before mentioned, and for the non-payment of which the Judge threatened to attach witness, and kept him in contempt. Witness has lost the account of items, but is sure his evidence on this point is correct. He took that account to Montreal to attend before a Committee of the House of Assembly. Witness is sure that he attended *in re* Brown, between the hours of 11 A. M. and 2 P. M., at the Clerk's office. He offered to pay the Clerk the fees on the next day as soon as witness saw him. He said the fees could not be received, as the Judge would not hold a meeting where the appointment had not been made according to the Order. Witness told the Clerk he had attended the day previous to pay him the fees, but did not find him in his office; would have applied to the Judge, but thought it of no use. Witness once applied to the Judge in a similar case, who held a meeting; witness sent to the Judge's house and he came in; witness thinks the order for payment of the fees to be unnecessary, although such an order may be found in the English Books of Practice. The Judge invariably remarked, in those cases, that he would strictly adhere to the rule. The Insolvent some weeks afterwards left the District. There is a tariff of fees now established; on the 10th instant witness first saw it. From the commencement of the year until that date witness had only one case in the Insolvent Court: he paid fees to the Clerk, some trifling amount, about five shillings. On the 26th June last, witness filed the Petition *in re* Merigold, and paid the Clerk 18s. 5d. In that case the Clerk made up the bill, and witness paid it. Witness offered to deposit any amount of money for fees the Judge might deem proper in Merigold's case, if he would proceed with the meetings in the case. The Judge said he could have no meetings in this matter, as he did not know what fees to charge. On that occasion, witness was obliged to write to the Judge, and sent the Insolvent with the letter, to induce the Judge to hold a meeting, which he did. On that

occasion, no fees were charged or deposits taken. There is an Order for taxing the costs.

Mr. Allen here proposes that the Commissioner shall take his seat on the Bench, as the Commissioner appears to be master of the ceremonies.*

This closes the examination of all the witnesses relating to the Bankruptcy, and Insolvent Court charges.

Mr. Daniell is now re-called by Mr. Wilson, as to the District Court charges, and says:—He was present at the District Court Term, on Friday, the 20th March last. Witness was Attorney in a case of Norval and Travers, and requested Mr. Wilson to oppose the rule *Nisi* granted to set aside proceedings for irregularity. On Mr. Wilson rising to speak, the Judge told him he would not hear him as he was in contempt in Bankruptcy. Witness pressed Mr. Wilson to go on with the case, and should the Judge persist in refusing him, he (witness) would appeal the case to the Court above. Mr. Wilson declined, in consequence of its not being a case of his own, and that he would bring up one of his own cases and try the question. Witness remembers the case of Ryan and O'Flynn coming on, in which the Judge refused to hear him, on the same ground as mentioned in the previous case of Norval and Travers. The Judge passed over Mr. Wilson in the motions, although he was senior Counsel then present. There had been nothing said before the case of Norval and Travers came on, as to Mr. Wilson being in contempt. On Saturday, (the day following,) witness was sitting at the table in the Court Room, when Mr. Wilson came into Court, from the Judge's Room. The Judge entered the Court immediately after and took his seat on the Bench; the first thing said in Court was by the Judge, who asked Mr. Wilson if he had anything to say, as he was now ready to hear him. Witness understood this related to the Bankruptcy matter. Mr. Wilson proposed to the Judge, that if his (the Judge's) decision, in Bankruptcy, proved to be right, he would make any apology required by the Court, and that he would refer the matter at issue between him and the Judge, to the Court of Review, and Mr. Burns, Judge of the District Court. Mr. Wilson offered to remain in contempt, in Bankruptcy, until the matter was decided, if the Judge would hear him in the District Court, and accept of this proposal. The Judge refused to accept it, and proposed that if Mr. Wilson would pay the costs of the Adjourned Meeting in Bankruptcy, and submit to the Court, that the matter would be dropped, which Mr. Wilson declined doing. The Judge then proposed, if Mr. Wilson would pay a nominal fine of ten shillings, and submit to the Court, there would be an end to the matter. Mr. Wilson replied that he did not consider paying any fine would be sufficient, but if the Judge were sustained in his decision, he would make as ample an apology as could be required. The Judge then made another proposal, that if Mr. Wilson would submit to the Court, there the matter would drop.

Cross-examined by Mr. Shanly:—

Considered the reference alluded to the Memorandum of marking Exhibits; is quite sure that this conversation took place on the Saturday. Does not

*Note. At the request of Mr. Allen, on this day, I adjourned to the Court Room, having previously held my sittings in the Grand Jury Room. On coming into Court, the Judge requested me to point out where he was to sit, and on my replying, "wherever he pleased," he took his seat on the Bench. I proceeded with the examination, taking my seat at the table used by the Barristers in Court.

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recollect anything about the apology on Friday. If it were to appear in the Judge's notes, would believe it incorrect. Does not recollect the Judge reading any note on Friday or Saturday. Thinks that notes of judgment were read on Saturday. Does not recollect the cases.

This concludes the evidence as to the District Court charges of complaint.

Mr. Daniell re-called as to Division Court charges, says:—That in the year 1843, one Duncan had a judgment against Osborne; execution had been issued and the money had been made. The plaintiff's brother, who was his Agent here, represented to witness that he had made frequent applications to the Clerk for the money, but could not obtain it, and requested witness to take some proceedings against the Clerk, to compel him to pay it over. Witness applied to the Clerk, who informed him that the execution had been returned by the Bailiff to him as paid to the Plaintiff in full, and that the execution had been lost. Witness made application afterwards to the Court, when sitting, to compel the Bailiff or Clerk to pay over the money, as the plaintiff had not received it, which the Bailiff admitted in presence of the Clerk and Judge. The Judge examined the Clerk, on oath, who stated that the execution had been returned to him by the Bailiff, as paid to the plaintiff in full, and that the execution had been lost. Upon that evidence, witness applied to the Court, for an order, to compel the Bailiff to pay the money, under one of the clauses of the late Act, which provides for such cases. The Judge doubted if he could make such an order, as the Act had passed after the thing had occurred. Nothing was done on that occasion, but the Judge said he would consider the matter. Some time afterwards, witness applied to the Clerk again, who informed witness that the execution had been found, and that he and the Bailiff had agreed to pay one-half of the execution each. Witness asked the Clerk for the money, who said he had not got it. Witness made a second application to the Court, and stated the admission of the Clerk to the Judge, and requested him to grant an attachment or order against the Clerk. The Judge said he could not grant it, as the plaintiff was not present, but upon his personal appearance, he would do it. It was not for some weeks afterwards that the plaintiff got his money, and witness charged the plaintiff four dollars for making the applications to obtain the money. Witness was present at a subsequent Court, when the Clerk stated that the Bailiff was correct, and that the entry in the book was wrong. Witness has heard a person named Flynn state, that he would not sue in the Division Court on account of the conduct of the Clerk. Witness knows that the Clerk has charged for a search when the defendant went to pay the demand.

Cross-examined by the Judge:—

On the second application to the Judge, witness is sure that the Clerk admitted the Bailiff to be right, and understood him to admit that he had received the money, which the Clerk has since paid. The Judge's note, in the case, is partly incorrect; he said he would grant the attachment or order on the personal application of the plaintiff.

By the Commissioner:—

The amount was about £8. Has heard no complaint made to the Judge of his son's conduct, in reference to persons not suing.

John Wilson, Esquire, re-called, says:—He mentioned the case of Duncan and Osborne to the Judge,

on the occasion of the Judge calling on witness to say what he had to state, in reference to a Presentment made by the Grand Jury, against the Clerk. The Clerk rose in Court and said, "In justice to the Bailiff, he must state, that what the Bailiff had said of this matter, (alluding to the return of the execution,) was correct, and he (the Clerk) was wrong," and that the entry in his book was wrong, as to the return, for he had found the execution, and the return on the execution, was paid to him (the Clerk) in full. He said he had no recollection of getting the money, although he did not deny but that he had received it. Witness then asked the Clerk how he could make such an entry, and swear to it, and he replied, "He only swore to the entry in the book."

Cross-examined by the Judge:—

Mr. Shanly has no questions. "Witness made no note on that day."

Mr. Wilson now calls John B. Askin, Esquire. On being called, states:—He begs to decline giving any evidence, for the reason, that one of the parties complaining, and himself, have had a misunderstanding for some years. For some time past, the Judge and himself have been on terms of intimacy and friendship.

The Commissioner determines Mr. Askin must be sworn.

Being sworn, says:—That the Exhibit put in, marked No. 9, is the original Presentment of the Grand Jury, made to the Court of Quarter Sessions, on the 15th day of April last. Judge Allen was present as Chairman on that day. Witness produces a paper, marked Exhibit No. 10, establishing Divisions of the Division Courts for the London District, dated 16th November, 1841; it was made before Mr. Allen became Chairman, by virtue of the District Court Act. Witness produces the Order of Sessions, dated the 9th May, 1845, signed by Judge Allen, as Chairman, marked Exhibit No. 11, and the Order of Sessions, dated 4th July, 1845, signed by Judge Allen, as Chairman, and marked Exhibit No. 12; also Exhibit No. 13, being the Order of Sessions, dated 17th April, 1846, suspending the previous Order, also signed by Judge Allen. Witness is Clerk of the Peace for the London District.

John Wilson, Esquire, recalled, says:—That after the Presentment had been made, probably the next day, Mr. Lawrason stated that he understood that a Presentment had been made with reference to the Clerk of the Division Court, and asked for it. This was stated by Mr. Lawrason, as a Justice, on the Bench. The Presentment was read, on which Mr. Lawrason said to the Judge, it was a matter which had been much complained of, and felt by the country people coming in and being unable to transact their business, and that his object, in speaking of it was to ask the Judge if he would remedy the evil complained of, and if the Judge said he would do so, no further action should be taken about it, and if not, he, Mr. Lawrason, should feel it to be his duty to have the matter submitted to the Government. The Judge gave no satisfactory answer, but as witness understood him, said, it was a matter which the Grand Jury had nothing to do with. Edward Matthews, Esquire, another Magistrate, then stated, that it was a thing very much complained of, and explained that he feared the Judge did not understand what Mr. Lawrason wanted. Mr. Matthews said, what was really wanted was to lengthen the hours of the Division Court, and speak to the Clerk to make him attend a little better. The Judge said, "It was a matter under his control altogether." On this, Thomas C. Dickson, Esquire, another Justice,

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tried to persuade the Judge to say he would comply. The Judge, in substance, replied to him, that it was a matter exclusively his, and he had fixed the hours as they were; then it was moved by Mr. Lawrason, and ordered that the Presentment should be submitted to the Government, which was done. (The Order is now produced by Mr. Askin, marked No. 14.) The hours have not been altered, to the knowledge of witness, and he believes they are the same yet.

Cross-examined by Mr. Shanly:—

Took no notes at the time, but was in Court and heard the matters stated in his examination-in-chief; as not any office in this District made the subject of Presentment; has heard the Judge remark to Grand Jurors, that they had made Presentments which, in his opinion, they had no right to make; this Presentment would come within the class which, the Judge considers, Grand Jurors had nothing to do with.

Lawrence Lawrason, Esquire, recalled, says:—That he was in Court, as a Magistrate, on the day on which the Presentment of the Grand Jury, relative to the office hours of the Division Court Office, came under discussion. Witness read the Presentment, and applied to the Judge, calling his attention to it, to know if he would make such orders to extend the office hours as the wants of the country required. The Judge replied to witness, that the Grand Jury had nothing to do with it, as it was a matter entirely under his control, and he refused to give the Bench any satisfaction on the subject. Witness spoke in a very mild manner to the Judge, and informed him, that if he would not comply with the Presentment and the suggestions of the Bench, a copy of the Presentment would be sent to the Government, and an order was made to that effect. Witness thinks other Magistrates spoke on the same subject, and all of them present, except the Judge, agreed in opinion with witness.

Cross-examined by the Judge:—

If he were a Stipendary Magistrate, he would keep regular office hours, as he might be required by the Government.

Alexander Strathy, Esquire, J. P., of the London District, being duly sworn, says:—That he was present on the day alluded to by Mr. Lawrason. Witness recollects that Edward Matthews and Thomas C. Dickson, Esquires, also Magistrates, spoke to the Judge on the subject of extending the hours of business in Division Court No. 1. As witness recollects, the Judge, in reference to what had been said to him, replied, "It was a matter entirely under his control, and they had nothing to do with it;" thinks the Judge said, "that they had been the hours at Toronto, but not now."

Cross-examined by the Judge:—

There might have been a note taken, but witness did not observe it or hear it read in Court.

Hiram D. Lee, Esquire, called by Mr. Wilson, as to Division Court charges, says:—On account of the manner in which business is conducted in the Division Court Office, witness has declined to bring suits in that Court, which he otherwise would have done. Witness called at the office of the Clerk of the Division Court frequently, in the office hours, and found no person in; sometimes it would be locked, at other times, the key would be in the door.

Cross-examined by Mr. Shanly:—

Says, he never complained to the Judge on this subject.

Mr. Thomas B. French, being called by Mr. Wilson, as to Division Court charges, says:—That he has a claim against a person in London, the amount of which would come within the jurisdiction of the Division Court. Witness has refrained from suing this claim in the Division Court, on account of difficulties which are generally stated to occur in it.

Cross-examined by Mr. Shanly:—

Has never read the Division Court Act.

John Wilson, Esquire, recalled, says:—That he has a number of estates to wind up, and has sued some of the claims through one of his clerks, a Mr. Gourlay. Witness has found so much loss of time, and disbursements that were not recovered, that in suing a number of cases, nothing could be made. If witness had sent twenty or thirty suits to the Clerk, witness's clerk would be absent all day. This arose from the circumstance, that the Division Court Clerk refuses to receive but one claim at a time, and compels the party to stand and wait till he issues the summonses, one by one. This was brought before the notice of the Judge, and Gourlay proved, on oath, that it was so. The Judge said, it was right, and sustained the Clerk.

Cross-examined by Mr. Shanly:—

Knows that in cases sued by witness, one of the causes of the loss mentioned, arose from witness's clerk not having a Power of Attorney to act in each individual case. The cause of complaint against the Office, No. 1, is peculiar. Witness has never done business in any of the outer Divisions. Believes that Division No. 1 comprises more than half the business part of the District. The first that witness heard of charges for searches was an item of about £6, which had been deducted by the Clerk; each search was charged a shilling, and it was before the passing of the amended Act. Witness recollects that he has seen Mr. Scatchard, Mr. Hamilton, Mr. Askin, and the Bailiff, acting on various occasions for the Clerk in his absence.

Cross-examined by the Judge:—

At the time the Division Court Act came into force, the Judge sent for the Members of the Profession, and placed at their disposal, the offices of the Clerk and Bailiff in the several Divisions, except the clerkship of Division Court No. 1, which witness understood he reserved for his son. The persons now holding the different offices are the same as first appointed, with one exception; the persons recommended by the Profession were chiefly those who had held office under the old law.

Judge Allen says, that if he has used any language, either to-day or during the examination, to the Commissioner, which may be considered in any way offensive, he now begs to retract it, and apologizes for the use of any such expressions.

Mr. Philo Bennett, called by Mr. Wilson, being sworn, says:—That in two cases, one Remos Pinley against Alexander Griffith, and one of witness—Jacob Cooley—witness, although he frequently called on the Clerk, could never get out executions, although he frequently called for them. On some occasions, the

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Clerk promised to make them out, but never did so. In witness's own case, he has been several months without getting his money, and has not yet received it. Within a few days, witness went to defendant and took some lumber on account of the debt. Witness would have sued other persons in the Division Court, but thought it useless to do so.

Cross-examined by Mr. Shanly:—

The Clerk never made any claim for fees when witness applied for the execution. Witness will not say he went to the office for the execution, but, on one occasion, he met the Clerk in the Court House passage, and requested him then to make it out, which he promised witness to do; but on witness next seeing him, he said he had not time to do it. Witness once applied for the office of Bailiff of Division No. 1; he might have asked the Judge, in the event of a vacancy, if he would appoint witness to the office. Witness went about the District with one of the Petitions, which was numerously signed, and signed it himself; it complained against the Judge.

Mr. John O'Flynn, called by Mr. Wilson, being duly sworn, says:—He has had suits in Division Court No. 1. From what witness saw himself, and heard from others, he has declined suing persons in the Court. He has no difficulty himself in the Court.

Cross-examined by Mr. Shanly:—

Has had no difficulty in his own cases; had to supply printed forms out of his own pocket for summonses. The Clerk told him that he must find the forms himself. The Clerk merely signed the summonses; he thinks he had to furnish two copies of summonses.

Benjamin Shotwell, called by Mr. Wilson, is not sworn.

The Commission adjourns until to-morrow, (Thursday,) at 10 o'clock, A. M., 29th August, when,

Mr. Allen says, he has an application to make to the Commissioner. He exhibits to the Commissioner, Certificate from the Under Treasurer of the Middle Temple, London, dated 3rd February, 1840. Effect of it is, that Mr. Allen was called to the Bar, the 8th day of February, 1822. A Diploma of the Law Society of Upper Canada, founded on the Certificate, dated 15th June, 1840, and a Judiciary Commission, dated 28th June, 1841, appointing Mr. Allen Judge of the London District Court.

Mr. Shanly here moves (as Counsel for Mr. Allen) that this Commission adjourn until Counsel can be heard before the Executive Council, on the nature of this proceeding, and further to argue the constitutional questions which are involved. Mr. Shanly makes this application as, since yesterday, a case of a similar nature, and somewhat analogous, has come to his knowledge. The case is now before the Privy Council, in England, in the matter of J. W. Willis, Esquire, against Sir George Gipps, Governor of New South Wales.

I decide that the proceedings, under the Commission directed to me, must go on.

Mr. Wilson now calls

John Gourlay, to establish Division Court charges; being sworn, says:—He was formerly an articled Clerk of Mr. Wilson, and had charge of the suits in Division Court, of estates in Mr. Wilson's hands, (five in num-

ber.) In June, 1842, an Order was issued by the Judge, stating, that each summons must be issued by the Clerk separately. Witness, on one occasion, went to the Division Court Office, in the office hours, commencing at 11, A. M.; and repeated his calls, at least ten times, without finding the Clerk in his office. About a week afterwards, witness gave the Clerk about eight or nine accounts for summonses, which were issued. About three months previous to this time, witness went to the Clerk with about forty accounts to be sued. The Clerk refused to receive the accounts in gross, but threw them in witness's face. Witness afterwards got the summonses issued through Michael McGeary, the Constable of the Court. If witness went to the Clerk to enquire if a summons had been issued, or an order for payment, or an execution, the Clerk charged a search in each case, of a shilling; this practice lasted over a year. If application were made for the deposit money, a search would be charged.

Cross-examined by Mr. Shanly:—

Says, the Clerk threw the papers in his face, but witness did not complain of it till Mr. Wilson called him as a witness. Mr. Goodhue was present on the occasion.

This concludes the evidence of the charges in Mr. Wilson's Petition, as to the Division Court.

Mr. Wilson now commences with the charges relative to the Quarter Sessions Court.

John Harris, Esquire, being duly sworn, says:—He is Treasurer of the London District, and has been so for twenty-six years; he is a Magistrate. In 1845, witness first heard Judge Allen refuse to sign drafts on the Treasurer, for the payment of charges connected with the Administration of Justice. In the first place, the Judge absolutely refused, stating it was not the practice of the Chairman of the Home District. In July of that year, the Chairman made the same objection, and added, unless audited in his presence on the Bench. The practice of the Sessions had always been to select a Committee of Magistrates, exceeding seven, for the purpose of examining the accounts in detail. After they had gone through the accounts, they were brought into Court by the Chairman of the Committee, as examined accounts, and the Chairman signed the drafts for the liquidation of the several claims. In July and November, 1845, and January, 1846; there were no drafts signed by Judge Allen; but after January, witness, feeling the extreme hardship of keeping the parties out of their money, paid them on the certified copy of the Clerk of the Peace, which is here put in, and marked Exhibit No. 15. After all the claims had been paid, amounting to £589 6s. 8d., at the April Sessions following, the Chairman did sign drafts, and they were sent to the witness by the Clerk of the Peace; they were not, however, in the hands of the several parties in whose favor they were drawn. At the April Sessions last, witness heard the Judge, sitting as Chairman, deny that he ever had refused to sign the drafts, although the fact was asserted by witness, and several other Magistrates, that he had. At the several Sessions previous, there had been altercations on the Bench between the Magistrates and the Judge on this subject. On one occasion, Mr. Murdoch McKenzie, J. P., dissented from the other Magistrates. The Judge said, that in consequence of the indignity which had been shewn to the Bench, by the Treasurer, in refusing to pay one of his orders, he would not sign another draft. In the case on which witness refused to pay the draft on a mandamus, he was sustained by the Court of Queen's Bench. Thinks the Judge said, he felt the indignity individually.

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Cross-examined by the Judge:—

When Col. Burwell was Chairman, the accounts were examined by a Committee, and they were signed by the Chairman on the Bench. Col. Burwell was Chairman for about fourteen years. Mr. Young succeeded Col. Burwell, and the same practice was adhered to. They were examined by a Committee of Magistrates, and the drafts were again signed in open Court. Col. Clinch succeeded Mr. Young, and he followed the same course, as far as witness knew. Has seen Judge Allen sign drafts in the office of the Clerk of the Peace after the Sessions. Judge Allen became Chairman in 1842. Witness says, that Judge Allen had always signed the drafts before July, 1845, before the difficulty about the draft in favor of the Sheriff and the Coroners took place. If the drafts had been signed, witness would have paid them as usual. Witness thinks the alteration of the form of drafts, to be mere whim and caprice of the Judge. Two forms are put in, marked 16 and 17. The Sheriff's draft, which witness refused to pay, has been partly paid by witness. Those items of the account, which were allowed by the Court of Queen's Bench, have been fully paid to the Sheriff. In 1845, witness was sent for to know what items he would, and what he would not pay. The Judge was sitting at the table in the Court Room, and on being asked the question, said, he would not pay those accounts connected with the Administration of Justice, and in accordance with the Statute. Witness thinks he was not present when Mr. Willis read over the items objected to in the Sheriff's account.

John Wilson, Esquire, recalled, says:—From January, 1845, till last April, there have been unbecoming disputes between Judge Allen and the Magistrates, about the accounts. Some time after the January Sessions of 1845, Mr. Harris refused to pay a draft which had been signed by the Chairman. The Judge was annoyed at the refusal of the Treasurer to pay this draft and others, and witness heard the Judge say, in reference to it, that it was a gross thing for the Treasurer, an inferior officer of the Court, to refuse to pay his judicial draft; that he had no more right to refuse to do it, than the Sheriff would have to refuse to obey the process of the Court. A mandamus was moved for, and the Treasurer was sustained. On the Bench, witness heard the Judge say, he would sign no more drafts on the Treasurer; it formed no part of his judicial duty; that Mr. Burns, who was Chairman of the Home District, never did it, and he, Judge Allen, never would. At the last Sessions, in April, the Judge addressed the Grand Jury, and in the address, the Judge reflected on the Magistrates, for something which occurred the Sessions before. Mr. Lawrason was on the Bench, and a good many Magistrates were present. Witness thinks, at least, seven. As soon as the charge was given to the Grand Jury, Mr. Lawrason stated, that it contained untrue statements, and he pointed out what he conceived to be untrue, and moved, that the address was not concurred in by any Magistrate present, and he was sustained in that motion by all the Magistrates present; and the Judge said, it was his own act, and that he was not accountable to the Bench for his charge. Soon after, a Committee was named for to audit the accounts. In speaking of it, Mr. Lawrason stated, the Chairman had refused to sign the drafts. The Judge denied ever having refused to sign the drafts. Mr. Harris and Mr. Lawrason, both sitting on the Bench, asserted that he had, and at different times had, so refused. This, the Judge denied, and would not put the motion for appointing a Committee. Mr. Murdoch McKenzie, alone with the Judge, thought the Committee should not be appointed on that day. The Judge then said, if there was no judicial matter before the Court, he would adjourn it, or take the Dis-

trict. He did take the the District Court, and left the Magistrates sitting. It was soon after this that witness was put out of Court by the Judge's orders.

Cross-examined by Mr. Shanly:—

The Chairman read part of his address to the Grand Jury. It purported to reflect on the Magistrates for what had occurred at the previous Sessions, and to justify himself.

Mr. Wilson now calls;—

Lawrence Lawrason, Esquire, says:—He first heard of a difficulty about signing the accounts in July, 1845, when a Committee had been appointed to examine the accounts previous to their being audited in open Court. The Committee sat for a day or two in the Committee Room. Witness was Chairman of it, and a list of accounts to the amount of £207 2s. 6d. was examined, and found to be due for the Administration of Justice in the London District. A memorandum to the following effect was appended to the list of accounts.

“The foregoing accounts have been examined, and found correct, and therefore submitted to the Court to be passed, and that Drafts may be given upon the Treasurer for the several sums due. Dated London 3rd July, 1845.

(Signed,) “L. LAWRASON,
Chairman, Com. of Accounts.”

At the time the Committee were prepared to report, the business of the Court had either concluded or adjourned. The Chairman came into the Committee Room, and the Court was opened there. There were present: Henry Allen, Esquire, Chairman; Lawrence Lawrason, Duncan McKenzie, Thomas H. Ball, Hugh Carmichael, Christopher Beer, Wilson Mills, and Alexander Anderson, Esquires. A discussion then arose about signing these accounts. The Chairman stated that it was not his duty to sign drafts for the payment of these accounts, on the Treasurer, and that he could not do so. That the Chairman of the Committee of accounts might sign them, or he would absent himself, and they might elect a Chairman *pro tem.*, who could sign the drafts. Witness said to the Judge, that the Statute 7th Wm. IV., chap. 18, required the Chairman of the Quarter Sessions to sign the drafts on the Treasurer, and that as the Magistrates attended gratuitously, and he received a salary for performing his duties, witness saw no reason why they should take upon themselves to do what the Statute required him to do. Previous to the difficulty, the Judge, as Chairman, had signed the drafts. The Judge refused to sign, as the Treasurer refused to pay some draft which he had signed, and there appeared to be no legal authority for the payment of these accounts. Witness then moved the following Order, which was carried unanimously.

“That the list of accounts taken into the consideration of the Committee appointed for that purpose, which they have examined and now submit, be now taken into consideration by the Court; that they be now passed, and that the Chairman be now requested to sign drafts for the same.”

The Chairman dictated to the Clerk of the Peace, his answer as follows: “The Chairman respectfully declines acting in passing the accounts in question, and to sign the drafts in reference thereto.” There was a good deal of dissatisfaction expressed by Contractors for supplying the Gaol, Constables and others, in not having received their pay from July till November. When on the second day of the Sessions, “It was Ordered, that the accounts against the District for

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"the Administration of Justice be now taken into consideration," a Committee was appointed to examine the accounts due by the District for the Administration of Justice, and the following gentlemen were appointed to form the same: Duncan McKenzie, Lawrence Lawrason, Simeon Merrill, James B. Strathy, Charles Montserrat, Alexander Anderson, John Harris, and John Lang, Esquires.

On the 21st November, they examined the several accounts presented at that Sessions, amounting in all to £208 9s. 6d., to which they added the amount of accounts examined at July Sessions, per list therewith presented, which were submitted to the Court on the third of July last, and for which the Chairman then refused to sign orders upon the Treasurer for payment—£207 2s. 6d.—making a total of £416 19s. 8d. The Report of the Committee concluded with the following recommendation:

"The Committee appointed to examine the accounts presented against the District, for debts incurred for the expenses of the Gaol, and the Administration of Justice, respectfully submit to the Court that they have carefully examined the claims submitted to them, and find due to the several individuals mentioned in the accompanying list, which was examined and submitted to the last July Sessions, and to the above list which is now submitted, the several sums opposite their respective names, and have numbered the same, and noted upon the margin the Act or Acts under which the said sums are payable. The Committee, therefore, now submit the whole for the consideration of the Court, and that the same may be now audited, and that checks or orders upon the Treasurer of the District may be signed in favor of the different individuals, to whom the said debts are due, agreeably to the provisions of the Statute, 7 Wm. IV., chap. 18. The Committee find that some of the contractors for supplies for the use of the Gaol, have discontinued to furnish such supplies, in consequence of not being paid according to agreement, and that a considerable additional expense has consequently arisen in obtaining the said supplies, and that the whole of the contractors refuse to continue the supply unless their accounts are so arranged as to enable them to draw the payment when due.

"All which is respectfully submitted.

(Signed,) "L. LAWRASON,
Chairman of the Committee.

"Committee Room,
November 21st, 1845."

The whole Report was submitted to the Bench, the following Magistrates then being present:—

Henry Allen, Esq., Chairman, Lawrence Lawrason, Duncan McKenzie, John Harris, James B. Strathy, John Lang, Charles Montserrat, Simeon Merrill, and Alexander Anderson, Esquires. Ordered by the Court, and signed by the Chairman as follows:—

"That the Court do now proceed to audit and pass the accounts submitted by the Committee appointed for their examination, and that the Chairman do sign checks or orders upon the Treasurer, for the several sums found due to individuals, in accordance with the provisions of the Statute, 7 William IV., chapter 18.

"In open Court of General Quarter Sessions of the Peace, London, 21st November, 1845.

(Signed,) "HENRY ALLEN,
Chairman."

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Several accounts, for necessaries, were then passed, and the checks on the Treasurer signed by the Chairman. On the first account, for Constables' services, being submitted, the Chairman passed it by, saying he would not sign the Constables' accounts then, but he would reserve them for further consideration, as he did not then see any authorities for the payment of Constables. Witness then referred the Chairman to the 2nd section of the said Statute, but he declined signing the checks. Witness then moved, and it was Ordered, "That the Bench do not consent to postpone the consideration of signing the drafts on the Treasurer, for the Constables' accounts, which are audited, but that the drafts for the same be now signed." On this order being unanimously adopted by the Magistrates present, the Chairman refused to sign it, when submitted to him for his signature; the order was then signed by all the Magistrates present, being the same names as last before mentioned. After the Sessions, and before the 10th December, the drafts were signed out of Court, by the Chairman. The Judge stated to witness, that he had signed the drafts immediately after the receipt of the Tariff of Fees. The accounts, however, were not audited under that Tariff, nor did the items allowed agree with it in all cases.

In January last, witness was present at the 2nd day of the Session; a number of Magistrates were present, and on witness rising to object to an Order which had been made on the first day of the Court, appointing some other day to take up the District accounts, after the rising of the Court, the Judge then consented to appoint ten o'clock in the morning of some other day, during the Sessions, to take the matter up. On the day appointed, witness came into Court within ten or fifteen minutes after the time appointed for the auditing of the accounts. There were seven Magistrates present within a few minutes of the time, and the Judge was about commencing the District Court business. The witness asked the Judge if he would proceed with the auditing accounts, or appoint some other time. The Judge appeared angry, and said to the effect, that he had made two appointments already, and as the Magistrates were not in attendance, he would make no more appointments. Witness asked the Judge if he would appoint some other day; he refused to answer witness, and turned his back to witness; his manner was rude, and he appeared to be angry. The Judge threatened to adjourn the proceedings of the District Court to another building, and sent one of the Constables out for that purpose. When witness addressed the Judge, he did so in a quiet manner, but he considered it as an interruption, and brought the matter before the Profession and the public present. Witness and other Magistrates attended the Court during the whole week, to be in readiness to audit the accounts, as he would appoint no time. On Monday evening, several Magistrates were in attendance, and the last of the business of the Court, except the accounts, as witness understood, was disposed of. The Judge asked the Clerk of the Peace if there was anything more before the Court, on which he presented the packet of accounts, with a list, prepared for audit. The Judge said, that if they were going into the accounts, he would retire, as he could not take up the accounts that night. Witness, or some other Magistrate, said, the accounts could not be disposed of without his signature, as Chairman. The Judge refused to sign them, and never would sign them. He rose up in a passion, and left the Magistrates sitting on the Bench. One of the Magistrates then went on the Bench, and directed the Clerk of the Peace to adjourn the Court, as witness thinks the Court broke up without any adjournment.

On Tuesday morning, the Judge was not present, and nothing was done.

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In consequence of the accounts not being audited, the Treasurer consented to pay the Constables, and supplies for the Gaol, upon the list made out by the Committee of Accounts, of which witness was Chairman. On the Tuesday morning, the Clerk of the Peace stated, there was a woman in Gaol, on a charge of larceny, and wanted the Magistrates to proceed with her trial. They came to the conclusion, as there had been no adjournment, they could do no business. Witness then discharged the woman from custody, and took her husband's recognizance for her appearance at the next Quarter Sessions, in April.

When the Judge delivered his Charge to the Grand Jury, in April, witness was present. The purport of the Charge reflected strongly on the conduct of the Magistrates, relative to the disputes about the District accounts, and the adjournment of the Court, and the Judge stated, that, in consequence of the misconduct of the Magistrates, a prisoner had remained in Gaol without trial, since the last Sessions. Witness asked the Judge if it would not have been courteous to have submitted his Charge to the Bench before it was delivered, as there were reflections on the Magistrates in it, and they should have been consulted. He replied, "It is my Charge, the Court have nothing to do with it," or words to that effect. Witness then said that the Charge contained statements which were incorrect, and moved, "That it be Ordered, that the Address of the Chairman to the Grand Jury is not concurred in by the Bench," which was carried unanimously. A motion was put for the appointment of the Committee of Accounts for the following day, which the Judge declined to put. Murdoch McKenzie, Esquire, agreed with the Judge, in opinion, but all the other Magistrates present dissented. Witness, on the day following, submitted an Order to the Court, requiring the accounts, which the Chairman had refused to sign at the previous Sessions, to be taken up. On this, an altercation took place, in which the Chairman stated, that he never had refused to sign the accounts, and he repeated it several times. The Order, as first proposed to the Court, by witness, the Judge refused to put, and it was not until he had amended his motion, leaving out the statement of the refusal of the Judge, that it was put. The accounts were audited, and checks signed by the Chairman, up to No. 30, when an account of Cyrus Sumner, for twenty-eight days service, amounting to £7, (as Constable,) a check for which the Chairman refused to sign, stating, that the Constable had not put in a separate account for it. The Bench considered the account put in by the High Constable, which contained this item, as sufficient, and witness shewed to the Judge, at that time, the account referred to; on his refusing to sign the check, witness moved, and it was Ordered by the Court, "That the amount allowed to Cyrus Sumner, of £7, for twenty-eight days service, as a Constable, in attendance upon the Courts at London, as certified by Peter Scram, High Constable, be now audited, and that the Chairman do sign a draft on the Treasurer for the amount." The draft was then presented to him, filled up, and ready for signature. The Chairman refused to sign, and directed the Clerk of the Peace to take down as follows: "The Chairman declines signing this draft, or any other, where the account is not produced before the Court, and this denial applies to all other claims where the account of the individual is not produced." The accounts were all signed, excepting the claims of several Constables, contained in the general account of the High Constable, and certified by him.

Adjourned until Friday, the 21st instant, at 10, A. M., when, Mr. Lawrason resumes—

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Witness was elected as Chairman *pro tem.* at the Sessions, on the 17th day of April last; there were eight Magistrates, including witness, present. When witness came into Court, he was informed the Judge had left on other business. After witness was elected Chairman, and the accounts being audited, the Judge came into Court, in his gown, and said he wished to make an application to the Quarter Sessions, as Judge of the Division Court. Witness said, there could be no Quarter Sessions, he being present, unless he took the Chair, which the Judge accordingly did. The Judge then made a statement to the Court, respecting certain Orders, which had been made, altering the limits of the several Division Courts, in the District, and said, that the days for holding the several Division Courts, for their next sittings, were appointed under the former Divisions, and if these Orders were carried into effect, it would greatly impede the Administration of Justice, and prevent him from holding the Courts, which he had appointed; and he requested the Court to extend the time of those Orders being carried into effect until a particular day, which he named, about two months afterwards. Witness remarked to the Judge, that the Courts held by him, since the Orders were made, were illegal, and they had been so for about nine months; he replied, that was not a question to be decided by him, but must be left to a higher authority. Witness then, to meet the emergency, wrote the Order, which was adopted by the Court, and marked as Exhibit No. 13.

In 1841, the Divisions were appointed for holding the Court of Requests, as per Exhibit No. 10.

The Township of "Metcalfe" being created, and the Township of "Williams" annexed to the London District, a Special Sessions was held, on the 9th May, 1845, by which the Township of Williams was annexed to No. 1 Division, and the Township of Metcalfe to No. 6. See Exhibit No. 11.—This was a temporary arrangement until the next Quarter Sessions.

At the General Quarter Sessions, held in July, 1845, there were a number of Magistrates present, from all parts of the District, and they adopted an Order, rescinding the former Divisions; and establishing new ones, so as to make it more convenient for the public. The Order for the new Divisions, is contained in Exhibit No. 12. Division No. 1, before the last Order was made, consisted of the Townships of London, Lobo, Westminster, North Dorchester, the Six Front Concessions of South Dorchester, the Town of London, and the Township of Williams. The Order altering it, passed in July, and marked as No. 12, (Exhibit,) made Division No. 1, to consist of the Town of London, Township of London, the northern part of the Township of Westminster to the line between the fifth and sixth Concessions, North Dorchester, the north part of South Dorchester to the line between the sixth and seventh Concessions. Lobo, Williams and part of Westminster, were taken out of the Division No. 1, and added to other Divisions. Before the Order, marked as Exhibit No. 13, was adopted, witness applied to the Clerk of the Peace, to produce the Order marked No. 12, and was informed by him that it was in the Judge's possession. Witness then examined the Sessions Order Book, in which it ought to have been entered, and found it was not entered in the book. On a subsequent day, in Sessions, and before the passing of the Order, No. 13, (Exhibit,) the Judge was presiding as Chairman, and witness enquired of the Clerk of the Peace, why the Order of July had not been acted upon. Witness then referred to the 3rd Section, 4 and 5 Vict., chap. 3, requiring that the Divisions of each District, and all alterations made therein, should be entered and

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recorded by the Clerk of the Peace, in a book, to be, by him, kept for that purpose; the Clerk of the Peace stated that he understood the Order could not be carried into effect, because there had been no Order made by the Quarter Sessions, to publish it, and that he had been directed not to proceed with it. Witness asked him, by whom had he been so directed, and he replied, by a Magistrate. Witness then asked by what Magistrate, and he then replied, by the Judge. The Chairman was present all this time, and witness sat beside him, on the Bench. Witness then said to the Chairman, that he considered it the duty of the Judge of the Division Court to have these Orders promulgated, and if he thought differently from witness, he should have informed the Court, so that the Order might be carried into effect. The Chairman replied that he was not bound to know the contents of any Order which he signed, and that this Order of July was made without his being consulted in the matter, and he was not bound to know its contents. The Order marked Exhibit 12 $\frac{1}{2}$, dated 16th April, 1846, was then made, and it was in reference to this and the Order of July, that the Order, Exhibit No. 13, was made. Witness understood the Judge to admit what had been said by the Clerk of the Peace, and subsequently, from the remarks made by the Judge himself.

Cross-examined, by Mr. Shanly:—

There had been no difficulties with Judge Allen, previous to July, 1845. Does not remember any difficulty between Judge Allen and the District Council. Believes the notes of the Judge to be correct. Has no reason to doubt them. On the occasion of the Judge threatening to adjourn the District Court to some other building, witness thinks the Judge acted with contempt, and uncourteously towards the Magistrates. On that occasion, Mr. John Duggan was present in Court, and remarked that if the Judge would name a time to attend to the magisterial business, there would be no interruption. Witness thinks that the Judge said he could not make any other appointment. He refused to make any further appointment, saying that he had made two already, and that he should make no more. The Order for altering the limits of Division Courts was made in the presence of the Judge, in open Court, sitting in the Committee Room.

John Harris, Esquire, re-called by Mr. Wilson:—

Says he was present during the Quarter Sessions, in April, on one day, when the Chairman came into Court, and took his seat on the Bench, and having enquired if the Magistrates were present, said he would wait for them five minutes; in the Clerk's Room, were four Magistrates, of which witness was one. In the passage, outside, there were several others, who could not get in, by reason of the door being locked. The Judge waited a very short time, left the Bench, and went to his own room; he was scarcely in his own room, before eight or nine Magistrates were present. The Judge did not return to the Court until he came in to move the suspending Order, mentioned by Mr. Lawrason.

Cross-examined, by Mr. Shanly:—

Does not think the Judge was sent for.

James B. Strathy, Esquire, called by Mr. Wilson; being sworn, says:—He was present when the Grand Jury made a Presentment against Henry Allen, Clerk of the Division Court, No. 1, about the hours and attendance of his Office. After the Judge had read the Presentment, he told them it was a thing they had nothing to do with; it was a matter entirely within his own jurisdiction.

John B. Askin, Esquire, re-called by Mr. Wilson, says:—He was instructed by the Judge, that the Order changing the limits of Divisions of the Division Courts, marked Exhibit No. 12, could not be carried into effect, as there was no Order made for its publication.

Cross-examined by the Commissioner:—

Cannot say how long after the Order was made, the Judge first mentioned the subject. Thinks that in 1841 and 1845, the Orders for establishing and altering the limits were published. He would not have published the Order without receiving written or verbal directions from the Bench. Witness, on more than one occasion, brought the matter before the Sessions. The Judge felt hurt at the Divisions established by the Sessions, and he complained that he had not been consulted on the subject. It was not entered in the Sessions Book, at the time, as the Judge suggested, that the Order might be modified.

By Mr. Shanly:—

The Order of July, 1845, was made in Committee Room, and witness thinks that Judge Allen, at that time, was not consulted on the subject. It was signed in open Court, and has always been in the custody of witness.

Cross-examined by the Judge:—

A memorandum, in the hand-writing of the Judge, proposing some alteration in the Division Court limits, was seen by witness, in January last. Witness thinks it was laid before the Bench, but no action was taken upon it. Recollects that Mr. Goodhue was present, on the morning on which Judge Allen absented himself from Court. The Order is acted upon now. Is not aware that the Bench ever refused to order its publication. Was present when the Judge and Mr. Givens, as his Counsel, applied for a suspension of the Order, in April last.

Mr. Wilson now tenders his own evidence, as to the general conduct of Mr. Allen on the Bench, and to his fitness to discharge the duties of the office.

The Commissioner overrules this kind of testimony, on the same grounds as stated in (manuscript copy) page 109.

Mr. Wilson now states, that he has concluded his charge, and the case against Mr. Allen is closed.

The Commission adjourns until Monday, the 24th instant, at 10, A. M., when Mr. Shanly moves first to adjourn this Commission until the first day of October next, in the absence of the Honorable S. B. Harrison, Q. C., he having been written to, both for the purpose of appearing as Counsel, and for the benefit of his evidence, both as to the practice of the Court of Bankruptcy, with regard to certain matters in evidence before this Commission, and, generally, as a member of the Government at the time of the appointment of Judge Allen to the Judgeship of the London District, the presence of Mr. Harrison being of great importance to the defence of Judge Allen, before the Report of the Commissioner shall be laid before the Executive Council.

Mr. Wilson objects to this application, on the ground that it does not appear that any subpoena has been taken out for Mr. Harrison, or any means used to procure his attendance; that the practice of the Court of Bankruptcy can be proved by other testimony than Mr. Harrison's, by Books of Practice; and that Mr. Harrison's being a member of the Government at the time of Judge Allen's appointment, can furnish no

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evidence to answer specific acts, which have been charged against him, since his appointment, nor could his presence, as a witness, answer these acts.

The Commissioner decides against the application, because it is unreasonable in its nature. Judge Allen has long since been furnished with copies of the charges, and he has already submitted to the Government his remarks upon them. The only evidence admissible by the Commissioner will be contradictory, or explanatory of the testimony given by the complainants. Any statement, in justification of his conduct, or any documentary papers, will be received by the Commissioner, and submitted to the Government.

Mr. Shanly now moves for an adjournment, for such time as an application can be made to the Executive Government, for an extension of this Commission, to take evidence at Toronto and elsewhere. The evidence of the Honorable J. B. Robinson, Chief Justice, and others of the Judges, being important to the defence of Judge Allen.

Mr. Wilson objects to this application, because it does not appear what evidence is to be adduced at Toronto, which cannot be adduced here.

That the ruling of the Commissioner has precluded all opinion as to fitness or unfitness of the Judge, apart from specific facts and allegations, and the same ruling must apply in the defence.

That it is not suggested that the evidence of the Chief Justice, and other Judges, is to answer any specific fact proved, or attempted to be proved, against Judge Allen.

The Commissioner decides against this application, as stated in (manuscript copy) page 26. The application might have been made to the Government since the decision of the Commissioner, on a similar application made to him, on the 12th instant. The Commissioner will, however, give ample time to Judge Allen to make the application, before the proceedings, taken under the Commission, are returned.

Mr. Shanly moves, that as it is not proposed to put in any *vivâ voce* testimony at London, the Commissioner be requested not to send in his Report until the first day of October next, to enable Judge Allen to prepare and put in all such documentary evidence as his Counsel may advise, in answer to the charges which form the subject of this Commission; and also, such statements,

in writing, as shall be deemed expedient by his Counsel.

Mr. Wilson shews no objection to the application, and the Commissioner will, accordingly, not send in his Report before the time required, unless called upon to do so by the Government.

Commission adjourned until the first of October next.

Commission adjourned until the fifteenth of October.

Commission adjourned until the sixteenth of October.

FRIDAY, 16th October, 1846.

I do hereby certify, that the foregoing pages contain a true statement of the proceedings and evidence taken by me, as Commissioner, touching and concerning certain charges and complaints preferred against Henry Allen, Esquire, Judge of the District Court, of the District of London.

(Signed,) HENRY SMITH, JR.,
Commissioner.

INDEX.

Witnesses' Names.

Allen, Henry G. A.,	Lee, Hiram D.,
Askin, Henry G.,	Murray, Wm. P.,
Askin, John B.,	McIntyre, John,
Beaupré, John,	McQueen, James,
Bennett, Philo,	O'Flynn, John,
Daniell, James,	Parke, E. J.,
Fillmore, George,	Paul, Anson,
French, Thomas,	Reynar, Augustin,
Goodhue, Hon. Geo. J.,	Scatchard, Thomas,
Gourlay, John,	Shanly, James,
Gunn, Daniel,	Strathy, Alexr.,
Harris, John,	Strathy, Jas. B.,
Horton, Wm.,	Wilson, John,
Lawrason, Lawrence,	

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REPORT

OF A COMMITTEE of the Honorable Executive Council, recommending Judge Allen's removal.

THE charges against the Judge of the District Court for the District of London are divided, by the Commissioner, appointed to take evidence, into twenty-two heads.

1st. For having placed Mr. Wilson in contempt in the Bankruptcy Court, without sufficient cause.

On this charge, the facts appearing in evidence are, that the Judge, in the course of business in a cause in Bankruptcy, had directed that papers put in as proof of a creditor's claim should be indorsed by the Solicitor putting in the same. The Table of Fees established in reference to this service contains an item among the fees, payable to the Judge or Commissioner, as follows: "For marking exhibits produced, each 1s." A short time afterwards, in another case in Bankruptcy, Mr. Wilson (who appears not to have been present on the occasion referred to) produced certain documents in support of a claim, not marked, which were handed to the Judge, who took them for the purpose of making entries in reference thereto. The Clerk of the Bankrupt Court, observing that Mr. Wilson had not marked those documents, as having been exhibited in proof of the claim on the Bankrupt estate, threw across the table to Mr. Wilson, a small piece of paper, on which was written, "At the London District Court of Bankruptcy, 18th March, 1846, exhibited to me, under a Commission in Bankruptcy, against W. J. Geary;" and at the same time told Mr. Wilson he must mark his papers, to which Mr. Wilson replied, "Let your father (meaning the Judge) or yourself do it; I shall not do it." Proof was gone into of the documents, at the close of which they were handed to the Clerk, who drew the Judge's attention to the fact that they were not marked. The Judge then directed the papers to be handed to the Solicitor, to be marked; Mr. Wilson refused, insisting that the duty devolved on the Court. The Judge refused to receive the claim as proved, unless Mr. Wilson complied, and the proof seems to have been rejected at that time on this objection only. Some observations passed between the Judge and Mr. Wilson on the matter, when the latter used an expression to the effect that he thought it an imposition to require him to mark the papers, as a fee was allowed to the Judge for this service, and that he would not be imposed upon. The Judge immediately took up this expression as offensive, and a contempt of Court, and told Mr. Wilson that he must apologize, or leave the Court; Mr. Wilson refusing, the Judge told him to consider himself under arrest, and that till he apologized, he would consider him in contempt, *i. e.*, guilty of a contempt of Court, and would not hear him; and refused to hear him on that day, and the papers were returned by the Clerk to Mr. Wilson. On the following day the Court met again. Another Solicitor, who was not present on the day before, put in a claim proved by affidavit, which was not marked in the manner required from Mr. Wilson, according to the previous ruling of the Judge, and it was received by the Judge as a claim, and filed by the Clerk, without being indorsed by the Solicitor; on which Mr. Wilson remarked, that, by permitting the Solicitor to do what Mr. W. had not been permitted to do, the Court had, he thought, purged him of the alleged contempt. The

Judge, however, refused to hear him. Mr. Wilson persisted, remarking on the different course pursued by the Judge in the two cases, and adding that if the Court desired to be respected, it should, at least, be consistent. The Sheriff was then sent for, and directed to take Mr. Wilson into custody, which the Sheriff declined to do on a merely verbal order, and it being difficult to prepare at the moment a written warrant, the order was not obeyed. Mr. Wilson being thus refused a hearing, for the purpose of transacting business, left the Court.

The refusal to hear Mr. Wilson—the declaring him to be in contempt on account of the expression "imposed upon"—the directing the Sheriff to arrest him and remove him from Court—because, being thus declared in contempt, he endeavoured to address the Judge in order to transact the business of some of his clients, are facts all proved, and are not denied by the Judge. He assumes the position, "I had ruled as I had authority to do, that unless papers produced in Bankruptcy were marked or indorsed in a particular form for my signature, I would not receive them. Mr. Wilson offered some papers not so marked, and I rejected them. It was a point of practice, and if dissatisfied, he might have appealed; but he insisted on my receiving the papers, because the duty of marking them legally devolved upon another; and on my adhering to my ruling, he expressed himself disrespectfully, for which I held him in contempt, and when he, on a subsequent day, endeavored to address me, I directed the Sheriff to arrest him, and refused to hear him until he should submit and apologize. I still maintain that in all this I was legally right."

There seems no reason to doubt that by the general practice of all Courts, where a specific fee is allowed in term for a specific service, the latter ought in reason to be performed by the party entitled to and receiving the former—like filing a paper in a clerk's office, indorsing a verdict on a record of *Nisi Prius*, or an indictment, &c., &c.; the Officer of the Court performs the service, not the Counsel or Solicitor, and signs it himself, or hands it to the Judge to sign, according to the nature of the case. The service in question appears clearly to come within this rule, and therefore ought not to have been exacted of the Solicitor, but should have been done by the Clerk, under the Judge's direction, if the Judge did not find it convenient to do it himself. In the opinion of the Committee, the Judge was wrong in refusing to receive proof of debts against the estate of the Bankrupt on this ground; and this refusal was the origin of the whole difficulty. Indeed, the Judge himself seems to have doubted the correctness of his proceeding, for he seems, on the following day, to have permitted his Clerk to receive and file papers "as a claim" which were not marked by the Solicitor; while it appears that Mr. Wilson's papers were rejected altogether, though from some remarks it is probable that this arose from the subsequent altercation, and the hurry and excitement it occasioned. But the Committee are equally of opinion that the language of Mr. Wilson was improper and unjustifiable. He might with reason object to the Judge's decision, but

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he ought not to have used language which, if submitted to, was calculated to bring the Court into contempt. While, therefore, they think the Judge wrong in the first instance, and think, also, that he might on the following day, without any loss of dignity, have easily put the whole matter right, they are obliged to say that Mr. Wilson used language which called for reproof, and they cannot wholly condemn the Judge, even admitting that he exhibited a want of discretion and temper in some parts of the transaction, for requiring Mr. Wilson to retract or atone for the offensive expression he had used.

2nd Charge. For refusing to grant summonses in Bankruptcy against Beebe and Sifton, to Mr. Daniell, although the fees had been paid; and

3rd Charge. For having placed Mr. Daniell in contempt without cause, and prevented him from practising in the Bankruptcy Court.

It appears the Judge of the District Court had made a rule that the day previous to holding a meeting in Bankruptcy or any other business, that the Solicitor should make an appointment with the Clerk, and deposit the fees chargeable, either by the Clerk or the Judge, on the business to be transacted at such meeting, and at the same time leave the necessary papers for the business to be transacted on the following day. In obedience to this rule, Mr. Daniell, a practising Solicitor, on the 31st March, 1846, called at the Clerk's office, to make an appointment for the following day, in order to obtain summonses in Bankruptcy, one against Chester Beebe, the other against Joseph Sifton, and he at the same time paid the fees in each case, and left the papers with the Clerk. On the following day he called for the summonses, and was told by the Clerk that the Judge had ordered that no more papers were to be received from him until he had paid certain fees claimed to be due from him in Jennings' Bankruptcy case, which case was the one during the progress of which, on the 18th and 19th March, the difficulty with Mr. Wilson had arisen. In this case of Jennings, a subsequent meeting had been appointed for the 23rd March, but no business had been transacted, in consequence of an occurrence which forms the ground of the fourth charge, and on which occasion the Judge ordered that no fees should be charged, as he had adjourned without transacting any business. Mr. Daniell swears that a part of the fees in arrear were charged for the meeting *in re* Jennings on the 23rd March, but the Judge states that these fees had been incurred at a meeting held on the 23rd February, 1846, and refers to the entry on the Clerk's account on that day in proof of the fact. This entry is not produced, nor is the meeting of the 23rd February elsewhere referred to. But on whatever day the fees occurred in this case of Jennings, the Judge, on the ground that they were in arrear, refused to issue the summonses on Mr. Daniell's application in these other cases, which were wholly unconnected with Jennings' case, and the summonses were not granted until some days after another Solicitor applied for them; Mr. Daniell remonstrated with the Judge, however, on this matter, before he put his papers into the hands of another Solicitor, stating, that having paid the fees for the summonses against Beebe and Sifton, he claimed they should be issued as of right; to which the Judge, who, from the evidence, appears not to have been then sitting, judicially replied, that it was the highest contempt that Mr. Daniell could have committed, as it was taking an advantage of the Clerk, and that he would issue an attachment against him if the fees were not paid, and told him he would not hear him: he might apply to the Court of Review. On the first of April following, Mr. Daniell went to the Clerk's office to make an appointment in another case. The Judge was present and directed the Clerk

to receive no papers from Mr. Daniell, as he was in contempt, and Mr. Daniell was obliged to employ another Solicitor to transact the business of his clients. The Judge, in reference to this charge, states, "On the occasion stated, of a meeting appointed in the matter of Jennings, a Bankrupt, I stated that I should remit any claim to fees on my own behalf. This remission, instead of being taken in the spirit in which it was offered, was subsequently insisted on by Mr. Daniell as a claim of right, not only against myself, but against the Government, and all other persons entitled to fees. I am also informed by the Clerk that certain fees incurred at a previous meeting in the same matter were refused payment by Mr. Daniell, in consequence of which refusal I made the order complained of, for his exclusion from practice, until the fees in arrear should have been paid. I submit that the power of exclusion belongs to me as a matter of right, and that in the apparent absence of any direct authority to enforce the order of the Court of Bankruptcy, it must be necessarily resorted to as the only means of protection to the Court and to the Clerk, who, as I am informed, has had to advance fees due to the Government or elsewhere, which fees do now, or did lately, remain unpaid to the Clerk."

There seems to be no dispute as to facts on these two charges, excepting as to the occasion on which the fees alluded to, as due by Mr. Daniell, occurred, and this does not appear to the Committee to be a matter of any importance. The substantial allegations are, that Mr. Daniell was refused summonses regularly applied for, against certain parties, and for which he had paid or offered to pay all legal fees, and was also declared in contempt, and excluded from practice in Bankruptcy, by the Judge, on the ground that he was indebted for the fees chargeable and payable to the Clerk on previous proceedings in a totally distinct cause. This the Judge admits and justifies, asserting his power, so as to exclude, as a matter of right, and justifying his recourse to this power, as necessary for the protection of the Court and the Clerk.

The Committee conceive that the exercise of the power of exclusion of a practitioner for such a reason as that assigned is without precedent, and they must add, that it also appears to them very unreasonable. The Clerk has it in his option to give credit to the practitioner or not, for such fees on the writs and proceedings, as it is his duty or his right to collect; and the Judge has, it appears, made a regulation with regard to some proceedings, at least requiring them to be paid in advance. What would be thought if the Clerk of the Crown and Pleas were to refuse to discharge the duties devolving on him in a suit where his fees were tendered, on the ground that a former account was unpaid? And what answer would the Court of Queen's Bench give, if the Clerk, on his own personal statement, applied, that the Attorney thus indebted to him should be held in contempt, or attached, or excluded from practice, *i. e.*, virtually struck off the rolls, till he paid the account? It appears to the Committee that the Judge was in error in this view of the powers of the Court over which he presided, and also on the summary exercise of them when not sitting judicially: even if there was such an inherent power in the Court, the Committee do not concur with the Judge as to the necessity of its exercise. He speaks of it "as the only means of protection to the Court and to the Clerk." The Committee refer now solely to the exercise of the power of general exclusion from practice, as the means of compelling the payment of fees, previously due by a Solicitor. With regard to the Court, the Committee think it questionable whether, where the judicial duties in Bankruptcy are performed by the Judge of a District Court in Upper Canada, he has a right to fees at all, although they are fees authorized by the Court of Re-

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view, under the 68th clause of 7 Vict., ch. 10, and not specified in the 81st clause of the same statute. They incline strongly to the opinion that the Judges of the District Courts in Upper Canada, both under the Act 4 and 5 Vict., ch. 8, and 8 Vict., ch. 13, are entitled to their salaries only, and that all fees on services performed by them belong to the Fee Fund of the proper District. But, admitting it to be otherwise, (as it was otherwise until the passing of the 4 and 5 Vict., ch. 8, with all the Judges of the District Courts in Upper Canada,) this is the first instance the Committee ever heard of so extreme an application of this power for the purpose of enforcing payment of the fees to the Judge, and as to the Clerk, there are other modes which the Judge has in the case directed, quite sufficient for his protection, without an authority from the Judge, such as has been given: he might, in the opinion of the Committee, have required payment for all the services required to be performed by him *pari passu* with the performance.

The Committee, therefore, are of opinion that the answer of the Judge, while it admits, fails to justify the course taken by him in reference to the subject of these two charges.

4th. For unnecessarily adjourning the Court of Bankruptcy on the 23d March, 1846. Meeting in Jennings' case was appointed without transacting any business.

It appears that after the difficulty with Mr. Wilson, on the 18th and 19th March, Mr. Daniell, the Solicitor for the Assignee of Jennings, a Bankrupt, made an appointment in the usual manner on the 21st, for a meeting on Monday, the 23rd March, in that case. The Judge and some of the Solicitors being present, the former at once sent for the Sheriff, and on his arrival asked him if he were willing to obey the verbal orders of the Court in Bankruptcy, to take any person into custody who might disturb the Court. The Sheriff expressed his readiness to act upon a warrant, but that he would not arrest a party without. The Judge then stated that there was no protection for the Court from interruption, and he would therefore hold no public meeting in Bankruptcy until it was decided whether the Sheriff was right in refusing to act as desired, without a warrant. It was suggested by a Barrister that the business might be proceeded with until some interruption occurred, or that if the Sheriff refused to obey an order which the Judge should give, he (the Judge) should impose a nominal fine on him for this disobedience, and thus the question of authority could be raised and disposed of. Neither of these suggestions were adopted—the Court adjourned; and neither in this, nor in other cases, were public meetings in Bankruptcy held for about six weeks. It does not seem that any step was taken to obtain a decision on the point in dispute for a considerable time; at last it seems the public sittings were resumed, as in a letter from Mr. Daniell to Mr. Assistant Secretary Hopkirk, it is stated, "A few days since the Judge intimated that he had taken the opinion of Counsel, and was advised to hold meetings in Bankruptcy, and that he would again commence business." The Judge admits he did discontinue the public sittings, and for the reasons assigned.

5th. For refusing to hold a meeting at the time and place appointed *in re* Bennett, a Bankrupt, although the fees had been paid, and the meeting advertized in the Official Gazette.

On the 14th March, 1846, the Judge issued a Commission in Bankruptcy, directed to the Sheriff of the London District, against William Henry Bennett, and therein appointed the sixth day of April then next, and

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the Court House at London, as the time and place of meeting. The usual notice was inserted in the Official Gazette. On the 4th of April the fees for the meeting were paid. The Judge, however, refused to hold the meeting, stating that he would hold no meeting in public until the powers of the Court were ascertained, and the proceedings were not carried on. The fees were returned: they had been received by a gentleman acting for the Clerk during his absence, who was ignorant of what had happened in Jennings' case.

6th. For refusing to receive papers in Bankruptcy from the hands of Articled Clerks.

This charge has relation to the Commission in Bankruptcy against Bennett, already referred to. A clerk of Mr. Wilson's went to the Division Court Office, where he found the Judge, as an appointment in this matter had been made the day previous. He produced his papers to the Judge, on which the Petition for the Commission was founded. The Judge looked them over, and in substance stated that he would not hear any but Officers of the Court; that it was a Court of Justice, and he would not permit Solicitors to send their clerks there: it was treating it with disrespect: they must in every case appear themselves. Upon this the clerk stopped from finishing the Petition which he was writing, and returned with the papers to Mr. Wilson, who went immediately and took out the Commission.

The Judge in reference to the foregoing matter says, "I am not aware that the Attorneys of the Court of Queen's Bench, or even the Solicitors in Chancery, have an indefeasible right of practising in the Court of Bankruptcy, the Statute creating which makes no provision, like the Imperial Statutes on the same subject, for the admission of any particular class of practitioners."

"It is not true, as alleged, that I refuse to allow the Articled Clerks of Solicitors to do business at Chambers in Bankruptcy before me, although I have a clear and undoubted right to exclude them if thought proper." He refers to an occasion *in re* Lawless, a Bankrupt, when he refused to hear a Solicitor's clerk; but no complaint is advanced for this refusal.

On considering the fourth and fifth charges the Committee see no difficulty as to the fact, and the reason given by the Judge for the course adopted by him, in suspending all public sittings in Bankruptcy, does not appear to them sufficient or satisfactory. Looking at the whole difficulty, which originated in the dispute with Mr. Wilson, the Committee see no reason why the Judge should have apprehended any interruption for the future which would have required the interference of the Sheriff, or any officer, to preserve order, and even if there had been time enough to have adjourned any particular sittings when such interruption had occurred, and the authority of the Court was found inadequate to arrest or to punish it. The matter itself does not seem to have been put on a right footing even by the Judge. If a party had been openly interrupting the business of the Court, the Sheriff, as it seems to the Committee, from the evidence, would have acted, but declined doing so on a verbal order to remove a party from Court who was not then misconducting himself. The fact that the business proceeded on that same day after the Sheriff's refusal, without interruption, shows that nothing which had happened rendered a suspension of all public business necessary for an indefinite period, particularly as, on Saturday, the 21st March, Mr. Wilson had said that he would not offer to speak in Bankruptcy at all until it was decided whether he was right or wrong about the Exhibits. The inconvenience, loss, hardship, even denial

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of justice, which might and probably would result from such a course, ought, in the opinion of the Committee, to have caused a trial of every possible alternative before resorting to this. The effects which such suspension might produce are set forth by Bennett in his Petition, as follows: "That your Petitioner has been deprived, in consequence of the Judge of the London District Court refusing to act in his case, from obtaining his examination, and thereby entirely deprived of his right, under the Bankruptcy Act, to obtain his certificate, and thereby prevented from commencing any business to maintain his wife and children from the date of the issue of the said Commission until this day." His creditors were by the same proceeding delayed, though probably not so injuriously.

The Committee further think that this suspension being so obviously injurious to suitors, ought to have been put an end to as soon as possible: what steps were taken does not appear. Whether the Judge waited in the expectation that some party would go to the expense of instituting proceedings to compel him to discharge his functions as a Judge in Bankruptcy, and to give him an opportunity of replying that he had refused and continued to refuse to do so, because the Sheriff had, on one occasion, refused to take a party into custody on his (the Judge's) verbal order, and had said that he should on any future occasion require a warrant before he would take a party into custody for an alleged contempt, does not very clearly appear. The Judge simply states, "The public sittings in Bankruptcy have been resumed."

The refusal to grant a Commission on the application of a clerk of a practising Solicitor, and the establishment of a rule that the Solicitors shall themselves attend, is a matter, in the opinion of the Committee, of little moment. The Judge had a discretion to make such an order, though the Committee do not concur with him that the employment of a clerk in such a matter was "disrespectful," as they are informed the Judges of the Queen's Bench in Upper Canada are in the daily habit of transacting business, when not sitting in Term, on the attendance of the clerks of the practitioners, and in matters as important as the issuing a Commission in Bankruptcy.

7th. For adjourning the District Court on the second day of Term, in March last, in an abrupt manner, so as to prevent parties moving for new trials.

The whole subject matter resolves itself, in the words of one of the witnesses, into this: "That the Judge left the Court on that occasion as a lesson to the profession to be more punctual in future," though the same witness adds that he thinks "the profession have waited for the Judge as often as the Judge has for the profession." It appears that on the 17th March last, the second day of the District Court Term, the Judge came about noon, the time for meeting; finding no barrister there he asked the Clerk if there was any business to be done on that morning, who replied he did not know, but that Mr. Wilson and Mr. Shanly had been there. The Judge stated he could not wait, as the Judge of the Huron District Court was at his house. He remained in Court about ten minutes; granted a rule which had been moved by Mr. Wilson the preceding day, and which had been reserved for consideration, and left the Bench. Just as he was quitting the Court-room by one door, Mr. Wilson entered at another. Mr. Wilson states that the Judge looked round and saw him, though he could not have seen the bag in which he carried his papers, and left the room. Mr. Shanly came in shortly after, and in a few minutes a third barrister, who had business, arrived. But the Judge had gone, and did not return that day.

It seems that the Court usually sat longer than on that day. The Judge has on other occasions sent to notify the profession that he was there. The barristers were obviously taken by surprise at this rapid adjournment, and some of them lost an opportunity of moving for new trials. It does not appear by the evidence that any injury or failure of justice was the result, and as the difficulty with Mr. Wilson arose on the following day, it is out of the question to attribute the Judge's conduct to any feeling of irritation towards him. The Committee do not therefore think this charge, though proved in fact, calls for any particular remark. If it stood alone they would deem it unworthy of further consideration.

8th. For refusing to hear Mr. Wilson, a barrister, in the District Court, in Term time, on account of his being in contempt, as explained in the first charge, in the Court of Bankruptcy.

For a clear understanding of the facts of this part of the case, it must be remembered that on Wednesday, the 18th March, the Judge declared Mr. Wilson in contempt in the Court of Bankruptcy, and that on Thursday, the 19th March, he declared his intention not to hold any more public sittings in Bankruptcy until the question respecting the Sheriff was disposed of. This was also the week of the District Court Term, and on the same Thursday morning, the Judge, sitting in the District Court Term, heard Mr. Wilson argue a cause; and, as it would appear, after the adjournment of the sitting in Term, held the sitting in Bankruptcy. On Friday morning the Judge took his seat on the Bench in the District Court Term. The following statement of the occurrences of that morning, is extracted from an affidavit sworn by him on the 15th June, 1846, in answer to a rule obtained by Mr. Wilson in the Court of Queen's Bench, calling on the Judge to shew cause why a Mandamus should not issue directing him to hear Mr. Wilson in all cases in which he was concerned, as a barrister, in the District Court of the District of London. With regard to this rule, it is proper to note, that on hearing the Judge's affidavit, it was discharged without costs, apparently, as to the latter point, because the fact complained of, viz., refusing to hear Mr. Wilson, was admitted; and, as to the former, because the Judge swore that he had already "rescinded the order for the removal from Court of the said John Wilson, and directed the Sheriff to inform him, the said John Wilson, that the said order was rescinded, and that the said John Wilson would be permitted to appear, as Counsel or otherwise, as he might think proper, in the District Court," after which a Mandamus to the Judge to hear Mr. Wilson as Counsel would clearly have been superfluous. As to the occurrence in question, the Judge swears that on Friday, the 20th March last, "on this deponent going to the District Court, for the purpose of attending the Term Sittings which were then in progress, the said John Wilson, being then and there present as Counsel, did bring the said matter of contempt, which had so occurred as aforesaid in the Court of Bankruptcy, under the immediate cognizance of this deponent, then and there sitting as Judge of the District Court, he, the said John Wilson, offering to this deponent to make an apology for his, the said John Wilson's, conduct in the Court of Bankruptcy, provided either His Honor the Vice Chancellor or His Honor the Judge of the Home District Court should be of opinion that this deponent was right in his decision respecting Exhibits; to which offer of the said John Wilson this deponent, after an observation addressed to the said John Wilson, to the effect that he must be aware of the utter irrelevancy of any such question with reference to the contempt he, the said John Wilson, had been guilty of, by the use of insulting language

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“ to this deponent, read to the said John Wilson from
 “ the Term notes of this deponent a memorandum in
 “ the words or to the effect following, that is to say :
 “ On Mr. Wilson offering to make an apology for his
 “ conduct in the Court of Bankruptcy, provided either
 “ the Vice Chancellor or the Judge of the Home Dis-
 “ trict Court should be of opinion that I was right in
 “ my decision on the point of practice respecting Ex-
 “ hibits, state, that as Judge of the District Court I
 “ cannot escape from the consequences of a judicial
 “ knowledge of the contempt of a Court over which I
 “ have to preside as Judge of the District Court, and
 “ declare accordingly, that until a proper submission
 “ shall have been made by Mr. Wilson, to the outraged
 “ jurisdiction of the Court of Bankruptcy, I decline to
 “ recognize his, Mr. Wilson’s, right to appear profes-
 “ sionally in any Court over which I have to preside
 “ as Judge of the District Court, (explain as sole
 “ Judge), and consequently refuse to hear a motion in
 “ a case mentioned by Mr. Wilson—say the case of
 “ Ryan vs. O’Flynn. Mr. Wilson objects that he has
 “ not been guilty of any contempt in the District
 “ Court, which is conceded. Notice of Appeal: And
 “ the deponent further saith that the said notice of ap-
 “ peal was preceded and accompanied by a threat ut-
 “ tered by the said John Wilson to this deponent, in the
 “ District Court, as such Judge as aforesaid, to the
 “ effect that, in case such appeal should be sustained,
 “ he, the said John Wilson, would, unless this deponent
 “ would accede to the terms so offered as aforesaid by
 “ the said John Wilson, bring actions against this de-
 “ ponent at the suit of any party who might think him-
 “ self aggrieved by the effect of the refusal of this de-
 “ ponent to allow the said John Wilson to appear as
 “ Counsel in the District Court; and that this deponent
 “ then and there told the said John Wilson that he
 “ should refuse to hear him at the trial sittings of the
 “ District Court.”

From this extract, as well as from a passage in the Judge’s Observations by way of supplement, the Committee are led to conclude that the Judge intends it to be understood that all that related to his refusal to hear Mr. Wilson in the District Court Term—Mr. Wilson’s conditional offer of submission and apology, and the Judge’s refusal to accede to this offer,—took place on the Friday. The evidence of Messrs. Wilson, Shanly, Horton, Daniell and H. J. Askin, all combine to shew the Judge in error in this respect, and that the transactions were spread over two days, Friday and Saturday. The statement these witnesses give, shews that Mr. Wilson was heard by the Judge in the District Court Term, on Thursday, without objection; that on Friday morning a case of Norval and Travers came on first for argument, in which Mr. Wilson was retained as Counsel for plaintiff, Mr. Daniell being the Attorney. On Mr. Wilson rising to address the Court, the Judge intimated that he would not hear him, as he was in contempt in the Bankruptcy Court. As this was not a case in which he was Attorney as well as Counsel, Mr. Wilson declined pressing the matter, and gave up his brief, which was taken by another Counsel. The case of Ryan vs. O’Flynn afterwards came up, in which Mr. Wilson had, on a former day in Term, obtained a rule *Nisi*. Mr. Horton shewed cause against this rule, and when Mr. Wilson rose to reply and to sustain his rule; the Judge again stopped him, stating that until he had purged himself of the contempt in Bankruptcy, he would not hear him in any Court in which he sat; and on Mr. Wilson suggesting that possibly the Sessions might not sustain him, he replied, “ Well, in all Courts in which I sit alone.” Several witnesses concur in stating that the first observation relative to the contempt in Bankruptcy on this (Friday) morning was made by the Judge, and not, as the Judge’s affidavit states, by Mr. Wilson. Mr. Shanly’s evidence on this point is the more to be

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 son, Shanly,
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noticed, as he confines his evidence to the Friday, and distinctly states that the facts stated by Messrs. Wilson and Horton as to what occurred on Saturday, did not take place in his presence on Friday.

The evidence further shews that the Judge stated that he did not wish to stop Mr. Wilson in a pending suit, but would not hear him in any new matter, and that Mr. Wilson remarked, if he was to be refused a hearing as Counsel, it might as well be in that case as in any other; on which the Judge decided it in that case. That the Judge then made some note in his Notebook, and during the discussion, offered, if Mr. Wilson would pay the costs of the Adjourned Meeting in Bankruptcy, or a fine of ten shillings, that he would hear him; that Mr. Wilson declined, but offered that if the point of practice were referred to the Vice Chancellor or to Mr. Burns, and they decided Mr. Wilson to be in the wrong, he would make ample apology for the alleged contempt: this not being satisfactory to the Judge, he refused to let Mr. Wilson argue his rule, and it was indorsed by the Clerk, “ Refuses to hear Mr. Wilson for the causes assigned,” on which Mr. Wilson gave notice of appeal, and on the following day filed the proper bond. The weight of evidence is strongly to shew that nothing of an angry character passed on this occasion. None of the witnesses speak of the threats stated in the Judge’s affidavit to have been used by Mr. Wilson, of bringing actions, on either day, nor does it appear that any question on this point was put to them by the Judge in cross-examination. The evidence further shews that on the Saturday morning Mr. Wilson followed the Judge into his room before he took his seat on the Bench, that on coming into Court the Judge called upon Mr. Wilson to state what he had said or desired to say to him in his room; Mr. Wilson replied, by offering to refer the decision of the disputed point of practice to the Vice Chancellor or to Mr. Burns, and that if it was decided against him he would make any apology required by the Judge, and that he would not offer to speak in Bankruptcy till the question was decided, if the Judge would allow him to practice as usual in the District Court. The Judge refused, but proposed that if Mr. Wilson would pay the costs of the Adjourned Meeting in Bankruptcy and submit to the Court, the matter should end, or if he would pay a fine of ten shillings it should end; to each proposal Mr. Wilson replied, that if he was in the wrong he would make as ample an apology as could be desired, and would not consider such a fine sufficient; but while he thought himself right he could not comply. The Judge at last only required Mr. Wilson to submit to the Court, which Mr. Wilson declined till the point was decided. The Committee further incline to the opinion that the Judge’s recollection is erroneous, because Mr. Wilson having been heard without objection on Thursday, was not likely to have raised the question, by drawing the Judge’s attention to, or, as the affidavit expresses it, by bringing “ the said matter of contempt, which had so occurred as aforesaid in the Court of Bankruptcy, under the immediate cognizance of the Judge;” Whereas after the refusal to hear him on Friday, Mr. Wilson might naturally take the first opportunity of again calling on the Judge to consider the matter, and to dispose of it without subjecting himself and his clients to the inconvenience likely to result from his not being allowed to practice.

Exhibit No. 4.

It does not surprise the Committee that the appeal in Ryan vs. O’Flynn was abandoned without argument. There is nothing from which the Committee can gather that the Judge pronounced any decision on the rule pending in this case before him: he only decided that he would not hear Mr. Wilson in support of this rule, and an appeal of the case of Ryan vs. O’Flynn, was, most probably, considered by Mr. Wil-

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son as useless for the purpose of trying whether the Judge was right in refusing to let him argue it, as he could not expect the Court above would allow that collateral point, foreign entirely to the merits of the suit, to be discussed on such an appeal, especially if, in point of fact, when the notice of appeal was given, the rule had not been disposed of by the Judge.

Notwithstanding the conflict between the statements of the Judge and the witnesses, the refusal to hear Mr. Wilson on the occasion referred to, is clearly made out, and also that it was exclusively founded on the dispute in the Court of Bankruptcy.

9th. For having refused to hear Mr. Wilson at the District Court Sittings, and for expelling him therefrom, and striking out his causes, which he had entered for trial.

On this subject the Judge, in his affidavit, already referred to, states that Mr. Wilson "did appear as Counsel at the trial sittings which commenced on Tuesday, the 7th April last, and notwithstanding the notice of appeal from the decision of this deponent as such Judge as aforesaid, given and entered on record by the said John Wilson, he, the said John Wilson, then and there affected entire ignorance of any such decision having been made, and insisted on being heard in certain cases in which, as alleged, he, the said John Wilson, had been retained as Counsel, on which this deponent repeated his refusal to hear the said John Wilson unless he would make his submission to the Court of Bankruptcy; he, this deponent, at the same time stating to the said John Wilson, that in case of any doubt being suggested in a proper quarter as to the correctness of such decision, he, this deponent, would immediately rescind and annul its effect; but that, in the meantime, he, the said John Wilson, must abstain from again addressing the Court as Counsel; and this deponent further saith that the said John Wilson nevertheless persisted in interrupting the proceedings of the said District Court at its trial sittings, whereupon this deponent, as such Judge as aforesaid, addressed the said John Wilson in the terms or to the effect following, that is to say: 'Mr. Wilson, you appear to me to be wantonly and wilfully endeavouring to place me in a most painful and embarrassing situation, by compelling me to exercise the penal jurisdiction of this Court, the exercise of which, as you are well aware, would be most unwillingly and reluctantly carried into effect, and I now tell you that the Sheriff will be ordered, in case of your further interruption, to remove you from Court;' and this deponent further saith that the said Sheriff was so ordered accordingly to take the said John Wilson into custody, and to remove him from Court in case of any further interruption, and that the said John Wilson did, both at the time of his being so taken into custody, and on his removal from Court, treat the said Court and its proceedings, and this deponent as such Judge thereof as aforesaid, with open and contemptuous ridicule and laughter; and this deponent further saith that on the following morning, Wednesday, the 8th April last, he, this deponent, having written to two of the District Judges on the subject of his, this deponent's, decision respecting the appearance of the said John Wilson in the District Court, received from one of the said Judges a letter, in which said letter a doubt was suggested as to the jurisdiction so assumed to belong to this deponent as such Judge as aforesaid, and enabling this deponent to refuse to hear a Counsel who had been guilty of a gross contempt in another Court, and upon receipt of this letter did rescind the order, &c." The evidence of Messrs. Wilson and Horton, as given before the Commissioner on this subject, shews rather more details, and is either

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silent or partially contradictory to the Judge's affidavit as to Mr. Wilson's behaving contemptuously on this particular occasion. It appears a cause of Mr. Wilson's came on for trial, when the Judge said he would not hear Mr. Wilson as Counsel in the cause till he had purged himself of the contempt in Bankruptcy, and offered to hold a *quasi* meeting in Bankruptcy, to receive Mr. Wilson's submission, if he would make any. Mr. Wilson argued that he had not appeared as a Barrister in Bankruptcy, and was not, therefore, in contempt in that character in Court; that by the Judge's admission in the last Term he was not in contempt in the District Court, and that if he were, the Judge might fine or imprison him, but should not deprive him and his clients of his privileges as a Barrister; while thus arguing the Judge ordered him to sit down, and soon after, on his renewing his application, the Judge called to the Sheriff and directed him, if Mr. Wilson rose again to address the Court, to remove him without further order. Other business was then proceeded with, in which Mr. Wilson was not concerned, after which a case of *Peters vs. McLaughlin* was called. Mr. Wilson rose, and said he was ready to proceed, on which the Sheriff, in the execution of the order given as above, removed him from Court, and placed a Constable at the door, who prevented his return. The Judge made the following Order in the cause:—
"Samuel Peters, plaintiff, vs. Patrick McLaughlin, defendant: J. Wilson, for plaintiff. In the above cause His Honor the Judge directs the Sheriff that he should remove Mr. Wilson from the Court, and not to be again admitted during the sittings of the present District Court unless he undertakes, to the satisfaction of the Sheriff, not to interrupt the Court." During the remarks Mr. Wilson was making, the Judge told him he was urging the Court to an extreme measure, which Mr. Wilson denied, saying he only desired to bring the dispute to an issue; that he should be obliged to bring an action or do something to settle it. This appeared to irritate the Judge, as if he thought Mr. Wilson was threatening him. The next morning Mr. Wilson, having promised the Sheriff not to address the Court, was allowed to enter. The two causes in which he had spoken on the previous day came on in order. The Judge told Mr. Wilson that unless he submitted in Bankruptcy, he would strike them out, but if the parties chose, they might employ other Counsel. Mr. Wilson said they would do no such thing, and he desired that the cases might be disposed of, and they were struck out, though the witnesses were in attendance. The Judge appeared anxious that Mr. Wilson, by submitting, should prevent the cause from being struck out, but Mr. Wilson refused. After the Court rose that day the Sheriff addressed a letter to Mr. Wilson, informing him, by the Judge's order, that "the Order for your removal from Court yesterday is rescinded, and that you are now at liberty to attend in the District Court." Mr. Wilson replied on the following morning, treating the Order and his "consequent forcible expulsion" as illegal and tyrannical on the part of the Judge, and stating his idea that though permitted to return to Court, he would not be permitted to act as Counsel, and in his evidence he swears that he believed he would not have been permitted to conduct any cause. However, as he left London that day, and was absent till the sittings of the Court were over, he had no opportunity for explanation with the Sheriff till his return, when the Sheriff stated that the Judge meant he might proceed with business.

There seems no doubt, therefore, that Mr. Wilson was forbidden to practice as a Barrister in two causes in which he was concerned, and was removed from Court for endeavoring to be heard in his professional character, and that the contempt in Bankruptcy was the sole cause of this decision of the Judge; for this "forcible expulsion," it seems Mr. Wilson brought an

Exhibit No. 5.

Exhibit No. 6.

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action against the Judge and the Sheriff, in which he was non-suited.

Mr. Wilson, in a letter to the Provincial Secretary, says the Judge of Assize, on granting the non-suit declaring "that Mr. Allen was wrong, undoubtedly wrong in what he had done, but that no action would lie for such a judicial act, however wrong." Although, therefore, neither of the three proceedings adopted by Mr. Wilson, viz., the Appeal of the case of *Ryan vs. O'Flynn*, the application for a Mandamus or the suit at law, terminated in his favor, they do not, in any way that the Committee perceive, decide the matters in dispute against him or sustain the proceedings of the Judge. Had it been otherwise, the Committee would have gladly availed themselves of such judicial decision as relieving them so far from the necessity of arriving at a conclusion on their own view of the facts.

10th. For having dismissed a Jury at the District Court Sittings, without requiring them to give a verdict, after plaintiff and defendant had examined their witnesses and closed their respective cases.

Mr. Beecher's statement appears to the Committee to establish the facts stated in the charge, clearly enough, but it at the same time shews that the Judge considered the matter given in evidence to be taken altogether beyond the jurisdiction of the District Court. The trial appears to have lasted three or four hours: the accounts were complicated, the whole demand of the plaintiff proved exceeded the jurisdiction, though reduced by an admission of *set off*, within it, and Mr. Beecher swears that he is satisfied "if the claim had been under £40," (the then jurisdiction of the Court,) "the Judge would not have dismissed the Jury." The Committee therefore think this charge calls for no further remark.

11th. For having adjourned a Division Court at Aylmer without cause, and without transacting the necessary business.

This charge is sustained by the evidence of one witness. The Judge, in his reply or observation to the Government, on Mr. Ermatinger's charges, forwarded in July, 1845, admits the adjournment on the 30th April, 1844, before the business was finished, until the following week. He states the adjournment to have been rendered necessary by disturbance both inside and outside the room. The witness, a suitor at that Court, was waiting with his witnesses to get his cause tried, but the adjournment took place before it was called on. He swears that he was at the door of the Court-room, and he heard no disturbance or noise more than usual at such places, and repeats, on cross-examination, that he heard no disturbance or persons attempting to excite disturbance, nothing more than the hum usually attending such Courts. The Court was not held pursuant to adjournment. The Judge explained that he was prevented by circumstances beyond his control, from arriving in time, and consequently the Court was not held. The suitors, witnesses, &c., appear to have attended, and no doubt this disappointment had added to the vexation which was created in the minds of some, the witness among the number, by the adjournment on the 30th April.

Observations,
July, 1845.

Exhibit No. 7. A copy of a letter was put in, on the part of the Judge, addressed to him, on the 7th of September, 1844, by the witness, complaining of his conduct on this and other matters; and written in a very offensive tone, showing strongly, hostile feeling. Taking the most unfavorable view of the case, it exhibits a hastiness or irritability of temper which was excited by what the witness describes, as not more than the usual

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noise on such occasions, and an adjournment of the Court, for a cause, which a little patience and well seasoned remonstrance to those present, would have got over. The inconvenience, loss of time and money, which such a proceeding must occasion, should not have been overlooked. The Committee do not consider the charge sustained so as to attach any serious blame to the Judge, though a frequent recurrence of such conduct (of which there is only one similar instance) might have indicated a want of a necessary qualification for the due discharge of his office.

12th. For having refused to try a cause in the Division Court, because the account sued upon, and produced before him, was first made up in dollars and cents, and then reduced into Provincial currency, on the ground, that the account, not having been kept in the Provincial currency, was inadmissible, in evidence, by Statute of Upper Canada, 2 Geo. IV, chap. 13, sec. 2 and 3.

A technical objection was taken by the Judge's Counsel, to the admission of evidence on this charge, because the Record of the Court at which it was tried was not produced. Perhaps the objection is not so expressed on the Commissioner's notes as to convey the meaning of the Counsel. The Committee do not understand how an objection could be raised to the non-production of a Record of a Court which itself is not a Court of Record. The objection was overruled, and the facts, as stated in the charge, were proved.

The Judge admits that he decided as complained of, on the ground that such was the law. The Committee have thought it unnecessary to call for any legal opinion on the correctness of the Judge's view, for if he were wrong, it was a mere error in judgment; and there is no suggestion that he was influenced by any improper, partial or corrupt motives, and if advanced as a proof of incapacity, the Committee feel that among the great number of cases which must, in a course of two or three years, be brought in the Division Courts of any District, it would be monstrous to treat an occasional mistake on a point of law, as a ground for a Judge's removal.

13th. For having delayed and omitted to give a decision in a case of *Rayner vs. Francisco*, tried before him, in a Division Court, for so long a time, that the defendant ran away, and the plaintiff lost his debt.

There are no dates given in the evidence. The facts stated are, that Rayner sued Francisco, on a promissory note, the amount of which exceeded £10, but which by payments endorsed thereon, was reduced so; that the balance due was within the jurisdiction of the Division Court. The defendant, according to the Judge's statement, denied the balance, and the endorsements, which were (as the Judge states) unliquidated. The Judge took time to consider, and consulted with Mr. Givens, because it had been first set down for hearing at a Division Court where Mr. Givens presided as Deputy Judge, in the Judge's absence. The Judge denies the not giving a decision, for he says, that after conferring with Mr. Givens, "a non-suit was entered." It appears the Judge authorized a letter to be written to the plaintiff, Rayner, dated 7th May, 1845, informing him that the Judge gave him the option "of taking a non-suit or an honorary judgment of a shilling, without costs, as he could not, from the conflicting testimony given, make any decision;" and suggesting that if the matter was brought on for another hearing, "perhaps a Jury might be able to decide the matter." There is no evidence that the plaintiff was informed that a non-suit had been entered; he swears that he "never obtained judgment, and has lost his debt, as the defendant ran away."

Exhibits,
marked Nos.
6 and 7.

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The Committee see no reason to doubt that the plaintiff suffered inconvenience and loss by the delay. On the other hand, there is nothing to shew that the delay was willful or vexatious, or greater than was necessary to enable the Judge to make up his mind, which he appears ultimately to have done, adversely to the plaintiff's right to recover.

14th. For having removed the Division Court from Richmond to Aylmer against the public interest.

The Judge justifies the removal of the Court from Richmond to Aylmer, because it was done on the requisition of a number of persons resident in the Division, and that Aylmer is the place of common resort, nearest to the geographical centre of the Division.

Exhibit No. 7. The only evidence in support of this charge is Augustin Rayner, (the same party who wrote the letter of September 7, 1844,) who states, "That a Division Court was held at Richmond; it is central, and the public, as far as witness knows, are satisfied of its locality; it was afterwards removed about seven miles further west, to a place called Aylmer, which place is seven miles nearer the Judge's residence than Richmond." He admitted, on cross-examination, that he knew nothing of any requisition to the Judge, as stated above.

The Committee do not look upon this charge, under the circumstances, as calling for any particular observation.

15th. For having broken up the Division Court, at St. Thomas, without sufficient cause.

The Judge, on his arrival at St. Thomas, on the 15th January, 1845, went to the room where the Division Court was usually held—being a large ball-room, in the inn, then kept by one John Beaupré—there was no fire in the room, nor any stove put up; the Bailiff, who had made the arrangement, said, it was so fine, that there was no necessity for a stove; the Judge thereupon adjourned the Court for a week, because there was no fire. The inn-keeper offered to put up a stove immediately, stating it would be done in five or ten minutes. There was a large number of persons in attendance to do business at the Court, who were consequently disappointed, and had to attend in the following week, when their cases were disposed of. The Judge states, that it was not reasonable to expect he should sit a whole day in a room of that description, in January, without a fire; and says, further, that Beaupré had promised to furnish a stove and fire, and then refused to perform his agreement, and attributes Beaupré's conduct to a desire to prevent the Court being held at his house, or to make the officers of the Court pay for the use of the room. This is denied by Beaupré, who swears it was owing to the Bailiff's stating the stove was not wanted, that it was not put up, and that he offered (which is also sworn by another witness) to put it up when the Judge complained.

The Committee entirely agree with the Judge, that he could not be expected to sit for a whole day, in the middle of January, in a room, without fire; but they cannot, at the same time, avoid remarking that a delay of at most half an hour would have prevented the necessity of an adjournment, and have saved a large number of people the inconvenience and expense of a second attendance. They beg to refer to their observations on the eleventh charge.

16th. For having given judgment in the Division Court, in a case of *Fillmore vs. Hale*, contrary to the evidence.

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A suit was brought by Fillmore against Hale, for board and lodging—the amount was about four pounds—as far as the demand was concerned, it was apparently satisfactorily proved; the defence set up was that Hale was the agent of a third party. The Judge says, "Both the fact and notoriety of the defendant's agency were elicited on the cross-examination of plaintiff's witnesses, and it was confirmed on the examination, on oath, of defendant." The witnesses represent that the defence was founded on the defendant's own swearing only. It does not seem necessarily to follow from the fact that the defendant was an agent of a third party, resident in Montreal, that he obtained credit for his board and lodging on his principal's responsibility, and not on his own; and for the purpose of removing the doubt as to whom credit was given, after independent witnesses had proved the debt, it might perhaps have been as reasonable a way of obtaining the truth, to have sworn the plaintiff, as to have sworn the defendant. A Jury, it seems, came to a different conclusion from the Judge—for they gave the plaintiff a verdict—whereas he non-suited him.

The Committee have no sufficient data before them to form an opinion on the merits, and they refer to their observations on the twelfth charge, which, observing the difference of a decision on a point of law or a matter of fact, they would repeat here.

17th. For retaining Mr. Henry G. Allen, Clerk of the Division Court, No. 1, in his situation, although the most gross dereliction of duty had been proved against him, and for sanctioning the receipt of illegal fees by the said Clerk.

18th. For not attending to the Presentment of the Grand Jury against the conduct of the same Clerk, and the inconvenience of the office hours.

19th. For not dismissing the Clerk on the complaint of Lawrence Lawrason, Esq., although the Judge admitted the Clerk had taken illegal fees.

The Committee have placed these three charges together, inasmuch as they involve one general accusation against the Judge, namely, that of maintaining the Clerk of Division Court, No. 1, who is his son, in office, although repeated complaints of negligent, improper and illegal conduct, have been preferred and proved against him, before the Judge.

On this accusation, it becomes necessary to examine what were the charges against the Clerk—were they sufficiently brought under the Judge's notice to enable him to act upon them—and what course did he take in relation thereto?

There is also a charge against the Judge, of paying no attention whatever to the Presentment of the Grand Jury, on the inconvenience of the hours established by the Judge himself, for keeping open the Clerk's office of Division Court, No. 1.

A prominent charge against the Clerk is non-attendance at his office within the prescribed hours, viz: from 11, A. M., to 2, P. M., or three hours daily. The time itself being complained of as too short; the absence of the Clerk within those hours is referred to as a greater inconvenience, as all the witnesses who speak on the subject, represent that Division, No. 1, has much more business to be transacted in it than any other of the Divisions in the London District. One witness says, that the Clerk "did not attend to those hours before the Petition was sent to the Government. Some days he did not attend at all, and he never made a practice of attending regularly. During

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"the year 1844, until the month of May, 1846, witness has been at the office of the Clerk two hundred times, and did not find him in his office; witness now alludes to the intervals of 11, A. M., and 2, P. M." Another witness says: "Until lately, the Clerk was very inattentive to his office; the most simple business has been put off for months without any reasonable excuse. The Clerk is seldom to be found in his office during the hours, and when there, puts off the most simple business from day to day." Another remarks, "That in April last, he went from fifteen to twenty times during the period of three weeks, to the Division Court Office, and generally found the Clerk absent from his office, and the door locked. Before this, witness had frequent occasion to transact business with the Clerk, as Clerk of the Bankruptcy Court, and has also found him absent during the office hours of the Division Court." Another states, "That he has called at the office of the Clerk of the Division Court, frequently, in the office hours, and found no person in; sometimes it would be locked, at other times the key would be in the door." And another swears that he "went, on one occasion, to the Division Court Office, in the office hours, commencing at 11, A. M., and repeated his calls at least ten times without finding the Clerk in his office." On the 15th April, 1846, the Grand Jury of the London District Quarter Sessions, of which Judge Allen is *ex-officio* Chairman, made a Presentment, that the Clerk of the Division Court, No. 1, was, during the office hours, "very frequently absent, and when present, puts off and delays business;" and further, "that in consequence of the hours being so short, the inattendance of the Clerk during these hours, and his unwillingness to perform his duty, greatly hinder and prevent the public from transacting business in that Court." When this Presentment was brought in, it was read, and the attention of the Judge was pointedly called to its contents by several Magistrates, then on the Bench, to which it appears the Judge gave no other reply than that—the Grand Jury had nothing to do with it; it was a matter entirely under his own control—in consequence of which an Order, dated 16th April, 1846, was made, that the Presentment should be transmitted to the Government.

Exhibit No. 9.

Exhibit No.
14.

It also appears that the subject matter was also urged on the Judge's attention; and six or seven witnesses were sworn before him, establishing the same facts of the Clerk's absence and want of attention.

The Judge forwards a statement, not on oath, of the Clerk, which the Judge, in his Observations by way of supplement, states to be "in reference to the charges against himself," and to have been "forwarded by him in obedience to my requirement." As regards the office hours and his own irregularity, the Clerk makes the following observation: "The hours of attendance complained of are sufficient for the transaction of the general business of the office, but frequently I have to attend long after the usual time, as, of course, the business must be done, and I do not remember an instance of a person coming from a distance after office hours in which I have refused to attend to his business;" and in the latter part of the same statement there is this further remark: "As to the general charge of non-attendance at the office, I beg most respectfully to submit that the business which has been transacted since I have held the office, could not have been performed in much less time than the hours of attendance (from 11 to 2), and, as before stated, I am frequently obliged to remain in the office longer, and, moreover, it seems hardly fair that I should be the sole object of attack for temporary, and in most cases, necessary absence, from the office during hours, whilst other office holders in the

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"place can, with impunity, leave their office for a week together, without even a person in their capable of transacting business, and in one office in this place in particular, with which I am necessarily in communication at times, I am generally obliged to go there two or three times in succession, or to walk round the town to find the gentleman who holds it, before I can get my business transacted."

The Judge, in referring to the evidence on this charge, repeats an attack on Mr. Thomas Scatchard, one of the witnesses, and then observes: "He is a clerk to Mr. Horton, whose office is on the ground floor of the Court House, and near the stairs leading to the Division Court Office, which is on the first floor of the Court House. I have frequently met Mr. Scatchard at the office when the Clerk has been casually absent, sometimes by my direction. The round number of times of absence sworn to might be easily accomplished at almost any one of the public offices in the place by the exercise of a little vigilance, and by a much less degree of attention to the public interests, than, as will be seen in another part of the evidence, has been bestowed by Mr. Wilson, who appears to have been in the habit of sending his clerks to the Division Court Office, not having any business there himself, but for the purpose of ascertaining the fact of the Clerk's presence or absence thereat."

As to the Presentment, the Judge says: "I have frequently, both in writing and orally, stated my opinion on this subject, citing authorities thereon, accompanied with comments, but expressing myself generally in the terms of citation, and to the effect that Presentment should be on matters within the knowledge and observation of the Grand Jury, such as libel, nuisance, and the like, and such as, generally speaking, can be made the subject of investigation or direct action in the Court before which a presentment is made, for that otherwise the institution of a grand inquest might be perverted to purposes of oppression, and subject individuals who have had no opportunity for defence or explanation, to the worst effects of a malicious prosecution; and I, on one occasion, adduced an instance in this District, in which a young gentleman, for a long time lay under the charge of embezzlement in the Division Court, which was made the subject of presentment at one Assize, and no prosecution was had thereon until the third following Assizes, and then only at the earnest instance of the party charged and his Counsel: the Counsel for the Crown considering the matter as one of complaint to the Division Court, and his view being sustained by the Judge (Mr. Justice Hagerman), who, after hearing the case for the prosecution, as stated by the Queen's Counsel, immediately directed an acquittal of the party charged."

In another place the Judge says: "With respect to the office hours, they were originally appointed both with reference to the quantity of business contemplated, and to the amount of remuneration to the Clerk when paid by salary. I subsequently found that the same hours, say from 11, A. M., to 2, P. M., had been appointed for Toronto, at which place, I believe, they have been since extended. But I respectfully submit that the appointment is matter of internal regulation, and that it belongs exclusively to the Court itself, and that it is not a proper subject for presentment."

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1846.

The Committee do not find, on the part of the Judge or Clerk, any other statement in reference to this branch of the subject. They cannot fail to observe that the absence of the Clerk from his office is not denied, but is attempted to be met by charging other offi-

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cers with similar neglect, or by remarking on Mr. Wilson's sending his clerks to the Division Court Office, "*not having any business there himself.*" It is proved by Mr. Wilson and a witness who was formerly in his office, that he had estates to wind up, whereon debts were to be collected in the Division Court No. 1, which took the clerk there repeatedly. The Judge has been misled probably by the fact that Mr. Wilson was scarcely, if at all, a plaintiff in that Court himself.

There is evidence to shew that the Judge was not very ready to take cognizance of this particular charge of non-attendance, or to act on the suggestions of others as to the office hours. Mr. Scatchard says: "The Judge never acts on complaints against his son, and always gets in a passion when spoken to on this subject." And Mr. Lawrason says: "Although numerous complaints have been made to the Judge, the evil is still suffered to continue."

Observations
11th June, 1846.

The following passage in the Observations of the Judge, exhibits further his view of the question: "I deny that complaints are ever discountenanced by the Court, which, on the contrary, is in the habit of inviting and redressing them by all just means. I am not aware that it has any jurisdiction to deal with matters of complaint when they are brought forward, as by the Petitioner, not only without the authority, but against the protest, as I have witnessed, of the parties in whose behalf they are ostensibly brought forward."

The Committee conceive there can be no doubt of the authority any more than of the duty of the Judge to deal with the case of a Clerk notoriously neglectful in the discharge of his duty. The law gives to the Judge the appointment and the removal of this officer. Neither can they doubt that the matter was sufficiently brought under his observation to render enquiry a duty, and if the charge was sustained, to afford redress. They have nothing before them to shew that any effectual interference has taken place on the part of the Judge. Mr. Lawrason, with regard to the Clerk, says, "the evil is still suffered to continue," and as to the office hours, the Judge appears to vindicate to himself the sole right to form a conclusion whether they are convenient to suitors or no. It is quite true that no authority but his can determine on either of these points; but the question raised by the complainants is, how has that authority been exercised?

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chap. 3.

The Clerk has also been charged with misconduct (in two cases particularly) as to moneys belonging to suitors received by him. Mr. Lawrason swears he had a judgment against one Comfort for about £2, in which the money was paid in. On calling on the Clerk for the money, witness was several times put off on trifling excuses; at last, having been put off several times, the Clerk offered to pay the amount of the execution, but in so doing he retained 20s out of the judgment, stating that he had not received the full amount. Witness then said that it had been fully paid, and required him to pay it over, or he would complain to the Judge. At the next sitting of the Court witness did complain to the Judge that the Clerk had not paid the full amount. The Clerk stated he had not received the full amount, but he had paid to witness the money received. The Judge then made an order that the Clerk should pay him the balance on witness producing the receipt of the Clerk, which the defendant held: the defendant lived ten miles from London, and witness had to wait a month before he saw the defendant; on getting the receipt the Clerk paid witness the balance of his judgment.—in consequence of this witness was kept

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"out of his money for some time." The Clerk's account of the transaction is as follows: "In the case of *Lawrason vs. Comfort* I made a mistake in the amount of the debt and costs, when charging them against the defendant; and on paying over the amount to the plaintiff, discovered that I had received about nineteen shillings less than the actual amount. I told Mr. Lawrason then, and afterwards in Court when the complaint was made by him, that if it should appear on the receipt given by me to the defendant, that he had paid the full amount of debt and costs to me, I, of course, would pay the difference myself. On a copy of the receipt being taken, it proved to be in full of debt and costs, without any specification of the amount, nor would the defendant state what amount of money he did pay. I therefore paid Mr. Lawrason the difference, although it appears by my books, in which I always make an entry of all moneys received and paid, immediately, that the amount was never paid to me.

"The statement of Mr. Wilson* is incorrect, that the plaintiff took the trouble to get the receipt; on the contrary, the Bailiff, at my instance, took a copy of it for me." This statement of the Clerk is not quite consistent with Mr. Lawrason's deposition, that he was "several times put off on trifling excuses," and that after this, the Clerk offered to pay the amount, deducting twenty shillings. But it seems quite clear that the mistake, if there was one, was exclusively that of the Clerk, who discharged the defendant without receiving the full amount; and the Judge's order is, that the plaintiff should get his debt on his producing the Clerk's receipt to the defendant; in other words, the plaintiff was to be put to the trouble and inconvenience resulting from the Clerk's error, before he could get his money.

*This refers to
the Petitions.

Another case is stated by Mr. Daniell. It is that of *Duncan vs. Osborne*: "Execution had issued, and the money had been made; the plaintiff's brother, who was his agent here, represented to witness, that he had made frequent applications to the Clerk for the money, but could not obtain it, and requested witness to take some proceedings against the Clerk to compel him to pay it over. Witness applied to the Clerk, who informed him that the execution had been lost; witness made application to the Court afterwards, when sitting, to compel the Bailiff or Clerk to pay over the money, as the plaintiff had not received it, which the Bailiff admitted in the presence of the Clerk and Judge. The Judge examined the Clerk, on oath, who stated, that the execution had been returned to him by the Bailiff, as paid to the plaintiff, in full, and that the execution had been lost. Upon that evidence, witness applied to the Judge, for an order, to compel the Bailiff to pay the money under one of the clauses of the late Act, which provides for such cases. The Judge doubted if he could make such an order, as the Act had passed after the thing had occurred; nothing was done on that occasion, but the Judge said he would consider the matter. Sometime afterwards, witness applied to the Clerk again, who informed witness that the execution had been found, and that he and the Bailiff had agreed to pay one-half of the execution each. Witness asked the Clerk for the money, who said he had not got it; witness made a second application to the Court, and stated the admission, and requested the Judge to grant an attachment or order against the Clerk. The Judge said he could not grant it, as the plaintiff was not present, but upon his personal application, he would do it. It was not for some weeks afterwards that the plaintiff got his money, and witness charged the plaintiff four dollars for making the applications to obtain the money."

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Mr. Wilson says he mentioned this case to the Judge, just after the Presentment by the Grand Jury, in the presence of the Clerk, who "rose in Court and said, in justice to the Bailiff, he must state that what the Bailiff had said of this matter, alluding to the return of the execution, was correct, and he, the Clerk, was wrong, as to the return, for he had found the execution, and the return was paid to him, the Clerk, in full; he said he had no recollection of getting the money, although he did not deny but that he had received it. Witness then asked the Clerk how he came to make such an entry and swear to it; and the Clerk replied, 'he only swore to the entry in the book.'" The Clerk gives the following explanation:

Mr. H. G. Allen's Statement

"A mistake occurred on either the part of the Bailiff or myself; the Bailiff stating that he had paid the money into Court, and I, on the other hand, said, and still do say, that the money was never received by me; I searched, in vain, in the office, for the execution, in the presence of Mr. Daniell and the Bailiff, twice, and I thought it might have been lost in the removal of all my papers, at a fire, during my absence. The Bailiff afterwards found it, when I was away from the office, and the indorsement in his (the Bailiff's) handwriting, corresponded with his statement. But here, as in the former case, I must advert to the fact, to which the Bailiff himself, in this case, bore testimony, that in each case in which money is paid into Court, either on execution or otherwise, I immediately make entries of it as debited against myself in the books. In this case, however, no entry appears anywhere except that of the execution having been returned, receipted in full by plaintiff. However, as there was a mistake somewhere, I told the Bailiff that I would pay one-half of the amount if he would pay the other, to which he immediately consented. On Mr. Daniell's first calling for the money, I told him that I had it not to give him, but that, immediately after the then ensuing Court, I would pay it to the plaintiff (Duncan) himself. The money has been so paid by both myself and the Bailiff, long ago, each paying one-half." From Mr. Daniell's evidence, the Committee learn that Duncan got his judgment for about £8, in 1843, and by the Judge's Observations, it seems that Mr. Daniell's application for the money was in March, 1846. The Clerk's statements, while differing from that of the witnesses, in some respects, leaves untouched the fact that the plaintiff was kept out of his money till an application was made to the Court, that the only entry respecting the matter was untrue, as it represented the payment to have been made to the plaintiff, and that no explanation of this error is offered when the execution is found, and the facts can no longer be denied; the plaintiff gets his money, having to pay four dollars for Mr. Daniell's services, in getting it out of the hands of the officers of the Court.

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On these two cases, the Judge remarks, "I am not aware of the circumstances of the case of Lawrason vs. Comfort. If the Clerk can be shewn to have received the whole or any part of the amount collected, or even to have an error in the entry, putting the plaintiff to the trouble of getting a receipt from the defendant, he, the Clerk, would, on complaint, be made to pay all costs and damages." The Committee have already remarked on the order made by the Judge when Mr. Lawrason did complain. The Judge proceeds, "In the case of Duncan vs. Osborne, I was unable, in consequence of the non-production of the writ of execution, and of imperfect information on the matter of complaint, which was brought forward at the sittings of March last, by Mr. Daniell, as Agent for the complainant, to make a final adjudication on the matter of complaint; but I intimated my opinion to the Clerk and Bailiff, that they ought each to pay half the amount in arrear (if unpaid) to

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"the plaintiff. On an intimation by Mr. Daniell, at the last May sittings, that this had not been done, I ordered process to issue in favor of the complainant; I presume the matter has since been settled, but at any rate, it is the party aggrieved and not his agent who ought to come forward, and who can alone discharge the Clerk or Bailiff from the claim (if any) of the amount recovered."

On the subject of illegal fees, the Committee observe, as connected with it, a statement that the Clerk would not furnish the summons or original process of the Court, but required the suitors to furnish the blank forms to be filled up and signed by him, in which he was sustained by the Court for a considerable time.

It is further stated, that, during one period before the amended Act came into force, the Clerk, under an order of the Judge to that effect, charged and received one shilling for each copy of summons issued by him, without reference to the amount of the plaintiff's claim; and also that searches have been allowed for beyond the spirit and intention of the law, and the particular instance pointed out as the most oppressive is that of a search charged prior to the return of deposit money made by plaintiff on first bringing his suit. Until the late Act one shilling was charged—under the present Act sixpence; and according to Mr. Scatchard's evidence, the Clerk at one time charged a shilling for a search, in order to return to the plaintiff his deposit money, and another shilling for a search to issue his execution on the judgment in his favor.

On these points the Clerk, in the statement already referred to, says: "In every case that comes into Court I charge one search, and in cases where a second execution is applied for, or a party, after the settlement of a suit, seeks information as to any proceeding in the course of such suit, then and then only do I charge a second search. In the case of Burns vs. Kinstead, I did charge sixpence for a search, as I always do, when a defendant comes to pay debt and costs in full; and I respectfully submit that the Clerk is entitled to the fee for search in such a case, that forming the one charge for search in each suit, as above mentioned."

The Committee observe that one witness speaks of "four or five searches" in the same suit, and the evidence of all concurs as to the charge of a search when the plaintiff gets back his deposit, being universally made, and if so, it is not consistent with the Clerk's statement as to only one search being charged, unless in a case like "Burns vs. Kinstead," he means one to plaintiff and one to defendant,

The Clerk adds: "The charge for copies of summonses has been made since the passing of the amended Act, and in pursuance of the practice of the Clerks of the Courts of Requests, when paid for their services by fees. The charge of a shilling has been made by me on all copies till lately, but now I charge the amount of the original fee for each copy."

In relation to these matters, the Judge says, "I deny that I have ever authorized any particular amount of charge for making out service copies of summonses, but I admit that, in deference to repeated suggestions on the subject, in very influential quarters, I did, on the enactment of a new schedule of fees, under which the Clerks are now paid in that way, instead of by salary, inform the Clerks, that they would be permitted to charge for service copies, according to the practice of other Districts, and in the Court of Requests. The subject was brought before me at the last sitting by way of complaint, which has been reserved for consideration, and inquiry as to the prac-

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"tice elsewhere." With regard to the searches, "I observe that the charge is expressly authorized, both by the original and amended Acts, by which the amount of charge is reduced from 1s. to 6d. The rule as to charge is that, in general, and, except in the few cases where a second execution is applied for, one search only is allowed for all services of the kind performed during the progress of a suit, and that, when the case is settled without a hearing or judgment, the charge is deducted out of the deposit money."

As to the statement that the Clerk had refused to furnish the original summonses, the Judge observes, "The most superficial inquiry at the office, followed up by an inspection of the records, would at once have shewn that such statements are founded in gross error. Mr. Wilson, who has had little or no business in the Court, has, doubtless, been misled by others—but I cannot help expressing surprise at the fact, that the testimony of Mr. Lawrason goes distinctly to support a statement, the error of which can be proved by the inspection of a great many summonses, issued at the suit of Mr. Lawrason himself, all of which, both in the body of the writ, and in the signature, are obviously in the hand-writing of the Clerk, or occasionally of his deputy, and issued by himself or such deputy. There is, doubtless, confusion regarding the original, and service copies, which last were, for a considerable time, supplied by the parties, and not by the Clerk. It appears by Mr. Lawrason's statement, that the Clerk at first made a small charge for service copies, but upon complaint, the practice was prohibited, and the Clerks were subsequently informed, in the words, or to the effect, mentioned to me by Chief Justice Robinson, to whom, and to Mr. Justice Macaulay, I submitted the question, that the Clerks might either perform the service, or decline its performance, for parties—but in case of performance, should make no charge, nor accept any fee. At the same time, His Lordship the Chief Justice, with his characteristic kindness, was pleased to observe, extra-judicially as he expressed himself, that the Clerks had better take the opinion of some eminent Counsel, and abide by its effect, and act accordingly. I presume this course must have been adopted in other Districts, for after some time I discovered that a charge for service copies had been habitually made in other Districts. A short time before the amended Act came into operation, I so far relaxed the effect of the prohibition, as to require the Clerks to furnish the service copies, and to permit a charge therefor. It now appears by the statement of my son, that he declined to avail himself of the permission—that he abstained making any charge for service copies, (although supplied by him,) until the amended Act came into force."

The Committee find no statement of the Clerk to the effect stated by the Judge, that he did not charge for service copies, until after the amended Act came into force. The only statement of the Clerk before them, relating to the subject, they have quoted on a former page. It asserts the charge since the passing of the amended Act, but says nothing of what happened before, while the testimony of several witnesses is positive, not only to the charge, but Mr. Lawrason swears to it, and that the Clerk, about the year 1844, told him that the Judge had ordered it—and that the charge was 1s.

The Committee do not find any steps taken by the Judge, in reference to any of the foregoing matters, except what is above detailed. The Judge seems, from his own account, not to have pursued the course recommended by the Chief Justice, or Mr. Justice Macaulay, as to the Clerks not charging for

or receiving a fee for making copies of summonses, for without taking, or requiring the Clerks to take any legal opinion, he "so far relaxed the effect of the prohibition, as to enjoin the Clerks to furnish the service copies, and to permit a charge therefor," while the evidence shews that the "relaxation" was a formal order—and the Clerk so stated it to Mr. Lawrason. The effect of these and other matters complained of, appears to have been as stated in substance by some of the witnesses—to prevent their endeavouring to collect their debts—and to try any, and every mode of arrangement, in preference to trying to carry business through the Court, while, at the same time, they appear to have felt there was little use in complaining to the Judge against the conduct of his son, as the result of some of the complaints showed that no remedy was to be obtained in that manner.

20th. For refusing to sign drafts on the Treasurer of the London District, for the payment of certain accounts relating to the Administration of Justice, although the same had been examined by a Committee of Magistrates during the Session, and certified to be correct, and reported in open Quarter Sessions accordingly.

It appears that the Treasurer of the District had, on a former occasion, refused to pay a draft on him, signed by the Judge, as *ex-officio*-Chairman of the Quarter Sessions, on a legal objection; and that the conduct of the Treasurer was so far sanctioned by the Court of Queen's Bench, in Upper Canada, that they refused to direct a Writ of Mandamus to him, ordering him to pay such draft. After this refusal of the Treasurer, the Judge refused, in the first instance, to sign any more drafts on him. The Judge seems to have treated the Treasurer's refusal, on the occasion referred to, as an indignity to the Bench, and even to himself individually; and in the first instance, at least, to have grounded his refusal on that reason. On another occasion, he refused to sign drafts for the payment of the accounts of certain Constables, which had been examined by a Committee of Magistrates; first, because he said he did not "see any authority for the payment of Constables;" on another occasion, because "the Constable had not put in a separate account for it," although the service and amount had been certified as due by the High Constable, and the charge was for attendance on the Courts; and although a regular order was made by the Magistrates, in open Court, in his presence, "that the account be now audited, and that the Chairman do sign a draft on the Treasurer for the amount."

The course pursued by the Magistrates for the audit of the accounts, relating to the Administration of Justice, appears to be as follows: A Committee of at least seven Magistrates is appointed, by whom the accounts are examined, in detail, and passed, reduced, or disallowed, according to circumstances. They are then brought into the Court of Quarter Sessions, as examined accounts, to be formally audited by receiving the Chairman's signature, and that the Chairman may sign drafts for the same. This practice, which appears unobjectionable, has been followed in the London District for a long series of years; and the drafts which, it is alleged, the Chairman refused to sign, were for accounts thus audited. This refusal appears to have commenced in July Sessions, 1845, and to have continued until after the ensuing January Sessions; in consequence of which, and of "the extreme hardship of keeping the parties out of their money," the Treasurer "paid them on the certified copy of the Clerk of the Peace." The Treasurer further says: "At the April Sessions following, the Chairman did sign drafts, and they were sent to the witness by the Clerk of the Peace; they were not, however, in the hands of the several parties in whose favor they were drawn. At the

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"April Sessions last, witness heard the Judge, sitting as Chairman, deny that he had ever refused to sign the drafts, although the fact was asserted by witness and several other Magistrates, that he had;" the form of the draft has, it seems, been altered to meet the Judge's wishes. One in the old form, and one in the new—both signed by him—are put in.

The "Observations" of the Judge contain the following passage on the subject: "I am not aware that the difficulties which, as alleged, have arisen in that Court, during the last twelve months, have been of my creation; on the contrary, and from time to time, when in January Sessions, 1845, these difficulties commenced with the refusal of the Treasurer to pay certain accounts, audited at these Sessions, which accounts have all, except the account of the Sheriff, been since paid, I have used every effort in my power to relieve both the Bench and the Public Officers from the effect of a state of things so anomalous and unprecedented."

In the Observations, by way of supplement, the Judge further says: "With regard to the Quarter Sessions, it will be seen, by reference to my letter of the 1st December last, to the Honble. D. Daly, that there has been no reserve on my part in bringing the matters, in difference, under the immediate cognizance of the Executive Government; these differences resolve themselves into the facts: First, That I refused to sign any Orders in the shape of money drafts, on the risk of their being unpaid, and that the form, or order for the payment of accounts was, consequently, and in deference to my suggestion, altered, so as to correspond with the form used in the Home District; and in which form the Orders have since been signed by me, at the time of audit, except those of the Constables, reserved under the circumstances, and for the reasons stated in my aforesaid letter to Mr. Daly, and except, also, a few Constables' accounts, which were not presented according to the provisions of the Statute, 7 Will. IV., chap. 18, at the April Sessions, and which were reserved for signature on their presentment so required by law. All the accounts presented at the late July Sessions have been, on the motion of Mr. Lawrason, and on the statement of the Treasurer, that he had no funds for their payment, postponed for audit until the next November Sessions."

In his "Answer," the Judge observes: "The difficulty herein commenced, not, as alleged, in January, 1845, but in truth, and in fact, in April Sessions, 1842, being the second Court at which I presided as Chairman of the Quarter Sessions; when Mr. Wilson, as Warden of the District Council, contended for the right of appropriation, by that body, of the District Funds, and the power inferred from such alleged right, of fixing salaries, in lieu of fees, to the District Officers. These points having been disposed of by the Court of Queen's Bench, the matter of accounts was again mooted through the means of the refusal of the Treasurer to pay some of the Chairman's drafts, signed at the January Sessions, 1845, and the Treasurer sustained in such refusal, by the Court of Queen's Bench, on the application to that Court for a Mandamus to the Treasurer, by the Sheriff; I thought then, as I still think, that the District Officers, connected with the Administration of Justice in criminal matters, constitute a class described, and specified by their names of office, in the Tariff Act, Vict. chap. , and that as such, they all had, before that Statute, an equal right to fees, founded on usage and prescription, of which fees they could not be deprived, otherwise than by the Legislature, and that, therefore, the principle of refusal enforced in one Court, should have been upheld universally. I am not aware that the

"time required for establishing a prescriptive right of this nature has even been defined, nor that, for instance, a Tariff of Fees, originated in the year 1837, could be summarily abrogated, in regard to particular claimants, forming the constituents of a class, in 1845. The Sheriff's account, audited by the Magistrates, in January Sessions, 1845, still remains unpaid."

"With these views, which imply a direct submission, and deference to authority, I delayed, for a few days, my signature to certain orders for the payment of the Constables' accounts, audited in November Sessions, 1845, having, in the meantime, made myself a party to a note for raising funds for their immediate accommodation; even this proceeding has since been made a matter of charge against me. There are, also, eight orders for the payment of certain accounts of Constables, not presented, as required by 7 Will. IV. chap. 18, sec. 1, at the last April Sessions, which remain unpaid."

The Committee are of opinion that the Chairman of Quarter Sessions is bound by the decision of the majority of the Magistrates; and has no judicial authority to review, and still less to prevent their taking effect. In signing the orders, &c., the result of such decision, he must be considered as acting ministerially; and ought not, as the Committee think, to withhold his signature by reason of his dissent in opinion. The Chairman's signature, when required as proof of the decisions or actions of the Court, is not therefore a matter of discretion, but of duty: no doubt as a professional man he should always point out what he thinks the law: and his suggestions on this point, are entitled to respect. The Committee have carefully reviewed both the evidence, and all the Judge's Observations, and answers by way of defence. The view taken by the Judge of his own course, is greatly at variance with that represented by the witnesses:—and in more than one point the Committee are unable to reconcile these statements. According to some evidence, the Judge shewed some want of temper, and of courtesy, to his brother Magistrates; in addition to his refusal to affix his signature, and his statement that in consequence of the difficulty, and misunderstanding between himself and the Bench, a prisoner remained in Gaol from one Quarter Sessions to another, is positively contradicted by Mr. Lawrason, who swears that he bailed the party; as in consequence of the Judge's conduct the Court broke up without a proper adjournment.

21st. For having, in his charge to the Grand Jury at the April Sessions, 1846, reflected upon the conduct of the Bench of Magistrates; and for having made incorrect statements in that charge.

The Judge has transmitted a memorandum, and statement, read to the Grand Jury as part of his charge on the occasion referred to; and his additional remarks, made as to what transpired immediately after that charge was made.

This document is a statement of facts, as the Judge represents them, of the proceedings at the former Sessions, and of the circumstances attending their conclusion.

It will be seen that in some important particulars, it varies from the evidence on oath of Mr. Lawrason. The whole tenor and scope of it is a vindication of his own course at the preceding Sessions, and a condemnation, implied or expressed, of the conduct of the other Magistrates. It produced an immediate movement on the part of those sitting on the Bench, when it was delivered, and an unanimous declaration that they did not concur in it—as well as a remonstrance on the part

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Not altogether.
See evidence.

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of one Magistrate, of the want of courtesy exhibited by the Chairman in such a proceeding, towards his fellow Justices, to whom he had given no instructions of his intention; to which the only reply was to the effect, that it was his charge, and the Court had nothing to do with it—an observation which, coupled with a *quasi* comparison between his own office and that of a Judge of Assize, contained in his address to the Grand Jury, shews, in the opinion of the Committee, an erroneous notion of the position and functions of the Chairman of the Quarter Sessions.

On the whole, the Committee view this act of the Judge's, as very uncalled for; and as calculated to give just cause of offence to his fellow Justices, as well as to exhibit a most unseemly division between him and them, greatly calculated to diminish the respect which ought to be paid to the Court, and so far, therefore, prejudicial to the due Administration of Justice.

22nd. For having suppressed the Order of the Court of Quarter Sessions, of July, 1845, establishing new limits or divisions for the Division Courts of the London District.

Exhibit No.
12.

It appears that at the General Quarter Sessions in July, 1845, an Order was made rescinding the former Orders, erecting divisions, and erecting new divisions for holding Division Courts in the District of London. This Order, though prepared by seven or eight Magistrates, or perhaps more, in a Committee Room, was brought into Court, and being adopted, was signed there by the Judge, as Chairman of the Quarter Sessions. Some time after, Mr. Lawrason, one of the Magistrates by whom this Order was made, applied to the Clerk of the Peace to produce it, who said that it was in the Judge's possession; neither had it been entered as it should have been in the Sessions Order Book. In the April Sessions, 1846, Mr. Lawrason, in open Court, the Judge being present, asked the Clerk of the Peace, why the Order of July had not been acted upon, and referred to the Statute, 4 & 5 Vict. chap. 3, sec. 3, to shew that it ought also to have been entered in the Order Book. The Clerk of the Peace stated, that "he was instructed by the Judge, that the Order, changing the limits of divisions of Division Courts, could not be carried into effect, as there was no order for its publication." On referring to the Order made 16th November, 1841, first creating divisions, nothing is said therein about publication; though it was carried into effect. The Clerk of the Peace says, he thinks this Order, and one in May, 1845, were published. "He would not have published the Order without receiving written or verbal directions from the Bench. He on more than one occasion, brought the matter before the Sessions; the Judge felt hurt at the divisions being established by the Sessions, and he complained that he had not been consulted on the subject. It was not entered in the Sessions Book at the time; as the Judge suggested that the Order might be modified."

Exhibit No.
10.

Mr. Lawrason, stated to the Judge, that he considered it his duty "to have these Orders promulgated, and if he thought differently from witness, he should have informed the Court, so that the Order might be carried into effect. The Chairman replied, that he was not bound to know the contents of any Order, which he signed; and that this Order of July was made without his being consulted on the matter; and he was not bound to know its contents."

Exhibit No.
12.

An Order was passed on 16th April, 1846, to give effect to the Order of July, which had thus been dormant, and another suspending the effect of these two Orders for a limited time, was shortly after made at the earnest request of the Judge.

Exhibit No.
13.

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(V.)

30th June.

Observations.
4th June,
1846.

The Judge on this subject remarks: "The Order of Sessions, respecting the new Divisions, was not suppressed by me, but it has remained, as far as I know, in the hands of the Clerk of the Peace, from the time of its being passed, unless when laid before the Bench at Quarter Sessions. The Order was prepared, and brought into Court ready for signature, after having been settled, at a mere meeting of Magistrates, without the slightest intimation to a consultation with the Chairman, who was merely required to affix his signature to the Order. The sittings of the Division Courts had then been appointed for their next sitting, under the old Divisions, of which I did not, nor could contemplate the alteration, and before the November Sessions, another sitting was appointed under the old Divisions—the July Order containing no provision, either for its publication, or for the time of its coming into operation. Moreover, the Order was accompanied with a verbal nomination, both of the Clerk, and of the place of sitting for the new Divisions, matters exclusively within the appointment of the Judge of Division Courts. On an observation to this, or the like effect, by one of the Magistrates present, at the time of passing the Order, and on the propriety generally, of consulting the Judge on the subject of the Order, the observation was at once met by the reply, that Adelaide would be a pleasant ride for the Judge. On application to myself, by the Clerk of the Peace, I told him I neither could, nor should carry the Order into effect until its publication should have been directed by the Bench, and a time fixed for its being brought into operation; but I have never, in any way, given directions as to its transmission to the Government, a duty which belongs exclusively to the Clerk of the Peace, and in which I have in no wise interfered. The subject of the Order was again brought forward at the last November Sessions, to the best of my recollection, and certainly in the last January Sessions, when on suggestion by one of the Magistrates, I drafted a memorandum for four divisions, restricting No. 1 to their townships. The memorandum was on the Bench for the whole or greater part of the January Sessions, and so left by me, when I absented myself from the Bench, on the evening of the twelfth of January last, and the said memorandum is, or ought to be now in the Office of the Clerk of the Peace. There having been no action taken on the memorandum, the July Order was again brought forward at the last April Sessions, when, in consequence of my earnest application, both through Counsel, and personally, the Bench at length consented to supply the deficiencies, both in point of publication, and of time fixed for its coming into operation.

"I have made the requisite appointments for the new Divisions, accordingly."

* Vide the
Order—Exhibit
No. 13.

And further, the Judge says: "I meet the charge by a direct denial of its truth, and say, that the truth of the denial is proved by the testimony of Mr. Lawrason himself, who has thought proper to make the charge, and thereupon, to found another charge of corrupt conduct; moreover, the direct testimony of this witness, by means of his assertion, that the matter was talked of at every subsequent Sessions, but that the Judge refused to hear anything about it, supports my recollection hitherto imperfect of the fact, which I assert, that I brought the matter forward myself, with a view to supply the deficiencies of the original Order, and that the Bench of Magistrates gave effect to the objection of Mr. Lawrason, who insisted that the Bench had done all that was required in making the Order as it originally stood; and that it was the duty of the Judge of the Division Court to see to its publication, if necessary; whereas, the Tariff* of Fees expressly shews that duty to

Answer.

Qy.—If this
Tariff was
published in
July, 1845.

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“belong to the Clerk of the Peace, who is allowed a fee for its performance, which is one of several other services connected with the same matter. It is moreover my belief that, had it not been for the fact of Mr. Givens having urged the matter, as Counsel, on my behalf, that the original deficiencies of the Order would have still remained unsupplied, for the Clerk of the Peace could not act in the matter without an Order of Sessions. Still less could I, either as Chairman of the Quarter Sessions, or as Judge of the Division Court, control the actions of the Clerk of the Peace, in regard to duties imposed on him by Statute. I have, however, no recollection of having given the Clerk of the Peace any direction whatever, respecting the Division Court Order, or having mentioned the subject otherwise than is stated in my answer, to which I beg leave to refer, to the Petition of Mr. Wilson.”

The Committee observe that the proceedings, at the last April Sessions, have terminated the affair by giving effect to the Order of July, one thousand eight hundred and forty-five. They observe further, that the Clerk of the Peace, when applied to, respecting the Order, stated, that it was in the Judge's possession, while the Judge says, it remained, as far as he knows, in the hands of the Clerk of the Peace. The Judge says that he would not carry it into effect; first, until it was published; and second, till a time was fixed for its coming into effect, though unto the latter point, the Order is in its very terms, immediate in effect, for its language is “Ordered, that the Order of Session, establishing the Divisions for the Division Court of this London District, be *now* rescinded, and that the following be *hereafter* the Divisions for the said Courts in the District of London,” and then sets them out, not differing materially as to time from the Order of the sixteenth of April, one thousand eight hundred and forty-six, and the difference being, that the latter is the least precise, for it reads thus: “It is Ordered, that the Order of Sessions, of July last, passed in reference to the Division of Townships, for holding the Division Court, be *now* published in some newspaper, in the District, and that the said Order be carried into effect.” If the first was defective for want of fixing a time when it should take effect, the last is not less so, though it orders the publication *now*; and yet, the Judge thought it necessary to apply for an Order to suspend the operation of this latter Order, not as seems to the Committee as to the publication, but as to the time at which the alteration of the Division was to operate; as to publication, the Statute does not in any way make it essential to the validity of the Order.

On the whole, though it may not be literally true that the Judge suppressed the order, yet he certainly, not only took no steps, at first, to bring it into operation, but, by his suggestion to the Clerk of the Peace, caused that officer to postpone entering it in his Order-book, and gave as much inert opposition to its being carried out, until April, one thousand eight hundred and forty-six, as he well could do, and the manner in which he expresses himself on the subject, particularly before the April Sessions, and even at them, shews that he was most reluctantly compelled to yield to the decision of the Magistrates in the matter; and when they regard the character of the objections he advanced against the order, neither of which, in the opinion of the Committee, were legally sufficient to cause the Order to be inoperative; and further, the Observations of the Judge, “that he was not bound to know its contents,” they cannot help seeing that he was governed by a spirit or motive hostile to the Order itself, and inconsistent with the duty which his situation, as *ex-officio* Chairman of the Quarter Sessions, required.

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The Committee have given their most attentive consideration to the “Answer” of the Judge, as well as to the “Observations,” and “Observations by way of Supplement,” referred to in the answer, and requested to be taken as part of it. They have also examined the statement of his son, referred to in some other part of the foregoing papers, although there seems to them no good reason why he should not have been sworn and examined, to such of the matters therein contained, as were essential to the Judge's defence. The omission, or perhaps, referring to the proceedings and evidence taken before the Commissioners, the determination not to call evidence, at London, at all events, on the part of the Judge, has particularly occupied their attention, because, in his answer, he makes some observations, as if the course adopted by the Commissioner was the cause of his not calling witnesses. Nothing appears on the notes of the Commissioner to give any ground for such a conclusion; and further, the motion made by the Judge's Counsel, “that as it is not proposed to put in any *vivâ voce* testimony, at London,” the Commissioner be requested to defer sending in his Report to Government until the first of October, (afterwards extended, at the Judge's request, to the fifteenth of October,) to enable the Judge to prepare and put in all such documentary evidence as his Counsel may advise, in answer to the charges,” shews clearly enough that, in the opinion of the Counsel, it was open to the Judge to put in both *vivâ voce* and documentary evidence, if thought advisable or necessary, for the defence, and that they did not consider the Commissioner to have excluded either one or the other.

In answer, the Judge says: “It was proposed, on my behalf, to cross-examine him, (his son, Mr. H. G. A. Allen,) with a view to the defence, and ruled by the Commissioner, on argument, that no questions can be put on cross-examination, except such as, in reason, arise out of the examination-in-chief. The effect of this ruling having been to exclude from my defence what may be termed an extensive and recognized class of evidence, with a view to the observation, that the rule has also had the effect of excluding from my defence the primary evidence of the contents of written documents, namely, the documents themselves, a great number of which might have been produced by this witness, in direct refutation, and disproof of the principal charges against me, including, amongst others, the charge of corrupt conduct, and further, the witness would have been enabled to meet many of the charges against himself, including all matters of charges not already answered, by shewing that they are either wholly or partially unsupported by fact.”

“I will here state, in connection with this most material portion of my defence, that *I was overruled by His Honor, the Commissioner, in requiring the production of the record, in the case of Leonard vs. McQueen.* James McQueen, the Defendant, in that case, whose evidence was adduced to prove, as a matter of charge, that I had allowed an objection, in point of law, raised by the witness himself, having stated that I granted a non-suit, on the ground that the account, annexed to the summons, was in dollars and cents, reduced into currency. The principle of this ruling, had it been applied to the prosecution, would have curtailed this, my answer, to very narrow limits, inasmuch as its effect would have been to exclude all the documents which have been exhibited under the Commission. Indeed, on referring to my subsequent notes, I find that the cross-examination of the next witness, Mr. Daniell, whose evidence was resumed on his re-appearance, this day,

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“ was altogether excluded under the effect of another ruling of His Honor, the Commissioner, a ruling which, taken together with those before and subsequently noticed, induces the belief, founded on a careful revision of my notes of proceedings on this Commission, that the rulings noted were intended as protection and in furtherance of my defence. Assuming the correctness of this view, I observe that its obvious effect is to curtail my answer to a very few additional statements and comments on the proceedings, subsequent to the examination of Mr. Daniell, because the view stated, if well founded, must lead either to another Commission or to a further proceeding, under this Commission, of a character directly and avowedly defensive and protective.”

“ Finally, I mention, in reference to this subject, that the Commissioner also declined to receive my own testimony on the matter of charge, although the Statute, 9 Vict., chap. 8, empowers the Commissioner, appointed by virtue of its provisions, to take the evidence of any party or witnesses.”

The Commissioner sat at London until Friday, the twenty-first of August last; on that day, Mr. Wilson stated that he had concluded his charges, and the case against the Judge was closed. The Judge was present, for he personally cross-examined the last witness. An adjournment then took place till Monday, the twenty-fourth of August, allowing an interval for the Judge to confer with his Counsel and decide on his course. On that day, the Judge's Counsel moved to adjourn the Commission until the first of October. The ground of this motion was stated to be the absence of the Honble. S. B. Harrison, “ he having been written to for the purpose of appearing as Counsel, and for the benefit of his evidence, both as to the practice of the Court of Bankruptcy, in regard to certain matters in evidence before this Commission, and generally, as a member of the Government, at the time of the appointment of Judge Allen to the Judgeship of the London District, the presence of Mr. Harrison being of great importance to the defence of Judge Allen, before the Report of the Commissioner should be laid before the Executive Council.”

“ Mr. Wilson objects to this application, on the ground, that it does not appear that any subpoena has been taken out for Mr. Harrison, or any means used to procure his attendance. That the practice of the Court of Bankruptcy can be proved by other testimony than Mr. Harrison—by Books of Practice—and that Mr. Harrison's being a Member of the Executive Government at the time of Mr. Allen's appointment, can furnish no evidence to answer specific facts, which have been charged against him since his appointment, nor could his presence, as a witness, answer these acts.”

“ The Commissioner decides against the application, because it is unreasonable in its nature. Judge Allen has long since been furnished with copies of charges, and he has already submitted to Government his remarks upon them. *The only evidence admissible by the Commissioner will be contradictory or explanatory of the testimony given by the complainants. Any statement, in justification of his conduct, or any documentary papers, will be received by the Commissioner, and submitted to the Government.*”

It was after this that the Judge's Counsel stated that they would not offer *vis à voce* testimony at London, and obtained a delay till the first of October, for the

purpose already stated. This time was further extended to the fifteenth of October. On the sixteenth of October, the Commissioner, having received nothing from Judge Allen, closed and transmitted his Report to the Government. On the twenty-eighth of October, nothing further having reached the Executive, Judge Allen was written to, stating the determination to remove him. On the thirty-first of October, the Judge's answer reached the Provincial Secretary's Office. It had been transmitted from Toronto, as Judge Allen states, in his letter of the fourth of November. It was not sent by post, and did not reach Kingston, or was not delivered there, till the Commissioner had closed his Report, on the sixteenth of October, and had left on the Circuit; and it was delayed at Kingston till the Commissioner had been written to, and his directions received. On the nineteenth of November, Mr. Harrison writes, as Counsel for Mr. Allen, that the order for the removal of the Judge may be re-considered, in order to let in his defence, which Mr. Harrison states, “ will obviate the necessity of my asking to be informed, which of the charges against Mr. Allen are the twenty-two which are considered as proved ?”

The Committee are somewhat surprised to find that any expectation could have been entertained seriously by Judge Allen, that either a new Commission or further proceedings under the present should be directed. They observe that this expectation is based by him mainly, if not exclusively, on two grounds. First, the decision of the Commissioner as to the cross-examination of Mr. H. G. A. Allen; and secondly, the decision of the Commissioner in not sustaining an objection raised by Judge Allen on account of the non-production of a record. As to the first, Mr. Henry Allen was called to prove that the Judge had ordered him to give execution to the Bailiff alone, and not to a party in the suit, and that he had adhered to this direction. The Judge proposed to cross-examine him at length on the whole case, and for the purpose of proving the defence. The Commissioner decided that the cross-examination should not take so extensive a range, but should be limited to the matter examined to in chief. Upon what principle the Judge could have conceived that this prevented him calling his son as a witness on the defence, and examining him on any and every part of the case, the Committee do not understand. Still less do they see how it was possible that this decision of the Commissioner should have been regarded as excluding the evidence of written documents in the possession of Mr. H. Allen, and which were material to the defence, from being produced and received on the defence if the Judge desired. The Commissioner's own statement in refusing to adjourn to the 1st day of October, for the purpose of examining Mr. Harrison, and the statement of the Judge's Counsel on which the adjournment was granted, negative such a conclusion; and it is inconceivable that if such was considered as the consequence to be deduced from the Commissioner's ruling, that the question should not have been at once brought up by tendering such evidence on the defence, instead of lying by and now using it in the answer as a reason for further inquiry and further delay in a matter which has been so long pending. And to the point respecting the non-production of a record, the Committee have already, under the 12th head of charges, adverted to this matter. They feel it impossible to assent to the inference that by deciding that under the particular circumstances the production of the (so called) record was not necessary to let in the evidence, the Commissioner had decided to exclude all documentary evidence. The decision was not that documentary evidence was either in that instance, or for the general purposes of the investigation, inadmissible,

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but that in that particular instance it was not indispensable. Indeed the Judge himself perceives and notes that the Commissioner had received many documents in evidence, and that such reception was inconsistent with the construction he was putting on the Commissioner's decision; yet he continues the assumption that no documents were admissible in evidence on his part, and at last advances it in his answer, as if in fact it had caused him to withhold evidence, in the belief that it would not be received. The Committee think it only necessary to refer to the Commissioner's statement, already quoted, that "any documentary papers will be received," and to the application of his Counsel for the delay which was granted, "to enable Judge Allen to prepare and put in such documentary evidence as his counsel may advise, for the purpose of reply to this matter."

As to the refusal of the Commissioner to take Judge Allen's own statement on oath, the Commissioner reports: "During the time a witness was under examination (I think Mr. Henry Allen) Judge Allen did contradict the witness in an abrupt and positive manner, and then offered his own evidence, which I refused to receive, as being out of place. Upon that, as well as upon several other occasions, Mr. Allen was much excited, and appeared to lose all command of his temper."

The evidence and statements having thus been gone through, it remains only for the Committee to consider what determination on the case they should submit for Your Excellency's approval.

In reviewing the case, the Committee feel deeply the principle involved, and the important effect which their decision may produce, not merely on the parties interested, but even on the due and effective Administration of Justice.

They are sensible that judicial duties cannot be independently discharged unless the Judges are sustained and protected against complaints and outcries, founded only upon the disappointment of suitors, or the irritated feelings of practitioners; and that even admitting that there may be, as doubtless there must sometimes be, error of decision, and thus a ground afforded for complaint that Justice has not always been done, the removal of the Judge ought by no means to be a necessary consequence. The necessity for inquiry may frequently arise, when, though the Government cannot upon facts wholly absolve, they could not think that a case was made out justifying a dismissal. And even a formal inquiry should not be directed unless upon such charges as would, if sustained, call for the full exercise of Executive Authority, to redress or punish.

The Act of last Session has, as regards District Judges, thrown the responsibility of this inquiry on the Executive, and has done so, moreover, after the appointment of a Committee on this very case whose report might have so far decided the question, under the law as it previously stood, by recommending an Address for the removal of Judge Allen. That under these circumstances, and considering the nature of the charges, it became a duty to direct an inquiry; there can, the Committee are of opinion, be no doubt; and that amongst the various allegations preferred against the Judge, there is that which, if *sustained*, will call for his removal, appears also manifest to them.

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Several of the charges, however, appear to the Committee to have arisen from conduct on the part of Judge Allen, attributable to natural irritability, a susceptibility of offence inducing him to believe parties guilty of intentional disrespect, without sufficient cause; perhaps an over estimate of personal importance in his judicial office, and a too ready anxiety to sustain it by resort to the power of the Court. To these or similar causes much may be attributed, giving rise to complaint and dissatisfaction, to be regretted at all times, but not justifying his removal; but there are other matters charged of a much graver character, and which exhibit such a want of consideration for the interests of suitors, or such a total thoughtlessness of consequences, in giving way to personal feelings and excitement, as to remove all surprise at the strong remonstrances that have been addressed, both to Parliament and to Your Excellency, against his proceedings, or at the earnest appeal made to procure his removal.

Among these the following appear to the Committee especially deserving of notice:—

1st. That the business of the Court of Bankruptcy, in all matters requiring a public meeting, was indefinitely suspended, because the Sheriff would not engage beforehand, to act on the Judge's verbal direction, on an anticipated event; a step the less excusable, since if it were the Sheriff's duty to obey, the matter could only be brought to issue, by adopting proceedings against him for his refusal, and further, though the act of suspension was the Judge's own, he appears to have made no immediate effort to satisfy himself on the disputed point, and to put an end, as soon possible, to a state of things, which he could not but have known, must be injurious to suitors.

2nd. A denial to suitors, in one case, of their rights, in order to compel their Solicitor to pay the Clerk, (the Judge's son), certain fees, and the exclusion of that Solicitor from practice for the same object, which fees were due on former proceedings, in a totally different case; an exercise of power very questionable in itself, and subjecting the Judge to the suspicion of unworthy motives.

3rd. An unwillingness, amounting to a refusal, to act upon complaints with regard to this Clerk, for neglect of duty, or improper conduct, which had the effect of inducing parties to forego the prosecution of their rights, rather than submit to the matters which they complained of.

And, 4th. The course pursued in reference to the business in the Court of Quarter Sessions, rendering it difficult, if not impossible, for the other Justices to act with him, thereby inevitably impairing the efficiency of the Court, and inflicting a consequent injury on the various interests intrusted to its protection.

Without more particularly adverting to the various acts complained of, and on which the Committee have expressed their views in the preceding analysis of the evidence, and defence, they are of opinion that the decision arrived at in the Minute of the twenty-third of October last, should be sustained, and that a successor should therefore be appointed to Mr. Allen, in accordance with that determination.

Montreal:

PRINTED BY LOVELL AND GIBSON,

ST. NICHOLAS STREET.

MESSAGE

Of His Excellency the Governor General, communicating Despatches on the following subjects, viz.:—MAGDALEN ISLANDS, BANKING, CUSTOMS, REGISTRY LAWS, RAILWAY ACTS, BANQUES DES MARCHANDS BILL, GREAT WESTERN AND LACHINE RAILROAD BILLS.

MESSAGE.

ELGIN AND KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, Copies of the several Despatches from Her Majesty's Secretary of State, enumerated in the annexed Schedule.

Government House,
Montreal, 1st July, 1847.

Schedule of Despatches accompanying the Governor General's Message of the 30th June, 1847.

No.	DATE.	SUBJECT.
70 Circular	1846. 26th May 30th May	Respecting the Magdalen Islands. With Revised Regulations to be observed in Incorporating Banking Companies in the Colonies.
46	2nd November.	Objections pointed out to the Discriminating Duty imposed by the Customs Act of last Session on Leather Articles.
51	12th November	Respecting the Act of last Session amending the Registry Laws of Upper Canada.
55	19th November	Points out some provisions omitted in the Niagara Suspension Bridge Act, and in the several Railway Acts of last Session, and desires that they may be supplied.
2	3rd December	Respecting the Reserved Bill of last Session Incorporating "La Banque des Marchands."
23	1847. 1st February.	Points out Amendments required in the Act of last Session relative to the Great Western Railroad, and the Montreal and Lachine Railroad.

Respecting the Magdalen Islands.

(Copy.)

No. 70.

Downing Street,
26th May, 1846.

My Lord,

I have to acknowledge the receipt of your Lordship's Despatch of the 24th of last April, No. 36; in which you transmit copies of a joint Address presented to your Lordship by the Legislative Council and House of Assembly of Canada, and of the reply

you returned to that Address, upon the subject of the annexation of the Magdalen Islands to the Government of Prince Edward Island.

I request your Lordship to acquaint the two Houses of the Legislature, on the first convenient opportunity, that measures having been taken, by the Executive Government in Canada, to improve the administration of Justice, and to protect the rights of property within the Magdalen Islands, Her Majesty's Government do not consider it requisite, at present, to entertain further the question which has been raised with regard to the annexation of that Dependency to the Government of Prince Edward Island, trusting to the efficacy of the measures in question to restore the Islands to a state of tranquillity and good order. The expediency of any further proceedings will, therefore, depend upon the experience which time will supply, of the effect of the measures already adopted; and your Lordship is authorized to convey to the two Houses of the Legislature the assurance that no measure will, in any event, be taken, with reference to this subject, without a due consideration of the feelings which may be entertained in regard to it by the inhabitants of the Islands.

In the meantime it will devolve on your Lordship to observe carefully the operation of the measures to which I have referred, and to report to me upon their results.

I have, &c.,

(Signed,) W. E. GLADSTONE.

Governor

Lieutenant General,

The Earl CATHCART, K. C. B.,

&c. &c. &c.

With Revised Regulations to be observed in incorporating Banking Companies in the Colonies.

(Copy.)

Circular.

Downing Street,
30th May, 1846.

My Lord,

On the 4th May, 1840, Lord J. Russell transmitted to you a Copy of certain Regulations, the observance of which, in all Charters or Legislative Enactments relating to the incorporation of Banking Companies in the Colonies, Her Majesty's Government then considered of much importance.

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(W.)

1st July.

The correspondence which has since taken place on subjects of this nature, and the arrangements adopted by Parliament in regard to Banks of Issue in the United Kingdom, appear to Her Majesty's Government to have rendered necessary some modification of those Regulations, with a view to bring them into exact accordance with the principles on these subjects established in this country. I accordingly transmit to you herewith a series of Regulations, revised with that object, to be substituted for those of May, 1840.

These Regulations are forwarded to you, not, of course, as inflexible rules to be in all cases insisted on, but as embodying the general principles to be observed in the preparation of Colonial Acts for the incorporation of Banking Companies; and Her Majesty's Government consider a compliance with all the more material conditions and restrictions as of much importance to the security of the Communities in which such Banks may be established, and more especially to the poorer classes of such Communities. I must, therefore, impress on you the necessity of using all your legitimate influence to procure their introduction into any Bills which may be brought into the Legislature of the Colony under your Government, for the incorporation of Banking Companies; and with this view it might be well that you should communicate with the Promoters of any such Bills, in which these conditions may be omitted, and point out to them that the instructions which you have received from Her Majesty's Government would place you under considerable difficulty in assenting to any such Bill, should it pass the Legislature in its actual form. I can hardly doubt that such a communication, aided by an explanation of the grounds on which Her Majesty's Government have proceeded in drawing up these Regulations, would have the desired effect; but if not, and you should nevertheless feel it your duty to assent to the Act, it would be necessary, in transmitting the Act for the signification of Her Majesty's pleasure, that you should accompany it by a full report of the grounds on which you have proceeded.

I have, &c.,

(Signed,) W. E. GLADSTONE.

Lieutenant General,
The Earl CATHCART, K. C. B.,
&c. &c. &c.

Copy.

Regulations and Conditions for the observance of which provision should be made in Charters or Legislative Enactments relating to the incorporation of Banking Companies in the Colonies:—

1st. The amount of the Capital of the Company and number of Shares to be determined, and the whole of such determined amount to be subscribed for, within a limited period, not exceeding eighteen months from the date of the Charter or Act of Incorporation.

2nd. Shareholders to be declared a Body Corporate, with common seal and perpetual succession, and other usual corporate powers; and with any requisite proviso that judgment against the Corporation shall attach to all additional liability of the Shareholders, as well as to paid-up Capital and other property of the Company.

3rd. Provision to be made, either by Recital or Confirmation of any Deed of Settlement in these respects or otherwise, for the due management of the Company's affairs by appointment of Directors, and so forth, so far as shall seem necessary for the security of the Public.

4th. No By-law of the Company to be repugnant to the conditions of the Charter or Act of Incorporation, or to the Laws of any Colony in which the Company's Establishments may be placed.

5th. The Corporate Body thus constituted to be specially empowered, subject to the conditions hereafter mentioned, to carry on for and during a limited term of years (not to exceed twenty-one years unless under particular circumstances), and within the Colony or Colonies specified in the Charter or Act of Incorporation, but not elsewhere, the business of Banker; and for and during the like term to issue and circulate within the said Colony or Colonies, but in such manner only as shall not be at variance with any general Law of the Colony, Promissory Notes payable in specie on demand.

6th. Such Banking business or issue of Notes not to commence or take place until the whole of the fixed Capital of the Company has been subscribed for, and a moiety at least of the subscription paid up.

7th. The remaining moiety of the Capital to be paid up within a given period from the date of the Charter or Act of Incorporation, such period not in general to exceed two years.

8th. In all cases in which Shares in the Company's Stock are transferred between the period of the Grant of the Charter or Act of Incorporation, and the actual commencing of business of the Bank; the responsibility of the original holder of the transferred Shares to continue for six months at least after the date of the transfer.

9th. The Company not to advance money on security of Lands, or Houses, or Ships, or on pledge of Merchandize, nor to hold Lands or Houses, except for the transaction of its business, nor own Ships, or be engaged in Trade, except as dealers in Bullion or Bills of Exchange, but to confine its transactions to discounting Commercial paper and negotiable Securities, and other legitimate Banking business.

10th. The Company not to hold Shares in its own Stock, nor to make advances on the security of those Shares.

11th. The discounts or advances by the Company on Securities bearing the name of any Director or Officer thereof, as drawer, acceptor, or endorser, not to exceed at any time one-third of the total advances and discounts of the Bank.

12th. The Dividends to Shareholders to be made out of profits only, and not out of the subscribed Capital of the Company.

13th. The total amount of the Debts and Liabilities of the Company, whether upon Bonds, Bills, Promissory Notes, or otherwise contracted, over and above the amount of Deposits on Banking Accounts with the Company's Establishments, not to exceed, at any time, three times the amount of the Capital Stock subscribed and actually paid up.

14th. No Promissory or other Notes to be issued for sums under £1 sterling, (or in the North Ameri-

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can Colonies £1 Halifax currency), or the equivalent thereof in any other local currency, and not for fractional portions of such pound or other equivalent amount.

15th. All Promissory Notes of the Company, whether issued from the principal establishment or from branch Banks, to bear date at the place of issue, and to be payable on demand, in specie, at the place of date.

16th. The total amount of the Promissory Notes payable on demand, issued and in circulation, not at any time to exceed the amount of the Capital Stock of the Company actually paid up.

17th. In the event of the assets of the Company being insufficient to meet its engagements, the Shareholders to be responsible to the extent of twice the amount of their subscribed shares, (that is, for the amount subscribed, and for a further and additional amount equal thereto.)

18th. The suspension of specie payments on demand, at any of the Company's banking establishments, for a given number of days, (not in any case exceeding sixty,) within any one year, either consecutively or at intervals, or other breach of the special conditions upon which the Company is empowered to open Banking establishments, or to issue and circulate Promissory Notes, to forfeit those privileges, which shall cease and determine upon

such forfeiture as if the period for which they had been granted had expired.

19th. The Company to make up and publish periodical Statements of its Assets and Liabilities, half yearly or yearly; shewing, under the head specified in the annexed form, the average of the amount of its Notes in circulation, and other liabilities, at the termination of each week or month, during the period to which the statement refers, and the average amount of Specie or other Assets that were available to meet the same. Copies of these statements to be submitted to the Government of the Colony within which the Company may be established; and the Company to be prepared, if called upon, to verify such statements by the production, as confidential documents, of the weekly or monthly balance sheets from which the same are compiled. And also, to be prepared upon requisition from the Lords Commissioners of Her Majesty's Treasury, to furnish, in like manner, such further information respecting the state and proceedings of its Banking establishments, as their Lordships may see fit to call for.

20th. The Charter or Act of Incorporation may provide for an addition to the Capital of the Company within specified limits, with the sanction of the Lords Commissioners of the Treasury; such additional Capital and the Shares and Subscriptions that may constitute the same, to be subject, in every respect, from and after the date of the signification of such sanction, to conditions and regulations similar to those applying to the original Capital.

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FORM OF RETURN referred to in Regulation No. 19.

Return of the average amount of Liabilities and Assets of the Bank of _____, during the periods from 1st January to 30th June, 184____, viz. :—

LIABILITIES.	£	s.	d.	ASSETS.	£	s.	d.
Promissory Notes in circulation, not bearing Interest.....				Coin and Bullion			
Bills of Exchange in circulation, not bearing Interest.....				Landed or other Property of the Corporation.....			
Bills and Notes in circulation, bearing Interest.....				Government Securities.....			
Balances due to other Banks				Promissory Notes or Bills of other Banks.....			
Cash Deposits, not bearing Interest.....				Balances due from other Banks			
Cash Deposits, bearing Interest.....				Notes and Bills discounted, or other Debts due to the Corporation, not included under the foregoing heads and exclusive of Debts abandoned as bad			
To Shareholders for Capital paid up.....							
To Shareholders for additions declared to Shares, (if any,)							
To Shareholders for Dividends remaining unpaid, (if any,)							
Total average Liabilities.....				Total average Assets.....			

Objections to Customs Act of last Session.

Copy.

No. 46.

Downing Street,
2nd November, 1846.

My Lord,

I have had under consideration the Act passed by the Legislature of Canada on the 18th of May last, to alter and amend the Laws imposing Provincial Duties of Custom.

Although I have not considered it expedient to advise Her Majesty to withhold Her Assent to this Act, I regret to observe that it imposes a discrimi-

nating duty upon certain Leather articles, imported otherwise than either by Sea or from some British Possession in North America.

I am strongly of opinion that the imposition of such duties by our Colonies is injudicious as respects the welfare of the Colonists themselves, as it is certainly calculated to embarrass the Imperial Government in its relations with Foreign Powers.

Your Lordship will not fail to represent to the Canadian Legislature, as strongly as possible, the inconveniences attendant on a duty of this kind, and I trust you will be able to procure its immediate amendment.

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The necessary Order of Her Majesty in Council, leaving this Act to its operation, will be transmitted to your Lordship by an early opportunity.

I have, &c.

(Signed,) GREY.

Governor, Lieutenant General,
The Earl CATHCART, K.C.B.,
&c. &c. &c.

Registry Laws of Upper Canada.

Copy.

No. 51.

Downing Street,
12th November, 1846.

My Lord,

Ninety-three Acts passed by the Legislature of Canada in the months of May and June last, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Acts should be left to their operation. I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated 30th October last, approving that Report.

I think it necessary, however, to notice an oversight, which appears to have been committed in framing the Act No. 354, for consolidating and amending the Registry Laws of Upper Canada.

The 17th Section of that Act imposes upon persons forging certain Memorials there referred to, the punishment imposed by an Act of the 5th Eliz. (c. 14.) upon persons forging Deeds, by which the Title to Freehold Lands is affected.

These punishments you will find to be, that the person convicted, besides forfeiting his real property to the Crown, and suffering imprisonment for life, shall be set in the pillory and undergo certain kinds of mutilation there mentioned. Of course it was not the intention of the Canadian Legislature to revive these barbarous forms of punishment, and I am confident that I am only anticipating their desire in requesting you to take such steps as may be necessary to procure the amendment of this Law. In the meantime, I have not hesitated to advise Her Majesty that this Act should be left to its operation.

I will also draw your attention to an obscurity in the 6th Section of this Act, arising, as I conjecture, from the omission of the word "thereof" after the word "memorial," in the 13th Line of that Section—to the apparent substitution of the word "Mortgage" for the word "Mortgagor," in the second Line of the 24th Section, and to the converse error in the last Line of the same Section. These defects, also, if they exist in the record, the Canadian Legislature will probably deem it expedient to remove.

I have, &c.,

(Signed,) GREY.

Governor General
The Earl CATHCART,
&c. &c. &c.

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Railway Acts of last Session and Niagara Suspension Bridge Act.

Copy.

No. 55.

Downing Street,
19th November, 1846.

My Lord,

Five Bills passed by the Council and Assembly of Canada, in the month of last, and reserved by you for the signification of Her Majesty's pleasure, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Bills should be specially confirmed and finally enacted.

I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated the 30th October, approving that Report.

Her Majesty has been advised to confirm these Bills, because Her Majesty's Government have been very unwilling to delay the commencement of works which the Legislature of Canada has pronounced to be of public utility, but in signifying to you Her Majesty's decision, I cannot omit the following remarks, which may, I trust, induce the Legislature of Canada to revise, and in certain respects to amend, these enactments.

It is considered absolutely necessary in this country, that before the Royal Assent is given to any Railway Bill, the stability of the undertaking shall be proved by the payment of one-tenth of the proposed Capital.

In Canada, where so large a proportion of the territory is still waste, it may not be necessary to exact guarantees against wanton interference with private property, as stringent as those which have been thought requisite in this highly cultivated and fully occupied country. But it can hardly be safe in any country to dispense wholly with this security, and the omission of any stipulation to that effect in the present Bills appears to me, therefore, a serious objection to the structure of them.

It is, of course, impossible to remedy the omission with regard to the Bills now confirmed, but I draw your attention to it with reference to proceedings which may be hereafter taken upon any similar Acts, which may be brought into the Canadian Legislature.

I have next to observe, that these Acts contain no provision for limiting the maximum rates to be charged upon the conveyance of passengers and goods. The practice in this country has, during the two last years, been to impose such a maximum. The provisions in the older Railway Acts, which merely limited the tolls to be charged for the use of the railway, having been found practically useless, from the impossibility of making arrangements to enable other parties, as well as the Company, to run trains moved by steam power on railways, I am of opinion that the improved regulation, of which the necessity is ascertained in this country, must be yet more wanted in Canada; because here the existing competition of Roads and Canals, and the probable competition of rival lines of Railway, must operate powerfully in keeping charges down to a reasonable level, and because, in Canada, the same corrective influence exists, and must be felt in a much lower degree. But whether the maximum rates be or be not fixed, I think it essential that provision should

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be made similar to the 90th Section of the Railway Clauses Consolidation Act of 1845, for compelling the Companies to charge the tolls equally to all persons under similar circumstances. Such a provision has been found necessary in this country to prevent differential charges in favor of persons or goods using particular roads, or coming by particular modes of conveyance to or from the Railway; a system productive of the greatest injustice and public injury. I observe that a provision for this purpose is contained in the Bill for incorporating the "Montreal and Kingston" Company, and I think that care ought to be taken to require its adoption by the other and all future Companies.

The rapid growth of the Railway system in this country, as you are aware, has been such, that a great number of the most important lines were laid down, before the Government had matured any general scheme of superintendence or regulation, and the Companies had thereby established claims, which, however inconvenient they might prove, could not, consistently with good faith, be altogether set aside. In the year 1844, a plan was introduced and accepted by the Legislature, for obtaining a controul over future Railway Companies, by regulating the amount of their profits, and by reserving to Government a right of purchase. This plan was introduced, not for the purpose of defining the course to be hereafter pursued, but for that of reserving to the Government a liberty to pursue that course, should it be found expedient.

I decidedly concur in the opinion expressed by my predecessor, in his Circular Despatch of the

January, that it would be highly advantageous to reserve a similar power on the first introduction of the Railway system into any of our Colonies. But the Acts now confirmed do not contain any distinct provisions for this purpose; for I cannot regard as such the general expressions contained in them as to future legislation. I think it very desirable in itself that such provisions should be introduced into these and other Railway Acts. But I leave it to yourself to consider, how far it would be wise or practicable to insist upon their insertion.

I observe that the "Montreal and Kingston" Company's Bill, is the only one which contains any provisions respecting the carriage of Mails, and the conveyance of Troops and Military Stores. I think that it would be desirable that the Acts, incorporating the other Companies, should contain provisions with regard to the Mails, similar to those contained in that Bill, and that those Acts should make some arrangements for securing the conveyance of Troops, at all times, and with the whole resources of the Company, if necessary; since, in Military operations, time must often be a matter of great importance. In this respect, I doubt whether even the provisions in the "Montreal and Kingston" Bill, will be found perfectly satisfactory.

The same Company is the only one which makes reference to the subject of Electric Telegraphs. I do not see the objection to a similar provision being made by the other Companies. I draw attention to this point, however, chiefly for the purpose of remarking, that I think it of great importance to the Public safety, that in case any of these Companies propose to lay down only a single line of Rails, they should be required to establish an Electric Telegraph along the line, at its opening. I do not doubt that this point would be easily arranged.

I am of opinion that the provision which has been made in the Bill of the "Montreal and Kingston"

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Company, with regard to navigable Rivers, ought to be required in the case of the other Companies also. So much of the trade of Canada depends upon its internal water communications, that it seems to be absolutely indispensable that security should be taken against the injury of those communications by the works of any Railway; and I think the obligation to comply with any requisitions of the Governor General on the subject is a proper and unobjectionable one. With respect to level crossings, I think it would be conducive to public safety, if power were given to the Governor General to require, in particular cases, that Gates should be placed across a highway, instead of across the Railway, as at present directed. The rule in this country is, that the Gates should be across the highway, but the Board of Trade has the power to alter it, where it may seem expedient.

I must also observe that the time allowed for the completion of the "Montreal and Kingston," the "Toronto and Lake Huron," and the "Peterborough and Port Hope" Railways is too long. The time limited for the completion of the other lines is ten years, for the completion of these it is twenty years. I think it objectionable to allow the extensive powers granted to these Companies to lie dormant for so long a period, and to enable them to revive them at any time they may think fit. And as I consider that ten years is a period quite long enough for the completion of any Railway, I think it ought to be assigned as the limit in the case of the Companies above mentioned.

I have, lastly, to draw your attention to a discrepancy, between the wording of some of these Bills and the account given of their provisions in the Report transmitted by the Governor General of Canada. The Capital of the "Wolfe Island, Kingston, and Toronto Company" is £1,000,000, and it is provided in the Bill that whenever the sum of £250,000 of the Capital Stock shall have been paid up, and expended in the construction of some part or parts of the said Railroad, it shall be lawful to borrow, by way of Loan, such Sum or Sums of money, not to exceed the balance of the Stock not paid in, &c. The Report on this Bill states that the Capital of this Company is one Million Pounds, with power to borrow a further sum of £250,000. A similar discrepancy occurs between the wording of the "Peterborough and Port Hope" Bill and the Report. By the Bill, it seems that the Company may borrow £85,000 when £15,000 is paid up: the Report states that it may borrow £15,000. The "Kingston and Montreal" Bill similarly provides that the Company may borrow £750,000, when £250,000 is paid up: the Report on this Bill does not allude to the power of borrowing at all. If these Companies are really to have the power of borrowing the larger amount in each of these cases, I think those amounts are greatly too large. In this country the Rule is, that when half the Capital has been paid up, the Company may borrow to the amount of one-third of the Capital, and may pay off such debt and borrow again, as often as it thinks fit, so that the total debt never exceed that proportion. I do not gather from these Bills that the Companies are to have the power of borrowing again, after having once borrowed the full amount allowed, though they may have paid off the whole or part of their debt. Without recommending the enforcement in the Colony of the exact practice of this country in this respect, I think it right to call your attention to it.

I trust that your endeavours to obtain a revision and amendment of these Acts will be aided by the

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proof which the Queen has given, in the confirmation of them in their present shape, of Her Majesty's reliance on the wisdom of the Canadian Legislature, and on the good sense and public spirit of the promoters of these great undertakings.

I have, &c.,
(Signed,) GREY.

Governor General
The Right Honorable
Earl CATHCART, K.C.B.,
&c. &c. &c.

Respecting the Bill of last Session, Incorporating the
"Banque des Marchands."

(Copy.)

No. 2. Downing Street,
3rd December, 1846.

My Lord,

I have had under my consideration a Bill passed during the last Session of the Canadian Legislature, and reserved by your predecessor for the signification of Her Majesty's pleasure, intituled, "An Act to Incorporate *La Banque des Marchands*."

Having referred this Bill to the Lords Commissioners of Her Majesty's Treasury, I transmit for your information the accompanying copy of a letter containing their Lordships' views on the subject.

Your Lordship will bring this letter under the consideration of the Executive Council, and will state to them, that I entirely concur with the Lords Commissioners, as to the objections which exist to this Bill, and that I am strongly of opinion that it should be amended. I shall therefore be glad to learn, that the Executive Council are of opinion, that a Bill for this purpose could with advantage be introduced into the Assembly; but in the event of their entertaining a contrary opinion, and should your Lordship report to me the wish of the Provincial Legislature, that the Bill, as it now stands, should receive Her Majesty's confirmation, I shall no longer refuse to advise Her Majesty to give her assent to it.

I am, &c.
(Signed,) GREY.

The Earl of ELGIN,
&c. &c. &c.

(Copy.)

Treasury Chambers,
21st November, 1846.

Sir,

With reference to your letter of the 9th ultimo, and to the Act of the Canadian Legislature, "to Incorporate *La Banque des Marchands*," in the City of Montreal therein, submitted to this Board, I am commanded by the Lords Commissioners of Her Majesty's Treasury, to request you will observe to Earl Grey, that the Act appears to my Lords, to have been drawn in accordance with the provisions of the Acts referred to in the Governor General's Memorandum, for incorporating the City Bank and

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the Bank of Montreal, and that my Lords do not perceive in it, any such serious deviations from the Regulations framed by this Board, with the concurrence of the Board of Trade, relating to the incorporation of Banking Companies in the Colonies, as would induce them to hesitate in submitting it to Her Majesty for confirmation; except as regards the clause which confers on the proposed Bank the power enjoyed by the existing Banks, of issuing five shilling Promissory Notes.

I am to state, that my Lords being strongly impressed with the evils of a Note circulation of small denominations, which can only subsist by the exclusion of specie, and which must expose the community to risks which it is needless specifically to point out, have felt it incumbent on them to advert more especially to the tendency of the Bill now brought under their notice, to extend that system in Canada, and to consider what force may still attach to the reasons which induced their predecessors, in 1842, to waive the objections which they (equally with the present Board) entertained to the circulation of five shilling notes in that Province, and to assent to the Acts then submitted for the confirmation of Her Majesty.

My Lords observe, that the opinion then expressed by the Board of Treasury, had reference to the probable embarrassment which might ensue in the peculiar state of the Province at that time, by the disallowance of Acts which appear to have received the careful consideration of the late Governor General, and the Members of the respective Houses of Legislature. Their Lordships at the same time expressed a hope, that the Canadian Legislature would avail itself of the power reserved to it in the Acts incorporating the Banks, of making further regulations regarding the issue of Promissory Notes, and would revise that part of the Banking system of the Province, with a view of giving to the people of Canada, the advantage of a metallic currency.

The Bills in question appear, therefore, to have been assented to on grounds of temporary expediency, at a time when the delay might have been attended with embarrassment.

The reasons which influenced Her Majesty's Government to prompt concession on the former occasion, do not apply with equal force to the measure now under consideration.

After the elapse of four years, the Canadian Government has had ample time for considering the tendency of the present Banking system of the Province; and it might have been expected, that a Bill which contemplates the further extension of that system, would have been accompanied by some explanation from the Governor General, of the views, both of the Legislative Bodies and of the Executive Council upon the general question. The Governor General may have been of opinion, that the fact of a privilege having been conceded to existing Banks is to be considered in the light of a permanent precedent, to be followed in the formation of any Banking Companies. But my Lords cannot consider, that the fact of the existence of a privilege of this nature, affords a sufficient reason for the concession of similar powers to new establishments. In dealing with the Banking establishments of this country, the Imperial Parliament did not recognize any such claim. Existing interests were respected, but several powers enjoyed by Banks established before the passing of recent Acts of Parliament, are withheld from new establishments formed after a certain date.

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My Lords attach the greatest importance to the substitution of a currency, founded upon a sound and metallic basis, for the present unsound system; but there are considerations of a local character, which the Legislature of a Province is best qualified to estimate, and which must be taken into account in determining the time when, and the mode in which, a change from a system, to which the community has become habituated, should be brought about; and their Lordships have no wish to force prematurely on the Legislature of Canada, the consideration of this question, to which its attention was drawn by the communication of this Board to the Secretary of State, of the 14th of February, 1842. They are unwilling, therefore, to advise the summary rejection of a Bill, which has received the assent of that Legislature. But in the absence of information regarding the present state of the circulation of Canada, and of any assurance that the bearings of this Bill upon that question have received the mature consideration of the Executive Government, their Lordships feel it their duty to pause before they consent to the submission, for the approval of Her Majesty, of a measure which they consider objectionable in principle.

They would suggest, as the preferable course, that the Bill should be referred back again to the Governor General, with instructions to bring the subject, in all its bearings, under the consideration of the Executive Council, in order that, if, after consultation with them, he should deem it expedient that the 5s. note circulation, should not be extended beyond the limits prescribed by the Charter of existing Banks, the necessary steps should be taken for an amendment of the Bill in that respect, before it is submitted to Her Majesty. If, on the other hand, the Governor General and Council should be of opinion that, on the whole, the incorporation of the proposed Bank, without any limitation of the powers enjoyed by other local Banks, regarding the issue of Promissory Notes, would be for the public advantage, my Lords propose that the terms of the reference should leave him the option of returning the Bill, in its present shape, to the Secretary of State, with a report of his reasons for recommending it for the allowance of Her Majesty.

My Lords consider it very desirable, that the attention of the Governor General should be called to the views always entertained by the Board of Treasury, of the extreme danger of a small note currency, which have been, at various times, communicated to the Colonial Legislatures.

Their Lordships conceive that the reasons which have induced the Imperial Legislature to abolish one pound notes in England, apply equally, in principle, to the question of restricting, and ultimately discontinuing Dollar Notes in Canada.

They feel it, however, unnecessary to repeat their views; and in referring the matter to the Governor General, they have only to add that, whatever course His Excellency may determine on recommending, it would be desirable, that Her Majesty's Government should be furnished with a clear exposition of the views of the Canadian Government, upon the question of the Currency of the Province.

I am further to state, that, if Lord Grey concurs in the opinion of this Board, as to the expediency of referring this Bill for the further consideration of the Governor General, in regard to the clauses authorizing the issue of Promissory Notes, it may be desirable to call the attention of His Excellency, at the same time, to the deviations from the Regulations recommended by Her Majesty's Government, in those particulars which relate to periods prescribed for the

subscription and payment of Capital, and more especially to the omission of that provision, which, in case of the transfer of shares in the time intervening between the Act of Incorporation and the commencement of business, continues the responsibility of original shareholders for a period of six months.

I am, &c.,

(Signed,) C. E. TREVELYAN.

The Earl of ELGIN,
&c. &c. &c.Appendix
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Great Western and Lachine Railroad Acts of last Session.

(Copy.)

No. 23.

Downing Street,
1st February, 1847.

My Lord,

With reference to my Despatch, No. 22, of 1st instant, enclosing an Order of Her Majesty in Council, leaving to their operation two Acts, passed by the Legislature of Canada in the month of June last, I transmit for your Lordship's information the accompanying copies of a Correspondence on the subject of the Act, No. 401, amending the Charter of the Great Western Railroad Company of Canada, which has passed with the Committee of the Company in this Country, and which will place you in possession of the views of Her Majesty's Government with respect to this enactment.

As I consider the assurance given by the Committee, that the Company would recommend to the Provincial Legislature the adoption of the Amendment, specified in the letter from this office of the 20th November, to be satisfactory, I had no difficulty in advising Her Majesty to assent to the Act in question.

With reference to the Act 402, incorporating the Montreal and Lachine Railroad Company, I have to make the following observations:—

1st. With respect to the power given under the Act to the Directors, of making Bye-Laws without any provision being made for their being subject to revision by any higher authority, I conceive that it would be for the public interest in Canada that a provision should be made, requiring the Directors to submit their Bye-Laws to the approval of the Governor General.

2nd. I do not find it stated in the Act, whether any proportion of the Capital of the Company has been paid up and invested, nor is there any provision requiring that it should be paid up before the commencement of the works. I think it important to notice this fact, as the pre-payment of part of the Capital is one of the best tests of the *bonâ fide* character of projects of this description.

3rd. With respect to the provisions of this Act, relative to the conveyance of Troops, I must repeat the observations I made to your Lordship's predecessor, in my Despatch No. 55, of 16th November last, that this, and all similar enactments, should

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contain provisions for securing the conveyance of Troops at all times, and with the whole resources of the Company, if necessary.

4th. I am of opinion, that the clause making a wilful obstruction of the free use of a Railway, a felony, is too severe: in this country, the offence is only punished as a misdemeanor.

5th. I think it right to direct your attention to the omission in this Act of a maximum table of Rates, though the omission appears to me the less objectionable, as there is a provision for the rates being charged equally to all persons.

6th. The provision that when the profits of the Company exceed twelve per cent., half of the surplus should be paid into the Colonial Treasury, is, in the opinion of Her Majesty's Government, certainly objectionable. If it is the object of the Colonial Government to raise a revenue from Railway traffic, they ought to impose a Passenger tax, or some other direct impost, upon the Company. If twelve per cent. is thought a reasonable maximum rate of profit for the Company, the Government ought to take power to reduce the fares when that per centage is exceeded. I am aware that a provision similar to this was contained in the Act No. 232, passed by the Canadian Legislature in the Session of 1845, for incorporating the St. Lawrence and Atlantic Railroad Company, and as the attention of the Colonial Government has, since that time, been called to the propriety of empowering the Executive to reduce the Tolls when a certain rate of profit has been attained, and as the provision in the present Act is directly opposed to that recommendation, I think it right to call your attention to it.

7th. I observe that among the powers taken by this Company for the construction of the intended line, is one which enables them to turn the course of any Streams or Rivers, and that, although in a subsequent part of the Act, it is provided that no injury is to be done to the Navigation of the St. Lawrence in the construction of the Works at Lachine, there is no provision for the protection of the Navigation of any other waters which the line may cross. I am strongly of opinion, that in a country so dependent upon water communication as Canada, especial care ought to be taken that no damage be done to the Canals and navigable Rivers; and I am of opinion that it would be very advisable to propose to the Legislature of Canada a separate enactment, for the purpose of giving the Executive Government a general control over all works undertaken by Railway Companies, which might have a tendency to impede the free Navigation of the internal waters of the Province. Such an Act would probably be more effectual, and more convenient, than interference with each Railway Act.

I have to instruct Your Lordship to submit the points to which I have adverted, to the consideration of the Canadian Legislature, and I confidently trust that they will not object to the Amendments, which Her Majesty's Government deem it desirable should be introduced into this Act.

I have, &c.,
(Signed,) GREY.

Governor
The Right Honorable
The Earl of ELGIN and KINCARDINE,
&c. &c. &c.

(Copy.)

Downing Street,
26th November, 1846.

Gentlemen,

Her Majesty's Government having had under their consideration the Act passed by the Legislature of Canada, for amending the Charter of the Great Western Railway Company, I am directed by Earl Grey to acquaint you, that, with respect to the power given under the Act to the Directors, of making Bye-Laws without any provision for their being subject, as is the case in this country, to revision by any higher authority, Her Majesty's Government conceive that it would be for the public interest in Canada, that provision should be made, requiring the Directors to submit their Bye-Laws for the approval of the Governor General of the Province. Upon receiving from you an assurance that the Company will concur in recommending to the Provincial Legislature the adoption of the above Amendment, Lord Grey will be prepared to advise Her Majesty to confirm the Act in question.

I have, &c.,
(Signed,) B. HAWES.

Messrs. CHAPLIN, DEVALIX & Co.

(Copy.)

Nicholas Lane,
4th January, 1847.

Dear Sir,

I have the pleasure to enclose for the undertaking required by Earl Grey, which is signed by all the Members of the Corresponding Committee of the Great Western Railway of Canada—Mr. Moss, of Liverpool, who was named in the Act, having retired.

The circumstance of Her Majesty's Assent not having been given to the last Act of the Legislature, for so long a period, has operated very prejudicially to the interests of the Railway, as the former Acts did not recognize English Shareholders or an English Committee; and therefore no Share Register could be opened here, nor other facility given to encourage English Capitalists, and any further delay would still more embarrass it. May I therefore solicit your kind assistance in procuring for us Her Majesty's Assent, as speedily as possible. The Committee will then immediately open the Registry sanctioned by the Act, and do their best to carry out the object of the Company, which they feel is of the first importance to the Colony.

I have, &c.,
(Signed,) J. MASTERMAN.

BENJAMIN HAWES, Esq.,
&c. &c. &c.

(Copy.)

London, 2nd January, 1847.

My Lord,

It having been intimated to us by Mr. Under Secretary Hawes, that your Lordship has had under consideration the Act passed by the Legislature of Canada, for amending the Charter of the Great

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(W.)
1st July.

Western Railway Company, and that with respect to the power given under the Act to the Directors to make Bye-Laws, without any provision for their being subject to revision by any higher authority, your Lordship is of opinion that it would be for the public interest in Canada that provision should be made, requiring the Directors to submit their Bye-Laws for the approval of the Governor General of the Province; and that upon receiving from us an assurance that the Company will concur in recommending to the Provincial Legislature the adoption of the above amendment, your Lordship would be prepared to advise Her Majesty to confirm the Act in question, we, the Corresponding Committee in England, beg to assure your Lordship, that we will (on the receipt of Her Majesty's approval of the Act) bring before the Provincial Legislature a Bill for carrying into effect the Amendment suggested by your Lordship.

We have, &c.,

- (Signed,) W. T. CHAPLIN,
- " C. DEVAUX P. M. UPILLI,
- " H. T. EUSHOREN,
- " A. LEWIS GOWER,
- " GEORGE HUDSON,
- " S. LAING,
- " J. MASTERMAN,
- " THOMAS SMITH,
- " M. UGOETH,
- " G. S. WALTERS.

The Right Honorable
The Earl Grey, &c. &c. &c.

(Copy.)

Downing Street,
9th January, 1847.

Appendix
(W.)
1st July.

Sir,

I am directed by Earl Grey to acquaint you, in reply to your letter of the 4th instant, that the assurance which the Committee of the Great Western Railway of Canada have given, that they will recommend to the Provincial Legislature the Amendment in the Act for amending the Charter of the Company, specified in my letter of 26th November last, is perfectly satisfactory to his Lordship, and that measures will at once be taken for obtaining Her Majesty's confirmation of the Act in question.

I have, &c.,

(Signed,) B. HAWES

RETURN

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, of the 22d ultimo, praying that His Excellency would be pleased to cause to be laid before the House a Copy of the Report of the Collector of Customs for the Port of Dundee, relating to the Seizure of a certain Horse, the property of one Donald M'Rae; in December last; Also, a Copy of the Petition of the said Donald M'Rae, and of the Affidavits thereunto annexed, addressed to J. W. Dunscomb, Esquire, protesting against the said Seizure; Also, Copies of all Letters addressed by the said J. W. Dunscomb, Esquire, to the said Collector, together with the replies of the latter to the Customs Department, in relation to the said Seizure; as also, the explanations offered by him in respect of the conduct of his Deputy, in making such Seizure; and the final decision of the Department on the subject of the Petition of the said Donald M'Rae.

By Command.

D. DALY,

Secretary

SECRETARY'S OFFICE,

1st July, 1847.

No. 35.

INSPECTOR GENERAL'S OFFICE,
Customs Department,
Montreal, July 1st, 1847.

Sir,

In obedience to His Excellency's command, as conveyed to this Department by your communication of the 24th ultimo, I am instructed by the Inspector General to forward copies of all Letters and Documents existing in this Office, having reference to a Seizure made at the Port of Dundee, from one Donald M'Rae, in December last, as per Schedule annexed.

I have the honor to be,

Sir,

Your most obedient Servant

J. W. DUNSCOMB.

To the Hon. D. DALY,
Provincial Secretary
&c. &c. &c.

SCHEDULE.

No.	DATE.	SUBJECT.
	6th December, 1846	Report of Seizure Detail of contents of Seizure.
CORRESPONDENCE.		
1	do do do	Collector of Dundee to Mr. Dunscomb Detail of circumstances attending Seizure.
2	21st do do	Inspector General to Attorney General Enclosing above and requesting an "opinion."
3	7th January, 1847..	Attorney General to Inspector General Conveys his "opinion."
4	23rd December, 1846	Donald M'Rae's Memorial to Mr. Dunscomb.. For restoration of Seizure and reparation. (Sundry affidavits appended.)
5	15th January, 1847..	Mr. Dunscomb to Collector at Dundee Enclosing No. 4 for report.
6	21st do do	Collector at Dundee to Mr. Dunscomb Report on No. 4, and an affidavit in support thereof.
7	4th February, do	Mr. Dunscomb to Mr. M'Rae..... Declines interference for his relief.
8	16th do do	Donald M'Rae, junr., Affidavit As to contents of his waggon when seized.
9	11th do do	Open note from Mr. Dunscomb to Collector... Recommending release of Seizure as M'Rae expresses contrition.
10	17th do do	Collector (note from) to Mr. Dunscomb Having already made an official Report declines discussing the subject further.
11	12th do do	M'Rae's Memorial to the Governor General... Prays restoration of horse and cart.
12	16th do do	Mr. Dunscomb to Collector..... Encloses Memorial for report.
13	24th do do	Collector of Dundee to Mr. Dunscomb Reports unfavourably on foregoing.
14	10th March, do	Mr. Dunscomb to Collector..... Enclosing letter to be handed to Mr. M'Rae.
15	9th do do	Mr. Dunscomb to M'Rae His Excellency declines interfering.

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1st July.

Copy. No. 15.

SEIZURE No. 6.

Appendix
(X.)
1st July.

Report of Seizure at the Port of Dundee.

Time of Seizure, and when delivered to the Collector.	Officers' Names, Employments and Stations.	Where and from whom seized, with the cause of Forfeiture, and the Law under which the Forfeiture is incurred.	Quantity, Quality, and Country of the Goods, Vessel, Carriage, &c.	Probable value of Goods, Vessel, Carriage, &c. respectively.			Whether claimed or not, with the State of the Proceedings if claimed, with other general observations, and amount of Expenses.
				£	s.	d.	
December 2nd...	Samuel Walsh, Landing Waiter	Below the Village of Dundee. From Donald M'Rae for non-payment of duty.	One horse and cart and harness, with 1½ bushels of wheat flour, one bushel of corn meal, one axe.	15	0	0	For remarks see my letter No. 38.

(Signed,) L. H. MASSON,
Collector.

Custom House,
6th December, 1846.

No. 1.

(Copy.)

No. 38.

Customs,
Dundee, 6th December, 1846.

Sir,

As the seizure, which I have this day the honor to report, was made under peculiar circumstances, and followed by incidents of a strange nature, I have thought proper and necessary to add a few remarks, in an official manner, to make you acquainted with all the facts. In reference, I then beg leave to state, that on the 2nd day of December instant, Donald, alias Daniel M'Rae, Junior, went into the United States, and from there brought some Wheat flour, some meal of corn, one axe, one barrel empty or filled with goods, and instead of calling at the office on his way home, stopped at the store of Duncan M'Rae & Co., in the lower part of the Village of Dundee, and then perceiving that Mr. Walsh was in, reported to that officer the flour of one and a half bushel of wheat, and the meal of one bushel of corn, as belonging to one Fisher, and on which he declined to pay duties, stating that he had called at the office, and that I was not at home (statement which was untrue). The officer believing his statement to be true offered to receive the duty. But Mr. M'Rae swore immediately that he would see him damned before he would pay the duty, and immediately he struck the officer in the breast. But some person interfering, lent M'Rae seven-pence half-penny, which he put on the counter, and which Mr. Walsh took as the duty on the one and a half bushel of wheat flour, telling him at the same time that there were yet some meal of corn and some other articles not yet reported. During that time, a barrel was taken away from the cart and entirely disappeared. Then Mr. M'Rae asked Mr. Walsh to pay for a tin dish which he said had been borrowed from him, and told him that if he did not pay immediately, he would take the pay out of his hide, 'you damn Irish puppy,' and immediately took his coat off, and violently assaulted and beat Mr. Walsh down. To these facts Mr. Walsh has sworn an affidavit before me.

"After this scuffling was over, Mr. Walsh walked out doors, and seized the horse, cart, harness, the meal, one axe, but could not find the barrel, which had been carried away—and he brought the seizure to the office.

"I expected to have seen Mr. M'Rae immediately, and in the presence of Mr. Walsh, to have had an explanation of all the transaction. Mr. M'Rae thought he could do better in a Yankee Town; he went to Fort Covington, and there swore an affidavit that Mr. Walsh had taken by force his property to the value of one hundred dollars, and, at his request, a warrant was issued by Jonathan Wallace, Justice of the Peace of that Town, against the body of Samuel S. Walsh, who, you are aware, is obliged to take his lodgings at Briggs' tavern, in the United States, and the consequences were, that he was taken by a Bailiff before an American Court to answer for his conduct. As soon as I became acquainted with the circumstance, I took it to be my duty to interfere in this matter, and I employed a lawyer in defence of Mr. Walsh. After going through all the ceremonies of a trial, two lawyers being employed by M'Rae for the prosecution, the Court was at last persuaded, with the impropriety for American Courts of Law, to interfere in quarrels of British subjects committed or taking place on British territory, and Mr. Walsh, after almost one day of arrest, was discharged, and the action was dismissed. Our lawyers' fees were five dollars, and I have paid the same.

"After the trial, then Mr. M'Rae condescended to talk to me on the subject, and I have delivered up to him his property, under his bond, with two securities, not willing to release the seizure after such a transaction on his part. Hoping that you will see into the nature of the same, and shall present our situation to the Government, whom I am satisfied will protect us hereafter against the vexations of the same occurrences to which we are exposed,"

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed,) L. H. MASSON,
Collector.

J. W. DUNSCOMB, Esquire,
&c. &c. &c.
Montreal.

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(Copy.)

No. 2.

Inspector General's Office,
Customs,
Montreal, December 21, 1847.

Sir,

I have the honor to enclose a Report, from the Collector at Dundee, of an outrage committed upon the person of Samuel S. Walsh, an Officer in Her Majesty's Customs, whilst in the execution of his duty, on which I request an opinion for the guidance of this Department.

I have the honor to be,
Sir,

Your most obedient Servant,
(Signed,) W. CAYLEY,
Insp. Gen.

To the Honorable
Attorney General SMITH,
&c. &c. &c.

No. 3.

(Copy.)

Montreal, 7th January, 1846.

Sir,

Having, in compliance with your request, perused and considered the Report of the Collector of Customs at the Port of Dundee, with reference to an assault made upon Mr. Walsh, an Officer of the Customs, in the execution of his duty, I have now the honor to inform you that, in my humble opinion, the Department cannot interfere in the case, but Mr. Walsh has his recourse against Mr. M'Rae, either by way of a civil prosecution for the recovery of damages for the injuries inflicted on him by M'Rae, or by preferring an indictment against him before the Court of Quarter Sessions for the assault.

I have the honor to be,
Sir,

Your most obedient Servant,
(Signed,) J. SMITH,
Attorney General.

The Honorable
The Inspector General.

No. 4.

(Copy.)

To John W. Dunscomb, Esquire, Commissioner of Her Majesty's Customs, Province of Canada. The Memorial of Donald M'Rae, of the Township of Dundee, Canada East,

Humbly Sheweth,—

That, on Wednesday, the second day of December instant, your Memorialist was returning home with his horse and cart from the mill at Fort Covington, and had the flour of one and a half bushels of wheat; and at the Village of Dundee, your Memorialist, in order to pay the duties thereon, made enquiry for the Officers of the Customs, and found

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in the store of one Mr. Duncan M'Rae, merchant in said Village, Mr. Samuel Walsh, of the Customs Department, and to him reported the quantity of grist, on which Mr. S. Walsh left the store and examined the cart, and returned and said that the duties would be sevenpence halfpenny, which your Memorialist paid in the presence of several witnesses. Afterwards, your Memorialist, in a civil and polite manner, sought from Mr. S. Walsh the balance of a tin pan that he (Mr. S. Walsh) had some time previous borrowed from your Memorialist, on which Mr. S. Walsh assumed an indignant air, and afterwards inflicted a blow with his fist on your Memorialist's face, and whilst your Memorialist suffering from the outrage committed by Mr. S. Walsh on your Memorialist's person, he, Mr. S. Walsh, left the aforesaid store in a furious passion and laid hold of your Memorialist's horse, which he, Mr. S. Walsh, removed, together with the cart and grist—notwithstanding Mr. S. Walsh having openly received the amount of duties thereon.

Notwithstanding such open infringement on the laws, both civil and criminal, made by Mr. S. Walsh on your Memorialist's person and property, your Memorialist was desirous that the matter should be amicably arranged, and for that end, your Memorialist made application of L. H. Masson, Esquire, Collector of Customs for the Port of Dundee, and your Memorialist gave that gentleman a statement of facts as they really stood anent the case. Nevertheless, your Memorialist was told by Mr. Masson that your Memorialist's horse, cart, and grist, were all under seizure, and could only be released by your Memorialist giving good and sufficient bonds for their safe keeping, and to be returned when called for.

Consequently, your Memorialist, after much pain and vexation, was necessitated to yield to a demand which he cannot view ought than an untoward aggression on the vested rights of a true and loyal subject of Her Majesty. So situated, your Memorialist was constrained to seek counsel from his neighbors in this Township, who recommended your Memorialist to proceed to Montreal, and lay before your Honor a statement of all the affairs. Accordingly, your Memorialist visited Montreal, but found your Honor had before left town for Upper Canada. As an alternative, your Memorialist had to adopt the present mode, strengthened by three affidavits, together with a certificate of character, in the full hope that your Honor will investigate the matter, and grant to your Memorialist a due reparation.

And, as in duty bound, your Memorialist will ever pray.

(Signed,) DONALD M'RAE.

Dundee, 23rd Dec. 1846.

(Copy.)

District of } Deposition of Duncan M'Rae, of the
Montreal. } Township of Dundee, in the District
aforesaid, taken before me, one of Her Majesty's Justices of the Peace, in and for the said District.

The said Duncan M'Rae, being duly sworn, deposeseth and saith, that, on Wednesday, the second day of December instant, while in deponent's store, in the Village of Dundee aforesaid, in which amongst others, were present Mr. Samuel Walsh, of the Customs Department, when Donald M'Rae, of Dundee,

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aforesaid, appeared and told the aforesaid Mr. S. Walsh that he had in his cart the flour of one bushel and a half of Wheat, which he, D. M'Rae, wished to enter, and the meal of one bushel of Corn, for one Fisher, but that Fisher would himself pay for at some other time, to which Mr. S. Walsh replied, that he would take no man's word for duties. Donald M'Rae then said, that he would leave Fisher's meal, and required to know the amount that he had to pay for his own flour. Mr. S. Walsh then left the store, and examined the cart, and returned and said to D. M'Rae, that the duties would be sevenpence halfpenny. Donald M'Rae borrowed the money from deponent and paid Mr. S. Walsh. Afterwards an altercation took place between Mr. S. Walsh and Donald M'Rae aforesaid, during which the deponent saw the aforesaid Mr. S. Walsh inflict a blow with his fist on the face of the aforesaid D. M'Rae, and immediately after Mr. S. Walsh left the store aforesaid, and took hold of the horse and cart belonging to the aforesaid Donald M'Rae and led them away, and further deponent saith not.

(Signed,) DUNCAN M'RAE.

Sworn before me, at Dundee,
Dec. 23rd, 1846,

(Signed,) PATRICK BUCHANAN,
Justice of the Peace.

Dundee, 23rd Dec. 1846.

We, the undersigned, do certify that the bearer, Mr. Donald M'Rae, of this Township, has been known to us from his infancy, and that he maintains an unblemished character, and is a true and faithful subject of Her Majesty Queen Victoria.

(Signed,) JOHN M'GIBBON, J. P.,
Lieut. Col. of Militia.
" PATK BUCHANAN,
Captain of Militia.
" DAVID BAKER,
Lieutenant of Militia.
" DUNCAN MOODY,
Minister.
" ALLAN CAMERON,
Captain.
" JOHN MURCHINSON,
Captain.
" WILLIAM STIRRAT,
Captain.
" JAMES STEVEN.

District of } Deposition of John Spink, Farmer,
Montreal. } of the Township of Dundee, in the
District aforesaid, taken before me, one of Her Ma-
jesty's Justices of the Peace in and for the said
District.

The said John Spink, being duly sworn, deposeseth and saith, that on Wednesday, the second day of December instant, while the deponent was in the store of Duncan M'Rae & Co., in the Village of Dundee aforesaid, in which amongst others, were present Mr. Samuel Walsh, of the Customs Department, when Donald M'Rae, of Dundee aforesaid,

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appeared and told the aforesaid Mr. S. Walsh, that he had in his cart the flour of one bushel and a half of Wheat which he, Mr. M'Rae, wished to enter, and the meal of one bushel of Corn for one Mr. Fisher, but that he would himself pay for at some other time, to which Mr. S. Walsh replied, that he would take no man's word for duties. Donald M'Rae then said that he would leave Fisher's meal, and required to know the amount that he had to pay for his own flour. Mr. S. Walsh then left the store, and examined the cart and returned, and said to Donald M'Rae, that the duties would be sevenpence halfpenny. Donald M'Rae borrowed the money from Duncan M'Rae, and paid Mr. S. Walsh.

Afterwards, an altercation took place between Mr. S. Walsh and Donald M'Rae aforesaid, during which the deponent saw the aforesaid S. Walsh inflict a blow with his fist on the face of the aforesaid Donald M'Rae, and immediately after Mr. S. Walsh left the store aforesaid, and took hold of the horse and cart belonging to the aforesaid Donald M'Rae, and lead them away. And further deponent saith not.

(Signed) JOHN SPINK.

Sworn before me, at Dundee,
December 23rd, 1846,

(Signed,) PATRICK BUCHANAN,
Justice of the Peace.

District of } Deposition of Duncan Grant, of the
Montreal. } Township of Dundee, in the District
aforesaid, Farmer, taken before me, one of Her Ma-
jesty's Justices of the Peace in and for the said Dis-
trict.

The said Duncan Grant being duly sworn, deposeseth and saith, that on Wednesday, the second day of December instant, while in the store of Duncan M'Rae & Co., in the Village of Dundee aforesaid, in which amongst others were present Mr. Samuel Walsh, of the Customs Department, when Donald M'Rae, of Dundee aforesaid, appeared and told the aforesaid S. Walsh that he had in his cart the flour of one bushel and a half of Wheat which he, Donald M'Rae, wished to enter, and the meal of one bushel of Corn for one Mr. Fisher, but that he, Fisher, himself, would pay for at some other time, to which Mr. S. Walsh replied, that he would take no man's word for duties. Donald M'Rae then said that he would leave Fisher's meal, and required to know the amount that he had to pay for his own flour. Mr. S. Walsh then left the store and examined the cart, and returned and said to Donald M'Rae that the duties would be sevenpence halfpenny. Donald M'Rae borrowed the money from Duncan M'Rae & Co., and paid Mr. S. Walsh. Afterwards, an altercation took place between Mr. S. Walsh and Donald M'Rae, aforesaid; during which the deponent saw the aforesaid Mr. S. Walsh inflict a blow with his fist on the face of the aforesaid Donald M'Rae, and immediately after Mr. S. Walsh left the store aforesaid, and took hold of the horse and cart belonging to the aforesaid Donald M'Rae, and lead them away; and further deponent saith not.

(Signed,) DUNCAN GRANT.

Sworn before me, at Dundee,
Dec. 23, 1846.

(Signed,) PATRICK BUCHANAN,
Justice of the Peace.

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(X.)

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(Copy.)

No. 5.

Inspector General's Office,
Customs, January 15, 1847.

Sir,

I have the honor to forward a Memorial (and Certificates) from Donald M'Rae, praying for the restoration of your Seizure, No. 6, on which I request a Report at your earliest convenience.

Dundee, 23.
26th Decem-
ber, 1846.
3083.

I have, &c.,
(Signed,) J. W. DUNSCOMB.

Collector of Customs,
Dundee.

No. 6.

(Copy.)

No. 1.

Customs, Dundee,
21st January, 1847.

Sir,

I have the honor to acknowledge the receipt of your letter of the 15th instant, requesting a Report on the Memorial of Donald M'Rae, praying for the restoration of Seizure No. 6, made at this Port by S. S. Walsh, Esq., on the 2nd day of December last. As this Seizure was made under particular circumstances, and followed by the arrest, in the United States, of the Seizing Officer, at the request and on the complaint of Mr. M'Rae, I had, at the time of sending my Report, the honor to enclose a letter explaining all the circumstances, as I was then informed. To that letter I beg you to refer, and also to state for more information:

That it was the duty of the Memorialist to call at this office, if he had the desire to pay the duties on the articles he had brought from the United States; that instead of conforming to this rule, which he well knew, he passed by the office, and called at the store in the lower part of the Village of Dundee, where he unexpectedly found Mr. Walsh.

Being aware that he had infringed the Laws, by not reporting to this office, he told the officer "That he (M'Rae) had an understanding with the Collector to pass what goods he wanted for his use, and to pay at some other time." Of course, this statement the officer refused to believe. Then he wanted Mr. Walsh to pay him 5d. for a borrowed tin dish, or he would take his pay out of his "Irish hide," and then, without any provocation, he assaulted Mr. Walsh. After some words spoken in Gaelic, the Store Keeper (Duncan M'Rae, one deponent in favor of his cousin Donald) cleared the chairs in the store, and made room for a fight. To this Mr. Walsh objected, and only resisted and opposed the attack of M'Rae. And during that time, somebody went out and took away from M'Rae's cart one barrel, which Mr. Walsh had noticed, and which could not be found afterwards.

Now, Sir, it appears to me that the object of that row was to have that barrel removed, and prevent the Officer from attending to his duty; and certainly, for my part, I have approved of the Officer making the Seizure, after such an opposition from the party, although the articles, on which the duties had to be paid, were of no great value.

The statement of Mr. M'Rae that he called immediately, or afterwards, on me for an amicable arrangement is false. It was only after the arrest and trial of Mr. Walsh in the U. States Court, and at your request, that Mr. M'Rae came to me, and gave security for the amount of property seized, and which I delivered up to him, wishing to receive your instructions before I would dispose of the same.

I have, &c.,

(Signed,) L. H. MASSON,
Collector.

J. W. DUNSCOMB, Esq.,
&c. &c. &c.
Montreal.

District of) I, Samuel Simpson Walsh, a Landing
Montreal.) Waiter of Her Majesty's Customs, attached to the Port of Dundee, being duly sworn, after having taken communication of a Letter, No. 1, of the Collector of the Port of Dundee, to J. W. Dunscomb, Esq., the Commissioner of Her Majesty's Customs, of 21st instant, deposeseth and saith:—

That the statement in the said letter, in regard of an altercation and an assault, committed on me on the 2nd day of December last, by Donald M'Rae, is true and correct.

(Signed,) SAMUEL WALSH,
Landing Waiter.

Sworn and Subscribed this 22nd
of January, in the presence of

L. H. MASSON,
Justice of the Peace.

No. 7.

(Copy.)

Inspector General's Office,
Customs Department,
Montreal, February 4, 1847.

Sir,

Having had under consideration your communication of the 23rd December last, on the subject of the restoration of a Seizure, made at the Port of Dundee, on the 2nd December, and having caused an enquiry to be made into the circumstances attending the same,

I have to acquaint you that the circumstances under which the Seizure was made, will preclude any interference with the due course of Law.

I am, &c.,

(Signed,) J. W. DUNSCOMB.

To Mr. DONALD M'RAE,
Dundee.

N. 8.

District of) Personally appeared before me, L. H.
Montreal.) Masson, Esq., one of Her Majesty's
Justices of the Peace in and for the said District,
Donald M'Rae, Jr., who, being duly sworn, deposeseth

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and says, that on the 2nd day of December last past, at the time Mr. Samuel Walsh seized his Horse and Cart, he had nothing in it except a chopping axe, purchased at Messrs. Buchanan & Baker, in Dundee, which was afterwards given up to him, said Donald M'Rae & Co., by Samuel Walsh, and an old empty pork barrel, which was in the cart, at the time Mr. Walsh examined the cart, to receive the duty on my flour, which was put into the cart at Duncan M'Rea & Co.'s Store, by Widow O'Keefe's son on my arrival there; to carry him as far as I was going, towards his mother's residence, and further the deponent saith not.

(Signed.) DONALD ^{his} M'RAE, Jr.
mark

Sworn and Subscribed at Dundee,
this 16th day of February,
1847, before me,

(Signed.) L. H. MASSON,
Justice of the Peace.

No. 9.

(Copy.)

Montreal, 11th Feb. 1847.

Dear Sir,

Donald M'Rae has called upon me on the subject of the horse, cart, harness, and bushel and a half of grist, seized at your Port in November last. He appears very sorry for what has occurred, and attributes it all to excited feelings arising out of a dispute with Mr. Walsh about a tin dish. He says further, that he had no intention of defrauding the Revenue, and that the cart did not contain any smuggled goods.

I have told Mr. M'Rae that, under the circumstances of the case, the treatment to Mr. Walsh, I did not see how the Government could interfere, unless he could procure a favorable recommendation from you, on expressing his contrition for what had occurred, and satisfying you that he did not intend to smuggle. On receiving such a recommendation from you, I will have pleasure in handing it to the Inspector General, as we all desire that there should be no ill feeling between officers and the public.

My Dear Sir,
Yours faithfully,
J. W. DUNSCOMB.

L. H. MASSON, Esq.,
&c. &c. &c.
Collector H. M. Customs,
Dundee.

(A true Copy.—L. H. MASSON.)

No. 10.

(Copy.)

Customs of Dundee,
17th February, 1847.

Sir,

Mr. M'Rae has last night handed me your note of the 11th inst., on the subject of a Seizure made at this Port.

Having, on the 21st ultimo, made a Special Report on the merit of that Seizure, and the same being now under consideration of the Government, I do not wish, in regard of Mr. Walsh, who has been wrongly abused by the party, to have any more to say on the subject.

Respectfully yours,
(Signed.) L. H. MASSON.

J. W. DUNSCOMB, Esq.,
&c. &c. &c.

No. 11.

(Copy.)

Province of Canada.

To His Excellency, the Right Honorable, James,
Earl of Elgin and Kincardine, Governor General
of British North America, &c. &c. &c.

The Petition of Donald M'Rae, of Dundee, in the
County of Beauharnois and Province of Canada,
Yeoman,

Humbly Sheweth,—

That, on Wednesday, the second day of December now last past, your Petitioner brought from the United States of America, to Dundee aforesaid, the flour of one bushel and a half of wheat, belonging to himself, and the meal of one bushel of corn, for one Mr. Fisher.

That, immediately on his entering the Province of Canada, your Petitioner reported to Mr. Samuel Walsh, one of the officers of Customs stationed at Dundee, that he had the said flour and meal in his cart, and informed the said Mr. Walsh that he wished to pay the duty on the flour belonging to himself, but that he would leave the meal belonging to Mr. Fisher, who would himself pay the duty thereon.

That Mr. Walsh, after having made an examination of the contents of the cart, informed your Petitioner that the amount of duty to be paid by him would be sevenpence one halfpenny, which your Petitioner then handed and paid to Mr. Walsh.

That after the duty had been settled to Mr. Walsh's satisfaction, your Petitioner asked Mr. Walsh to return to him a small tin pan or vessel, which he, Mr. Walsh, had previously borrowed of your Petitioner, and that Mr. Walsh answered in an angry manner, making use at the same time of exceedingly gross and improper language.

That after some words had passed between your Petitioner and the said Mr. Walsh, your Petitioner, wishing to avoid a quarrel, was retiring, when Mr. Walsh inflicted a violent blow with his fist on the face of your Petitioner, who was under the necessity of acting in self-defence to protect himself from Mr. Walsh's violence, and that blows were exchanged.

That Mr. Walsh then told your Petitioner that he would seize his horse and cart, on account of what had occurred; and that he did accordingly seize them.

That the said Mr. Walsh could have had no other motives for seizing the said horse and cart than malice and revenge, as he had examined the cart, and the duty which he demanded had been paid before the quarrel began.

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That there are now in the possession of the Commissioner of Customs for this Province three affidavits tending to prove the truth of what your Petitioner now alleges, and to which he could most respectfully direct your Excellency's attention.

That your Petitioner could, should your Excellency desire it, obtain other affidavits setting forth all the facts of this case in detail.

Wherefore your Petitioner prays your Excellency would graciously be pleased to order the said horse and cart to be restored to your said Petitioner, who, as in duty bound, will ever pray.

(Signed,) DONALD M'RAE.

Montreal, 12th Feb. 1847.

—
No. 12.

(Copy.)

Customs,
Montreal, 16th February, 1847.

Sir,

I have the honor to enclose a Memorial from Mr. Donald M' Rae, praying for the restoration of Seizure No. 6, of last quarter, made at your Port, on which I request a Report at your earliest convenience.

I have, &c.,
(Signed,) J. W. DUNSCOMB.

Collector of Customs,
Dundee.

—
No. 13.

(Copy.)

No. 7.

Customs of Dundee,
24th February, 1847.

Sir,

I have the honor to acknowledge the receipt of your letter of 16th instant, enclosing a Memorial of Donald M' Rae, praying for the restoration of Seizure No. 6, of last quarter, made at this Port, requesting my report thereon.

In reference, I beg leave to refer you to my letter, No. 38, of 6th December last, accompanying my Report of Seizure, and also to my letter, No. 1, of 21st January, in answer to your letter of the 15th of same month, with the affidavit of Samuel S. Walsh, Esquire, corroborating my statement.

Furthermore, I beg leave also to say, that I was present on the day of the trial of Mr. Walsh in an American Court, where he was brought, as stated in my letter, No. 38, of 6th December, and that myself heard the witnesses for the prosecution depose,

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"that it was Mr. M' Rae who first assaulted Mr. Walsh, by taking his coat off, and then seizing him by the collar, stating that he, M' Rae, would take the price of a tin dish out of his Irish hide;" so that the statement of the Petitioner "that he was retiring from the store, wishing to avoid a quarrel, is not true." As I stated before in my report of 21st January, after some words spoken in Gaelic, the cousin of M' Rae took the chairs out of the store to make room for fighting. This information I have received from disinterested persons present.

I have known the character and dispositions of Mr. Walsh since his arrival at this Port, and I am pleased to say, "that I do not attribute to him the motives of malice or revenge, as mentioned in the Petitioner's Memorial."

I have, &c.,
(Signed,) L. H. MASSON,
Collector.

J. W. DUNSCOMB, Esquire,
&c. &c. &c.
Montreal.

—
No. 14.

Customs,
Montreal, March 10th, 1847.

Sir,

Enclosed I have the honor to forward a letter to Mr. Donald M' Rae, which you will please to cause to be handed to him, after duly noting its contents.

I have, &c.,
(Signed,) J. W. DUNSCOMB.

To the Collector of Customs,
Dundee.

—
No. 15.

Customs,
Montreal, March 9th, 1847.

Sir,

The Inspector General having laid before His Excellency your Memorial of the 12th ultimo, praying for the restoration of a horse and cart seized from you at the Port of Dundee,—

I am directed to acquaint you, that His Lordship having caused a full enquiry to be instituted into the circumstances attending the Seizure, is not prepared to interfere for your relief.

I am, &c.,
(Signed,) J. W. DUNSCOMB.

To Mr. Donald M' Rae,
Dundee.

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R E T U R N

To AN ADDRESS from the Legislative Assembly to His Excellency the Governor General, praying His Excellency to cause the proper officer to lay before the House Copies of all Correspondence between the Executive Government and the Trustees of the Quebec Turnpike Trust; and Copies of all Returns, Accounts, and Documents thereto relating, made by the said Trustees to the Executive Government. Under the Ordinance and Statute in such case made and provided, from and since the close of the last Session of Parliament.

By command,

Secretary's Office, Montreal, 1st July, 1847.

D. DALY, Secretary.

To His Excellency the Right Honorable Lord CATHCART, Governor General of Canada,
&c. &c. &c.

THE PETITION OF THE INHABITANTS OF THE PARISH OF ANCIENNE LORETTE,
HUMBLY SHEWETH:

That the Legislature, in the Session held in 1845, in the eighth year of the Reign of Her Majesty Queen Victoria, did pass a Law intituled, "An Act to amend a certain Ordinance therein mentioned relative to the Turnpike Roads near Quebec," whereby it is, among other things, ordained and enacted, that from and after the passing of the said Act, the road leading from the Côte de Champigny (including the Côte) to the Red Bridge or Commissioners' Bridge, shall be under the control of the Turnpike Trustees, to be by them macadamized.

That two years, however, have elapsed since the passing of that Act, and still the above-mentioned road is not yet macadamized, and is not even commenced.

That the road in question is very bad and dangerous in the spring and autumn, and that several inhabitants of the said parish, and travellers, have broken their vehicles, and have been exposed to hurt themselves in falling, while using the said road.

That the road on the north of the River St. Charles (which road passes in front of the property and residence of L. T. Macpherson, Esquire, one of the said Commissioners) had already received a coating of five inches of stone, and was in good order and much improved; that nevertheless, a fresh coating of five inches has been laid over the said road, which is very little frequented, and by order of Mr. McPherson and some of the Trustees, while the other Trustees (and particularly Mr. Desbarats) vainly opposed such a waste of the public moneys.

That the sum of money so uselessly expended on the said road may be evaluated at at least twelve hundred pounds, while that sum ought to have been employed in macadamizing the road above mentioned, conformably to the above-cited Act, as the said road has been neglected, to the great detriment of your Petitioners and the public in general.

That, moreover, a sum of about eight hundred pounds has been expended for the construction of a new bridge on the River St. Charles, on the road leading to Mr. McPherson's property, whereas the old Scott's Bridge would last a number of years, with an outlay of about a hundred pounds for repairs.

That Your Excellency ought not to allow the said Trustees to waste the public moneys with impunity.

Wherefore Your Petitioners pray that Your Excellency will be pleased to order an inquiry to be instituted into the conduct of the Trustees of the Turnpike Roads near Quebec, and, after due conviction, to dismiss the Trustee or Trustees who may have acted wrongfully, so that justice may be done to the public.

And Your Petitioners will ever pray.

(Signed by)

CHARLES ALAIN, and others.

Ancienne Lorette, 23rd August, 1846.

PROVINCE OF CANADA, }
DISTRICT OF QUEBEC. }

Before me, Jos. Laurin, Justice of the Peace for the District of Quebec,

Came and appeared Benjamin Vohl, of Quebec, Optician, who, after having been duly sworn on the Holy Evangelists, doth depose and say, that ten inches of stone have been laid on the road on the north side of the River St. Charles, which road runs in front of the property and residence of L. T. McPherson, Esquire, one of the Commissioners of the Quebec Turnpike Roads, and has cost a considerable sum of money and occasioned useless expenses: That, moreover, the Commissioners of the Turnpike Roads have expended a large sum, at least eight hundred pounds, in constructing a new bridge on the River St. Charles, whereas the old Scott's Bridge would have lasted a great number of years, if about one hundred pounds currency had been laid out in repairing it.

Sworn before me, Quebec, 25th September, 1846 }

(Signed)

Jos. LAURIN, J. P.

(Signed)

B. VOHL.

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SECRETARY'S OFFICE,
Montreal, 5th Oct., 1846.

GENTLEMEN,—I have the honor, by command of the Governor General, to transmit to you for any remarks which you may be prepared to offer on the subject to which it relates, the accompanying copy of a Memorial which His Excellency has received from certain inhabitants of the Parish of l'Ancienne Lorette.

I have the honor to be,

Gentlemen,

Your most obt. servt.,

(Signed,)

D. DALY,
Secretary.

The Trustees of the
Quebec Turnpike Roads,
&c. &c. &c.

Quebec, 20th Oct. 1846.

SIR,—I am directed by the Trustees of the Quebec Turnpike Roads to acknowledge the receipt of your letter enclosing the Petition of certain inhabitants of the Parish of Ancienne Lorette, complaining of the manner in which the public moneys entrusted to the Trustees have been expended by them.

In the first place the Trustees would beg to premise, that by the Statute 5th Victoria mentioned in the Petition, there was granted the sum of £8882, currency, which sum was granted on the Petition and Estimate of the Trustees, to the Legislature for finishing the roads and works then under their management, for a new bridge over the River St. Charles in the place of the old bridge, called Scott's Bridge, and for making the road along the north bank of the River St. Charles; and the Trustees beg leave to refer to their Petition and Estimate to the Legislature in the matter, copies of which are herewith submitted.

The Trustees further beg leave to premise, that the aforesaid sum of £8882, currency, was found insufficient to finish the contemplated works by reason of the great rise in the price of labor and materials, occasioned by the calamitous fires at Quebec, in the spring and summer of 1845, and which necessitated and still necessitates using the revenues arising from the tolls, to complete the works.

I am directed by the Trustees to offer the following remarks on the subject matter of the Petition of the inhabitants of Ancienne Lorette, in which the different subjects of complaint will be noticed in the order stated in the Petition.

First, The Petitioners complain "that the Trustees have not made the road from *Côte de Champigny* to the Red Bridge or Commissioners Bridge." In answer to which the Trustees have to offer the same reasons as stated by them to you on the same subject in their letter of the 7th April last, on an Address of the House of Assembly to His Excellency the Governor General, which are, in substance, that the grant of the £8882 was for the purposes before mentioned, in which the *Champigny* Road was not included, but was named in the Statute without any provision or grant of money for its construction.

No disposable funds have since come into the hands of the Trustees for the macadamizing of the *Champigny*

Road; the Trustees, however, will be prepared to improve that road as soon as they have funds, and have already stated as much to Mr. Laurin, one of the Petitioners.

Under the circumstances before stated, the Trustees do not think themselves authorized to commence any new works for which there had been no Legislative grant of moneys made, until the old works already commenced, and for the doing of which, moneys had been granted by the Legislature, were finished.

Secondly, The Petitioners complain "that the Trustees have expended upwards of twelve hundred pounds in new coating the road on the north bank of the River St. Charles, which passes in front of Mr. McPherson's (one of the Trustees') property and residence, that the road is not frequented, the expenditure a dilapidation of the public moneys, and which was ordered to be done by Mr. McPherson and some others of the Trustees; Mr. Desbarats and others of the Trustees opposing the same," all which is without any foundation whatever in truth.

With respect to the expenditure of a sum of £238 16s 5d, and not £1200, as stated by the Petitioners, was expended in new coating and repairing the road from Black's to Hunt's farms, forming an extent of 23½ arpents.

This road contributes considerably to the revenues of the Trust, and although much frequented and used for travel by the public, had never been previously made of the ordinary thickness of stone, and the expenditure of the sum of £238 16s 5d, before mentioned, was made to supply the deficiency, and principally beyond Mr. McPherson's residence, for the advantage and use of the public generally, and not in front of that Trustee's residence, as the Petitioners insinuate.

The work was necessary, and done at the least possible expense. The thickness or coat of stone in any part of the road is under nine inches, instead of ten inches, as stated by the Petitioners, and by Benjamin Vohl in his affidavit accompanying the Petition.

The standard thickness of stone adopted by the Trustees in road-making generally is about nine inches.

The works and road complained of by the Petitioners were examined several times by the Trustees, and also by Charles Hough, Road Contractor, and Charles Dery, his foreman, to whose certificate in the matter, as well as the certificate of William Henry, the Overseer of the road in question, the Trustees beg leave to refer, copies of which are also herewith submitted.

The Trustees beg leave further to state, that the *St. Charles* Road north has always been considered of much importance by the Legislature, and that some time previous to the union of the Provinces the Legislature of Lower Canada included the road in question in the participation of a grant of money made for improving the roads in the neighborhood of Quebec.

This road, by a special Statute passed in the year 1841, was placed under the management of the Trustees, and funds were provided for its construction under a subsequent Statute; the Trustees therefore think the necessity of any enquiry now as to its being much or little travelled is obviated.

Mr. McPherson, the Trustee pointed out in the Petition as ordering the expenditure, could not give any order in the matter different from the determination of the Board of Trustees.

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And the Petitioners must have also been misinformed as to Mr. Desbarats and other Trustees opposing the expenditure of which they complain, inasmuch as there is no opposition or dissent entered by Mr. Desbarats or any other Trustee to the works complained of, and it is customary with the Trustees in their proceedings, for dissenters to enter their dissent in writing, otherwise the proceeding is unanimous.

The Petitioners lastly complain, "that a sum of £800 has been unnecessarily expended by the Trustees in the construction of the new bridge over the River St. Charles before mentioned, and that a sum of £100 would have repaired the old bridge and made it sufficient for several years."

To which the Trustees beg leave to reply, that the construction of the new bridge by them was in strict conformity to the grant made in the matter by the Legislature.

I have the honor to be,

Sir,

Your most obt. servt.,

(Signed,)

J. PORTER,
Secretary.

The Honorable Dominick Daly,
Secretary, &c. &c. &c.,
Montreal.

(Copy.)

To the Honorable the Knights, Citizens and Burgesses of the Province of Canada, in Parliament assembled:

The Petition of the undersigned Trustees for the purpose of opening, making and keeping in repair certain roads in the neighborhood of, and leading to, the City of Quebec, and to provide a fund for that purpose,

HUMBLY SHEWETH:

That by an Ordinance to provide for the improvement of certain roads in the neighborhood of, and leading to, the City of Quebec, and to raise a fund for that purpose, (4th Victoria, chap. 17,) and a Statute extending the provisions thereof to the road along the north bank of the River St. Charles, (4th and 5th Victoria, ch. 72,) the Trustees therein named were authorized to raise, by way of loan, any sum not exceeding £25,000, currency, and that by the Ordinance to provide for the improvement of the roads in the neighborhood of Montreal, (3rd Victoria, chap. 31, and 4th Victoria, chap. 7,) the Trustees there were authorized to raise £47,000 currency.

That by reason of the limitation thus imposed upon the Quebec Trustees they have been unable to complete the several roads which it was the intention of the Legislature should be improved around Quebec.

That part of the Beauport Road, part of the road along the south bank, and part of the road along the north bank of the River St. Charles, part of the St. Lewis Road and the road from Côte de Champigny to Hough's farm, remain unmade, the said parts of roads so remaining unmade forming in all an extent of nine miles and twenty four chains. And that the bridge over the River St. Charles, known by the name of Scott's Bridge, is in a very bad and dangerous state, and requires to be forthwith renewed.

That all the other roads have been made and finished by the said Trustees, under the Ordinance and Statute in that behalf made and passed.

That there are no funds remaining to finish the aforesaid parts of roads and works. The fund raised by debentures under the said Ordinance 4th Victoria, chap. 17, to wit, the sum of £25,000 for the improvement of the said roads, together with all the net revenues of the roads made by the said Trustees, have been expended by the said Trustees for the ends and purposes of the said Ordinance and Statute, as will appear by the Schedule hereunto annexed.

That your Petitioners humbly beg leave to expose, that the want of funds to finish the aforesaid works arises in part from the want of any provision or fund whatever for the making of the aforesaid road along the north bank of the River St. Charles under the Statute authorizing the same, or otherwise.

That difficulties arise in collecting tolls on the aforesaid unfinished roads, and that several of the ends and objects of the said Ordinance, 4th Victoria, chap. 17, and Statute, cannot be attained until all the said roads are finished.

That to do and finish the aforesaid parts of roads and works, it will require the sum of £8882, currency, according to the annexed estimate made by your Petitioners.

Wherefore Your Petitioners humbly pray that the said Trustees be authorized by Legislative enactment to raise, by way of loan, on the credit and security of the said tolls, the further sum of £8882, currency, for which debentures may be issued, bearing interest, and that the same be added to and form part of the said sum of £25,000, under and subject to the enactment contained in the aforesaid Ordinance, 4th Victoria, chap. 17.

And Your Petitioners, as in duty bound, will ever pray.

(Signed,)

WM. SHEPPARD.
JAS. GIBB.
A. C. BUCHANAN.
EDWD. DESBARATS.
L. T. McPHERSON.

Quebec, January, 1845.

I certify that the foregoing is a true copy,

(Signed,)

J. PORTER,
Secretary.

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(Y.)

(Copy.)

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ESTIMATE of the Cost of Macadamizing those portions of the Quebec Turnpike Roads which are still unfinished:—

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1st. St. Lewis Road, being a distance of 3 miles 17 chains, will cost for forming, &c...	£600	0	0	
For Culverts,.....	50	0	0	
15,120 boxes broken Stone, at 2s. 6d.....	1,890	0	0	
Improvement of Carouge Hill,.....	300	0	0	
				£2,840 0 0
2nd. St. Charles Road North, a distance of two miles, will cost for forming, &c.....	£400	0	0	
For Culverts,.....	45	0	0	
10,080 boxes broken Stone, at 2s. 6d.....	1,260	0	0	
Scott's Bridge to be rebuilt,.....	550	0	0	
Duchesnay's Bridge,.....	50	0	0	
				2,305 0 0
3rd. St. Charles Road South, a distance of 1 mile 3 chains, will cost for forming, &c.	£200	0	0	
For Culverts,.....	20	0	0	
5,040 boxes broken Stone, at 2s. 6d.....	630	0	0	
Rodeau's Bridge to be rebuilt,.....	130	0	0	
				985 0 0
4th. Beauport Road, a distance of 1 mile 20 chains, will cost for forming, &c.....	264	0	0	
For Culverts,.....	40	0	0	
7,500 boxes broken Stone, at 2s. 1s.....	781	5	0	
Improvement of Montmorency Hill,.....	175	0	0	
				1,260 5 0
5th. Road from Côte de Champigny to Hough's Farm, 1 mile 64 chains, will cost for forming, &c.....	£350	0	0	
For Culverts,.....	40	0	0	
8,814 boxes broken Stone, at 2s. 6d.....	1,101	15	0	
				1,491 15 0
				<u>£8,882 0 0</u>

ABSTRACT.

	Length of Roads completed.		Length of Roads unfinished.		Total length of the Turnpike Roads.	
	Miles.	Chains.	Miles.	Chains.	Miles.	Chains.
St. Lewis Road,.....	4	11	3	17	7	28
Kilmarnock Road,.....	0	39	...	...	0	39
St. Foy Road,.....	4	37½	...	...	4	37½
Cove Road,.....	3	26	...	...	3	26
Suède Road,.....	2	44	...	...	2	44
St. Charles North,.....	1	46	2	0	3	46
St. Charles South,.....	3	50	1	3	4	53
Beauport Road,.....	4	77	1	20	6	17
Road from Côte de Champigny } to Hough's Farm,..... }	....	...	1	64	1	64
	25 m. 10½ ch.		9 m. 24 ch.		34 m. 34½ ch.	

QUEBEC, 13th October 1845.

SIR,—At your request, we this day went over and examined the road from Mr. Paul's farm to Scott's Bridge on the North side of the River St. Charles. We examined it very particularly, sounding it with a pick-axe at short distances, and find that it is much worn in some parts; from the new work at Mr. Paul's farm to about half the distance to the route of Scott's Bridge a great part of it is nearly gone altogether, and requiring coating with new metal; the remainder of the distance is stronger and a good deal of it requires very little repair.

At the same time, we examined the road made and repaired this season by Mr. Henry, the Overseer, up

to Mr. Paul's farm; we sounded it with a pick-axe and measured it at short distances, from Mr. Black's to the end of the work at Mr. Paul's, and found the whole depth of metal on it, new and old, about nine inches, rather under. We consider it a firm durable road, and without any unnecessary work, all which we will testify on oath, anywhere when called upon.

We beg to remain,
Your humble servants,

(Signed,) CHAS HOUGH,
Contractor.
JOSEPH DERY,
Foreman.

L. T. Macpherson, Esq.

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I certify, that the depth of thickness of metal on the road, made and repaired under my overseeing, ending at Mr. Paul's, mentioned in the above letter, is about nine inches altogether, including new and old stone laid. I have made a good durable road there; the work was carried on with economy and order, without any unnecessary labor or expense, and I don't think any work of the kind can be done at less cost.

(Signed,) WM. HENRY,
Overseer.

I certify, that the foregoing is a true copy of the original filed in the office of the Quebec Turnpike Trust.

(Signed,) J. PORTER,
Secretary.

L. T. Macpherson, Esq.

SIR,—Having thoroughly examined and considered the road from Mr. Paul's farm to the route to Scott's Bridge, I find it very much worn out by use; some parts of it are nearly quite gone.

About half the distance requires a full dressing, the remainder is better, and some of it requires very little; I think we will want about three hundred boxes of stones.

I am, Sir,
Your obedient servant,

(Signed,) WM. HENRY.

October 6th, 1845.

I certify, that the foregoing is a true copy of the original filed in the office of the Quebec Turnpike Trust.

(Signed,) J. PORTER,
Secretary.

MONTREAL, 13th Nov., 1846.

SIR,—Having, in obedience to the commands of His Excellency the Governor General, with which I have been honored, attentively perused and considered the petition of certain inhabitants of the Village of L'Ancienne Lorette, preferring certain charges against the Commissioners of the Quebec Turnpike Trust, and having also perused the explanations of those gentlemen which accompanied the same, I have now the honor of reporting, for His Excellency's information, that, in my humble opinion, there does not appear any sufficient ground for interfering with the Commissioners, as they appear to have endeavoured to comply with the law to the extent of the means at their disposal.

I have the honor to be,

Sir,

Your obedient servant,

(Signed,) J. SMITH,
Att'y. Gen'l.

The Hon. D. Daly,
Secretary,
&c. &c. &c.

QUEBEC, 2nd November, 1846.

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SIR,—I presented the Petition on the 30th September last to His Excellency the Governor General, from the inhabitants of Lorette, complaining of the unjust conduct of the Quebec Turnpike Trustees towards them, accusing them of wasting the public moneys, and praying for an enquiry into their conduct. An affidavit, in support of the allegations of the Petition, was at the same time presented by me to the Governor.

I have lately been informed by the Secretary to the Trust, that a copy of the Petition and a copy of the affidavit have been transmitted by the Executive to the Trustees, in order that they might become acquainted with the nature of the accusation brought against them, and to shew their grounds of defence against the accusation. I have also been informed that they have written an answer to His Excellency.

My duty, as a Member of the Provincial Parliament, obliging me to see that the public moneys are not wasted, I have thought proper to present that Petition to His Excellency the Governor General, and have promised to support it before the Executive Council, and afterwards in the House of Assembly, at its next Session, if necessary. I beg, therefore, you will communicate to me the nature of the grounds of defence offered by the Trustees.

I would wish that Edward Desbarats, Esquire, one of the Trustees of the Turnpike Roads, who opposed the waste of the public moneys, as alleged in the said Petition, should be examined as a witness; he holds in his hands certificates from men employed on the roads, which bear witness to the extravagant expenses incurred by the Trustees on the road north of River St. Charles.

I trust that justice will be rendered to the public, and that the Commissioner or Commissioners who are in the wrong will be dismissed, on been convicted of not having fulfilled the duties of their office.

A prompt answer will oblige him, who has the honor to subscribe himself,

Your obedient servant,

(Signed,) JOS. LAURIN,
M. P. P.

The Honorable D. Daly,
Provincial Secretary,
Montreal.

SECRETARY'S OFFICE,
Montreal, 26th Nov., 1846.

SIR,—I have the honor, by command of the Governor General, to inform you that His Excellency has had under his consideration the Memorial transmitted by you from certain inhabitants of the Parish of Ancienne Lorette, complaining of the manner, in which the public moneys entrusted to the Trustees of the Quebec Turnpike Roads, have been expended by them.

After a careful examination of those complaints, and of the remarks of the Trustees made in reply to them,

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His Excellency has arrived at the conclusion that the case is not one to call for the intervention of the Executive.

I have the honor to be,
Sir
Your most obedient servant,

(Signed,) D. DALY,
Secretary.

Josh. Laurin, Esq.,
M. P. P., &c. &c. &c.,
Quebec.

SECRETARY'S OFFICE,
Montreal, 10th Dec., 1846.

GENTLEMEN,—I have the honor, by command of the Governor General, to inform you, with reference to the complaints preferred against you by certain inhabitants of the Parish of Ancienne Lorette, that His Excellency, after a careful examination of those complaints, and of your remarks, made in reply to them, has arrived at the conclusion that the case is not one to call for the intervention of the Executive.

I have the honor to be,
Gentlemen,
Your most obedient servant,

D. DALY,
Secretary.

The Trustees of the
Quebec Turnpike Roads,
&c. &c. &c.
Addressed to John Porter, Esq.,
&c. &c. &c.,
Quebec.

To His Excellency the Right Honorable the Earl of Elgin and Kincardine, Governor General of British North America, &c. &c. &c.

The Petition of the undersigned inhabitants of the District of Quebec, and others interested therein,

RESPECTFULLY SHEWETH:

That, in the year 1841, the Turnpike Trust for the District of Quebec, improved and constituted as a Turnpike Road a portion of a certain Road, known as the Lower or Cove Road, said improvements commencing at the limits of the City of Quebec and terminating at Kilmarnock Hill, a distance of three and a half miles.

That subsequent to the completion of this, the rapid increase of the Lumber trade has caused the extension and opening out of extensive business establishments adapted to the wants of the trade, far beyond the limit of road thus improved; that in consequence thereof, Your Petitioners are of opinion that the necessities of the trade are such as to render it essentially requisite that the Cove Road be improved and placed under direction of the Trust, a further distance of at least one mile and a half.

That in support of this application, Your Petitioners beg respectfully to offer for the consideration of Your Excellency the following reasons:—

That, as an evidence of the necessity of the road in question, they would remark that the road sought to be

improved under the direction of the Trust has been opened out and formed by private enterprise and exertion at a heavy outlay; that the Cove Road in question is the great business highway connected with the lumber operations of the Port of Quebec, and Your Petitioners will be prepared to prove that fully one-fifth of the whole shipping trade in timber is carried on above the present terminus of the improvement under the Trust; that, notwithstanding, the vast public interest thus involved, the Cove Road has been planked by the Trust, a distance of three and a half miles, whereas all other main roads leading from the City have been macadamized seven to ten miles; that upon reference to the returns of the Trust, it will be observed that the Cove Road yields nearly double the amount of revenue of any other road, (although improved but half the length); and that the increase of traffic inseparable from an extension of improvement on this great business thoroughfare will amply and profitably compensate for all outlay thereon.

That in connection with the extension of improvement along the Cove Road, (as herein prayed for,) Your Petitioners respectfully beg to suggest that the Route de l'Eglise be macadamized, commencing at St. Foy's Church, and thence in continuation, so as to connect with the Cove Road herein sought to be extended.

That in addition to the benefit conferred upon the trade, it would be a decided and manifest advantage to the Parish of St. Foy, Ancienne Lorette, St. Augustin; in fact to all the neighboring Parishes, as thus, for supplying the densely populated coves as well as the numerous shipping; a wide and extensive cash market, near at hand, would be opened to agricultural produce of all descriptions, and a profitable field for the employment of horse and manual labor when unemployed in farming operations.

Your Petitioners humbly trust Your Excellency will be pleased to take these premises into Your favorable consideration, and appropriate such a sum of money to be expended under the direction of the Trust as will accomplish the objects herein prayed for, and Your Petitioners, as in duty bound, will ever pray.

(Signed,) HENRY PEMBERTON,
And others.

Quebec, 4th May, 1847.

SECRETARY'S OFFICE,
Montreal, 22nd May, 1847.

GENTLEMEN,—I have the honor, by command of the Governor General, to transmit to you the accompanying Memorial received from certain inhabitants of the District of Quebec, and to request, for His Excellency's information, an early Report of your views on the subject to which it relates.

I have the honor to be,
Gentlemen,
Your most obedient servant,

(Signed,) D. DALY,
Secretary.

The Trustees of the
Quebec Turnpike Roads,
&c. &c. &c.

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QUEBEC, 16th June, 1847.

SIR,—In obedience to the command of His Excellency the Governor General, I am directed by the Trustees of the Quebec Turnpike Roads to make the following Report upon the Petition of certain inhabitants of the City of Quebec and others, praying that His Excellency may be pleased to sanction any Act that may be passed for continuing the improvement of the Cove Road a further distance of at least one mile and a half, and that, in connection with the improvement of the Cove Road, the road commonly called *la Route de l'Eglise* should be macadamized and placed under the superintendence of the Trustees of the Quebec Turnpike Roads.

The Trustees are of opinion that both the roads named in the Petition should be improved, and placed under their superintendence, whereby very great accommodation would be afforded to the trade of this City.

By a careful survey they have caused to be made, they find the length of the roads prayed for to be about four miles, and the cost of improving them would be four thousand pounds.

I have the honor to be,
Sir,
Your most obedient servant,

(Signed,) J. PORTER,
Secretary.

The Honorable Dominick Daly,
Secretary, &c. &c. &c.,
Montreal.

NOTE.—A decision on this application has not yet been come to by His Excellency the Governor-General.

Secretary's Office,
Montreal, 1st July, 1847.

SECRETARY'S OFFICE,
Montreal, 12th June, 1847.

GENTLEMEN,—I have the honor, by command of the Governor General, to transmit to you the accompanying Memorial, received from certain inhabitants of Ste. Ambroise and other places; and to request, for His Excellency's information, an early Report of your views on the subject to which it relates.

I have the honor to be,
Gentlemen,
Your most obedient servant,

(Signed,) D. DALY,
Secretary.

The Trustees of the
Quebec Turnpike Roads.

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To His Excellency the Right Honorable Earl of Elgin and Kincardine, Captain General and Governor in Chief of Her Majesty's Province of Canada, &c. &c. &c.

The Petition of the undersigned, inhabitants of the Parishes of Ste. Ambroise, La Jeune Lorette, and of the settlements of Valcartier, and others,

HUMBLY SHEWETH:

That there are extensive manufactories established in the Parish of Ste. Ambroise, near the Church of that Parish, and others are about being erected in that neighborhood: that that Parish is now one of the most flourishing in the vicinity of Quebec: that its prosperity is much retarded by the state of the principal road (the *P'Ormière*) leading from Ste. Ambroise to Quebec, about three miles of which are in a very bad state, being almost impassable after rains.

That the Quebec Markets are chiefly supplied by the inhabitants of the settlements of Valcartier, who are obliged to pass along the *P'Ormière* road: that they, as well as the citizens of Quebec generally, would be greatly benefited, by having the said *P'Ormière* Road macadamized, as it is shorter and more level than any other road leading from Quebec to Ste. Ambroise Church.

That your Petitioners have the same toll to pay as is paid on the other roads leading to the City, although there is scarcely *five* miles of the road to Ste. Ambroise macadamized, whilst on the other roads there are *nine* miles.

Wherefore Your Petitioners would humbly pray that Your Excellency will be pleased to pass an Act causing the said *P'Ormière* Road to be macadamized from its junction with the Commissioners' Bridge to the said Church of Ste. Ambroise.

And your Petitioners, as in duty bound, will ever pray.

(Signed by) PAUL LEPPER,
And others.

Ste. Ambroise, 20th May, 1847.

QUEBEC, 26th June, 1847.

SIR,—The Trustees of the Quebec Turnpike Roads, in obedience to the reference to them made, having carefully considered the Petition of certain inhabitants of Lorette and others, addressed to His Excellency the Governor General, praying that the road commonly called "*la Route de l'Ormière*" should be macadamized; desire me to make the following Report for His Excellency's information.

The Trustees are of opinion that the "*Route de l'Ormière*" should be macadamized and placed under their superintendence, as it is the great thoroughfare for the inhabitants of the extensive settlements north of Quebec, and its improvement would greatly promote the prosperity of those settlements.

The "*Route de l'Ormière*" is about four miles in length, and its improvement would cost four thousand pounds.

I have the honor to be,
Sir,
Your most obedient servant,

(Signed,) J. PORTER,
Secretary.
Hon. D. Daly,
Secretary, &c. &c. &c.,
Montreal.

NOTE.—A decision on this application has not yet been come to by His Excellency the Governor General.

Secretary Office, 1st July, 1847.

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No. 1.

Dr. General Account of Moneys received and Disbursements made by the Trustees of the Quebec Turnpike Roads, from the 11th Feby. to the 31st Dec., 1846 inclusive. **Cr.**

	£	s.	d.	£	s.	d.
To paid amount of interest on loan authorized by the Ordinance 4 Viet. chapter 17, and Statute 8 Viet. chap. 55, as per Statement A, with vouchers,.....	997	10	0	15	0	0
To balance remaining on hand to meet the payment of interest as stated below,	33	0	0	1015	10	0
	£1030	10	0	£1030	10	0

By balance of old account,.....
By amount of His Excellency the Governor General's Warrant,.....

By balance remaining on hand to pay interest on Certificate No. 53 per £100 from 1st January to 1st July, 1846, 6 months at 6 per cent,..... 3 0 0
Do. No. 131, 132, ea. £500, £1000 6 months do.... 30 0 0 £33 0 0

Certified,
Signed, **JAS. GIBB,**
ED. DESBARATS,
J. DOUGLASS,
L. S. MACPHERSON,
Trustees.

(Signed,) **J. PORTER,**
Secretary.

No. 2.

Dr. General Statement of Moneys received and Disbursements made by the Trustees of the Quebec Turnpike Roads from the 1st January to the 31st December, 1846, inclusive, authorized by Ordinance 4 Victoria, chapter 17. **Cr.**

No.	£	s.	d.	£	s.	d.
1 To paid Laborers' wages, Cove Road, per Pay Lists No. 1 to 17,.....	131	4	5	412	4	
2 To " LeMesurier & Co. for Deals,.....	251	5	6	1710	9	
3 To " I. French, maintaining Winter Road to Cove, 3 miles 64 chains, at £7 10s. per mile,.....	29	10	0	1453	19	7
Less paid on account, as per old Account,.....	1	10	0	22	4	7
4 To " C. Panet, <i>Lods et Ventes</i> on Land purchased for Toll House on Kilmarnock Road,.....	27	0	0	32	0	0
5 To " costs in the case of the Trustees against Nowlan,.....	4	3	4	761	10	6
6 To " P. Sheppard, Commission on sale of Kilmarnock lot,.....	4	8	3	416	8	2
7 To " Laborers' wages, St. Louis Road, per Pay Lists No. 1 to 43,.....	210	0	0	51	9	7
8 To " M. Hamel, a year's rent of ground leased for deposit of stone, ending 30th April, 1846,.....	1131	3	3	638	4	4
9 To " Mr. Byrne, two years' do. do. do. 30th April, 1847,.....	2	0	0			
10 To " W. Ware's account for surveying Carouge Hill,.....	4	0	0			
11 To " W. Meek, for Broken Stone, as per Account,.....	299	10	8			
12 To " W. Meek, on account of Contract for Broken Stone for repairs,.....	34	5	0			
13 To " Laborers' wages, St. Foy Road, per Pay Lists No. 1 to 17,.....	94	2	11			
14 To " D. Fleming, a year's rent of ground leased for deposit of Stone, ending 30th April, 1846,.....	2	0	0			
15 To " A. Rouzier, 6 months' do. do. do. 30th April, 1846,.....	1	0	0			
16 To " P. Potras, a year's do. do. do. 30th April, 1846,.....	183	2	9			
17 To " Laborers' wages, St. Charles Road North, per Pay Lists No. 1 to 22,.....	115	0	0			
18 To " J. Hamel, <i>Dicksmitz's</i> account,.....				23	16	8
				622	9	0

By Balance of old Account,.....
By Cash with the Bank of Montreal, as per old Account,.....
By Cash with the Quebec Bank, do. do.
By Cash with the City Bank, do. do.
By amount loaned from J. L. Twining, redeemable on the 22d Sept. 1851, borrowed on Certificate at 6 per cent.....
By Tolls collected at the Cove Gate, from 1st Jan. to 31st Dec. 1846,.....
Commutation from M. Hamel,.....
By Tolls collected at St. Lewis Gate from 1st January to 31st December, 1846,.....
By Tolls collected at Kilmarnock Gate from 1st January to 15th June, 1846,.....
By Tolls collected at St. Foy Gate from 1st Jan. to 31st Dec. 1846,.....
Commutation from J. B. Trudelle,.....
By Tolls collected at St. Cloud's Gate from 1st Jan. to 31st Dec. 1846,.....
Commutations from F. Langlois,.....
Do. Mr. Justice Panet,.....
Do. Indian Chiefs,.....
Do. B. Chattré,.....
Do. Jos. Laurin,.....
Do. B. Vohl,.....
Do. W. Semple,.....
Do. Jas. O'Brien,.....
Do. J. Duchesnay,.....
Do. J. Brunette,.....

REPORT
OF
THE INSPECTOR OF REGISTRY OFFICES,
FOR CANADA EAST.

To His Excellency the Right Honorable JAMES BRUCE, Earl of Elgin and Kincardine, Captain General and Governor in Chief of Her Majesty's Provinces of Canada, New Brunswick, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

The Inspector of Registry Offices for that portion of the Province of Canada heretofore Lower Canada, has the honor to make his Second General Report as follows :—

Under the administration of His Excellency Lord Metcalfe, one of Your Excellency's predecessors in the government of this Province, the undersigned having been commissioned Inspector of Registry Offices for the Districts of Montreal, Quebec, and Three Rivers, in the month of April, 1846, reported to His Excellency the Earl of Cathcart, then Governor General of the Province, and with which full statistical tables in connection with the system of Registration in those three Districts were submitted to His Excellency. As so short a period has elapsed since that Report was sent in, it was not deemed necessary that the official data thereby collected should be brought up or continued to the present time, but that a general supervision of the system and its operation should form the object of attention, (except in cases of special reference by the Executive,) extended as the appointment now is to the whole of that portion of Canada heretofore Lower Canada.

From the advanced state of the season before the Inspector was enabled to proceed to the discharge of that portion of the duties assigned to him, although attempted, it was found to be impracticable to inspect some of the offices of the remote parts of the District of Quebec, and those of the District of Gaspé. The duties therefore which devolved upon the Inspector were those of general supervision and enquiry into, and reporting upon, such special references as were found necessary to be made on memorials respecting or in connection with the system or its operation and practice in special cases requiring local examination. As the latter duties and their execution can have no interest beyond those special cases, and the periods in which they occurred and were reported upon, the undersigned respectfully apprehending it would be inexpedient to repeat them here, will confine himself to a reference to those matters in connection with the subject, and which, by reason of their importance, may be deemed by Your Excellency worthy of the consideration and action of the Legislature.

It will be gratifying to Your Excellency to know, that the system of Registration, although yet in its early state in this portion of the Province, has made favorable and permanent advances towards the attainment of those important advantages contemplated by the Legislature at the period of its introduction. That all the benefits a perfect system of registration is calculated to bestow on a country where all lia-

bilities and incumbrances on real estate are clearly established, have not yet been felt in this portion of the Province, ought not to form grounds for surprise or of objection to the principle, when the great disadvantages it has had to contend with, are borne in mind; on the contrary, it is a matter for agreeable reflection that so much has been already attained.

Prior to the introduction of Registration in this portion of the Province, Title Deeds of Real Estate were in a deplorable state of confusion and uncertainty; so much so, as to prevent its being readily converted into money or being made available as a means of security. Honesty and good faith were insufficient to expose and unravel the complicated net-work of liabilities and incumbrances to which it had become subject by the acts of former possessors. Every Deed or Instrument executed before a Notary Public having the effect of establishing a Mortgage, Real Estate had become loaded with all liabilities assumed in that way by any of its former proprietors, till the whole presented a mass of confusion and intricacy utterly incompatible with that improvement sound credit and available capital alone can command. Various modes were tried at different periods, by which freedom from incumbrance of Real Estate was intended to be legally established; but they were all found to be in some cases either too tardy and expensive, and in others insufficient, and were abandoned, or but seldom resorted to, under the belief, founded upon practical experience, that the means they afforded were inadequate to the end. The introduction of registration at once operated as a check to the continuance of a practice so inapplicable to the present age, as that whereby a man could hypothecarily affect not only the Real Estate he possessed at the time of the execution of the Notarial Instrument, but all that he might thereafter acquire. This power of mortgaging Estates then in possession, or thereafter to be acquired, without the possibility of discovery by third persons, it is manifest was but too fatally calculated to excite distrust and to check all enterprise and improvement and the acquisition of capital to a deplorable extent, on the security of Real Estate. This has happily ceased to be; and if Registration has not yet triumphed over all the obstacles prejudice and antiquated practices have left in its way, it has done much towards facilitating the introduction of capital, and the establishment of that confidence in regard to monied transactions based upon the security of Real Estate, and without which it were vain to expect extended commercial or agricultural prosperity.

In a former Report General Mortgages were stated to be one of the principal obstacles to the perfect working of Registration in this portion of the Province. The further extension of this great evil happily ceased with the introduction of that system, and, by the lapse of time, as well as by payment and subsequent transactions of some of the parties thereto, have much diminished this difficulty as regards its importance, although practically it still operates to

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disadvantage. This is the more to be regretted, as it is one of those evils for which it does not appear that any remedy can be devised, which in its operation would not be too tardy as well as costly. And I am strongly confirmed in the opinion formerly expressed, that in dealing with an obstacle so adverse to the principle of Registration, nothing presents itself but a choice of evils, the least of which for the present would be, that of awaiting the extinction of the difficulty by the operation of the prescriptive law of the country—a tardy alternative, but one free from those dangers to which immediate legislation on the subject, it is to be feared, would lead. It is evident that no law having a due regard to the rights of absentees, persons under age, or otherwise legally incapacitated from advocating their own rights, could be adopted which would not require a period of time to effect the intention of its enactment, little short of that which would be necessary for the attainment of the same object by the mere operation of the law of prescription now in force, and this too, without the great public and private outlay which would necessarily attend the carrying out of any legislative measure on the subject. This is a state of things to be regretted, but it is a consequence inseparable from our emerging from that antiquated mode of proceeding in regard to these matters, so ill-suited to the intelligence and commercial spirit of the age, in a country where most of its wealth is invested in Real Estate, and ought not to be charged to any defect in the system of Registration. The enemies of Registration complain, that it has not freed the country from those general Mortgages. But how much more loud their complaints would have been, had the Law of Registration contained provisions in regard to those Instruments calculated to effect the required change? It would then have been urged that “vested rights were of too sacred a character to be the subject of legislation without full indemnity.” From an impartial consideration, it will appear that the system of Registration now in operation, although it has not produced all the results which could be desired, under circumstances has done as much as could be expected: and if it has met with obstacles which it has not removed, they would have been equally insurmountable to any other system, inasmuch as they are not a consequence of the imperfection of the system, but were found to exist at its institution. In a former Report, I had the honor to advert to the only practical remedy which has been suggested for the abatement of the difficulty consequent upon general Mortgages; and I have now to state, that further experience and consideration of the subject, aided by communication with many who have given great attention to the subject, has more strongly impressed me with the belief, that no legislative measure could be adopted, having for its object the removal of this great difficulty, which would not in its operation and consequences be found to be an evil at least as great as that now complained of.

The want of sufficient designation of an Estate conveyed or hypothecated by the Deed or Instrument executed between the parties, still continues to be another great obstacle in the way of making those sufficient entries in the Books of Registration by which third persons may ascertain with facility the Estate thereby conveyed or hypothecated. To such a degree of irregularity has this practice obtained, that it is sometimes impossible, from the language of the Instrument, to establish the locality of the Estate, and therefore clearly placing it out of the power of the Registrar to enter or class the Instrument in such manner as will enable him with required despatch or certainty to grant certificates, or give that precise information, the attainment of which is one of the

principal objects of Registration. Arising, as this difficulty does, from the carelessness of the parties to the Instrument, the remedy is easy. It can scarcely be supposed that persons can have agreed upon the conditions of a Deed of Conveyance, Mortgage, or other Instrument intended to convey or affect an Estate, without having previously acquired an intimate knowledge of its locality and its boundaries; and a neglect of a full insertion of these details can only arise from a discreditable want of attention, or, as is sometimes the case, from the haste of the person preparing the Instrument. In either case, it is one of those difficulties improperly placed in the way of the successful working of the system of Registration. In a former Report I had the honor to state the mode by which the evil might be removed for the future, namely, the enactment of a Law by which parties to a Deed subject to Registration should be obliged to set forth where the land is held *en censive*, the seignior, parish, concession, and number of the lot or tract of land as entered in the seigniors *terrier*, together with the names of the actual proprietors of the adjoining lots or estates; and in those held in free and common soccage,—the townships, number of the range and lot, according to the original patent, and this under the penalty of nullity of the Instrument, or such other penalty as the Legislature in its wisdom might deem sufficient to correct the evil. This would impose no burden on the parties to the Instrument, and could not but be of manifest advantage to them, and relieve the Registrars from a great load of anxiety and responsibility; for under the present loose mode of describing Estates in Documents offered for Registration, it is all but impracticable to keep the Books of Registration (in regard to such defective documents) posted up with that clearness which will alone enable the Registrar to give information with correctness and despatch. In consequence of this want of particularity in the designation or description of Estates in many Instruments registered, it has been found to be impracticable in the great majority of Registry Offices to keep an Index to Estates, as required by 4th Victoria, cap. 30, sec. 20—a Book, if this difficulty in the way of keeping it were removed, which would be of the utmost use and advantage in the system, as Instruments might be classed under distinct heads of local divisions of Estates, thereby affording a facility of search unattainable by any other mode; and would also be important as a check upon the correctness of the entries in the Books and other Indices. In the arranging of the latter of which, by which facility of reference and confidence in their correctness is attained, consists much of the value of Registry Offices in all countries where they have been introduced, and consequently great care and labor has been bestowed upon their construction, that the names of all the parties to an Instrument registered might be found under their respective initial letters: and notwithstanding this, it has often occurred in searches, that a Deed had been overlooked in an examination of the Indices to the names, and subsequently discovered by reference to the Index to Estates. Its value therefore is undoubted, and it is much to be regretted that the neglect of inserting a few additional words in a Deed at the time of its execution, should be the means of depriving the Registrar as well as the public, of so valuable and convenient a Book.

Of a similar character, as regards the extent of liability of an Estate, is the freedom enjoyed by Seigniors from the necessity of Registering claims for arrears of Seigniorial Dues. Although this is an evil which in point of fact has been exaggerated, it is nevertheless true that its existence has an injurious effect. It excites doubts in the public mind, and,

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suspicion once entertained, becomes a serious hindrance to a free circulation of capital upon the security of Estates under that tenure: and therefore it is deserving of attention whether all arrears of *Lods et ventes*, except that on the last mutation, should not be subject to Registration. It may not be necessary for me here to repeat to Your Excellency that which I conceived it to be my duty to submit on this subject by a former Report, and in respect of which, after much consideration of the subject, I have not since discovered or been informed of any reason or matter which can at all influence that opinion. Further consideration has only tended to establish the belief, that if this class of claims were thus dealt with, important advantages would accrue to the public. If it be true that the removal of all checks to the introduction of capital, by elevating the character of the security tendered for its due re-imbusement, is one of the principal means of promoting the prosperity of a country, whether in a commercial or agricultural view, and which in this country are so intimately blended together, that one cannot be injuriously affected without prejudice to the other, how desirable it is that an evil having its root in a considerable portion of the tenure of the country should be removed. The fact of its exaggeration in no way diminishes its great public inconvenience. Its effects are real. Many persons with ample capital have been delivered from investing it in the beautiful agricultural districts of this portion of the Province, from the fear of involving themselves in the supposed intricacies of a tenure unfitted to the spirit and intelligence of the age, and have in consequence felt themselves obliged to seek in other and distant portions of the Continent that settlement which has served for a rallying point for the permanent establishment of much wealth and respectability.

To these three great obstacles to the successful working of the system of Registration may be added a fourth, of importance as regards the difficulty it presents to the establishment of the extent of liability of an Estate conveyed, a practice having obtained by which the parties to such Deed in many instances thereby declare the Estate conveyed to be liable for the fulfilment of some prior Deed between other parties, without setting forth the particulars of such liabilities. It is obvious that the Registration of such an Instrument, however effectually it may secure the legal interests and rights then acquired, nothing is disclosed of a character to enable third persons to obtain requisite information, the nature and extent of the liability being only to be ascertained by a reference to the original Deed remaining with the Notary who executed it, or a copy thereof in the hands of a party who may be interested in the concealment of it. The remedy for this is clear, namely, making it imperative upon parties to set forth the precise nature and full amount of all liabilities in Instruments translativè of property.

Until these four chief obstacles to the principle of Registration be removed, many of the advantages it confers upon other countries must be denied to us. The proprietor of an unincumbered Estate should possess all the credit and advantage derivable from a public knowledge of its being free from liabilities. The owner of an Estate hypothecated for the security of a debt, should derive from the system the means of acquiring a credit equivalent to the value of such property, over and above the claims by which it is incumbered. The capitalist desirous of investing his funds, and all others entering into engagements, should find a prompt and effectual way of arriving at a knowledge of the means of those with whom they deal; the solvent debtor should have the means of establishing

his solvency—advantages which in many instances cannot be attained till these four important difficulties are removed. I might dwell at length upon the paralyzing effect they have upon the system, the impracticability of keeping the Books of Registration, and particularly the Indices, with that clearness or classification which would secure prompt information of a character implicitly to be relied on. In concluding this portion of the subject, I can only repeat that which I had the honor of submitting in a former Report, that “It will continue to be a matter for regret that some of the important advantages which ought to result from the system, will be limited in their extent. In some cases the fact of the precise locality of an Estate not being defined with sufficient accuracy, and in others the extent of its liabilities to be ascertained only by reference to other instruments between other parties, will operate, as regards those cases, as a bar to the Registrar’s granting a certificate establishing with any degree of requisite certainty the freedom from or extent of liability. In those parts of the late Lower Province where lands are held in Free and Common Soccage, the difficulty arising from an imperfect description is but rarely experienced; the well-known number and position of each lot, as laid down on the original Diagrams of Townships, renders it easy to enter under their respective heads all Instruments registered, thereby enabling the Registrar at once and with facility to give any information required in connexion with each property. Upon the state of the Indices to names, (and under the 4th Victoria cap. 30 and 20 of places,) as regards the accuracy and facility with which they may be referred to, in no small degree depends whether a Registry Office is a great public benefit or otherwise. Inaccurate or incomplete Indices expose the public to greater risk than if none existed. It is therefore obvious that the practical difficulty in establishing an efficient Registration, in reality is to be found in giving to Instruments affecting Real Estate, clearness as regards locality and liability, and that arrangement and classification of them, when registered, that they may be referred to with facility and certainty.” The four difficulties which I have now had the honor of submitting for Your Excellency’s consideration, are those, I humbly conceive, which present themselves to the attainment of those objects, and without a removal of which, it is to be feared that ere many years elapse the rapidly accumulating records of the different Offices will present a mass of confusion, of advantage to the party registering, but of little value to the public generally as a means of reference.

Another matter in connexion with the subject, and in which from its importance the public are most deeply concerned, is the state of utter insecurity from accidents by fire, in which are to be found the vast mass of important Records of the Registry Offices throughout Canada East, with but one or two exceptions. Generally deposited in slight wooden buildings, portions of which are in most instances occupied as dwellings, and in others as shops or stores, they are greatly exposed, and give just cause for apprehension in the minds of those interested in their preservation, that serious loss and confusion may result. In case of the destruction of the Records of an Office, there are no means by which the number or the nature of the Registrations could be ascertained in a way to be useful to third persons. It is true, parties in possession of instruments with certificates of Registration endorsed thereon, in regard of those Instruments would suffer no loss or inconvenience, but the public would not have at its command any means by which to acquire information. This is a state of matters so calculated not only to create

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anxiety in the minds of those immediately interested in the safe-keeping of those Records, but it is also calculated to awake and keep alive in the public mind, an apprehension and distrust, which cannot but be prejudicial to the facility of effecting money transactions on the security of Real Estate, and against which I respectfully conceive Your Excellency will deem it to be proper that some defence should be found. The official means of Registrars are manifestly insufficient to enable them to erect the requisite vaults, and there may be reasons why the outlay of a sum sufficient for the erection of suitable buildings, with safes or vaults, throughout the whole extent of Canada East, and which would necessarily require the outlay of a large sum of money, should not now be made from the Provincial Treasury. Among other reasons, a prominent one will be found in the uncertainty of the continuance in the rural counties, of the sites of many of the Offices as now established. Many of those sites, although most judiciously selected at the period of their establishment, are now found to be inconveniently situated as regards the clear interests and wants of a majority of the inhabitants of some counties. The rapid progress of some in advance of others, the improved facilities of communication consequent upon the opening up of new routes, and those advantages belonging to some localities offering superior commercial inducements, being in progress of rapid development, are becoming sites more eligible for the establishment of Public Offices. There is scarcely a session of Parliament in which applications of this nature are not made, and others are making preparations for the same object. Two were granted last session, (9th Victoria, cap. 25 and 57,) and for some years to come others will require similar removals. It is therefore a question whether under these circumstances it would be advisable, by the erection of buildings or vaults for country Offices, to give a permanency to present sites for these reasons so subject to change. In this view of the case, it seems to be essential that some arrangement should be made, by which, in the event of accident to or the destruction of the Records of a Registry Office, the public would still have the means of ascertaining with legal certainty the Registrations of every Office in this portion of the Province,—an advantage which I respectfully apprehend might be fully obtained by an enactment requiring Registrars to prepare Quarterly Abstracts or Returns of their Registrations, to be transmitted to the Inspector for the purpose of being entered by him in a General Index, or Book of Reference, for the whole of Canada East, classed under respective counties. That these Returns or Abstracts should set forth, in columns properly arranged, the following particulars in every case of Registration, namely:—

1. The year and month.
2. The day and hour.
3. The names of the parties.
4. The name of the party Registering.
5. The nature of the Instrument.
6. If a Notarial act, the name of the Notary Public before whom executed.
7. Description of property.
8. The amount of liability.
9. The letter or number of Register in which copied.
10. The pages.
11. The number of the entry.
12. The number of interlineations, if any.
13. Number of marginal notes.
14. Number of obliterations, if any.
15. The number of any page of Register accidentally left blank.

The General Index to be compiled from these important data might be annually printed, and copies deposited in each of the Registry, and such other Public Offices as the Legislature might deem proper, at a moderate public outlay.

The advantages to be derived from such an addition to our system of Registration would be, I conceive, very great, not only as regards its immediate general utility, but also in respect of its future public importance. In all countries where Registration has been introduced, experience has proved the great necessity of a careful preservation of the Indices,—upon the correctness and proper arrangement of which much of the efficiency and value of Registration as regards third parties depends. Those Books, although composed of the most durable materials suitable for the purpose, being constantly in use, in a few years become so worn and defaced as in many cases to require an entire renewal—a work of much labour and expense, and requiring great care and attention. That the same results will doubtless be felt in this country, renders it desirable, I respectfully apprehend, that in the early stage of our system provision should be made to avoid the inconvenience.

The plan I now venture to suggest would be calculated, I humbly conceive, to prevent the evil. An annual printed copy of Indices to the Registrations of every Office, compiled and abridged from the Quarterly Abstracts and Returns, arranged alphabetically and by counties, collected into one convenient sized volume, requiring but a moderate outlay, would be an invaluable Book of Reference not only for the ordinary business of every Office, but would soon in daily practice supersede the manuscript Indices, and would also secure to the public the following important advantages, namely—

1st. Great facility of reference.

2nd. Superior means of publicity—the great object of Registration.

3rd. In the event of accident to the Books and Records of an Office, an accurate statement of its Registrations would be preserved and immediately available to the public, and in every county.

4th. A party in any county intending to transact with one of another county possessing property in several counties, would have at hand the ready means of ascertaining the existence of incumbrances on Estates situated in any other county,—thus greatly increasing public confidence, and facilitating the operation of all commercial or other transactions connected with the transfer or hypothecation of Real Estate.

5th. The General Index thus compiled from the Quarterly Abstracts or Returns, would serve as a necessary and valuable check upon the whole mass of those important matters throughout this portion of the Province.

6th. The accidental errors or omissions in copying into the Books of Registration requiring interlineations, marginal references, or erasures, all of which, as well as blank pages accidentally left in the Register, are occasionally unavoidable, notwithstanding the utmost care and attention, would also thus be recorded in a manner effectually to prevent the occurrence of difficulty or doubt in respect of them in after years;—a matter, connected as it is with the authentic character of the Registers, upon consideration will be deemed, I apprehend, of no small importance. Nor could the adoption of this plan greatly increase the duties of Registrars. Blanks prepared and ruled with

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the requisite spaces, with great facility could be filled up so as to keep pace with the business of the Office, as each column would require but a few words and figures, and thus be prepared for transmission at the close of every quarter.

The concentration in this mode of all the operations of the system, would place it in so clear and tangible a shape as greatly to facilitate its supervision by the Legislature; which would thus be constantly in possession of a mass of information and requisite minute details, in connexion with the Registration of the Real Estate of the country, unattainable by any other means.

It is also submitted whether, in consequence of the great and daily increasing importance of the Records of the Registry Offices for the Counties of Montreal, Quebec, and St. Maurice, it would be advisable that requisite apartments should be allotted to them in the Court House for those Counties, with a sufficient vault. The permitting the Records of those Offices to be subject to removal from one building to another at the frequently recurring expiration of private leases, is evidently exposing them to unnecessary risk and confusion consequent upon such removal, besides the interruption to the public business while it is being effected.

By my Report of April, 1846, I had the honor of suggesting, that greater facility would be afforded for the prompt despatch of the business of the Montreal Office, if a classification of Registrations were made under the following heads or divisions:—

- 1st. Instruments translative of property.
- 2nd. Mortgages.
- 3rd. Wills and judgments.
- 4th. Marriage contracts.
- 5th. Bonds to Her Majesty, and Custom House Bonds.
- 6th. *Tutelles* and *Curatelles*.

The experience acquired during the period which has elapsed since I had the honor to submit that Report, has strengthened the belief that such a division or classification of the work of the Office, assigning to each a set of Books, with a separate Index to each; would be of great advantage, inasmuch as by the present mode of Registering documents, but one person at a time can be employed in writing them up; thereby rendering it impracticable to keep the Books written up with sufficient despatch to meet the clear wants of the public. It is therefore again most respectfully suggested that the work should be so divided, by means of which a sufficient number of persons may be employed, promptly to complete the work. This classification would also greatly simplify and facilitate the work of research. It might also be extended to the County of Quebec with advantage.

In connexion with the Registry Offices for the Counties of Montreal and Quebec, I humbly beg to submit to Your Excellency, whether the rapidly increasing mass of Registration in those two important counties will, not in the course of a few years have accumulated to such an extent, that the ordinary and continuous Index to names will become so voluminous—there being but one for the county, and under every letter of which, in process of time, many thousand names will be inscribed—so much so as to prevent that despatch in searches which the business of the county undoubtedly requires.

In anticipation of this great evil, I respectfully beg to suggest the introduction into those Offices of a second Index, divided or classed as follows, namely,—a separate volume or Index of names for all Regis-

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trations affecting property without the city, and a separate volume or Index of names for each ward of the city.

Under the present practice, ere many years elapse, a party wishing to make a search will in all probability be obliged to pass months, ere he accomplishes his object, in wading through many thousand names, and will receive as the reward of his labour a long list of names, many of them similar to that he is in search of, and the identity of which can only be established by reference to, and extracts from, the Registers themselves. By the Index to the names of persons according to local divisions of interest, this labour of going over every name recorded in the Office having the same initial will be avoided. He will have but to refer to the volume in which are indexed the names of parties to transactions having reference to Real Property without the city; or if within it, to that of the ward in which the Estate is situated—thus at once obtaining the information he requires, relieved from the great labour of following up Registrations of persons with similar names, connected with transactions in respect of Estates in other wards.

The labour of keeping up such an Index would be more than compensated to the Registrar, I respectfully apprehend, by the great saving of time and increased facility and ease with which he would thereby be enabled to effect searches to the satisfaction of the public.

The want of centrality in the sites of some of the Registry Offices is still a subject of complaint. The removal of those of the Counties of Nicolet and Lotbinière, effected under the 9th Victoria, cap. 25 and cap. 57, has added greatly to the public convenience, and of which I had ample testimony upon the occasion of my inspection of these Offices. The subject of the depressed state of the revenue of most of the Registry Offices continues to be pressed by gentlemen who think that it bears no just proportion to the labours attached to the Office, and the great responsibility Registrars and their sureties have assumed; a depression which is said to be greatly increased in many instances by that provision of the 4th Vic., cap. 30, sec. 6th, by which Registrars are obliged to retain the services of a paid Deputy, whose salary in some instances absorbs the greater part of the official revenue, thereby compelling the Registrars themselves to resort to other professional pursuits, and in some instances to continued residence at a distance from the sites of their Offices.

The work of Registration in the rural counties, having now settled down to new transactions alone, is necessarily greatly diminished from what it was at the time the system of Registration came into operation. At that time the accumulated acts of many years were to be Registered, and great labour and care were requisite, and in which the assistance of a Deputy became a matter of necessity: but this press of business having been disposed of, Registrars in many cases now find the current business of the Office not to exceed that which they themselves could conveniently despatch, and thereby save to their own use that portion of the official revenue which they are now compelled to set apart in payment of the salary of the Deputy. It is therefore a matter for consideration, may it please Your Excellency, whether it would not be proper to relieve Registrars from a burden so heavy in proportion to their official revenue, by removing the legal necessity for the nomination of such Deputy, whose services under the present greatly diminished scale of business may be dispensed with without detriment to the public, to-

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wards whom he contracts no responsibility, the whole being borne by the Registrar and his sureties.

It is not to be doubted that many gentlemen would personally discharge all the duties of their Offices if they were not compelled to the employment of a Deputy; and in those instances it would be to the clear advantage of the public that he should be permitted so to do, as he would thereby be enabled to devote his entire attention to their discharge; an attention which some are forced in part to divide with other professional pursuits for the purpose of securing an adequate income—a practice which is not without unfavourable effects on the minds of the sureties themselves, whose Estates are thereby rendered liable not only for the acts of the Registrar in whom they have confidence, but also for those of the Deputy, whose salary, from the state of the official receipts, is sometimes so limited, as to induce him to hold the appointment only till he can find something more suitable to his position and views, thereby causing frequent changes in that office, a result not favorable to the public service in a department where familiarity with its work and details are essential to regularity and despatch.

In the large amount of security into which Registrars have entered, the public have an ample guarantee that all their duties will be efficiently performed. Compelled to the continued employment of a Deputy, whether his services be required or not, the Registrar cannot graduate his official expenses with its revenue. If relieved from that necessity, he naturally would employ assistance when a press of business required it. The additional expenditure of such a period would, in that case, be no more than a fair proportion of the increased emolument.

The subject is one well worthy of consideration, as it is to be feared that gentlemen possessing that knowledge and ability requisite for a due discharge of the important duties of the office, and from their standing in society also able to give the large amount of security required by law, will not be disposed to continue a responsibility, which if not altogether unproductive is so greatly diminished in value as to point to the necessity of their being able to reduce its expenditure.

The 4th Victoria, chapter 30, section 41, enacts, that to enable parties to register deeds or wills, executed before witnesses, one of the witnesses to the execution of such instrument shall make oath before the Registrar or his Deputy, that such deed or will was duly executed or signed; and, also, the following section of the same law requires deeds or wills not executed within the district in which the lands therein mentioned lie, to be sworn to by one of the witnesses thereto before one of the judges of the Court

of King's Bench or Common Pleas, or before any District Court. In those parts of Canada East, where instruments in that form are in common use, experience has now proved that this mode is too limited and inconvenient. Witnesses to the execution of such instruments are thereby frequently compelled to travel many miles at a great sacrifice of time and money, for the purpose of being so sworn, when the same advantages would undoubtedly result if he were permitted to be sworn to the affidavit thus required, before any Justice of the Peace residing in the county wherein such instrument may be executed.

It is with much satisfaction that I have to report to Your Excellency, that the business of the various offices I have been enabled to inspect has been as efficiently conducted as the evils I have submitted for Your Excellency's consideration, will admit. From the causes I have referred to, it has, in general, been found to be impracticable to frame an Index to Estates, as required by fourth Victoria, chapter 30, section 20, but this is a difficulty which, under existing circumstances, the gentlemen so efficiently conducting the various offices are clearly unable to surmount.

Having found it to be impracticable, from the advanced state of the season and the unusual quantity of snow, to inspect the Registry Offices in the District of Gaspé, I was compelled to postpone that duty to the opening of the navigation. The period having now arrived, that duty shall be performed with all practicable despatch, and a report of the state and condition of these offices, accompanied by full statistical returns, shall be submitted without delay for Your Excellency's consideration.

There are other but comparatively unimportant matters connected with the subject, but the first and paramount object to be attained, clearly being the removal of those difficulties which obstruct its working as a system, and not involving defects which impede the working of the machinery of the system, if I may be allowed so to express myself,—all of which will admit of adjustment or modification, as time and experience shall point them out. Others of a similar character having been referred to in a former report, it is humbly presumed that Your Excellency will deem it to be unnecessary for me to repeat them.

All which is most respectfully submitted.

(Signed,) E. A. CLARK,
Inspector, Registry Offices,
Canada East.

Montreal, 11th June, 1847.

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1st July.

SCHEDULE

OF

DOCUMENTS

RELATIVE TO THE

SUPERVISOR OF CULLERS' ACCOUNTS,

TRANSMITTED HEREWITH.

-
- A. General Statement of Receipts and Disbursements.
 - B. Statement of Receipts for Lumber measured and culled.
 - C. Statement of Fees paid Cullers.
 - D. Statement of Salaries paid Clerks.
 - E. Statement of Contingent Disbursements.
 - F. Statement of Expenses of Branch Office for the Port of Montreal.
 - G. An Abstract of the number of Pieces and number of Cubic Feet of each description of Timber measured and culled under the superintendence of the Supervisor of Cullers during the season of 1846, with the section of the Province from whence the same was procured.
 - H. An Abstract of the Number of Pieces of all Lumber, Square Timber excepted, measured and culled under the superintendence of the Supervisor of Cullers during the season of 1846, with the section of the Province where from.
 - I. Inventory of Sundry Articles of-Office Furniture.
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JOHN SHARPLES,
Supervisor.

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

Appendix
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A.

THE SUPERVISOR OF CULLERS' General Statement of Receipts and Disbursements for measuring, culling and counting Lumber, from 31st December, 1845, to 31st December, 1846.

	£	s.	d.		£	s.	d.
To Balance as per Statement rendered 31st December, 1845,.....	3,705	17	1	By Paid Cullers' Fees, as per Statement.....	10,252	19	9
" Gross Receipts for Measuring, Culling and Counting Lumber, as per Statement.....	15,754	3	8	" Salaries of Clerks, as per Statement.....	2,740	14	9
" Amount received for furnishing extra Specifications connected with Surveys,.....	1	10	0	" Contingent Disbursements, as per Statement.....	669	19	10
				" Expenses of Branch Officer for Port of Montreal, per Statement	67	4	8
				" Salary of Supervisor for year ending 31st December, 1846, under Act 9 Vic. cap. 16,.....	500	0	0
				" Balance, being surplus fund, for seasons 1844, 1845 and 1846,.....	5,230	11	9
	£				£		
	19,461	10	9		19,461	10	9

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

E. E.

JOHN SHARPLES,

Supervisor.

To Balance brought down, £5,230 11s. 9d.

N. B.—Outstanding £15 10s. 4d., which is included in the above Balance.

Sworn to as true and correct by the said John Sharples, this 27th January, 1847, before me at Quebec.

T. C. AYLWIN, J. P.

Appendix
(A. A.)

B.

Appendix
(A. A.)

1st July.

STATEMENT of Receipts for Lumber measured, culled and counted at the Port of Quebec, through the Office of the Supervisor of Cullers, during the season ending 31st December, 1846.

1st July.

White Pine, pieces	397,834	Measured Tons	607,303 ³⁰	s. d.	£	s. d.
Basswood, "	1,686	" "	2,062 ³⁵			
Butternut, "	453	" "	515 ²⁰			
			609,882 ⁵	0 2 ¹ / ₂	6,352	18 9
Red Pine, "	140,755	" "	130,542 ¹⁰			
Oak, "	53,091	" "	63,989 ¹⁰			
Elm, "	95,270	" "	85,052 ³⁶			
Ash, "	6,148	" "	6,461 ²⁴			
Birch, "	9,351	" "	4,897 ⁵			
Maple, "	205	" "	190 ²⁷			
Tamarac, "	26,351	" "	12,873 ¹⁶			
Hemlock, "	1,549	" "	1,025 ¹⁵			
Walnut, "	185	" "	141 ²³			
Spruce, "	841	" "	303 ²⁷			
Birch, "	29	" "	25 ²³			
			305,503 ¹⁹	0 3 ¹ / ₂	4,455	5 2
White Pine, "	6,856	Culling and Measuring, "	10,152 ³⁸			
Basswood, "	9	Measured in Shipping order, "	9 ²⁸			
Butternut, "	6	" "	5 ³³			
			10,168 ²⁹	0 5	211	17 0
Red Pine, "	950	" "	388 ⁵³			
Tamarac, "	4,293	" "	1,430 ⁷			
Hemlock, "	3	" "	1 ⁹			
Spruce, "	15	" "	13 ¹⁸			
			1,833 ²⁷	5 ¹ / ₂	42	0 6
Birch, "	2,663	" "	952 ³²			
Elm, "	1,934	" "	1,754 ²⁷			
Oak, "	11	" "	4 ²⁴			
Ash, "	52	" "	49 ⁵			
Maple, "	2	" "	1 ²¹			
Walnut, "	168	" "	136 ⁵¹			
			2,899 ²²	0 6 ¹ / ₂	78	10 7
Oak, logs (round) "	193	Measured, each	0 9	7	4	9
Tamarac Sleepers, "	3,009	Octagon shape, culled, "	0 1 ¹ / ₂	18	16	1
Do. do. "	5,136	Round, " " " " " "	0 1 ¹ / ₄	26	15	0
Do. do. "	1,316	" " " " " "	0 1	5	9	8
Do. do. "	9,668	Square, " " " " " "	0 0 ⁷ / ₈	35	5	0
	19,129					
Masts and Bowsprits, "	261	24 inches and upwards, culled, "	3 6	45	13	6
Do. do. "	336	19 to 24 inches, " " " " " "	3 0	50	8	0
	597					
Spars, red and white pine "	118	12 to 19 inches, " " " " " "	2 0	11	16	0
Do. do. spruce, "	55	Under 12 inches, measured, " " " " " "	0 7 ¹ / ₂	1	14	4
Oars, "	10,233	Culled, per 100 pieces, "	4 0	20	9	4
Do. "	4,649	Counted off, " " " " " "	1 0	2	6	6
	14,882					
Handspikes, "	273	Culled, " " " " " "	3 0	...	8	2
Do. "	1,006	Counted off, " " " " " "	1 0	...	10	1
	1,279					
Staves, standard, "	1,826,562	Culled M 1697 .. 6 .. 2 .. 11 per M	12 6	1,061	0	9
Do. West-India, "	1,705,280	" 1421 .. 0 .. 2 .. 20 "	5 6	390	15	10
Do. Barrel, "	25,022	" 20 .. 8 .. 2 .. 2 "	4 0	14	3	5
Lathwood, cords	3,153 ¹ / ₂	" per cord, "	1 6	236	9	8
Deals, pieces	1,724,271	" 1,824,479 ²⁴ stand. p. 100 ps.	2 6	2,280	12	0
Do. "	350,324	Counted off, 408,854 ²⁷ "	1 0	204	8	7
Plank, "	226,751	Culled and counted off " " " " " "	1 9	198	8	2
Walnut Scantling, "	1,208	" 43,357 superficial ft., p. 1000 ft.	5 0	10	16	10
			£15,754	3	8	

JOHN SHARPLES,
Supervisor.

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

Appendix (A. A.)

C.

Appendix (A. A.)

1st July.

STATEMENT OF FEES paid to Cutlers in their respective department, for work performed during the season of 1846.

1st July.

Department.	Cutler's Name.	No. of Voucher	Amount.			Total.		
Square Timber.	William Bee,	1	436	19	2	6,745	0	0
	Dennis Duggan,	2	403	8	6			
	Alexis Dorval,	3	355	2	4			
	Louis D'aron,	4	353	6	6			
	James McPhee,	5	327	1	2			
	Jean Thomas,	6	322	6	8			
	J. B. Vachon	7	321	...	11			
	James Scott,	8	316	2	2			
	Charles Cazeau,	9	312	14	6			
	Etienne Robitaille,	10	307	12	4			
	Dennis Cantillon,	11	307	6	6			
	John Miller,	12	306	4	3			
	Michel Robitaille,	13	291	11	9			
	Jean Larochelle,	14	275	2	1			
	John S. Waterson,	15	269	9	9			
	John O'Sullivan,	16	265	7	5			
	Olivier Gaboury,	17	246	15	2			
	P. X. Belland,	18	220	17	3			
	James Lynch,	19	218	8	10			
	P. McNeil, (commenced 3rd June)	20	188	...	...	
	John P. Robinson,	21	177	4	6			
	Patrick O'Brien,	22	137	3	10			
	Alex. Chisholm,	23	136	...	...	
	Stephen Lambert,	24	116	1	7			
	Pierre Plamondon,	25	99	9	2			
	Edward Clark,	26	34	10	11			
	Jossephe Laporte,	27	10	16	6			
	Narcisse Valin,	28	6	...	8			
	Thomas Redmond,	29	3	10	11			
	Louis Demers,	30	3	...	6			
	John Quinn,	31	2	3	7			
Deals, Boards, &c.	Michel Hamel,	32	179	15	8	2,302	13	6
	Thomas Malone,	33	164	7	1			
	Michael Power,	34	151	18	4			
	Robert Downes,	35	150	18	4			
	Michael Murphy,	36	145	13	10			
	Patrick Malone,	37	145	7	10			
	Joseph Lockquell,	38	145	5	6			
	Michel Renaud (sick part of season,)	39	143	9	8			
	Maurice Malone,	40	141	9	8			
	Jérôme Couture,	41	139	1	4			
	James Kerr,	42	138	5	10			
	William Teedon,	43	134	10	1			
	Férol Couture,	44	126	16	10			
	Alex. Couture,	45	121	...	10			
	Louis Dubois, (sick part of season,)	46	114	17	8			
	Jean Couture, do. do.	47	106	7	10			
	James Downes (Shipping Cutler,)	48	32	4	2			
	John Cameron, (retired,)	49	21	1	...			
	Staves.	Michael Gibbons,	50	119	6				1	1,131	1	3
Louis Myrand,		51	115	...	4			
William O'Brien,		52	114	13	9			
John Curtain,		53	114	10	5			
Joseph Langlois,		54	93	13	9			
Charles Corneau,		55	92	3	...			
J. B. Philbert,		56	87	15	11			
Robert Boyte,		57	86	6	3			
Bart. Chartier,		58	84	16	...			
John Frederick,		59	79	13	4			
Thomas Murphy,		60	76	7	7			
Gilbert Downes,	61	65	14	10				
Masts, Spars, &c.	A. Dorval,	62	74	5	0
						£10,252	19	9

SUPERVISOR OF CUTLERS' OFFICE, }
Quebec, 31st December, 1846. }

JOHN SHARPLES,
Supervisor.

N. B.—The amount paid Cutlers, as per detailed statement, is the gross amount of their respective earnings, out of which they have to pay, agreeably to the 17th clause of Act, their attendants and assistants, as well as all other expenses inseparable from the execution of their duty.

J. S., Supervisor.

D.
DISBURSEMENT Account for Salaries paid Clerks employed by the Supervisor of Cullers for the year ending 1846.

NAME OF CLERK.	EMPLOYED AS	DEPARTMENT ENGAGED IN.	TERM OF ENGAGEMENT.	NO. OF VOUCHER.	SALARY.			TOTAL AMOUNT.		
					£	s.	d.	£	s.	d.
Matthew Harbeson, ...	Chief Clerk,	...	Twelve months Salary ending 31st Dec., 1846, ...	63	300	0	0	...	...	...
James D. Welch, ...	Cash Keeper,	...	" " " "	64	250	0	0	...	...	...
Late Chas. G. Wakefield,	Book Keeper,	...	" " " ending 30th April, 1847, ...	65	250	0	0	...	...	...
James A. Coall,	Specification Clerk,	Deal and Stave Department,	Salary for the Season 1st May to 31st Dec. 1846, ...	66	150	0	0	...	...	...
John Y. Cooke,	"	Timber	" " " "	67	135	0	0	...	...	...
Edward Byrne,	"	"	" " " "	68	135	0	0	...	...	...
Alexander Fraser,	"	"	" " " "	69	135	0	0	...	...	...
James Crolley,	"	"	" " " "	70	135	0	0	...	...	...
Charles Graddon,	"	Deal and Stave	" " " "	71	130	0	0	...	...	...
Stewart S. Orr,	"	Timber	" " " "	72	125	0	0	...	...	...
John McMahon,	"	"	" " " "	73	110	0	0	...	...	...
François Vézina,	"	"	" " " "	74	110	0	0	...	...	...
John O'Kane,	"	"	" " " "	75	110	0	0	...	...	...
James Frendergast,	"	"	" " " "	76	65	0	0	...	...	...
Charles Carrier,	"	"	" " " "	77	60	0	0	...	...	...
Thomas French,	"	"	" " " "	78	60	0	0	...	...	...
Alexander McGillis,	"	"	" " " "	79	60	0	0	...	...	...
William Fanning,	"	Deal and Stave	" " " "	80	67	10	0	...	...	...
B. Lussier,	"	Timber	for 4½ months at £15 per month,	81	60	0	0	...	...	...
William Munro,	"	Deal and Stave	for 4 months at £15 per month,	82	32	10	0	...	...	...
		Timber	for 4½ months, ...					2,480	0	0
N. Anbin,	"	"		83	65	14	1	...	...	...
James L. Egan,	"	"		84	43	12	0	...	...	...
William Pentland,	"	"		85	38	6	8	...	...	...
William Cronin,	"	"		86	32	19	1	...	...	...
William Palmer,	"	"		87	27	10	7	...	...	...
Richard Nettle,	"	"		88	25	4	0	...	...	...
Walker Ross,	"	"		89	13	13	10	...	...	...
J. H. Reade,	"	"		90	7	19	7	...	...	...
John O'Kane, Junr.,	"	"		91	2	10	0	...	...	...
William Spencer,	"	"		92	1	15	6	...	...	...
F. J. Logie,	"	"		93	1	9	5	...	...	...
								2,740	14	9

JOHN SHARPLES,
Supervisor.

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

Appendix
(A. A.)

Appendix
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E.

STATEMENT of Contingent Disbursements for the Supervisor of Cullers' Office during the Season of 1846.

1st July.

1st July.

	No. of Voucher	Amount.			Total Amount.		
		£	s.	d.	£	s.	d.
By paid James Hunt, Rent of Office from the 1st May, 1846 to the 30th April, 1847.	94				145	0	0
" Books, Stationery, Advertizing, &c.:-							
" William Neilson, for Books and Stationery,	95	93	2	4			
" J. Cary & Co., do. and Advertizing,	96	14	13	5			
" J. B. Fréchet & Co., do. do.	97	10	8	9			
" The late John Wheatley, do.	98	48	16	2			
" R. W. S. Mackay,—Bouchette's Map of Canada,	99	3	0	0			
" Robert W. Lay, Map of the World,	100	2	10	0			
" Gilbert Stanley—for Stationery,	101	4	16	6			
" Welsh and Davies, do.	102	8	7	6			
					185	14	3
" A. Coté & Co., Advertizing,	103	1	1	7			
" C. Flanagan, do.	104	1	3	6			
" Quebec Gazette, do.	105	1	8	5			
" Robert Weir & Co., do.	106	0	16	3			
" Bytown Gazette, do.	107	1	12	6			
" " Packet, do.	108	0	15	0			
					6	17	3
" Fuel, Oil and Candles,	109	39	7	7			
" Calche, Boat and Cariole hire,	110	26	17	2			
" Morkill & Blight, for 2 Oil Lamps,	111	2	6	0			
" William Henning, joiner,	112	4	11	6			
" P. W. Hartigan, Glazing and Painting,	113	2	18	11			
" John Shaw & Co., Hardware,	2 14 5						
" " 6 pair Candlesticks,	1 10 6						
" " Saw and frame,	0 10 0						
	114	4	14	11			
" Shaw and Torrance, for Sundries,	115	1	3	0			
" Joseph Porter, bell hanger,	116	0	12	6			
" J. O. Vallier, Boxes for Papers, &c.	117	2	10	6			
" H. Henning, do. do.	118	2	5	6			
" " 4 pairs Office Blinds,	119	7	10	0			
" Charles McDonald, Glazing	120	0	19	5			
" P. Parant, tinsmith, for 1 Stove,	1 15 0						
" " Gallows Pipe and Piping,	1 18 8						
" " Tin Fittings for Book Safe,	1 8 0						
" " Putting up Stove and other jobbing,	2 18 4						
	121	8	0	0			
" S. Levy, for 1 Oil Lamp,	122	2	6	0			
" Washing Offices, Office Towels, &c.,	123	9	6	3			
" Assessment,	124	3	0	5			
" Chimney money,	125	1	11	6			
" Postages, Insurance, Clearing snow, and sundry Petty Expenses,	126	11	14	0			
" Disbursed Account of the Board of Examiners,	127	5	15	1			
" Disbursed by the Supervisor of Cullers for travelling expenses last winter, proceeding to Montreal, in relation to the necessary steps to be adopted to enforce the legal organization of the Board of Examiners, and for other business matters connected with his Office.	128	14	15	0			
					152	5	3
" Dunbar Ross, (15th February,) Retaining fee in the case of Sharples <i>qui tam</i> vs. Demers, also in the case Sharples <i>qui tam</i> vs. Gagnon, pending in the Queen's Bench upon information for breach of the Lumber Act,	129	11	13	4			
" T. C. Aylwin (3rd December,) Attorney for Appellant, Bill of Costs of Action in Appeal, Auth. Demers, Appellant vs. John Sharples, <i>qui tam</i> Respondent,	130	45	16	2			
" Charles Alley, for advice and opinions at various times during the season,	131	11	13	4			
" Henry Black, do. do. and professional services respecting organizing the Board of Examiners, &c., &c., &c.,	132	12	10	0			
" Dunbar Ross, Retainer in Action in Appeal, A. Demers, Appellant, vs. J. Sharples, <i>qui tam</i> Respondent,	133	7	10	0			
" Charles Alley, Bill of Costs of Action in Appeal, A. Demers, Appellant, vs. J. Sharples, <i>qui tam</i> Respondent,	134	50	19	10			
					140	2	3
" Charles Jordan, Office-keeper and Messenger, services from 1st May to 31st December, 1846, 8 months at £5 per month,	135	0	0	0			
					40	0	0
					£669	19	10

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

JOHN SHARPLES,
Supervisor.

F.—STATEMENT of Disbursements incurred for Branch Office,—Port of Montreal.

1846.		£	s.	d.	£	s.	d.
	By paid William Bristow's salary as Deputy Supervisor, from 1st May, 1846, to 1st May, 1847,.....	136	60	0	0		
	" William Bristow, for cash disbursed by him for Advertizements and Postages,.....	...	7	4	8		
					£67	4	8

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

JOHN SHARPLES,
Supervisor

Appendix
(A. A.)
1st July.

Appendix
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1st July.

G.

AN ABSTRACT of the number of Pieces and number of Cubic Feet of each description of Timber measured under the superintendence of the Supervisor of Cullers during the season of 1846, with the section of the Province whence the same was produced.

SECTION OF COUNTRY.	WHITE PINE.		RED PINE.		OAK.		ELM.		ASH.		BASSWOOD.		BUTTERNUT.		TAMARACK.		BIRCH.		MAPLE.		BEECH.		HEMLOCK.		SPRUCE.		WALNUT.	
	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.
1 Quebec and Montreal.....	22,624	1,163,081	4,264	68,592	65	1,904	691	24,449	223	7,022	19	715	12	386	15,955	216,997	7,392	113,391	1	22	.....	.....	1,054	27,979	803	10,821	.....	.....
2 St. Lawrence, from Montreal to the Head of Ontario.....	108,541	7,367,662	8,391	249,579	10,061	320,139	54,688	2,009,848	1,614	70,378	547	26,923	200	9,501	7,063	182,870	1,206	31,253	32	1,354	10	368	3	211	9	383	.....	.....
3 Grand River and Lake Erie.....	4,508	279,763	5	178	32,212	1,995,358	1,911	77,494	73	3,507	8	593	.....	.....	170	4,584	5	132	.....	.....	.....	.....	.....	.....	.....	352	11,107	
4 Ottawa River and its Tributaries below Bytown.....	92,827	4,988,337	3,964	120,794	4,163	77,754	21,952	750,823	3,180	133,503	524	26,478	209	9,166	6,013	129,795	1,788	46,744	134	4,929	10	234	489	12,772	15	602	1	31
5 Gattineau.....	23,284	1,477,357	3,959	133,155	38	1,354	1,489	42,442	75	2,753	60	2,877	1	30	100	4,457	30	935	.....	.....	.....	.....	.....	.....	3	101	.....	.....
6 Rideau.....	26,527	1,653,851	1,778	67,460	817	21,895	8,046	264,728	678	28,966	388	18,954	32	1,466	567	15,640	1,323	34,385	38	1,299	1	74	.....	.....	9	273	.....	.....
7 Ottawa and its Tributaries above Bytown.....	125,780	7,532,764	118,131	4,543,549	5,184	126,272	4,487	133,801	283	10,987	147	6,249	2	203	781	17,800	253	6,658	2	84	.....	.....	6	102	17	505	.....	.....
8 United States.....	599	35,453	1,213	53,936	562	15,078	3,940	168,718	74	3,316	2	124	3	201	.....	.....	17	497	.....	.....	8	347	.....	.....	.....	.....	.....	.....
	404,690	24,698,268	141,705	5,237,243	53,102	2,559,754	97,204	3,472,303	6,200	260,432	1,695	82,913	459	20,853	30,649	572,143	12,014	233,995	207	7,688	29	1,023	1,552	41,064	856	12,685	353	11,138

OTTAWA SECTION, (above Bytown,) subdivided under the following heads.

SECTION OF COUNTRY.	WHITE PINE.		RED PINE.		OAK.		ELM.		ASH.		BASSWOOD.		BUTTERNUT.		TAMARACK.		BIRCH.		MAPLE.		BEECH.		HEMLOCK.		SPRUCE.		WALNUT.		
	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	Pieces.	Feet.	
1 Carp and Quio Rivers.....	12,509	796,359	55	2,139	1,008	24,180	214	6,265	8	324	19	672	.....	.....	.....	.....	1	23	.....	.....	.....	.....	.....	.....	1	54	.....	.....
2 Duchene and Chats Lake.....	25,094	1,383,545	733	19,656	889	17,665	777	22,652	135	4,911	57	2,074	2	103	1	44	67	1,763	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3 Mississippi River.....	16,056	894,277	777	20,793	503	13,688	2,435	71,306	19	837	8	369	.....	.....	28	653	50	1,281	.....	.....	.....	.....	.....	.....	14	365	.....	.....
4 Madawaska.....	16,890	1,050,507	28,280	1,177,922	415	10,019	579	17,753	78	3,154	61	3,041	.....	.....	1	26	43	1,274	1	62	.....	.....	.....	.....	.....	.....	1	58
5 Bonehere.....	1,755	105,234	15,754	655,033	29	722	20	633	1	58
6 Calumet Island and Lake, and Fort Coulonge River and Lake.....	18,326	1,096,035	5,156	160,734	1,903	47,872	120	3,687	5	173	.....	.....	.....	.....	13	483	13	473	1	22	.....	.....	6	102	1	28	.....	.....
7 Black River.....	3,969	194,140	2,969	98,395	27	977	8	282	1	59
8 Westmeath, Les Allumettes Island and Lake, and Quelbute.....	18,979	1,185,108	5,660	184,328	192	4,905	266	8,733	33	1,277	1	42	738	16,594	77	1,764
9 Indian, Muskrat and Snake Rivers.....	4,775	321,779	6,273	178,897	187	5,284	7	201	1	65	1	51	1	49
10 Pittawawa.....	734	45,491	28,710	1,183,883	16	562	2	84	1	31
11 Chalk River.....	10	499	4,237	147,332	5	134	1	44
12 Deep River, Deux Joachim Rapids and upwards.....	6,683	459,790	19,547	714,337	10	264	58	2,161	3	187
	125,780	7,532,764	118,131	4,543,549	5,184	126,272	4,487	133,801	283	10,987	147	6,249	2	103	781	17,800	253	6,658	2	84	.....	.....	6	102	17	505	.....	.....

JOHN SHARPLES,
Supervisor.

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

Appendix
(A. A.)
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II.—AN ABSTRACT of the number of Pieces of all Lumber (Square Timber excepted) measured and culled, under the superintendence of the Supervisor of Cullers, during the season of 1846, with the Section of the Province where from.

No.	SECTION OF THE PROVINCE.	MASTS AND BOWSPRITS.		SPARS.		ROUND OAK LOGS.		TAMARAC SLEEPERS.		WALNUT SCANTLING.		OAKS.		HANDSPIKES.		LATHWOOD.		SPRUCE SPAHS.	
		Pieces.		Pieces.		Pieces.		Pieces.		Pieces.	Superficial Feet.	Pieces.		Pieces.		Pieces.		Cords.	Pieces.
1	Quebec and Montreal.....	2		1		...		19,129		...		1,222		...		3,153		65	
2	St. Lawrence, from Montreal, upwards.....	588		99		193		...		43,357		13,497		1,279		...		...
3	Ottawa and its Tributaries.....	7		18		...		...		...		...		...		...		...
4	United States.....	...		...		...		...		...		163		...		...		...
		597		118		193		19,129		43,357		14,882		1,279		3,153		65	

DEALS AND PLANK.

	PINE.		SPRUCE.	
	DEALS.		DEALS.	
	Pieces.	Standard.	Pieces.	Standard.
District below Quebec.....	33,247	36,419 1/2	165,360	170,691 1/2
Quebec District.....	127,821	139,201 1/2	365,384	352,593 1/2
Quebec District to Montreal.....	267,340	302,275 1/2	401,288	392,800 2/3
St. Lawrence, from Montreal, upwards.....	85,566	103,853 1/2	772	757 2/3
Ottawa and its Tributaries.....	627,817	737,649 1/2	...	...
	1,417,791	1,316,401 1/2	932,804	916,033 2/3
				164,596

STAVES.

	STANDARD.				WEST INDIA.				BARREL.			
	M.		C.		M.		C.		M.		C.	
	Pieces.	Pos.	Pieces.	Pos.	Pieces.	Pos.	Pieces.	Pos.	Pieces.	Pos.	Pieces.	Pos.
Montreal and Kingston.....	334	...	2	20	56	12	...	...	...	...	...	...
Kingston to Head of Lake Ontario.....	61,881	49	4	3	257	15	28	...	...	...	...	...
Grand River and Lake Erie, including River Thames.....	1,764,397	1,647	9	...	1,107	23	4	...	...	...	...	...
	1,926,562	1,697	6	11	1,421	20	2	...	...	...	...	...

SUPERVISOR OF CULLERS' OFFICE,
Quebec, 31st December, 1846.

JOHN SHARPLES,
Supervisor.

Appendix
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I.

Appendix
(A. A.)

1st July.

INVENTORY of sundry articles of Office Furniture remaining in the possession of the Supervisor of Cullers.

1st July.

Seven Office Desks.
A set of 42 Drawers.
A long Telescope Table.
Five yards Green Baize for do.
Eighteen Office Stools.
Eighteen Foot Stools.
Frames for Almanacks.
Five Camphine Oil Lamps.
Three Maps.
Two Cash Boxes.
Tin Plates for Office doors.
Step Ladder and Wash Stand.
Paper Press for Stationery.
One Tin Box.
Office Bells.
Fifteen pairs Candlesticks.
Lantern.
Three Oil Lamps.
Saw and Frame.
Three Door Mats.

Three Stoves and Pans.
A Franklin Stove and Elbows.
Oil Can and Filler.
Office Clock.
Small Iron Safe.
Umbrella Stand.
Office Sign Board.
Fender and Fire Irons.
Bureau for Papers.
Four pairs Green Blinds.
Various small articles for Office use, such as Water-pails, &c.
Tin Compartments in Safe for books and papers.
Two Gallows Pipes, and other Stove Pipes.
Patent Copying Press, complete, with Stand.
Small Table as stand for Cash Box.
One Brass Standard for testing Cullers' Rods.
Cast-Steel Stamp for stamping Cullers' Rods.
One Writing Desk, covered with green cloth.
Twenty-four common Wood Chairs.

JOHN SHARPLES,
Supervisor.

Supervisor of Cullers' Office,
Quebec, 31st December, 1846.

Montreal:

PRINTED BY LOVELL AND GIBSON,
ST. NICHOLAS STREET.

SPECIAL REPORT

OF THE

MEASURES WHICH HAVE BEEN ADOPTED FOR THE ESTABLISHMENT

OF A

NORMAL SCHOOL;

AND FOR CARRYING INTO EFFECT GENERALLY,

THE COMMON SCHOOL ACT,

(9TH VICT. CAP. XX.)

WITH AN APPENDIX.

BY THE SUPERINTENDANT OF SCHOOLS FOR UPPER CANADA.

EDUCATION OFFICE,
Toronto, 24th June, 1847.

SIR,—For the information of His Excellency, the Governor General, and of the Legislature, if deemed expedient, I have the honour to make a Special Report of the measures which have been adopted for the establishment of a Normal School in Upper Canada, and for carrying into effect generally, the Common School Act, 9th Vict. cap. 20.

By the third, fourth, and fifth Sections of the Statute referred to, provision was made for the appointment of a Board of Education for Upper Canada, with power to establish a Normal School for the training of Young Men as Common School Teachers, and also with power to recommend suitable books for the use of Common Schools in Upper Canada.

The Act providing for the appointment of a Board of Education became a law on the 23rd of May, 1846; the Commission appointing the Board was issued on the first day of July following; and the first meeting of the Board took place on the 21st day of the same month.

I. The appointment of Head Master of the Normal School for Upper Canada.

I laid before the Board, at its first meeting, some private correspondence relative to the character and qualifications of John Rintoul, A. M., Esquire, who had had for twelve years the charge of the Model Schools, and the instruction of the Teachers in the practice of School Teaching in the Government Normal School, in Dublin, and whom I proposed as Head Master for the contemplated Normal School for Upper Canada.

The Board opened a correspondence with the Commissioners of National Education on the subject.

The Commissioners recommended Mr. Rintoul as peculiarly qualified for the situation offered; and ex-

pressed their willingness to forego his important services in Dublin, for the more important object of introducing their system of instruction into Canada.

Mr. Rintoul accepted the appointment. The Board, being anxious to open the Normal School as early as the commencement of the current year, requested Mr. Rintoul to proceed to Canada in the autumn of last year; but the severe affliction of his wife, in the opinion of her physicians, forbade him removing his family to Canada in the autumn. The Canadian Board then proposed to pay the expenses of Mr. Rintoul's passage to Canada, and back to Dublin again after the close of the Session of the Provincial Normal School; but the affliction referred to put it out of his power, consistently with the obligations of domestic duty, to leave his family. The same cause has delayed Mr. Rintoul's departure for Canada in April last, as previously arranged. Mr. R. has repeatedly placed his appointment at the disposal of the Canadian Board of Education; but the Board, desirous, if possible, of securing the services of a gentleman of so large experience and acknowledged fitness, have thought it most desirable to allow Mr. Rintoul until July to prepare for his departure for Canada; and, in the event of his not being able to leave at that time, the Board has requested the Commissioners of National Education in Ireland to select another person as Head Master of the Normal School for Upper Canada, so that the Institution may be opened before the middle of autumn.*

II. Apparatus and Books for the Normal School.

A catalogue of the Apparatus required for Lectures in Chemistry and Natural Philosophy, together with the prices, having been procured from Mr. Rintoul, and the Professor of Natural Philosophy in the Dublin Normal School, and an estimate of the quantity and prices of Books wanted, having been made, the Board of Education directed the sum of £400 Sterling to be

NOTE.—Since the writing of this paragraph, an official letter has been received from Mr. Rintoul, announcing the resignation of his connection with the National Commissioners, and his intended departure for Canada in July.

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1st July.

placed at the disposal of Mr. Rintoul for the purchase of Apparatus and Books for the Provincial Normal School. Mr. Rintoul has acknowledged the receipt of the money; and the required Apparatus and Books will be brought out to Canada by the Head Master

III. *Conditions on which Candidates for School Teaching will be received into the Normal School.*

On this subject the Board of Education have adopted the following regulations:—

Resolved that,

“1. In consequence of the inability of the Head Master to proceed to Canada, so as to open the Normal School in July next, the opening of the Institution be postponed until as early in autumn as practicable.

“2. Every candidate for admission into the School, in order to his being received, must comply with the following conditions:—(1.) He must be sixteen years of age. (2.) He must produce a certificate of good moral character, signed by the Clergyman or Minister of the religious denomination of which he is a member. (3.) He must be able to read and write intelligibly, and be acquainted with the simple rules of arithmetic. (4.) He must declare, in writing, that he intends to devote himself to the profession of Teaching School, and that his object in coming to the Normal School is to qualify himself better for the important duties of that profession. (Other students, not candidates for School Teaching, to be admitted without signing a document of their intention to become Teachers, on paying the fees and dues to be prescribed.)

“3. Upon the foregoing conditions, candidates for School Teaching shall be admitted to all the advantages of the Normal School, without any charge, either for Tuition or for the Books which they may be required to use in the School.

“4. The candidates for School Teaching in the Normal School shall board and lodge in the city, under such regulations as shall, from time to time, be approved by this Board, and each pupil (attending the School on his own account) shall be allowed a sum not exceeding five shillings per week, towards the expenses of his board.

“5. The candidates for School Teaching, selected by the District and City Councils, shall not be charged more than the amount paid for their board in the city.

“6. The foregoing Resolutions be transmitted by Circular to the District and City Councils, for their information, and to the public through the newspapers.”

With a view of extending the advantages of the Normal School as widely as possible, the Board addressed a Circular letter to the Municipal Councils of Upper Canada, dated 4th August, 1846, suggesting that each Council select one or more young men, by public competition, and support them at the Normal School. A copy of this Circular is given in the Appendix to this Report, marked No. 1. Several Municipal Councils have cordially responded to the Circular of the Board; and I doubt not but others will do the same, as soon as the Normal School shall have been brought into operation.

IV. *Buildings for the Normal School.*

At the first meeting of the Board of Education, it was proposed to apply to the Government for per-

mission to occupy the Government House and premises of the late Province of Upper Canada, as the building could be easily adapted for the purposes of a Normal School, the grounds being spacious and beautiful; and a great saving of expense would thereby be effected by converting to such a purpose, buildings which were falling into decay, and premises which were useless to the Province. Some private correspondence, which had taken place between the Superintendent of Schools and a leading Member of the Government, on the subject, was laid before the Board; and the Board readily concurred in the propriety of opening a correspondence with the Government, with the view of obtaining the premises in question. The correspondence resulted in an order from His Excellency, the Earl of Cathcart, to the Mayor of Toronto, to put the Superintendent of Schools for Upper Canada into possession of the premises, for a Provincial Normal School and Education Office. The intimation of the order was dated 17th September, 1846. The Board contracted forthwith for the thorough repair of the buildings, which has been effected for little less than £550. I believe the selection of these premises will be fully justified by the test of experience.

V. *Selection and Recommendation of Books for the use of Common Schools in Upper Canada.*

One part of the duty of the Board of Education is “To examine, and recommend or disapprove of, all Books, Plans, or Forms which may be submitted to them with a view to their use in Schools”; and I lost no time in laying before the Board specimens of the National School Books, and the advantageous terms on which, I believe, from personal conversations with the Commissioners in Dublin, these admirable books could be obtained; as also permission to reprint them in Upper Canada. An official communication was directed to be addressed in behalf of the Board, to the Commissioners of National Education in Ireland, on the subject; in reply to which the Board received permission to reprint the National School Books in Upper Canada, and the offer, on the part of the Commissioners, to supply the Dublin editions for Canadian Schools at cost prices, nearly one hundred per cent below the retail selling price of these books to the British public.

The Board, feeling that their duty in this respect was one of great delicacy, as well as of great importance, resolved to proceed in a manner the least liable to objection from any quarter. There being no series of School Books published in Upper Canada, the Board thought it best not to interfere with any of the few isolated School Books which are published in the Province, either by way of recommendation or disapproval; but to recommend the complete and admirable series of National School Books, and to appoint such measures to carry their recommendation into effect as would not at all affect the competition and fair profits of the Trade, while they would greatly promote the advantages of the public and the best interests of our Common Schools, in regard to both the prices and the character of School Books.

The Board, in the first instance, advertised for Tenders for re-printing these books, proposing to confine its own privilege of re-printing them to the publisher or publishers who would engage to print them in a style similar to the Dublin Editions, at the lowest prices to the public. Several Tenders were sent in for re-printing single numbers of the Series, in the terms of which there was scarcely a shadow of difference; but no Publishing House was willing to invest the capital and assume the responsibility of reprinting the entire Series at the reduced prices of the imported editions. The Board determined, at length, to extend

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its own privilege of re-printing the National Books to any publisher in Canada who might choose to avail himself of it, reserving merely the right of expressing its opinion, favourable or otherwise, as to the correctness or quality of any re-prints of them.

The Board adopted a similar course with a view to facilitate and encourage the importation of the National School Books—extending its recommendation to the National Commissioners in Dublin, in behalf of any person in Upper Canada, to be furnished with their books at their proposed reduced prices, who would engage to sell them at the rate of not more than two pence currency for every penny sterling of the cost prices. Several Canadian Book-sellers have availed themselves of this offer of the Board; and two Publishing Houses in Toronto have got the first three Readers of the series Stereotyped—*fac similes* of the last Dublin Editions.

Being satisfied in my own mind that furnishing each Municipal Council in Upper Canada with a complete set of the National School Books—as specimens—would tend greatly to facilitate and promote their introduction into our Schools, I determined, if possible, to accomplish that object at my own expense. Accordingly, I wrote to the Secretaries of the National Commissioners in Dublin, explaining the object I had in view, and requesting to be informed as to the lowest terms at which they would furnish me with twenty-three sets of their books for such a purpose. The National Commissioners far exceeded my request and my expectations, by presenting me with twenty-five complete sets, not only of the books published by them, but also of those sanctioned by them, and of their Annual Reports—each set consisting of more than fifty publications.

The following is an extract from the reply directed by the National Commissioners to my application:—

“ EDUCATION OFFICE,
“ Dublin, 1st May, 1847.

“ SIR,—Having laid before the Commissioners of National Education, your letter of the 22nd March last, we are now to inform you that the Commissioners, appreciating your earnest and sincere desire to promote liberal Education in Upper Canada, and also, to facilitate the dissemination of the Irish National School Books in that Colony, have great pleasure in presenting you with twenty-five sets of the publications of this Board, for the important purpose stated in your gratifying communication, free of any charge, except for freight, &c.

“ In addition, the Commissioners send for your acceptance, twenty-five sets of School Books, not published but sanctioned by them, in the Irish National Schools; and also, a complete Series of the Annual Reports of the Commissioners, with School Registers, Daily Report Books, Class Rolls, &c., in sets of twenty-five each.

“ We enclose a list of the Books, &c., contained in the several parcels. The various packages have been made up in five chests, addressed to you, Education Office, Toronto, and consigned to the Messrs. Elliott, Liverpool, to be shipped for Montreal; the freight and shipping charges will be paid by the Messrs. Elliott, and when we receive their account of the same, it shall be forwarded to you.”

VI. Means employed to bring the present Common School Act into general operation.

Having stated the measures which have been adopted in order to establish a Provincial Normal

School, and to introduce an uniform Series of suitable School Books into the Common Schools, I will now briefly state the steps which have been taken to bring the general provisions of the Act into operation.

1. Believing that one of the most serious obstacles to the progress of Common School Instruction in the Country was the ignorance, and consequently indifference, which existed as to its real state, I prepared and got printed a Table of the Statistics of Common Schools in Upper Canada, since the commencement of the present system, bringing together on one sheet, and into one view, all the Statistical Information which the Education Office and Statistical Returns in Upper Canada, since 1841, could furnish. A copy of this paper was sent to each of the Municipal Councils, and to the Editor of each Newspaper in Upper Canada, besides many others, and it attracted considerable attention, as well it might—shewing the comparative and deplorably backward state of Elementary Instruction in Upper Canada, at the same time that it exhibited the progress of Common Schools during the last few years. This Table of Statistics is given in the Appendix to this Report, marked No. 2.

2. In the next place, I addressed a Circular to the Municipal Councils, explaining the leading principles on which the present School Law is founded; the principal duties of District Councils, and the advantages arising from adopting *property* as the basis of supporting Common Schools. The District of Huron has nobly led the way in the application of this principle. The Circular referred to is marked No. 3, in the Appendix.

3. I then proposed a Book of Forms and Regulations for making Reports, and conducting all necessary proceedings under the Statute, including the forms for District Councils, for District Superintendants, School Trustees and Teachers, together with remarks on their several duties, and the organization and government of Common Schools, in regard to religious instruction, &c. &c. &c. (See Appendix No. 4.)

In order that errors might be avoided in holding the First Annual School Meetings under the Act, I had triplicate forms of *Trustees Notices* of such meetings printed (with requisite directions on each,) and sent them with the Book of Forms to the several District Superintendants, for distribution to the Trustees of each School Section. No instance has come to my knowledge of any irregularity having been complained of in regard to the calling and constitution of a School Meeting where these printed blank notices were received—presenting a gratifying contrast to the disputes which have arisen from such irregularity in former years.

4. In transmitting the printed Statutes, Forms, and Regulations, I addressed a Circular to District Superintendants, remarking on some points, essential to the improvement of our Common Schools—the importance of introducing an uniform Series of *Text Books* in the Schools—the special objects of observation and inquiry in the inspection of the Schools, and the spirit and manner in which the School Act should be administered.

This Circular will be found in the Appendix, marked No. 5.

5. I was proceeding with a similar Circular to Trustees of Common Schools, when I found the provisions of the Act, in relation to the most important and difficult part of their duties, so indefinite and defective, that I thought it better to defer any formal communication on the subject until this part of the

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Act should be amended. The School Bill, as originally prepared and introduced into the Legislative Assembly, expressly defined the powers of Trustees relative to imposing rate-bills for the repairs of School Houses, Salaries of Teachers, &c. This clause was opposed and lost in the House of Assembly, and no other was substituted in its place, so that Trustees have been not a little perplexed to know on whom or on *what principle* they are authorized to levy rate-bills for the repairs of School-houses, &c.

Indefiniteness and obscurity in so vital and practical a provision of the Act has given rise to considerable dissatisfaction, and the defect is charged upon those who had sought to prevent it.

6. In order to secure uniformity and completeness in the Reports of Trustees and District Superintendants for the current year, I have got blank forms of Reports printed, and I shall distribute them before the close of the year.

7. I have some time since submitted the propriety of publishing a semi-monthly *Journal of Education*, devoted exclusively to that subject; also, of making a *personal visit* in the course of the year, to each District in *Upper Canada*, employing a day or two in free conference with the Superintendent, Visitors, and other friends of popular Education in each District, on the present system of public instruction, and the best means of promoting its efficiency. But I have not as yet learned His Excellency's pleasure on either of these propositions.

Such have been the means employed, in addition to the ordinary correspondence of the Education Office, to carry the present School Act into effect. It is, of course, impossible to state results within less than six months after the general provisions of the Act have come into operation. But were it consistent with the object of this Report, I could adduce conclusive evidence of an improvement in the organization and prospects of Common Schools in several Districts. Should the Act, with the amendments of it which have been submitted to the consideration of the Government, be allowed as fair a trial as the preceding Act, I have no doubt of results the most gratifying to every friend of Public Education.

VII. *Opposition and objections to the Common School Act.*

It is not possible to pass a law against which objections would not be made from some quarters, and the introduction of the best law is necessarily attended with some inconvenience. When the Common School Act of 1843 superseded that of 1841, so serious was the derangement of the whole School system of Upper Canada, that many of the provisions of the Act of 1843, could not be carried into effect during the first year of its existence; Trustees, in many instances, could not be elected as required by the Act, the Chief Superintendent of Schools, by order of the Governor in Council, found it necessary to exercise an arbitrary discretion in disposing of many cases brought before him, without regard to the requirements of the Act; no School Reports for 1843 were presented to the Education Office, in consequence of the passing of that Act, and consequently the data contemplated by the Act for apportioning and distributing, and paying the Legislative School grants for 1844, were wanting. Under such circumstances, there was much embarrassment and confusion, and, in some cases, serious loss to individuals.

It would not have been surprising, then, if some confusion had attended the transition from the late

to the present School Act. But I am not aware that such has been the case. The machinery of the new Act has gone into operation without occasioning any derangement of our School affairs.

When the School Law in the neighbouring State of New York was first established, many School Districts, and even Counties, refused to act under it; but I know of no example of the kind in Upper Canada, notwithstanding the efforts of a section of the public press to create such opposition at the time the Act was about to come into operation.

The dissatisfaction created at the time was not against the provisions of the School Act, but against what certain parties represented to be its provisions, before its general distribution; not against its operations, but against what certain parties represented would be its operations. However, the circulation of the Act itself, and its actual operations, have corrected most of the false impressions which had been produced by misrepresentations.

It has been found, that so far from the Trustees having no power to employ a Teacher without the permission of the Chief Superintendent, they have more power than had been conferred upon School Trustees by the former Act, and can employ whom they please, and in what manner and for what time they please; that so far from the Board of Education interfering in matters of conscience between parents and children, and compelling parents to forego cheap and buy dear School Books, the Board has no authority of the kind, and has employed its best exertions to bring within the reach of all parents cheap as well as good books; that so far from the Chief Superintendent of Schools having authority to introduce what books he pleases into Schools, he has no authority whatever in respect to introducing books; and so far from having power to employ and dismiss School Teachers at his pleasure, he has no power to employ a School Teacher at all, or even to give him a legal certificate of qualification; that he has no power to interfere in the affairs of any School Section, unless appealed to by some party concerned; that his decisions have in no case the authority of a Court of Law; that both his power and his duty relate to seeing the conditions imposed by the Legislature fulfilled in the expenditure of the Legislative School grant; that his power is much less than is given to a similar officer in the neighbouring State of New York, and is an accumulation of labour, and not an exercise of any arbitrary authority; that every act of the Chief Superintendent of Schools is subject to the authority of a Government responsible to the Legislature of the country. But while the constitution of the Board of Education has been *ostensibly* objected to, I believe the real objection is rather against that with which the Board has been identified, namely, the prohibition of *United States School Books* in our Common Schools. It seems to be supposed that if there were no Board of Education to recommend Books to be used in Schools, there would be no exclusion of American Books from the Schools.

The extent to which these Books have been introduced into our Schools during the last ten years, is almost incredible. I believe that nearly one half of the Books used in our Schools are from the United States. I have been informed by a gentleman who had attended the examination of a Common School, some months since, in the interior of the Home District, that out of twenty-seven different School Books in the School, twenty-five of them were American. These Books are recommended by their adaptation to Elementary Schools, by their style and cheapness, in comparison of School Books heretofore printed

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in Canada. Many persons have become concerned in the trade of these Books; and many Teachers and parents have acquired a partiality for them. Yet no one finds it convenient to come forth publicly and advocate the use of American Books in Canadian Schools.

It is found more convenient to attack the supposed instrument of their exclusion.

Hence the attacks upon the Board of Education and the Superintendent of Schools in respect to School Books. The fact, however, is, that American School Books, unless permitted by the Board, are excluded by the 30th Section of the Statute; whereas the Board of Education is constituted by the 3rd Section.

In regard to the exclusion of American Books from our Schools, I have explained, as I have had opportunity, that it is not because they are foreign books simply that they are excluded, although it is patriotic to use our own in preference to foreign publications; but because they are, with very few exceptions, anti-British, in every sense of the word.

They are unlike the School Books of any other enlightened people, so far as I have the means of knowing. The School Books of Germany, France, and Great Britain, contain nothing hostile to the institutions or derogatory to the character of any other nation. I know not of a single English School Book in which there is an allusion to the United States not calculated to excite a feeling of respect for their inhabitants and government. It is not so with American School Books. With very few exceptions, they abound in statements and allusions prejudicial to the institutions and character of the British nation. It may be said that such statements and allusions are "few and far between," and exert no injurious influence upon the minds of children and their parents. But surely no School Book would be tolerated which should contain statements and allusions "few and far between" against the character and institutions of our common Christianity. And why should books be authorized or used in our Schools inveighing against the character and institutions of our common country? And as to the influence of such publications, I believe, though silent and imperceptible in its operations, it is more extensive and powerful than is generally supposed. I believe such books are one element of powerful influence against the established Government of the country. From facts which have come to my knowledge, I believe it will be found, on inquiry, that in precisely those parts of Upper Canada where United States School Books had been used most extensively, there the spirit of the insurrection in 1837, and 1838, was most prevalent.

The section of the Act excluding foreign School Books, is, I have good reason to believe, the real cause of much of the hostility which has been manifested, in some quarters, against the authority of the Board of Education,—an authority which is deemed necessary, in some form or other, in every country in which a public system of Schools is established.

Though impressed with the magnitude of the evil arising from the indiscriminate use of United States Books in our Schools, I have thought it premature to recommend the enforcement of the law excluding them, until a proper supply of equally cheap, if not cheaper books, recommended by the Board of Education, should be provided. This, I believe, will be done in the course of the current year; and I doubt not but all parties in the Legislature will agree in the propriety and expediency of using our own books in our own Schools.

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Another ground of opposition, in some quarters, to the present School Act, is, the exclusion of *Alien Teachers* from our Schools. I think that less evil arises from the employment of American Teachers, than from the use of American School Books. Some unquestionable friends of British Government, and deeply interested in the cause of popular education, represent that the clause of the Act not allowing legal certificates of qualification as Teachers to Aliens, operates, in some places, injuriously to the interests of Common Schools, as Aliens are the best Teachers that can be procured in those places. The provision prohibiting the qualification of Aliens as Common School Teachers constituted the 37th Section of the School Act of 1843; but as it did not take effect until 1846, it has been erroneously identified with the present Act in contradistinction to the late Act. Trustees and parents can employ Aliens or whom they please as Teachers; but both the late and present School Act confine the expenditure of the School Fund to the remuneration of Teachers possessing legal certificates of qualification. Whatever may be thought of the wisdom or expediency of the clause restricting legal certificates of qualification to natural-born or naturalized British subjects in the first instance, I believe the public sentiment is against its repeal, and in favour of having the youth of the country taught by our fellow subjects, as well as out of our own books.

District Councils have experienced embarrassment and disappointment on finding their powers limited, as under the late Act, by the restrictive phrase "within the limits of their powers of imposing taxes," in the eighth section, and a corresponding phrase in the tenth section, in consequence of which they have been unable to impose the requisite assessments for the erection of School-houses. These phrases having been introduced into the Bill while it was before the Legislature, and referring to an Act with the provisions of which I was unacquainted, I had no conception of their effects until the latter part of last year, when I learned that District Councils could not impose assessments exceeding in all, for any one year, two pence in the pound. I have been informed that nearly fifty applications were made to one District Council, at one session, for assessments to aid in the erection of School Houses, when it was found that the Council had not the power of responding practically to such a gratifying and noble spirit on the part of its constituents. The dissatisfaction occasioned by this manifest defect in the School Act was as strong as the disappointment experienced was bitter. I trust it will be remedied during the present Session of the Legislature.

A similar inconvenience has been felt by Trustees in attempting to effect the requisite repairs of School Houses, in consequence of their powers having been limited by the loss of the clause to which I have referred in the former part of this Report. The School House is for the School Section at large, and all the inhabitants of such Section should be liable for its repairs as well as erection. I doubt not the defect of the Act in this respect will also be remedied during the present Session of the Legislature.

There is another clause, against which, I have been informed, more repugnance is felt than against any other provision of the Act; namely, the latter part of the fifth clause of the 27th Section, in the following words: "And before such Trustees, or any one on their behalf, shall be entitled to receive from the District Superintendent their share of the Common School Fund, they should furnish him with a declaration from the Secretary-Treasurer that he has actually and *bonâ fide* received and has in his possession, for the payment of the Teacher, a sum

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"sufficient, with such allowance from the Common School Fund, for the purposes aforesaid;" that is, that the Trustees have paid the Teacher what they had agreed to pay him, in addition to the amount due from the School Fund, up to the time of their giving him an order upon the District Superintendent. If the Trustees have agreed to pay him at the rate of five, ten, or more pounds per quarter, or half-yearly, in addition to their share of the School Fund, it is required that they should pay him, or have in hand to pay him, that sum of five, ten, or more pounds, as the case may be, in order to be entitled to their share of the School Fund. The object of the clause is to secure to the Teacher the punctual payment of one part of his Salary as well as the other, whether that part be little or much, as may be agreed on between him and his Trustee employers. At the same time, such an obligation will furnish Trustees with an additional argument as well as inducement to insist upon the payment by parents of children attending the School, the several small amounts which they have subscribed, or for which they may have been rated.

The only objection of which I am aware against such a requirement by the Legislature, as a condition of paying its bounty, is, that parents are not able to pay the Teacher's quarterly fees. But is not each parent more able, and is it not much more reasonable that he should be required to pay the few shillings quarterly fees due from him to the Teacher, than that the poor Teacher should be deprived of the punctual payment of the aggregate amount of School fees due him? In addition to the claims of justice, upon the ground of labour performed, the argument of *need* is much stronger on the side of the *Teacher* than on that of his employers.

It is very natural, of course, that a clause of the Act strongly providing for the punctual payment of small debts, should be unpopular with persons reluctant to pay those debts; but that surely is no valid reason or argument for a poor man being left at the pleasure of such debtors, and long denied the small fruits of his hard labours. Men of business know that frequent and punctual payments are, as a general rule, the easiest payments; and those who would do to a Teacher as they would be done by, will be anxious that he should have security for the punctual payment of his means of subsistence; while those who wish to retain themselves what is due to the Teacher, ought to be compelled to pay him.

Should Trustees, in any case, resort to prevarication in respect to this clause of the Act, such an evil can be but partial, and will soon cure itself, as it will recoil upon its authors.

My strong conviction is, that this least popular clause of the Act—though attended with some opposition, and perhaps inconvenience in some cases, on its first introduction—will ultimately, if allowed to remain, prove a great boon to Teachers, a great help to Trustees, and a great benefit to Common Schools.

Some attempts have been made to excite opposition to the Act, by representing the system as *compulsory*, and that Education should be left to *voluntary effort*. The duty of the State to provide for the education of its population has been admitted and avowed by every constitutional government of Christendom, as well Republican as Monarchical; and I do not think the Government and Legislature of Canada will abandon their duty in this respect to gratify the selfishness of some wealthy individuals, or the ultraism of certain partizans. But our system of Schools is not *compulsory*, in the sense in which that term is applied to despotic governments. The vote of the Parliamentary grant is the voluntary Act of the people, through their Legislative Representatives; the recep-

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tion of a part of that grant and the levying of an assessment, is the voluntary act of the people in each District through their Council Representatives; the reception of a part of the School Fund by any School Section, and the levying of a Rate-bill, is the voluntary Act of the people in such Section, through their Trustee Representatives: in addition to which, the present Act does not require Trustees to levy a Rate-bill at all, but authorizes them to adopt voluntary subscription, if they prefer it, and then enables them to collect the amount of each voluntary subscription as promptly and in the same manner, as if it had been imposed by Rate-bill.

An objection has been made from another quarter, that the Act does not give to the Clergy sufficient power as School Visitors. I know not what greater power could be given to the Clergy without destroying the School system; and I believe any Clergyman who diligently and judiciously exercises the power given him by the Act, will find himself able to do much good. If any Clergyman will not avail himself of the facilities which the Act affords him of encouraging and influencing the education of Canadian youth, because it does not give him a positive control in the Schools, which cannot be severed from their Trustees and Provincial management, it is to be hoped that few will imitate his example, but that all will take into consideration the social condition and circumstances of the country, and contribute their pious and appropriate exertions to advance its general welfare.

Such are the *principal* objections which I have heard urged against the present Common School Act. Some of them, it will be seen, arise from opposition to any public School System whatever; others are founded upon misapprehensions produced by misrepresentations; others again relate to clauses which, it is to be hoped, will soon be amended; while others proceed from foreign predilections, and not from anything unusual in the provisions of the Act. With some provisions for the better establishment and maintenance of Common Schools in Cities and Towns, and the amendment of certain clauses of the Statute, I think action, rather than legislation, is required to promote the instruction of the rising generation; that the law should not be changed without a trial; that improvements, as occasion may require, rather than revolutions, should be made in the School System; that experience is a safer guide than speculation in this most important department of legislation and government. I think the foundation laid ought not to be subverted or shaken; the erection and completion of the superstructure must be the work of time as well as of persevering industry.

In reporting the means employed to bring the various provisions of the New School Act into operation, I have thought it proper thus to notice the chief objections which have been made against some of its provisions, and the grounds of such objections. From the increased interest which is felt and manifested in most parts of the Province in the subject of public Education, from the obvious improvement which is reported as progressing in the organization and management of the Schools in several Districts, and from the decline of party feeling and the cultivation and growth of practical and intelligent sentiments among the people, I hope to be able, in subsequent Reports, to present some substantial fruits of the exertions of the Legislature and Government in promoting this most vital and general interest of our common country.

I have the honour to be, Sir,

Your most obedient, humble servant,

EGER. RYERSON.

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APPENDIX.

(No. 1.)

CIRCULAR OF THE BOARD OF EDUCATION.

To the Municipal Councils of the several Districts and Cities in Upper Canada.

GENTLEMEN,—The new School Act for Upper Canada has provided for the appointment of a Board of Education, whose special duty it is to select and recommend proper Books and Libraries, and to establish a Normal School for the better education of School Teachers in Upper Canada.

We, to whom this duty has been assigned, have undertaken it with a deep conviction of its importance and difficulty, and with an earnest desire to perform it in a manner that will promote, to the greatest possible extent, the best interests of the country.

Addressing ourselves to the work committed to us, with an interest in common with our fellow subjects, we hope for the cordial and generous co-operation of the several District Councils, in promoting the important objects for which the Board has been constituted.

In respect to School Books, it may be sufficient at the present time for us to state, that we shall endeavour to make such arrangements, that those School Books which may be recommended by the Board of Education, for use in schools, shall have the additional advantage of being the *cheapest* as well as the *best* of their kind.—Reduction in the price of School Books will, indeed, follow as the natural consequence of the use of a uniform series throughout the Province. Persons in this branch of business will find it expedient to supply themselves with books which are in general and permanent demand; and, like all other articles in general and constant use, the price of such books will be reduced in proportion to the extent of their circulation and the facilities of procuring them.

But the subject which we desire to submit to the serious and favourable consideration of the Municipal Councils of Upper Canada, relates to the Provincial Normal School, which the Board hope to be able to bring into operation in the course of a few months. It is proposed to commence this institution at Toronto, in buildings formerly occupied as the Government House of Upper Canada. For the full success of any Provincial system, or Provincial establishment, the cordial support and co-operation of the Province at large is necessary.

The Legislature has granted the sum of fifteen hundred pounds, to procure and furnish buildings for the establishment, and then fifteen hundred pounds per annum, to aid in defraying the current expenses of it. To procure the furniture and apparatus of the establishment, independent of the buildings, will require a large portion of the first-named sum; and the experience of other countries, similarly situated to ours, sufficiently shows how much the current expenses of such an establishment must exceed the sum granted to aid in defraying them. Such an aid might, indeed, be sufficient, should the terms of board and tuition be as high as are usually required at public and private schools. But this would, in a great measure, defeat the very object contemplated in establishing a Provincial Normal School, which is to afford as great facilities as possible for the training of young candidates for School-teaching. Not a few of the most promising of this class of young men are destitute of means, and others of them possess very limited means, for the acquisition of the advantages afforded by the Normal School.

In those European countries which are best supplied with Normal Schools, the local municipal departments—analagous to our districts—are required to contribute the principal part of the sums necessary for the support of the Normal Schools. Our own Legislature, like that of the neighbouring State of New York, has not imposed any legal obligation on the several local Municipalities,

in this respect, but has left it to their own enlightened liberality. In the State of New York, in addition to the legislative grant of £2250 to procure buildings, apparatus, &c., for a State Normal School, at Albany, and £2500 per annum to aid in its support, the Authorities of different Counties contribute to the same object, in the most simple and efficient form, by selecting and supporting each two, four, or more of their own most meritorious youth at the School. The Authorities of such Counties determine to support, at the State Normal School, during the prescribed course of instruction, a certain number of their own youth, to be selected by means of competition before Examiners, who are appointed for that purpose, and who appoint a day for the examination of candidates; and select those candidates who, in connexion with satisfactory testimonies of moral character, evince the best qualifications and abilities for the profession of teacher. If the Municipal Council of each District and City in Canada West will take this subject into consideration, and thus provide for the training, at the Provincial Normal School, of two or more youth from each of their respective Municipalities, the Model and other principal Schools throughout Upper Canada will soon be supplied by the best class of native Teachers; and, ultimately, through the Normal and Model Schools, will all the Schools in the Province be provided with Teachers, trained in the country, and in the same system of instruction.

We would, therefore, submit to each District Council the expediency and great advantage of selecting, through Examiners appointed by the Council, two or more of the most meritorious and promising young men in each District for the Provincial Normal School. Let the Examiners give public notice of a day, on which competitors for the honour and advantage of District Council Schoolships in the Provincial Normal School may present themselves for examination, each successful candidate to attend the Normal School during the prescribed course of instruction, upon the condition that he will engage to pursue School-teaching for a period of not less than *five* years, or refund the money advanced by the District in his behalf. On the importance and advantage to Parents and Guardians, as well as to Children and the Public, of training Teachers in a Normal School, we refer you to the Superintendent's Report on a System of Elementary Instruction for Upper Canada, pages 40 @ 43.

On the other hand, the Board of Education will engage to receive and have instructed in the Normal and Model School such scholars at the rate of twenty-five pounds each, per annum, including Board, Fuel, Washing, Tuition and Books used in school, such scholars being subject to the regulation applicable to all others, namely; a trial of *three* months as to capacity and disposition both to learn and to teach.

The sum required to support two young men from a District, would scarcely amount, on an average, to a half-penny for each inhabitant; whereas both the individual and public advantage would be great and permanent.

The Board of Education venture to hope, that this subject will receive the favourable consideration of the several District Councils; and to their early, as well as patriotic and benevolent attention, we earnestly recommend it.—It is the purpose of the Board to educate young men for Canada, as well as in it, and that the whole system of domestic economy, discipline and instruction, at the Provincial Normal School, shall have reference to the future circumstances and employment of the scholars.

(Signed) MICHAEL, Bp. of Toronto, *Chairman*,
EGERTON-RYERSON,
H. J. GRASSETT,
S. B. HARRISON,
JOSEPH C. MORRISON,
HUGH SCOBIE,
J. S. HOWARD.

EDUCATION OFFICE, Toronto, August 4th, 1846.

A true copy.

J. GEORGE HODGINS, *Recording Clerk*.

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(No. 2.)

STATISTICS OF COMMON SCHOOLS IN UPPER CANADA.

EDUCATION OFFICE, U. C.

Toronto, September, 1846.

In compiling the following Statistics, all the sources of information accessible to the Education Office have been exhausted. The first law under which Common School Reports were made was passed in 1841. These Reports, therefore, com-

mence with 1842. Another School Law having been passed in 1843, no Returns were made for that year. Many of the returns are very defective; so that the Statistics contained in the following Table present, in many instances, merely an approximation to the truth. The Returns for 1845 are less defective than those of any preceding year. It is to be hoped, that the Returns for the present and future years will be still more complete.

It is to be observed, that in that portion of the Population which is represented as not attending any (Common) School, are included all those who attend Colleges, District Grammar Schools, and Private Schools. A complete view of the state of Education in Upper Canada cannot be given, until the attendance at these Establishments is ascertained. The following Table presents only a statistical view of the state and progress of Common Schools in Upper Canada since 1842; as such, it is believed, it will not be without interest, and may serve as the basis of some interesting inquiries and practical suggestions.

DISTRICTS IN UPPER CANADA.

Table with columns for Districts (Upper Canada, Eastern, Ottawa, Dalhousie, Barrelet, Johnstown, Midland, Prince Ed., Victoria, Newcastle, Colborne, Home, Simcoe, Gore, Niagara, Wellington, Talbot, Brock, London, Huron, Western) and rows for various statistics (Population in 1842, Population in 1845, etc.).

† Noted voluntarily.

* No Assessment.

* Defective Report.

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(No. 3.)

Circular.

1st July.

EDUCATION OFFICE,
Toronto, 1st October, 1846.

SIR,—As the Act, 9th Vict., cap. XX., intitled, “*An Act for the better Establishment and Maintenance of Common Schools in Upper Canada.*” will shortly come into general operation, I feel it my duty to call the attention of the Council over which you have been selected to preside, to some of its provisions. You will perceive from the sixth and several following Sections of this Act, that to the Municipal Council of each District is confided the most important powers and functions in promoting the great work of Common School Education. I trust that no embarrassment will be experienced by any District Council, for want of powers, to carry into effect its wishes in respect to providing for the Educational wants of the population it represents. Indeed, the powers of each District Council, in this respect, are almost unlimited; as the powers of local Trustees of Schools are, also, considerably increased.

The accomplishment of the patriotic and benevolent objects contemplated by the Legislature, requires not only the appreciation of the importance of Common School instruction by the people at large, but the energetic and cordial co-operation of all parties intrusted with the execution of the Law. This common co-operation involves the necessity of a clear and full understanding of the duties and obligations of all parties concerned. To the Local Superintendants, Visitors, Trustees, and Teachers, I shall hereafter make communications. I desire, at the present time, most respectfully to lay before the newly-elected Warden and Councillors of each District some remarks explanatory of the views and intentions of this Department; and to submit to their consideration some subjects, in which the interests of Schools are entirely depending upon the proceedings of Municipal Councils.

The School Law is based upon the principles of our common Christianity, but of equality in respect to the several forms of Religion recognized by law, and of non-interference with the peculiarities of any. In the strictest harmony with this fundamental principle of the Law, I trust the Educational Department will ever act, as well as each Municipal Council. The influence of this principle should be paramount in every measure, in every appointment, and in every decision. A departure from it has prevented the establishment of systems and Schools, and broken them up when established. It is to be hoped the Christian and patriotic spirit of the Legislature, in passing the law, will be imitated by all parties entrusted with its execution. While the several religious denominations possess equal facilities for the special religious instruction of their own youth, there is a wide common ground of principles and morals, held equally sacred, and equally taught by all, and the spirit which ought to pervade the whole system of Public Instruction, and which comprehend the essential requisites of social happiness and good citizenship.

There is another principle which can scarcely be considered of less importance than the foregoing. If differences of religious opinion should not, in any way, disturb the harmony, or weaken the energy of united action in the work of Educational instruction, much less should differences of opinion on civil matters. Whatever diversity of opinion and of interest there may be in other questions, it may be assumed that on the subject of educating the Youth of the Country, there exists but one opinion, and that there should, therefore, be but one party. The want to be supplied, and the object to be accomplished, is commensurate with the energies and resources of the entire community. The absence of all sectional feeling, and the accordant feeling of all parties in the Legislature, in passing all the general provisions of the Law, is indicative of the enlightened and noble feeling which, I trust, will characterize all the deliberations and proceedings which may take place in its administration. It is not improbable that experience may suggest modifications and improvements in the present School Act,

as well as in the preceding Acts of the same kind; but it is only by experience that such enactments can be perfected in any country.

A third principle which lies at the foundation of the School Law, and which it is important to keep in view is, that the system of Elementary Instruction is *public* and not *private*: that is, that it not only receives support from the Public Treasury, but is, in all its parts, under the regulation of the law of the land. The people of the Province, through their Representatives, provide the means, and prescribe the conditions and regulations under which such aid shall be given to each District and Section; and the object of Provincial oversight, and District Superintendence, is not to do what local efforts can and are better adapted to accomplish, but to guard the Provincial liberality from any local misapplication, and to supply the deficiency of local means of information, and to assist and encourage local exertion. In contradistinction to the isolation of a Private School, each Common School is a component part of a Provincial whole; and, as such, participates in the common benefit and is subject to the common regulations. The practical efficiency of the system of Common Schools depends, then, upon the completeness with which the general regulations and provisions of the Law are carried out, in respect to each locality, and the unanimity and zeal with which each locality co-operates in the directly practical and most essential part of the general work.

Each Municipal Council occupies an intermediate position between the Provincial Legislature and each District and School Section;—forming the School Sections, providing School premises, the local Superintendence, and a moiety of the means for the support of Schools.

On each of these provisions of the Law, I beg to submit a few observations.

The principal point of difference between the late and the amended School Act is, the discontinuance of Township Superintendents, and the requisite provision for the discharge of their duties by other parties. This change was introduced in accordance with representations made from the great majority of the Districts throughout the Province. The powers and functions heretofore exercised by Township Superintendents are now vested in the Municipal Councils, District Superintendents, School Visitors, and School Trustees.

The dividing of Townships into School Sections, which has heretofore been made by Township Superintendents—subject to the approval of the Council—now devolves upon the Municipal Council—the Legislature rightly judging, that no persons could be more competent, both by local knowledge and public feeling, to aid in performing this duty, than the Councillors elected by the inhabitants of each Township. But much—very much—in respect to the efficiency of Common Schools, depends upon the manner in which this provision of the law is acted upon. The tendency is to form *small* School Sections; each parent is anxious to have the School-house as close to his own door as possible. But the evil of forming small School Sections is as great as the local tendency to it is strong.

I have been much impressed with the magnitude of this evil by the Reports of School Superintendents and Inspectors in the States of Massachusetts and New York—countries similarly situated to our own, and whose experience on this important subject is highly valuable to us.

They represent that the efficiency and usefulness of their Schools has been greatly retarded by the unwise multiplication of School Sections—thus multiplying feeble and inefficient Schools, and so subdividing the resources of the inhabitants, as to put it out of their power to build proper School Houses or support competent Teachers without incurring a burthen which they were unwilling if not unable to bear. The same documents also contain many curious statistics, proving that, on an average, the *punctual* attendance and *proficiency* of pupils residing from one to two miles from the School, far

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exceeds that of those pupils who reside within a less distance. The purport of these statements is to show, that proximity to the School is not essential either to the punctual attendance or to the proficiency of pupils. The managers of Common School Education in these States have of late years directed their particular attention to prevent and remedy this evil of small School Districts; and they detail many examples of beneficial success.—Some of the advantages of large School Districts are, the lessening the burthen upon each inhabitant, of establishing and supporting the School; the erecting of better buildings, and the procuring of greater conveniences for instruction; the employment of better Teachers, and therefore, the benefit of better education for youth.—The subject is, therefore, submitted to the grave consideration of the Council, whenever the exercise of this part of its powers may be required.

As to the School premises and the erection of School Houses, it is important, that proper titles be procured for sites on which School Houses have been or may be erected. All the Common School sites in each District should be secured; and, as the Municipal Council is the common Trustee of such property, it may perhaps be advisable for the Council to direct an inquiry into the state of the titles to it.

A form of Deed will be prepared, according to the provisions of the new Act, for the convenience of the Municipal Council and local Trustees. Plans of School Houses of different dimensions and styles will also be prepared—though delay may be experienced in getting them engraved. But, the adoption of these plans will not be imperative. They are intended to assist the Municipal Councils and local Trustees in the selection of plans for convenient and suitable School Houses, but not to prevent the exercise of their discretion in the adoption of better plans, if they can be obtained.

In a work so great and voluntary as Education is, it is important to encourage voluntary efforts rather than supersede them—to supply their deficiencies rather than discourage their exercise. The new School Act leaves, therefore, a certain discretion as to whether the funds necessary to erect School Houses and pay a part of the Teacher's salaries shall be raised by assessment and rate-bill, or by voluntary subscriptions. Whether this provision of the law be wise or not, or whether it will operate beneficially or otherwise, it evinces the disposition of the Legislature to enforce nothing by law which is not essential to the efficiency of a public system of School Instruction, and to give the widest possible scope for the intelligence and enterprise of voluntary effort.

Another Department of the work which belongs to the Municipal Council is, providing for the local Superintendence of Schools. This includes the examination and payment of Teachers and the visiting of Schools.—The duties of District Superintendents, in respect to visiting Schools, are not increased by the provisions of the new Act; but their duties are greatly increased in respect to the examination and payment of Teachers, the apportionment of the District School Fund, the deciding on disputed questions, the preparation of Reports, and their correspondence, together with miscellaneous calls and engagements, arising out of these prescribed duties. The importance of this office can hardly be overrated.—It requires, not only a man of rare qualities and qualifications—a man of sound judgment, whose heart is penetrated with the benevolent work of training up a youthful generation, and who is thoroughly acquainted with the nature and best methods of that training;—but it requires the entire time and energies of such a man. It is, therefore, respectfully submitted to the consideration of the Council, how important it is to make such provision for the office of District Superintendent as will secure the services of a competent person, and will enable him to devote that attention to his duties which the extent and great importance of them demands. The excellent system of Elementary Instruction in Holland derives its unsurpassed efficiency chiefly from its local superintendence and inspection. The Irish National Board employ no less than *thirty-two* salaried Inspectors to oversee

and report upon their Schools; and, on this point, the greatest economy has been found in the greatest efficiency of the office.

In order that the discontinuance of the office of Township Superintendent may occasion no loss to the Schools, in respect to visitorial inspection and encouragement, the Clergy of all Denominations recognized by Law, the Magistrates, and the Members of the Municipal Councils are authorized to act as Visitors of Common Schools—thus combining and calling into action in the noble work of educating the youth of the land, the representatives of the Religion of the Country, the conservators of public order, and the local representatives of the people. There may be incapacity and indisposition in many instances to perform this duty, or rather to exercise this privilege; but, it is believed, there will be found a sufficient number in these three classes of public men to secure a beneficial local visitation of the Schools—such as will exert a salutary influence upon Masters and Pupils, and, it is to be hoped, upon the public mind generally. In connection with this provision, the new Law provides also for a public Examination of every School at the end of each quarter. Periodical School Examinations have been found most beneficial in various respects; but the advantages of them will depend much upon the attendance and interest taken in them by School Visitors. Should the Members of the Municipal Council, in connection with the other School Visitors, give the Schools the support and assistance of their occasional visits and personal influence, I have no doubt the beneficial effects of it will be manifest before the expiration of twelve months, in the growing efficiency of the Schools, and the more lively interest of the public mind in them.—The anticipation of such examinations will be a strong stimulus to exertion on the part of both teachers and pupils; and one of the most gratifying rewards of painstaking labour in the one case, and of meritorious application in the other, will be the witnessing and approbation of their exertions by the surrounding public—especially by its most intelligent and influential members. I beg permission, therefore, to recommend the subject to the special attention of the individual members of the Council.

The last topic to which I desire to draw the attention of the Council is, that provision of the Law which empowers the Council to raise means for the support of Common Schools. The difference between the late and new School Act in this respect is, that the new Act invests the Council with a discretionary power as unlimited as its general fiscal powers. It is, therefore, in the power of the Municipal Council to provide, by assessment, for the whole of the salaries of Teachers—thus relieving local Trustees from any other duties than those of selecting and employing the Teachers, providing for the incidental expenses of their respective Schools, and attending to their internal interests. A Rate-bill imposed by local Trustees falls upon the parents and guardians who send their children to School, and according to their number and the time of their attendance. An assessment imposed by the Municipal Council extends to all the inhabitants of each School Section or District, and that according to property. The latter is the principle acted upon in the neighbouring States of New York and Massachusetts, and in all countries where Common School Education is universal, whether in the democratic Cantons of Switzerland, or the monarchical States of Germany.

The basis of this only true system of universal Education is two-fold:—1st. That every inhabitant of a country is bound to contribute to the support of its public institutions, according to the property which he acquires or enjoys under the Government of the country. 2nd. That every child born or brought up in the country has a right to that education which will fit him for the duties of a useful citizen of the country, and is not to be deprived of it on account of the inability of his parents or guardians. The right of the child involves corresponding obligations on the part of the State—and the poverty of the child adds the claims of charity to the demands of civil right. In the *last Annual Report of the Board of Education for the State of Massachusetts,*

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this principle is stated as follows:—"The cardinal principle which lies at the foundation of our Educational system is, that all the children of the State shall be educated by the State. As our government was founded upon the virtue and intelligence of the people, it was rightly concluded by its framers, that, without a wise Educational system, the Government itself could not exist; and in ordaining that the expenses of educating the people should be defrayed by the people at large, without reference to the particular benefit of individuals, it was considered that those who, perhaps, without children of their own, nevertheless would still be compelled to pay, would receive an ample equivalent in the protection of their persons, and the security of their property;" and, it may be added, in the diminution of public expenditure arising from the commission of crime, apart from the question of morals and industry among the now uneducated classes. In the State of New York, as in that of Massachusetts, the County authorities impose a rate commensurate with the wants of Schools or School Districts which have been established, and then every child has a right to attend the School of the District or Section in which he resides, without any further payment by his parents or guardians. Some of the advantages of this system of supporting Schools are the following:—

1. The child of the poor man, equally with that of the rich, has the opportunity of obtaining a good Common School education.
2. The removal of all inducements from any parent or guardian, arising from the payment of School fees, to keeping his children from School, and, consequently, the more general and longer attendance of children at School.
3. The support of better Schools at less expense to parents who educate their children in the Common School—as the burthen upon individuals would be lessened by dividing it among the inhabitants at large according to property.
4. The prevention of differences between Trustees and their neighbours, and also between Trustees and Teachers, arising out of the imposition, or collection; or non-payment of the Rate-bills.
5. The regular and punctual payment of Teachers quarterly, or half-yearly, out of the District School Fund.

This subject is of the gravest importance. I believe the welfare of many thousands, and the future interests of our country, are deeply involved in it. I have felt it my duty to the youth of the country—especially to the poorer classes of them—to bring it under the notice of the Council—with whom it, of course, appertains to decide and act, at its discretion, on this, as well as on the other subjects to which I have referred.

In order to put the Council in possession of all the statistical information which I have been able to obtain and compile, respecting the Common Schools of each District, I herewith transmit a *Table of Statistics*, which I hope may be both interesting and useful to the Council.

The importance of the topics on which I have remarked, together with the circumstance of a new School Law coming into operation, are my apology for the length of the present communication. I will only add, that I shall be grateful for any suggestions or information which you, or the Council, over which you have been chosen to preside,—from your intimate and practical local knowledge—may think proper to offer, on the operations of the new School Law, or affecting the interests of Common Schools within your jurisdiction; and I shall at all times be ready to answer any inquiries and to give any information in my power on these subjects of common interest and exertion.

I have the honour to be, Sir,
Your most obedient humble servant,

EGERTON RYERSON.

The Warden of the
_____ District,
Municipal Council.

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FORMS, REGULATIONS, AND INSTRUCTIONS

FOR THE

BETTER ORGANIZATION AND GOVERNMENT

OF

COMMON SCHOOLS

IN

UPPER CANADA,

AND FOR CONDUCTING ALL PROCEEDINGS AUTHORIZED AND REQUIRED BY THE ACT 9 VICTORIA, CAP. XX.

DIRECTIONS TO DISTRICT SUPERINTENDENTS.

A copy of these FORMS, REGULATIONS, and INSTRUCTIONS, as also a copy of the COMMON SCHOOL ACT, should be furnished to each School Visitor and School Section, and to such other persons concerned in the administration of the School Act, as may apply for them.—These documents being public property, will be held and distributed, or transmitted as such to their successors in office, by District Superintendents. School Visitors who are otherwise provided with the Common School Act need not be supplied by District Superintendents.

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CHAPTER I.

FORMS FOR DISTRICT COUNCILS.

IN CONFORMITY WITH THE COMMON SCHOOL ACT, 9 VIC. CAP. XX, SECTIONS 7-11.

SECTION I. *Form of intimation to the Chief Superintendent of the appointment of a District Superintendent of Common Schools,*

— DISTRICT COUNCIL OFFICE,
_____, 18—.

Sir,—I have the honour to inform you, that the Municipal Council of the _____ District did, on the _____ day of _____ 18—, appoint [here insert the name of the person appointed] of [here insert his place of residence and Post town], Superintendent of Common Schools in said District, in the place of _____ [resigned or removed].

I have the honour to be,
Sir,

Your obedient servant,

A. B.,
The Superintendent of Schools,
Toronto.

District Clerk.

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SECTION 2. Form of Bond required by a District Council of a District Superintendent of Common Schools, on his assuming office.

Know all men by these presents, that we [here insert the names of the Superintendent and his Sureties] are jointly held and firmly bound to the Municipal Council of the _____ District, in the sum of [here write the sum in words], of which sum I, A. B., am held bound for _____; I, C. D., am held bound for _____; and I, E. F., am held bound for _____, to be paid to the said Council or any person or persons appointed by said Council to receive the same; to which payment well and truly made, we bind and oblige ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals, and dated this _____ day of _____, 18—.

The Condition of this Obligation is, such that whereas the above named [here insert the Superintendent's name] has been appointed Superintendent of Common Schools for the said District, in conformity with the 6th and 12th Sections of the said Act, 9 Vic. Cap. XX; now, therefore, if the said [here insert the Superintendent's name] shall duly and faithfully discharge the duties and execute the trusts required of him as District Superintendent of Common Schools, according to the provisions and regulations provided for by said Act, then this Obligation shall be null and void; otherwise it shall be in full force and virtue.

Dated this _____ day of _____, 18—.

A. B. (seal.)
C. D. (seal.)
E. F. (seal.)

Signed, sealed, and delivered,
in presence of
G. H. } Witnesses.
I. K. }

SECTION 3. Form of intimating to the District Superintendent the alteration of a School Section.

_____ DISTRICT COUNCIL OFFICE,
_____, 18—.

SIR,—In conformity with the 9th Section of the Common School Act, 9 Vic. Cap. XX, I have to acquaint you that the Municipal Council of this District has altered the School Section, No. —, in the [Township, Town or City] of _____, in the following manner: [here insert the changes which have been made, and the description of the new School Section]. These changes will be carried into effect _____ months from this date.

You will please communicate this notice to the Trustees concerned.

I am Sir,
Your obedient Servant,
A. B.,
District Clerk.

The Superintendent of Common Schools
in the _____ District.

SECTION 4. Form of intimating to the District Superintendent the formation of a School Section, or part of a School Section.

_____ DISTRICT COUNCIL OFFICE,
_____, 18—.

SIR,—In conformity with the 9th Section of the Common School Act, 9 Vic. Cap. XX, I have to acquaint you that the Municipal Council of this District, at its session which closed on the _____ instant, formed a part of the [Township, Town, or City] of _____ into a School Section, to be designated No. —, and to be described and known as follows: [here insert the description.]

I have also to inform you, that the Council has nominated and authorized [here insert the name or names of the person or persons selected] to appoint the time and place of the first School Meeting in said Section; of

which you are requested to give notice, according to the 17th Section of the said Act.

I have the honour to be,

Sir,
Your obedient servant,
A. B.,
District Clerk.

To the Superintendent of Common Schools
in the _____ District.

REMARKS.—In notifying the formation of Several School Sections, or the formation of parts of Sections, the phraseology of the notices should be varied, at the discretion of the District Clerk, and in accordance with the proceedings and directions of the Council.

The notices of School Assessments, and Assessments for the erection and furnishing of School-houses, for the purchasing of School sites, &c., may be given in such a manner as the Council shall direct.

For Form of Deed for a School Site, see Chapter III, Section 11; the execution of which should, in all cases, be strictly required by the District Councils before authorizing any expenditure of money on any School Premises.

For Form of Application for aid in support of a District Model School, see Chapter V, Section 2.

CHAPTER II.

FORMS FOR DISTRICT SUPERINTENDENTS OF COMMON SCHOOLS

IN CONFORMITY WITH THE 13TH AND 27TH SECTIONS OF THE ACT.

SECTION 1. Form of Notice to be given by the District Superintendent of Schools to the person designated by the Municipal Authority to appoint the time and place of the first School Section Meeting.

EDUCATION OFFICE, _____ DISTRICT,
_____, 18—.

SIR,—I have the honour to inform you, that in conformity with the 17th section of the Common School Act, 9 Vic., cap. xx, the Municipal Council of this District has authorized and required you, within twenty days after receiving this notice, to appoint the time and place of holding the first School Meeting for the Election of Trustees for School Section No. —, in the [Township, Town, or City] of _____; which School Section is bounded and may be known as follows: [Here insert the description of it.] Copies of your Notice are to be posted, in at least three public places in the School Section above described, at least six days before the time of holding such meeting.

I am, Sir,
Your obedient Servant,
A. B.,
S. C. S., _____ District.

To B. C.

SECTION 2. Form of intimating to Trustees the alteration of their School Section.

EDUCATION OFFICE, _____ DISTRICT,
_____, 18—.

SIR,—In conformity with the 9th section of the Common School Act, 9 Vic., cap. xx, I have to acquaint you that the Municipal Council of this District has altered the School Section of which you are Trustee in the following manner: [Here insert the changes which have been made, and the description of the new School Section.] These changes will be carried into effect _____ months from this date.

You will please communicate this notice to the other Trustees of your School Section.

I am, Sir,
Your obedient Servant,
A. B.,
S. C. S., _____ District.

To D. E.,

Trustee of School Section No. —.

REMARK. In giving notice of the formation or alteration of parts of School Sections, see the remarks at the end of section 4, chap. I.

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SECTION 3. Form of intimating to Trustees the apportionment to their School Section of the Common School Fund.

EDUCATION OFFICE, ——— DISTRICT,
————— 18—.

SIR,—I have to acquaint you, that the sum of [*here insert the sum in words*] has been apportioned out of the Common School Fund in aid of the School Section, for the current year, of which you are a Trustee.

You will please communicate this notice to the other Trustees of your School Section.

I am, Sir,
Your obedient Servant,

To D. E., ——— A. B.,
S. C. S., ——— District.
Trustee of School Section No. —.

SECTION 4. Form of a Power of Attorney by a District Superintendent of Common Schools to some person at the seat of Government to draw the apportionment of the Legislative Grant to this District.

EDUCATION OFFICE, ——— DISTRICT.

I hereby authorize [*here insert the Attorney's name and designation*] to receive all moneys now due, or which may hereafter become due to me as Superintendent of Common Schools for the ——— District, by Her Majesty's Government, and to grant an acquittance for the same.

Dated this ——— day of ———, 18—.

Witness,
A. R. ——— A. B.,
Sup't. Common Schools,
————— District.

REMARKS.—The foregoing Power of Attorney should be witnessed, signed, and forwarded in duplicate.

By appointing the Cashier, at Montreal, of any of the Chartered Banks, the money can be received without expense at the Branch of that Bank most convenient to the Superintendent. The Power of Attorney requires no renewal, as long as the same person is continued. But the Government will not pay the Annual apportionment to the Attorney, until the account, in duplicate, of the disbursement of the previous year's apportionment, accompanied by the vouchers, is sent to the Inspector General.

SECTION 5. Form of a General Certificate to a Teacher by the District Superintendent.

I hereby certify that [*here insert the name and faith of the Teacher, a Roman Catholic or Protestant, as the case may be.*] having applied to me for a Certificate of qualification to teach a Common School, and having produced satisfactory testimonials of correct moral character, I have carefully examined him and found him well qualified to teach [*here insert the branches which the Teacher is qualified to teach, and the extent to which he is qualified to teach them*]; and I hereby authorize him to teach any Common School in this District.

Given under my hand, this ——— day of ———, 18—.

A. B.,
Sup't Common Schools,
————— District.

REMARKS.—It is proper to state the Teacher's religious faith, on account of the permission given in the 32nd and 33rd sections of the Common School Act, to establish separate Schools.

Common School Teachers may be naturally divided into three classes. A Teacher of the first class receiving a general Certificate—according to the above forms:—one of the second class receiving a special Certificate, permitting him to teach in a Township named:—one of the third class receiving a special Certificate, limited to a single year, and to a single School Section, and that too at the special request of the Trustees of such section. Certificates of this last class may be granted by any two School Visitors, as well as by the District Superintendent. The above form will answer for Certificates of the second and third class by varying the last clause, so as to express a Township, instead of a District, or by specifying a certain School Section in a Township named, and limiting the Certificate to a year from the date of it; and, in the case of Visitors, by substituting the pronoun of the first person plural, for that of the first person singular.

The line of demarcation between these three classes of Certificates, must, at present, be left to the judgment of each District Superintendent. Further consultation and preparation are desirable before making the legal classification of Teachers as custom-

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plated in the 41st section of the Act. But it is recommended, except under very peculiar circumstances, that no certificate of qualification be given to a person who is not competent to teach English Grammar—including Orthography and Orthoepy, as well as Syntax and Prosody—Writing, Practical Arithmetic, Book-Keeping by Single Entry, and the Elements of Geography. In all cases in which the Teacher possesses a knowledge of these subjects in a higher degree, or of any of the several other subjects mentioned and recommended in the "Report on a System of Public Elementary Instruction for Upper Canada," it should be mentioned in his Certificate of qualification.

Too much caution cannot be exercised in regard to the moral character of Teachers. No intemperate or profane person should be entrusted with the instruction of youth.

SECTION 6. Form for annulling a Teacher's Certificate by the District Superintendent.

EDUCATION OFFICE, ——— DISTRICT,
————— 18—.

SIR, [OR MADAM,]—I have to inform you that I feel it my painful duty to annul your Certificate as a Common School Teacher. The following are the reasons: [*here insert the reasons.*]

For these reasons, in the exercise of the power vested in me by Act 90 Vic. cap. xx, section 13th, I hereby annul your Certificate of qualification as a Common School Teacher, which shall be of no force after ——— days from the date of this notice; namely ——— day of ——— 18—.

I am,
Your obedient Servant,

To C. D., ——— A. B.,
S. C. S. ——— District.
Teacher of School Section, No —,
[Township, Town, or City] of —.

REMARKS.—The cancelling of a Teacher's Certificate is an extreme exercise of power, which should never be employed until a careful inquiry has been instituted into the charges preferred against the Teacher, and he has had a full opportunity of meeting his accusers and defending himself against their allegations. For a Superintendent to cancel a Teacher's Certificate on account of personal difference, would be a shameful abuse of power which ought not to be tolerated; but he ought not to shrink from this painful duty in any case of proved immorality or palpable unfitness.

The length of time between the notice to the Teacher and the actual cancelling of his Certificate, must be left to the judgment of the District Superintendent. In cases of gross immorality, the execution of the notice should be immediate; in other cases several weeks' notice should be given. But in all cases the law allows the Teacher time and opportunity to appeal to the Chief Superintendent, and also, authorizes the District Superintendent, if he should think proper to do so, to refer any case to the decision of the Chief Superintendent.

SECTION 7. Form of Notice to the Trustees of the annulling of their Teacher's Certificate.

EDUCATION OFFICE, ——— DISTRICT,
————— 18—.

GENTLEMEN,—I have felt it my painful duty to annul the Certificate of your Teacher, [*here insert the Teacher's name.*] My reasons for doing so are the following: [*here insert the reasons.*]

I have therefore to acquaint you, that if you employ the said Teacher after the ——— day of ———, 18—, you will not be entitled to any public money on his account to aid in the support of your School.

I am, Gentlemen, Your obedient servant,

A. B.,
S. C. S. ——— District
Messrs. A. B. C., Trustees of
School Section, No —,
[Township, Town, or City] of —.

SECTION 8. Form of Annual Report by the District Superintendent to the Chief Superintendent of Schools.

(For Form see opposite page.)

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CHAPTER III

FORMS FOR TRUSTEES, AND FOR THE CALLING OF SCHOOL SECTION MEETINGS, &c.

1st July.

IN CONFORMITY WITH THE COMMON SCHOOL ACT, 9^o VIC. CAP. XX, SECTIONS 18—27.

SECTION 1. Form of Notice of a first School Section Meeting.

SCHOOL NOTICE.

The undersigned has the honour to inform the Landholders and Householders concerned, that the Municipal Council of this District has formed a part of this Township [Town or City] into a School Section, to be designated School Section No. —, and to be limited and known as follows: [Here insert the description of the Section.]

The undersigned having been authorized and required by the Municipal Council to appoint the time and place of holding the first meeting, for the election of Trustees for the School Section above described, hereby notifies the Landholders and Householders of said School Section, that a public meeting will be held at — on — day, the — of —, at the hour of twelve o'clock, noon, for the purpose of electing three fit and proper persons as School Trustees of the said Section as required by the School Act, 9^o Vic., cap. xx, section 19.

Given under my hand, this — day of —, 18—.

[Name.]

REMARKS.—Should the person authorized and appointed by the Municipal Council to call the first School Section Meeting refuse or neglect to do so, he subjects himself to a penalty of two pounds, recoverable for the purposes of such School Section; and, then, any three resident Freeholders are authorized, within twenty days, on giving six days' notice, to call a meeting for the election of Trustees. The form of their notice—to be posted in, at least, three public places in the School Section concerned, and, at least, six days before the time of holding such meetings—should be as follows:—

SCHOOL NOTICE.

In conformity with the 20th section of the Common School Act, 9^o Vic., cap. xx, the undersigned, resident Freeholders of School Section, No. —, in the [Township, Town, or City] of —, hereby give notice to the Landholders and Householders of said School Section, that a Public Meeting will be held at —, on — day, the — of —, at the hour of Twelve o'clock, noon, for the purpose of electing School Trustees for the said Section.

Dated this — day of — 18—.

A. B., } Resident
C. D., }
E. F., } Freeholders.

SECTION 2. Form of Notice to be given by the Chairman of a School Section Meeting to the District Superintendent of Common Schools, of the election of one or more persons as Trustee or Trustees.

—, 18—.

Sir,—In conformity with the Common School Act, 9^o Vic. cap xx, section 19, I have the honour to inform you, that, at a meeting of the Landholders and Householders of School Section, No. —, in the Town— of —, held according to law, on the — day of —, [here insert the name or names and address of the person or persons elected] — chosen School Trustee of said Section.

I have the honour to be,

Sir,

Your obedient Servant,

D. E.,

Chairman.

The Superintendent of Common Schools in the — District.

SECTION 3. Form of Notice of School Section Meetings, to be held on the second Tuesday of January, 1847, to be signed by, at least, two Trustees.

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SCHOOL NOTICE.

Notice is hereby given to the Landholders and Householders of School Section, No. —, in the Town— of —, in conformity with the 22nd section of the School Act, 9^o Vic., cap. xx, that a Public Meeting will be held at —, on Tuesday, the — of January, 1847, at the hour of Twelve of the clock, noon, for the purpose of electing three fit and proper persons, as Trustees of the said School Section.

Dated this — day of — 184 —.

A. B., } Trustees of
C. D., } School Section,
E. F., } No. —.

REMARKS.—The above form of Notice applies only to the first Annual School Meeting, held under the present Common School Act. The manner of proceeding at such meeting is prescribed in the 19th and 21st sections of the Act.

Should the existing Trustees, in any instance, neglect to call a School Meeting on the day above stated, they incur a penalty to their School Section; and then, any three Freeholders of the School Section concerned are authorized to call a meeting within twenty days, on giving six days' notice. For the form of such Notice, see the 5th section of this chapter—except that in the last phrase, instead of "a Trustee," say three Trustees.

SECTION 4. Form of a Notice of an ordinary Annual School Section Meeting, pursuant to the 22nd section of the School Act.

SCHOOL NOTICE.

The undersigned Trustees of School Section No. —, in the Township of —, hereby give notice to the Landholders and Householders of said School Section, that a Public Meeting will be held at —, on the second Tuesday in January 18—, at the hour of Twelve of the clock, noon, for the purpose of electing a fit and proper person as a School Trustee for said Section.

Dated this — day of —, 18—.

A. B., } Trustees of
C. D., } School Section
E. F., } No. —.

REMARKS.—The above notice should be signed by a majority of the existing or surviving Trustees, and posted in, at least, three public places of the School Section, at least six days before the holding of the meeting. The manner of proceeding at the Annual Meeting is prescribed in the 19th and 21st sections of the Act.

Should the Trustees neglect to give the prescribed notice of the Annual Section Meeting, they forfeit, each, the sum of two pounds, recoverable for the purposes of the School Section, and then any three resident Freeholders of the School Section are authorized, within twenty days, on giving six days' notice, to call such meeting. Their form of notice should be as follows:

SECTION 5. Form of Notice of a School Section Meeting to be given by three Resident Freeholders.

SCHOOL NOTICE.

The Trustees of School Section No. —, in the Township of —, having neglected to give notice of the Annual School Section Meeting, as prescribed by the 18th section of the Common School Act, the undersigned Freeholders, in conformity with the 20th section of the said Act, hereby give notice to the Landholders and Householders of the said School Section, that a Public Meeting will be held at —, on —, the — day of —, for the purpose of electing a fit and proper person as Trustee, as directed by law.

Dated this — day of —, 18—.

A. B., } Resident Freeholders,
C. D., } School Section
E. F., } No. —.

REMARK.—The mode of proceeding, at a School Meeting thus called, is prescribed in the 19th and 21st sections of the Act.

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SECTION 6. Form of Notice of a School Meeting, to fill up a vacancy created by the death, permanent absence, incapacity, from sickness, or refusal to serve, on the part of a Trustee.

SCHOOL NOTICE.

Notice is hereby given to the Landholders and Householders of School Section No. —, in the Township of —, that a Public Meeting will be held at —, on the — day of —, at the hour of Twelve of the clock, noon, for the purpose of electing a fit and proper person as School Trustee, in the place of —, [deceased, removed, incapacitated from sickness, absent, or who has refused to serve, as the case may be.]

Dated this — day of —, 18—.
 A. B., } Surviving Trustees, or Trustee,
 C. D., } (as the case may be.)

REMARK.—A Trustee who refuses to serve forfeits the sum of five pounds, recoverable for the purposes of the School Section; but a Trustee cannot be re-elected without his own consent. The mode of proceeding at a meeting thus called, is prescribed in the 19th and 21st sections of the Act.

SECTION 7. Form of Agreement between Trustees and Teacher.

WE, the undersigned, Trustees of School Section No. —, in the [Township, Town or City] of —, in the — District, in virtue of the authority vested in us by the School Act, 9^o Vic. cap. xx, sec. 27, have chosen [here insert the Teacher's name] who holds a certificate of qualification, to be a Teacher in said School Section; and WE do hereby contract with and employ him, at the rate of [here insert the sum in words, in currency,] per annum, from and after the date hereof; and WE further bind and oblige ourselves, and our successors in office, faithfully to employ the powers with which we are legally invested by the said section of said Act, to collect and pay to the said Teacher, during the continuance of this agreement, the sum for which we hereby become bound—the said sum to be paid to the said Teacher in quarterly instalments;—and the said Teacher hereby contracts and binds himself to teach and conduct the School, in said School Section, according to the regulations provided for by the said School Act. This agreement to continue [here insert the period of the agreement] from the date hereof.

Dated this — day of —, 18—.
 A. B., }
 C. D., } Trustees.
 E. F., }
 G. H., Teacher.

REMARKS.—This agreement should be signed by, at least, two of the Trustees and the Teacher, and should be entered in the Trustees' book, and a copy of it given to the Teacher.

The Trustees being a Corporation, their agreement with their Teacher is binding on their successors in office; and should they not fulfil their agreement, they are personally liable, unless, in case of action, they can prove that they have faithfully employed all their legal powers to collect the sum for which they may have bound themselves. And, on the other hand, the Teacher is equally bound to faithfulness in the performance of his duties according to law.

SECTION 8. Form of Warrant for the Collection of School Fees.

WE, the undersigned, Trustees of School Section No. —, in the [Township, Town, or City] of —, in the — District, by virtue of the authority vested in us by the Act 9^o Vic. cap. xx, sec. 27, hereby authorize and require you [here insert the name and residence of the person appointed to collect the Rate Bill], after ten days from the date hereof, to collect from the several individuals in the annexed Rate Bill, for the quarter therein mentioned, the sum of money opposite their respective names, and to pay, within thirty days from the date hereof, the amount so collected, after retaining your own fees, to the Secretary-Treasurer,

whose discharge shall be your acquittance for the sum so paid. And in default of payment on demand by any person so rated, you are hereby authorized and required to levy the amount by distress and sale of goods and chattels of the person or persons making default.

Given under our hands this — day of —, 18—.
 A. B., }
 C. D., } Trustees.
 E. F., }

Form of Rate Bill, as authorized by the second, fifth, and sixth clauses of the 27th section of the Act to be annexed to the foregoing Warrant.

RATE-BILL of Persons liable for School Fees, in School Section No. —, in the [Township, Town, or City] of —, for the Quarter commencing the — day of —, and ending the — day of —, 18—.

NAMES of Parents or Guardians.	Number of Children in School.	Amount of Rate Bill per quarter for Tuition.			Amount of Rate Bill per quarter for Fuel, Rent, &c.			Amount of Collector's Fees; five per cent.			Total amount of Rate Bill for the Quarter.			
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	

Given under our hands, this — day of —, 18—.
 A. B., }
 C. D., } Trustees.
 E. F., }

SECTION 9. Form of Receipt to be given by the Collector, on receiving the amount named in the Rate Bill.

RECEIVED from [here insert the person's name], the sum of [here write the sum in words], being the amount of his [or her] Rate Bill, for the Quarter ending on the — day of —, 18—.

Dated this — day of —, 18—.
 A. B.,
 Collector.

EXPLANATORY REMARKS on the Imposition and Collection of Rate Bills, &c.—1. The Collector should take a receipt from the Secretary-Treasurer, for all moneys paid him. The Secretary-Treasurer should also take a receipt from the Teacher for all moneys paid him. The taking and giving receipts for moneys paid and received will prevent errors and misunderstandings.

2. The Trustees can raise the School Fees by voluntary subscriptions, if they please. They can also appoint the School Teacher to act as Collector, if he chooses to accept of the appointment, and give the required security. The Trustees can also impose any Rate Bill which they may think necessary for renting, and repairing, and furnishing a School-house. They are thus invested with all the authority necessary to promote the School interests of their Section. See the several clauses of the 27th section of the School Act.

3. As the School Accounts for each year must be kept separate by the Superintendents of Schools, so must the Rate Bills. They should therefore be dated on the first day of January, April, July, and October when these months do not begin on the Sabbath, in which case, the Rate Bills and Warrants should be dated on the second of the above-mentioned months. The Rate Bills and the Warrants can be made out for one or more Quarters of a year, at the same time, as the Trustees may think most convenient.

4. Those Parents and Guardians who pay the Rate Bills to the Secretary-Treasurer, or Collector, within ten days from the date of such Rate Bill, and without being called upon for it, will be exempt from paying the Collector's Fees.

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5. The Collector, by virtue of the Warrant from the Trustees, can enforce payment of the Rate Bill from any person who resides, or has goods and chattels within the limits of the School Section. For the mode of proceeding in the case of persons rated, who may not at the time of collecting the Rate Bill reside or have goods and chattels within the limits of the School Section, see seventh division of the 27th section of the Act.

6. The Trustees should make the apportionment for Fuel in money, as one item in the Rate Bill, and then exercise their own discretion as to whether the item for fuel should be paid in money or wood, fixing the price per cord to be allowed for the wood, describing the kind of wood, and the manner in which it should be prepared for the School. In case any person should fail to pay the amount of his wood-bill, in the manner and at the time prescribed by the Trustees, the payment should, of course, be enforced in the same manner as that of the School Teacher's wages, and the amount, thus collected, paid for the purchase of wood.

7. The Trustees can (if they deem it expedient) require the Collector to give security for the prompt payment of the moneys collected by him. The form of bond would be similar to that required of the District Superintendent (see chap. I, sec. 2), inserting "the Trustees and School Section," instead of "the Council," and the name and duties of the Collector, in place of those of the District Superintendent.

SECTION 10. *Form of Trustees' Order upon the District Superintendent.*

To the Superintendent of Common Schools for the _____ District.

Pay to [here insert the Teacher's name] or Order out of the School Fund apportioned to School Section, No. _____, in the [Township, Town, or City] the sum of [here write the sum in words]—the proportion now due of said Teacher's salary, for the year, to be raised by Rate Bill, having been duly collected and being at his disposal, according to the 5th clause of the 27th Section of the Common School Act.

Dated this _____ day of _____, 18—.

A. B., }
C. D., } Trustees.
E. F., }

EXPLANATORY REMARKS.—1. No part of the School Fund is allowed to be paid for any other purpose than the payment of the Teacher's salary; and the District Superintendent is not authorized to pay the School Fund moiety of a Teacher's salary to any other than the Teacher interested, or to some person authorized by the Teacher to receive and grant a receipt for it.

2. As the Legislative Grant is intended, not to supersede, but to assist and encourage local effort, it should be advanced on the order of Trustees, in harmony with the principle of its original appropriation. If, therefore, the Trustees desire to obtain from the District Superintendent one half of the sum apportioned out of the Legislative Grant to their School Section, they must see, at the same time, that there is collected for the School Teacher one-half of the amount which they have agreed to raise by Rate Bill, whether that amount be small or large; and so in regard to any other portion of the Legislative Grant for the current year. The object of this regulation is to prevent local abuses upon the bounty of the Legislature to secure to Teachers the punctual payment of their quarterly Rate Bills, as well, as the Legislative Grant, while it will always be found better for Parents and Guardians to pay the small amounts of the quarterly Rate Bills than to suffer it to accumulate to the end of the year, to the great inconvenience of the Teacher, and sometimes to his absolute loss. The most convenient way of paying the quarterly Rate Bill is, for each Parent or Guardian to send the amount for which he is rated by one of his children to the School Master, requiring his receipt for the amount. This will save such Parent or Guardian the trouble and expense of the Collector's fees, and secure punctual and timely payment to the Teacher.

SECTION 11. *Form of Deed for the Site of a Common School House, Teacher's Residence, &c.*

THIS INDENTURE, made the _____ day of _____, in the year of Our Lord one thousand eight hundred and _____, in pursuance of the ACT to facilitate the conveyance of Real Property, BETWEEN _____ of the Township [Town or City] of _____ in the _____ District and Province of Canada _____ of the one part, and the District Council of the _____ District, in the Province aforesaid, of the other part _____,

WITNESSETH, that in consideration of _____, of lawful money of Canada, now paid by the District Council of the _____ District aforesaid, to the said _____,

_____ grants unto the District Council of _____ District aforesaid, their Successors and Assigns, FOR EVER, ALL _____

In trust for the use of a Common School, in and for Section number _____, in the Township [Town or City] of _____ in the _____ District aforesaid, _____

THE said _____ COVENANTS with the District Council of the _____ District aforesaid, THAT he hath the right to convey the said Lands to the District Council of the _____ District aforesaid. AND, that the District Council of the _____ District aforesaid, shall have quiet possession of the said Lands: FREE FROM INCUMBRANCES. AND, the said _____ covenants with the District Council of the _____ District aforesaid, that he will execute such further assurances of the said Lands as may be requisite.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals.

A. B. [seal.]
C. D. [seal.]

SIGNED, SEALED, AND DELIVERED, IN THE PRESENCE OF

E. F., }
G. H., } Witnesses.

REMARK.—If the Grantor is a married man, his wife's name must be inserted in the Deed, and this clause added after the word "requisite": And the said _____, wife of the said _____, hereby bars her dower in the said Lands.

SECTION 12. *Form of the Annual Report of School Trustees to the District Superintendent.*

(For Form see opposite page.)

CHAPTER IV.

FORMS FOR TEACHERS OF COMMON SCHOOLS.

SECTION 1.—*Form of a Teacher's Receipts.*

1. Form of a receipt to Parents or Guardians, on the payment of his or her Rate Bill.

Received from [here write the name of the pupil or person paying] the sum of [here write the sum in words] currency, in payment of the Rate Bill due from [here write the name of the person in whose behalf payment is made] to School Section No. _____, in the [Township, Town, or City] of _____, for the quarter ending the _____ day of _____, 18—.

Dated this _____ day of _____, 18—.

A. B., Teacher.

REMARK.—When the payment of the Rate Bill is made by the Parent or Guardian concerned, the receipt should state it accordingly.

The payment of the Rate Bill to the Teacher, within the time which may be prescribed by the Trustees, will exempt the person thus paying it from the payment of the Collector's Fees. The Teacher should, of course, apprise the Collector of all payments made to him, so that the Collector may not be at the trouble of calling upon such persons; and should the Teacher not inform the Collector of such payments within the time prescribed by the Trustees, he should be liable to pay the Collector the usual Fees for the unnecessary trouble imposed upon him by such Teacher's neglect.

2. Form of Receipt to Trustees.

RECEIVED from the Trustees of School Section, No. _____, in the [Township, Town, or City] of _____, the sum of [here write the sum in words] currency, in payment of my salary in part [or in full] for the [First, Second, &c.] quarter, ending the _____ day of _____, 18—.

A. B., Teacher.

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3. Form of a Receipt to the District Superintendent.

RECEIVED from [here insert the name of the Superintendent] Superintendent of Common Schools for the District, the sum of [here write the sum in words,] currency, in payment of an order on him by the Trustees of School Section No. —, in the [Township, Town, or City] of —, in my favour, dated the — day of —, 18—, and paid this — day of —, 18—.

A. B., Teacher.

REMARK. Or on receiving the full amount of the order, it may be most convenient for the Teacher to write the following acknowledgment on the back of it:—

“RECEIVED the within in full, this — day of —, 18—.”

A. B., Teacher.

SECTION 2. Form of Teacher's Circular Notice of the Quarterly Examination of his School.

—, 18—.

SIR,—In conformity with the Common School Act, 9^o Vic. Cap. XX, Section 27, the Quarterly Examination of the School in Section No —, will be held on — day, the — of —, when the pupils of the School will be publicly examined in the several subjects which they have been taught during the quarter now closing. The exercises will commence at nine o'clock, A. M., and you are respectfully requested to attend them.

I am, Sir,

Your obedient servant,

To C. D.

School Trustee, or Visitor.

A. B., Teacher.

REMARKS. A copy of the above Notice ought to be sent to each of the Trustees, and to as many Visitors of the School Section as possible. Clergymen are School Visitors of any Township in which they have a pastoral charge; all Justices of the Peace are School Visitors of the Township in which they reside; and all District Councillors are School Visitors of the Township which they represent. The Teacher should address a circular notice to those of them who reside within two or three miles of his School; he is, also, required to give notice, through his pupils, to their Parents and Guardians, and to the neighbourhood, of the Examination.

SECTION 3. Form of a Common School Teacher's School Register.

(For form see opposite page.)

CHAPTER V.

MISCELLANEOUS FORMS.

SECTION 1. Form of application to the District Superintendent for a separate School.

To A. B., Superintendent of Common Schools in the — District.

SIR,—We, the undersigned [Roman Catholic or Protestant] Freeholders and Householdors of School Section, No. —, in the [Township, Town, or City] of —, being desirous of having a Teacher of our own Religious faith, and finding that the Teacher in this School Section is of the [Roman Catholic or Protestant] Faith, do hereby, according to the provisions of the Act 9 Vic. cap. xx, sec. 32nd and 33rd, make application for a separate School. We have appointed [here insert the names of three persons] to be Trustees of the said separate School; and we further declare that the said School shall be subject to the visitations, conditions, rules,

and obligations provided for in said Act with reference to other Common Schools.

Dated this — day of —, 18—.

REMARK. This Application must be signed by, at least, ten Householdors resident in the School Section specified. Such separate School is entitled to a share of the Common School Fund, not according to the number of children who attend such School, nor according to the number of children in the School Section of the religious faith of the applicants, but according to the number of children of that faith who attend such separate School.

SECTION 2. Form of application to the Chief Superintendent of Schools by a District Council for aid, in support of a District Model School, according to the 34th, 35th, 36th, and 37th sections of the Common School Act.

— DISTRICT COUNCIL OFFICE,
—, 18—.

SIR,—I am directed to inform you, that the Municipal Council of the — District has, by By-Laws, constituted the School in School Section, No. —, in the [Township, Town, or City] of —, to be a District Model School, for the term of — years from and after the — day of —, 18—.

The said By-Laws provide also, that the sum of [here insert the sum, which must, at least, be £40 for each Model School] shall be annually appropriated and paid from the District Rates for the payment of Teachers and the purchase of Books and Apparatus for the said Model School, for the said term of years.

I have further to acquaint you that the sum of [here write the sum] has been expended during the current year, in the purchase of Books and Apparatus for said Model School. I am therefore directed by the District Council to request that you will lay their application for the aid granted by the Legislature towards the support of such Schools before His Excellency the Governor General, that His Excellency's warrant may issue in favour of the Superintendent of Common Schools for this District, for a sum equal to half the amount expended, so that the same may be received and expended during the current year, as the law directs.

I am, Sir,

Your obedient Servant,

A. B.,

District Clerk.

GENERAL REMARKS. The parties concerned are left to their own discretion as to the Forms of all communications, relating to Common Schools, for which specific Forms are not furnished in the foregoing pages.

All communications with the Government, relating to Schools conducted under the authority of the Common School Act, 9 Vic. cap. xx, should be made through the Education Office, Toronto.

Communications with the Government, not so made, are referred back to the Education Office, to be brought before His Excellency through the proper Department—which occasions unnecessary delay and expense.

CHAPTER VI.

GENERAL REGULATIONS AND INSTRUCTIONS.

SECTION I. Holidays and Vacations.

1. Every alternate Saturday shall be a Holiday in each School.
2. There shall be a Vacation of eight days at Christmas, and another at Easter, in each year.
3. There shall be a Vacation of two weeks during some part of the Quarter ending on the 30th of September, at such time as the District Superintendent may direct; or, if he shall not direct any particular time, it may be at such time as shall be preferred by the Trustees and Teacher.

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4. Each District Superintendent shall have authority, when he may think proper, in visiting the Schools, to give the children a Holiday for general good conduct and general attendance at School.

5. All agreements between Trustees and Teachers shall be subject to the foregoing regulations; and Teachers shall not be deprived of any part of their salaries on account of allowed Vacations and Holidays.

SECTION 2. *Duties of Trustees.*

1. The Law invests Trustees with most important functions and duties. They alone have authority to employ Teachers; they alone provide and furnish the School House and premises; they select the Books from the list provided for them; they are indeed the patrons of the School. Their duties are, therefore, of the greatest importance, and should be well understood.

2. The Trustees employ the Teacher—agree with him as to the hours of daily teaching, the period during which he teaches, and the amount of remuneration; but the *mode of teaching* is with the Teacher. On the expiration of the term of agreement, Trustees can dismiss a Teacher if they are not pleased with him; but, subordinate to the general rules and regulations provided by law, the Teacher has a right to exercise his own judgment in teaching the School, and the District Superintendent and Visitors alone have a right to advise him on this subject. The Teacher is not a mere machine, and no Trustee or Parent should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible. To interfere with him, and deprive him of his discretion as a Teacher, and then, as is often the case, to dismiss him for inefficiency, is to inflict on him a double wrong, and a double injury, and frequently injures the pupils themselves, and all parties concerned. While a person is employed as a Teacher, it is essential, both to his character and success, that he, and not others, should be the Teacher of the School. It is, nevertheless, the duty of the Trustees to see that the School is conducted according to the regulations provided for by Law.

3. It is, therefore, important that Trustees should elect a competent Teacher. *The best Teacher is always the cheapest.* He teaches most, and inculcates the best habits of learning and mental development, in a given time; and time and proper habits are worth more than money, both to pupils and their parents. Trustees who pay a Teacher fairly and punctually, and treat him properly, will seldom want a good Teacher. To employ an incompetent person, because he offers his incompetent services for a small sum—though at a lower rate than a competent person—is to waste money, and mock and injure the youth of the neighbourhood. The *National Board of Education in Ireland* remark.—“A Teacher should be a person of Christian sentiments, of calm temper and discretion; he should be imbued with the spirit of peace, of obedience to the law, and of loyalty to his Sovereign; he should not only possess the art of communicating knowledge, but be capable of moulding the mind of youth, and of giving to the power, which education confers, a useful discretion. These are the qualities for which Patrons of Schools, when making choice of a Teacher, should anxiously look.”

4. Trustees will, also, find it the best economy to have a comfortable School House, kept comfortable and properly furnished. It is as difficult for pupils to learn, as it is for the Master to teach, in an unfurnished and comfortless School House.

5. In the selection of Books to be used in the School, the Trustees, should see that but *one* series of Reading Books, *one* Arithmetic, or one for the beginners and another for the more advanced pupils, *one* Geography, &c., should be used in any *one* School, in order that the Scholars may be classified in the several branches which

they are studying. Heterogenous School Books (however good each may be in itself, like each of several odd coach wheels), render classification impossible, increase the labours and waste the time of the Teacher, and retard the progress of the pupils. Both the Teacher and Pupils labour at, perhaps, not less than a hundred per cent. disadvantage, when they are compelled to use books which are as various as the Scholars' names.—The series of Readers and other School Books published by the National Board of Education in Ireland, and recommended by the Canadian Board, are doubtless the best, and will be the cheapest series of Canadian School Books sold in Canada, as may be seen by referring to the list of prices in the Appendix to these Forms and Regulations.

6. For other duties of Trustees, see the *Remarks* in the several sections of Chap. III. of these Forms and Regulations. The Trustees should, also, see that their School is furnished with a *Visitors' Book*, in which the remarks of Visitors may be entered.

SECTION 3. *Duties of Teachers of Common Schools.*

The 28th Section of the Common School Act prescribes the general duties of Teachers, and the disciplines to be maintained by them, according to the regulations and forms which shall be prepared by the Superintendent of Schools. For Forms to be observed, and Register to be kept in each School, see Chap. IV. See, also, the 28th Section of the School Act.

The following practical directions and rules for Teachers are substantially adopted from those of the National Board of Education in Ireland:

1. To receive courteously the Visitors appointed by Law, and to afford them every facility for inspecting the Books used, and examining into the state of Schools as prescribed by law; to have the Visitors' Book open, that the Visitors may, if they choose, enter remarks in it. Such remarks as may be made, the Teacher is by no means to alter or erase, but to lay them before the District Superintendent, who is authorized to transmit copies of such of them as he may deem of sufficient importance to the Chief Superintendent of Schools.

2. To keep the Register and Class-rolls accurately and neatly, according to the prescribed forms.

3. To classify the children according to the National Books, where they are used; to study those books themselves; and to teach according to the approved method recommended in their several prefaces.

4. To observe themselves, and to impress upon the minds of the pupils, the great rule of regularity and order—A TIME AND A PLACE FOR EVERY THING, AND EVERY THING IN ITS PROPER TIME AND PLACE.

5. To promote both by precept and example, CLEANLINESS, NEATNESS, and DECENCY. To effect this, the Teachers should set an example of cleanliness and neatness in their own persons, and in the state and general appearance of their Schools. They should, also, satisfy themselves, by personal inspection every morning, that the children have had their hands and faces washed, their hair combed, and clothes cleaned, and, when necessary, mended. The School apartments, too, should be swept and dusted every evening; and whitewashed, at least, once a-year.

6. To pay the strictest attention to the morals and general conduct of their pupils, and to omit no opportunity of inculcating the principles of TRUTH AND HONESTY; the duties of respect to superiors, and obedience to all persons placed in authority over them.

7. To evince a regard for the improvement and general welfare of their Pupils, to treat them with kindness

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combined with firmness; and to aim at governing them by their affections and reason, rather than by harshness and severity.

8. To cultivate kindly and affectionate feelings among their Pupils; to discountenance quarrelling, cruelty to animals, and every approach to vice.

N. B.—The classification of the children (referred to in the third rule) applies to all Schools, whatever books may be used. But the National Readers, as well as other books of the National Board in Ireland, afford peculiar facilities for doing so, as the Readers are numbered 1, 2, 3, 4, and 5, and are formed upon the *progressive principle*,—that is, “each lesson made a little more difficult than the preceding one, (the one rising above another, like the steps of a pair of stairs.) It will be necessary to divide each class into divisions to correspond with the progress and proficiency of the children. For instance, the first division of the first Class-book will be learning the *Alphabet*; the second, *Monosyllables*: and so on.” *The intellectual System of Education* is the method inculcated in the Prefaces of those excellent Books, while the Books themselves are so much superior to the common class of books, and contain so much information on subjects seldom brought within the reach of the mass of the people, that they form a sort of library themselves, and require careful and diligent study, on the part of the best Teachers, in order to teach them *intellectually* to others.

SECTION 4. *Duties of School Visitors.*

1. All Clergymen recognized by law, all Magistrates and District Councillors, are School Visitors, and their duties are clearly pointed out in the 15th and 16th sections of the Common School Act.

2. It is, however, recommended to Visitors, in no instance to speak disparagingly of the instructions or management of the Teacher in the presence of the Pupils; but, if they think any advice necessary, to give it privately; and to report to the District Superintendent anything which they shall think important to the interests of any School visited by them. The Law recommends the Visitors “*especially to attend the Quarterly Examination of Schools.*”

3. The District Superintendents are School Visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the 4th division of the 13th section of the School Act. While each District Superintendent makes the careful inquiries and examinations required by law, and gives privately to the Teacher and Trustees such advice as he may deem expedient, and such counsel and encouragement to the Pupils as circumstances may suggest, he will, as the Irish National Board direct each local Superintendent, “*exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority, both of Managers and Teachers.*”

4. Too strong a recommendation cannot be given to the establishment of Circulating Libraries in the various Districts, and Townships, and School Sections. A District Association, with an auxiliary in each Township, and a Branch in each School Section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole District. It is submitted to the serious attention of all School Visitors, as well as Trustees, and other friends of the diffusion of useful knowledge.

N. B.—There is nothing in the law against Visitors being elected Trustees; and the same person may often serve most usefully both as a Trustee and a Visitor—filling the latter office *ex-officio*, and the former by the choice of his neighbours.

SECTION 5. *Appeals to the Chief Superintendent.*

1. All parties concerned in the operation of the Common School Act have the right of appeal to the Superintendent of Schools; and he is authorized to decide on such questions as interested parties may think proper to refer to him. But for the ends of justice—to prevent

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delay, and to save expense, it will be necessary for any party thus appealing to the Superintendent: 1. To furnish the party against whom they may appeal, with a correct copy of their communication to the Superintendent, in order that the opposite party may have an opportunity of transmitting, also, any explanation or answer that such party may judge expedient. 2. To state expressly, in the appeal to the Superintendent, that the opposite party has thus been notified of it. It must not be supposed that the Superintendent will decide or form an opinion, on any point affecting differing parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such a hearing.

2. The foregoing directions do not, of course, refer to communications asking for advice on doubtful points, or prudential measures of a local or general character.

SECTION 6.—*The Constitution and Government of the Schools in respect to Religious Instruction.*

1. As Christianity is the basis of our whole system of Elementary Education, that principle should pervade it throughout. Where it cannot be carried out in mixed Schools to the satisfaction of both Roman Catholics and Protestants, the Law provides for the establishment of separate schools. And the Common School Act, securing individual liberty, as well as recognizing Christianity, provides, “*That in any Model or Common School established under this Act, no child shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion which shall be objected to by his or her parents or guardians.*” With this limitation, the peculiar religious exercises of each School must be a matter of understanding between the Teacher and his employers. This must be the case in regard both to separate and mixed Schools.

2. In Schools which are composed both of Roman Catholic and Protestant Children, the Commissioners of National Education in Ireland have made the following regulations which are worthy of imitation wherever desired and practicable in Canada:—“*One day in each week, or part of a day, (independently of Sunday,) is to be set apart for the religious instruction of the children, on which day such pastors or other persons as are approved of by the parents and guardians of the children, shall have access to them for that purpose.*” The Managers of Schools are also expected to afford “*convenient opportunity and facility for the same purpose on other days of the week. But where any course of religious instruction is pursued in a School during School hours, to which the parents of any of the children attending it object, the Managers are to make an arrangement for having it given to those who are to receive it at a stated time or times, and in a separate place; so that no children, whose parents or guardians object to their being so, shall be present at it.*” The Commissioners of National Education in England also observe in their Second Report, that—“*In the National Schools the importance of religion is constantly impressed upon the minds of the children, through the works calculated to promote good principles and fill the heart with love for religion, but which are so compiled as not to clash with the doctrines of any particular class of Christians. The children are thus prepared for those more strict religious exercises, which it is the peculiar province of the ministers of religion to superintend or direct, and for which stated times are set apart in each School, so that each class of Christians may thus receive separately, such religious instruction, and from such persons as their parents or pastors may approve or appoint.*”

The National Commissioners further explain the right of local Trustees or Patrons on this point: “*The Patrons of the several Schools have a right of appointing such religious instruction as they may think proper to be given therein; provided that each School shall be open to all religious communions; that due regard be had to parental right and authority; that*

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“accordingly, no child be *compelled* to receive or be present at any religious instruction to which his or her parents or guardians may object: and that the time for giving it be fixed that no child shall in effect be excluded directly or indirectly from the other advantages which the School affords. Subject to this, religious instruction may be given either during the fixed school-hours or otherwise.”

3. The foregoing quotations (which might be greatly extended) from the Irish Commissioners' Reports, are made, because their system may be considered as the basis of the Canadian system—their Books having been adopted and their methods of instruction being about to be introduced in the Provincial Normal School. That system is Christian, but not sectarian; secures individual right and denominational privileges, and is founded upon *revealed truth*. The *General Lesson* hung up in every School of the Irish National Board, and carefully inculcated upon the Pupils, is recommended for universal adoption in Upper Canada, and is as follows:—

GENERAL LESSON.

“CHRISTIANS should endeavour, as the Apostle Paul commands them, ‘to live peaceably with all men,’ (*Romans c. 12 v. 18*), even with those of a different religious persuasion.

“Our SAVIOUR CHRIST, commanded His Disciples to ‘Love one another.’ He taught them to love even their enemies, to bless those that cursed them, and pray for those who persecuted them. He himself prayed for His murderers.

“Many men hold erroneous doctrines; but we ought not to hate or persecute them. We ought to seek for the truth and hold fast what we are convinced is the truth; but not to treat harshly those who are in error. JESUS CHRIST did not intend His Religion to be forced on men by violent means. He would not allow His Disciples to fight for Him.

“If any persons treat us unkindly, we must not do the same to them; for CHRIST and His Apostles have taught us not to return evil for evil. If we would obey CHRIST, we must do to others, not as they do to us, but as we would wish them to do to us.

“Quarrelling with our neighbours and abusing them, is not the way to convince them that we are in the right and they in the wrong. It is more likely to convince them that we have not a Christian spirit.

“We ought to show ourselves followers of CHRIST, who, ‘when He was reviled, reviled not again,’ (*1 Peter, c. 2, v. 23*), by behaving gently and kindly to every one.”

4 For a more detailed exposition of this important subject, all parties concerned are referred to the “*Report on a System of Public Elementary Instruction for Upper Canada*.”

LIST OF SCHOOL BOOKS,

“Published under the direction of the Commissioners of National Education in Ireland”—prepared by practical and experienced Masters—and recommended by the Board of Education for Upper Canada, to be used in Canadian Schools; together with the *maximum retail prices* at which those Books will be sold, as soon as they can be imported, or re-printed. (The Board of Education has also recommended *Lennie's Grammar*, and sanctioned the use of *Kirkham's Grammar* and *Morse's Geography*.)

	CURRENCY.
First Book of Lessons	0s 2d
Second ditto	0 8
Sequel to Second Book.....	1 0

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Third Book of Lessons.....	1 4
Fourth ditto.....	1 8
Fifth ditto (Boys).....	2 0
Reading Book for Girls' School.....	2 0
Introduction to the Art of Reading.....	1 4
Spelling Book Superseded.....	1 0
English Grammar.....	0 8
Key to ditto.....	0 4
Epitome of Geographical Knowledge.....	3 4
Compendium of ditto.....	1 0
Geography Generalised, by Professor SULLIVAN.....	3 0
Introduction to Geography and History, by ditto.....	1 0
First Arithmetic.....	0 8
Key to ditto.....	0 8
Arithmetic, in Theory and Practice.....	2 8
Book-keeping.....	1 0
Key to ditto.....	1 0
Elements of Geometry.....	0 8
Mensuration.....	1 4
Appendix to ditto.....	1 0
Scripture Lessons, (O. T.) No 1.....	1 0
Ditto (O. T.) No 2.....	1 0
Ditto (N. T.) No 1.....	1 0
Ditto (N. T.) No 2.....	1 0
Sacred Poetry.....	0 8
Lessons on the Truth of Christianity.....	0 8
Set Tablet Lessons, Arithmetic.....	2 4
Ditto Spelling and Reading.....	1 4
Ditto Copy Lines.....	2 0
Map of the World.....	24 0
Ancient World.....	18 0
Europe.....	18 0
Asia.....	18 0
Africa.....	18 0
America.....	18 0
England.....	18 0
Scotland.....	18 0
Ireland.....	18 0
Palestine.....	18 0

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EDUCATION OFFICE,
Toronto, 15th December, 1846.

SIR,—I herewith transmit to you, for distribution copies of the Common School Act, and the Forms, Regulations, and Instructions for the better organization and government of Common Schools in Upper Canada, and for conducting the proceedings authorized and required by the said Common School Act, 9th Vic. Cap. xx. To the several Forms, I have added brief explanations and remarks, in illustration of both their use and importance.

You will perceive, by these Forms and Regulations, that I have rather proposed to supply *defects* than to make *changes*—to undo nothing, but to improve and perfect, as far as practicable, what has been begun—to endeavour to simplify what has been thought to be too complex, and to adapt the whole to the circumstances and feelings of a large rural community, who are immediately interested in the operation of the Common School Act, and to whom its administration is chiefly intrusted.

The first act of the people, under the new Law, will be holding the Annual School Meetings on the second Tuesday in January next. These Meetings are to be called by the present Trustees of Schools. With a view of rendering this new duty easy, on the part of Trustees, I have caused Blank Forms of School Notices to be printed, and herewith enclose them to you. As three notices are required to be posted up in each School Section, I have had three copies of the Blank Form printed on each half sheet of foolscap. By transmitting one copy of the School Act, and one of the Forms and Regulations, and one half sheet of the Blank Notices, to the Trustees of each School Section, you will supply them with the requisites for performing their duties under the new Law. This should be done at your earliest convenience.

As the care of shillings and pence is necessary in the accumulation of pounds, so *attention to details* is essential to the success and efficiency of a system of instruction.

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Vague generalities will be of little practical use. It is the fitting of the minute and less conspicuous parts which constitutes the real strength of a structure. This remark applies not merely to teaching, and classification, and the whole furniture and management of a School, but to every kind of useful information respecting it. In the accompanying Statistical Table of Common Schools in Upper Canada, recently prepared at this Office, in the preparation of which no labour was spared, the information available extended but little beyond the mere number of children taught and untaught in the several Districts in Upper Canada—the number of Schools, and the average amount of Teacher's salaries. But little or no definite information has yet been obtained as to the relative number of male and female Teachers; the relative number of Teachers of different forms of religious faith; the relative number of male and female children in the Schools; the relative number of children attending Schools in summer and in winter; the subjects taught in the Schools; the attainments of the pupils in each of those subjects; the methods of instruction pursued in the Schools; the Books used; the number and character of the School Houses, their furniture and apparatus; the libraries established, and several other items of information which are absolutely necessary in order to present a full and comprehensive view of the state of Elementary Education in the country, or even to form an adequate and safe opinion as to all the precise measures demanded for its improvement and extension.

Though as much has been done, since the establishment of the present system of Elementary Education in 1841, as could have been expected under the circumstances, it is manifest that it is yet in its infancy, and that much must be accomplished before it can compare with that of almost any other country, in which a system of popular education exists. With a view of attempting to remedy, in some measure, the defects to which I have adverted, I have prepared the Forms of District Superintendents' and Trustees' Reports, and School Registers, and Class Rolls, embracing all the subjects above mentioned and several others. The School Registers and Trustees' Reports will furnish every necessary information respecting each School Section. The District Superintendents' Reports will contain the aggregate of the School Section Reports, (the subjects in each being arranged in the same order,) together with such additional information as may be attainable by the District Superintendents themselves.

With a view of relieving, as far as possible, both the Superintendents and Trustees from inconvenience in preparing these Reports for the year 1847, I will cause Blank Reports for District Superintendents and Trustees to be printed, and I will transmit a sufficient number of copies of them for each District. The School Register and Class Roll can be prepared by each Teacher. A Bookseller in Toronto is now printing Forms of the School Registers and Class Rolls—according to the prescribed form—to supply Teachers who may apply for them. Some stationer in the County Town of each District might easily get printed, or procure a sufficient number of them, to supply the Schools of such District.

In respect to the General Regulations and Instructions which are contained in the 6th Chapter of the Forms, &c., you will observe that the Vacations and Holidays are the same as heretofore; and that the other directions and suggestions are either enjoined by the Common School Act, or have been adopted from the National Board of Education in Ireland, whose admirable system of instruction may be considered as the basis of our own—it having been sanctioned by the Government, and approved of by leading men of all sects and parties. It may be observed, that our system of Public Elementary Instruction is mostly derived from two sources: As a system of Education—that is, its law and government—it is chiefly borrowed from the lately amended School Law of the State of New York; as a system of instruction—that is, its school-teaching, books, discipline, &c.—it is adopted from the National Board of Education in Ireland. It may, however, be remarked, that the best methods of in-

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struction adopted in Great Britain, in Ireland, and in the United States, are derived almost entirely from Germany. I am far from desiring to introduce anything new in our Canadian System of Education, or to recommend anything which has not been fully tested and approved in other countries. In the First Part of my "Report on a System of Public Elementary Instruction for Upper Canada," I have collected the results of the experience and opinions of the most distinguished Educationists in Europe and America, and in the Second Part of that Report, I have explained the manner in which I think those results and opinions should be applied to Upper Canada, in every department of our system, from the duties of the Executive Government down to the voluntary efforts of private individuals; and to that exposition on general questions I have nothing to add in this letter.

There are, however, several provisions of the law, on the manner of executing which, it may be proper for me to make a few remarks. The first relates to the Books to be used in Schools. The law prohibits the use of Foreign School Books in the English Branches, unless sanctioned by the Board of Education; it also authorizes the Board to recommend Books to be used in Common Schools, and directs that the Trustees select their School Books from a List prepared by the Provincial Board, and withholds the Legislative Grant from any School in which Books are used which have been publicly disapproved of by the Board.

The Board has not deemed it expedient, as yet, to signify its public disapproval of any School Book published in the British dominions; but it has recommended the excellent series of School Books, prepared by experienced Teachers, and published by the National Board of Education in Ireland. A part of this series has been reprinted, and sold at reasonable prices by Messrs. Armour and Ramsay; and the Board has adopted measures to secure the importation, as well as correct reprints of these Books, at lower prices than they could hitherto have been furnished—though, I believe, they have already been sold at lower prices than many other School Books. The Board of Education has also recommended *Lennie's English Grammar* to those who prefer it, as well as the Elementary Grammar of the Irish Series. The Board has also sanctioned the continued use in the Schools of two American Books—namely, *Kirkham's English Grammar* and *Morse's Geography*,—both excellent elementary works—the latter, the best of the kind that I have seen in any country. It is, as a whole, impartial in its statements in respect to all countries; no disproportionate space is devoted to the United States of America; it contains upwards of fifty maps, besides two or three hundred wood engravings—and is imported and sold for *three shillings and ninepence*, or less. It also contains a map of Canada, with its District divisions.

But as many Foreign and other inappropriate books have found their way into our Schools, it is a work of some delicacy and difficulty to supersede them. This must be the work of time, as well as of prudence and perseverance; but the object to be accomplished is worth all the labour necessary for its attainment. It has been felt so in every enlightened country, as you may see, by referring to the authorities quoted in my Report on Elementary Instruction, under the head of *Text Books*. It has already been achieved in many of the counties, and all the principal cities of the neighbouring State of New York, such as New York, Albany, Rochester, &c., where their respective Boards of Education prescribe the Books which shall be used in each of the Common Schools within their respective jurisdictions. The principle of the system of uniformity of books in Schools is not so much that one set of books should be used in a State, but that only one set of books should be used in one School, and, next, that only one set of books should be used in a District or City. The first object to be aimed at is, the use of but one set of Books in one School. Let the District Superintendent and Teachers use every means to convince the Trustees of Schools, that such is their interest, and the interest of those on whose behalf

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they act, and one of the most important improvements in our Schools will be effected. The value of the Teacher's time to his employers will be doubled; the progress of the pupils will be proportionably advanced; and the most repulsive part of a Schoolmaster's toils will be succeeded by a comparatively pleasurable and successful labour. But reasoning and persuasion are the appropriate means of attaining this great public object. Education was never yet promoted by harsh means, and least of all in respect to the subject on which I am now remarking. Besides, the Government, as much as the people—and even more—has left to chance the selection and supply of School Books—(a provision for which ought to have been co-existent with our Common School Law.)—and the same reasons, affectionately and earnestly pressed, which have induced the Government to adopt so essential an improvement, will induce the Trustees and their constituents to share the advantages of it.

The next point to which I would advert, relates to Certificates of qualification to Teachers, the giving of which, except in the lowest and most limited degree, is confided to District Superintendents. If the employment of Teachers is with Trustees, the guardianship of their character and qualifications is chiefly with you. A serious responsibility, and one which requires no small degree of judgment and firmness properly to discharge. It may be assumed that your own estimate of the character and qualifications of a Common School Teacher will, to a great extent, be that of the public around you. The more elevated the standard (provided it is practical) of a Teacher's character and qualifications, the more respectable and desirable does the profession become, and the better will it be remunerated. The law makes special mention of the *moral character* of Teachers—thus protecting the rising generation against one of the greatest of evils—an *immoral* Teacher. The Teacher's religious faith is, likewise, required to be stated in his Certificate of qualification. You, and not the applicant, or his friends, are of course, to judge of the testimony furnished as to his *moral character*. It is therefore suggested to you, whether you should not require each applicant to produce a certificate from his Pastor of the religious faith which he professes, as to his moral character. Other testimonials are useful, but, I think, this ought not to be dispensed with. It is invariably required of applicants by the National Board of Education in Ireland. As to qualifications of Teachers, *ability to teach* is, doubtless, one of the most important. But on this point, I need add nothing to what I have said in my Report on Elementary Instruction, and in the accompanying Forms and Regulations; and to your own judgment and experience, this important interest of thousands may, I doubt not, be safely confided.

Another most important, and perhaps the most laborious branch of your duties, is the *inspection of Schools*. It is to be hoped that the efficiency of this part of our Common School System will be considerably improved by the appointment of Visitors. Some, indeed, are of opinion that neither Clergymen, nor Magistrates, nor Township Councillors will visit Schools without being paid for it. I charitably and confidently hope otherwise. At all events, the modification in the law, in respect to the office of Township Superintendents, was considered necessary and advocated by the leaders of both parties in the House of Assembly; but whether the substitute provided by law for that office is efficient, or whether it will be desirable to restore the office itself, time alone can furnish evidence to decide. But I venture to hope much from the services of Visitors, and the Quarterly Public Examination of Schools. Yet, your own inspection of the Schools, though necessarily infrequent, must be chiefly relied upon as the basis of your judgment, and the source of your information, as to the character and methods of school instruction, discipline, management, accommodations, &c.: and on this subject, we ought not to content ourselves with those exterior and general facts which have hitherto been the special, and almost only subjects of School Reports, such as the number of schools, that of pupils, their age, the sums expended, &c. These items of information are of unquestionable importance;

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and every means ought to be employed to render them more exact and complete. But it is not of less importance to know the *interior régime* of the Schools—the aptitude, the zeal, the deportment of the Teachers—their relations with the pupils, the Trustees and the neighbourhood—the progress and attainments of the pupils, and, in a word, the whole moral and social character and results of the instruction given, as far as can be ascertained. Such information cannot be acquired from Reports and Statistical Tables; it can only be obtained by special visits, and by personal conversation and observation—by an examination of the several classes, in their different branches of study, so as to enable you to ascertain the degree and efficiency of the instruction imparted.

In the Inspection of Schools, I would suggest something like the following order and subjects of inquiry and examination:

I. *Mechanical Arrangements*.—The tenure of the property: the materials, dimensions and plan of the buildings; how lighted, warmed, and ventilated; if any class-rooms are provided for the separate instruction of part of the children; if there is a lobby, or closet, for hats, cloaks, bonnets, &c.; how the desks and seats are arranged and constructed, and with what conveniences; what arrangements for the Teacher; what play-ground is provided; what gymnastic apparatus, if any; whether there be a well, and proper conveniences for private purposes. II. *Means of Instruction*.—The Books used in the several classes, under the heads of Reading, Arithmetic Geography, &c.; the Apparatus provided, as Tablets, Maps, Globes, Black-boards, Models, Cabinets, Library, &c. III. *Organization*.—Arrangement of classes; whether each child is taught by the same Teacher; if any Assistant, or Assistants; are employed, to what extent, how remunerated, and how qualified. IV. *Discipline*.—If the pupils change places in their several classes, or whether they are marked at each lesson, or exercise, according to their relative merit; if distinction depends on intellectual proficiency, or on a mixed estimate of intellectual proficiency and moral conduct, or on moral conduct only; what rewards, if any; whether corporal punishments are employed—if so, their nature, and whether inflicted publicly or privately; what other punishments are used; whether attendance is regular; what religious exercises are observed, and what religious instruction is given, if any. V. *Method of Instruction*.—Whether Mutual, or Simultaneous, or Individual, or Mixed; if mutual the number of Monitors, of what attainments, how appointed, how employed; if simultaneous, that is, by classes, to what subjects of instruction: whether the simultaneous method is not more or less mingled with individual teaching, and on what subjects; to what extent the intellectual, or the mere rote method is pursued, and on what subjects; how far the interrogative method only is used; whether the suggestive method is employed; whether the illiterate method is resorted to; how the attainments in the lessons are variously tested—by individual oral interrogation—by requiring written answers to written questions—or by requiring an abstract of the lesson to be written from memory. VI. *Attainments of Pupils*.—1. *In Reading*; whether they can read imperfectly, decently, or with ease and expression. 2. *In Writing*; whether they can write at all, or imperfectly, decently, or with ease and elegance. 3. *In Arithmetic*; whether acquainted with Notation and Numeration, Addition, Subtraction, Multiplication, Division, or not, respectively; whether skilful in them; whether acquainted with the Tables of Money, Weights, Measures, and skilful in them; whether acquainted with the compound rules, and skilful in them; whether acquainted with the higher rules, and skilful in them; whether acquainted with the exercises in mental arithmetic, and skilful in them. 4. *In Grammar*; whether acquainted with its divisions, rules of orthography, parts of speech, their nature and modifications, parsing, composition, &c. 5. *Geography, History, Book-keeping, &c.*; the order of questions, suggested by the nature of the subject.

The extent and degree of minuteness with which the inspection will be prosecuted, in respect to any, or all of

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the foregoing and kindred subjects, must, of course, depend on circumstances. But though these hints, as to a general outline of inspection, are applicable to School Visitors, as well as to School Superintendents; yet it is, of course, expected that the inspection of the District Superintendent will be more thorough and general than that of a Visitor.

It is scarcely necessary for me to say, that Teachers—especially the better class of them—deserve your sympathy and support. It sometimes happens that the best Teacher suffers most from some ignorant and prejudiced person, or persons, who, though unacquainted with school-teaching, and perhaps with even what is taught in the School, undertake to dictate and interfere with the Teacher, both as to his teaching and discipline. It is always easier to complain than to justify—to excite suspicions and prejudices than to remove them; and some parents are much more disposed to find fault with the Teacher than to blame the dullness, or illeness, or vice and neglect bringing up of their own children. The real faults of such parents are thus imputed to the unfortunate Teacher, and he becomes their victim, if he does not renounce his own understanding, and experience, and perhaps authority. It should be understood that the Teacher—humble though his circumstances may be—is nevertheless legally authorized for his office—has his duties prescribed by law, and even the principles and methods of teaching—as recommended in the prefaces to the National School Books—but which interfere not with individual independence of mind and diversity of talent. The Teacher should, therefore, be maintained in the rights of his office, as well as in its obligations. This will always be for the public interests, as the well instructed part of the community will perceive. But the amount of ignorance and prejudice in some neighbourhoods is so large, that the intelligent Teacher needs all the support which can be given him. Then, on the other hand, public duty requires that no nuisance should be tolerated in the person of a Teacher.

Trustees may sometimes be opposed by such a mass of ignorant selfishness, as to need your decided support. An intelligent set of Trustees, who know the value of a good practical education, and are determined to secure its advantages to the rising youth of their School Section, are an invaluable blessing to a neighbourhood, and sometimes, by their example, to a whole District. Yet, it now and then happens, that they are opposed by party and selfish ignorance in all its forms. But, while such men are thus labouring gratuitously for the good of their neighbours, they will, I have no doubt, receive from you every assistance which you can afford them. Indeed it

is essential to the improvement and success of school instruction, that the influence of the Managers and Teachers of Schools should be strengthened and sustained; and, surely, no one in your District has so large opportunities as yourself to impart enlightened views on subjects of popular instruction.

As it respects the local School Reports for the current year, they are, of course, to be made as heretofore—the School Act of 1843, being in force until the 1st of Jan., 1847—the day on which the Reports of Township Superintendents are to be dated—the Reports of Trustees being dated the day previous. And the Township Superintendents with their Reports, for the current year, are required to pay over to you, all School moneys remaining in their hands, and to deliver over all papers which they hold by virtue of their office. The last section of the new Act provides for the collection of all penalties imposed by the old Act upon Township Superintendents for neglect of any part of their duty.

The only other remark I have to make is, that with firmness in the discharge of your duties, everything should be done in the spirit of gentleness and kindness. This spirit should pervade the whole system of public instruction, from the humblest Teacher up to the Executive Government. Whatever diversity of sentiment and predilection there may be among the various Teachers, Trustees, Visitors and Superintendents on men and things in other respects, it should not be permitted to interfere with their harmonious co-operation and labours, in a work which embraces the best interests of the entire country, and of future generations, without regard to sect or party.

My estimate of the importance of your own office in this great work has been sufficiently expressed in a late Circular to Municipal Councils, as well as in my Report on Elementary Instruction; and it will be alike my duty and pleasure to supply any omissions of the present Circular, and to afford you every assistance in my power in the prosecution of your onerous and responsible duties.

I have the honour to be,

Sir,

Your obedient servant,

EGERTON RYERSON.

To _____,
Superintendent of Common Schools,
in the _____ District.

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1st July.

Montreal:

PRINTED BY LOVELL AND GIBSON,

SAINT NICHOLAS STREET.

ANNUAL REPORTS

OF THE SUPERINTENDENT OF COMMON SCHOOLS FOR UPPER CANADA, for the years 1845 and 1846; submitted to the Honorable Legislative Assembly for their information.

By Command.

D. DALY,

Secretary.

SECRETARY'S OFFICE,

Montreal, 12th July, 1847.

Annual Report of the Superintendent of Schools for Upper Canada, from August, 1845, to August, 1846.

To His Excellency the Governor General of Canada.

May it please your Excellency,

I have the honor to lay before your Excellency the Annual Report of Common Schools in Upper Canada for the year ending August 1846.

The annexed Statistical Tables have been constructed from the Reports of District Superintendents. Though as full as the circumstances of the several Districts would permit, they are too imperfect to present a complete tabular view of the state of Common School Instruction in Upper Canada.

I. NUMBER OF SCHOOL SECTIONS AND SCHOOLS.

The number of School Sections is 3094; and the number of Schools is 2736; leaving 358 School Sections, or nearly one in nine without a School. There is also reason to believe, that the School Sections in many, if not most of the Districts, are too numerous—thereby dividing the resources for procuring competent School Teachers, and often shortening the period of tuition in the feeble Sections and inferior Schools themselves. Were the School Sections reduced to two thousand, and only the same amount expended for their support which is now expended for the support of 2736 Schools, there would doubtless be a superior order of men as School-masters, the Schools would be more efficient in every respect, and much more knowledge would be imparted than at present. It is, undoubtedly, better for a pupil to go a long distance to a good School, than a short distance to a poor one; and extensive inquiries have shown, that the average punctuality and improvement of pupils living from one to two miles from the School, exceeds that of pupils living at a less distance.

II. NUMBER OF CHILDREN TAUGHT.

No returns have yet been obtained as to the number of children taught in private or in the District Grammar Schools; nor as to the comparative number of children attending School in winter and summer. The number of children between the ages of 5 and 16 years, attending the Common Schools in 1845, is 110,002; being an increase of attendance over the year 1844 of 13,246—not by any means equal to the natural increase of the population. The whole number of children in Upper Canada between the ages of 5 and 16 years is 202,913. There are,

therefore, nearly 92,911 children of School age attending no School whatever; a statement too startling and alarming to require any reflections from me, and sufficient to account for much of the crime that swells our criminal calendar, and entails vast expense, besides numberless other evils upon the country.

III. AVERAGE PERIOD OF TUITION.

The average time, during which the Schools have been kept open in 1845 is 9½ months; the average period of Tuition, for the year 1844, was 7½ months. The lowest average period of Tuition in any District exceeds 8 months, and in several Districts 11 months; and in respect to most of those instances in which the School has been kept open for a period of less than six months, (the period now fixed by Law,) it is stated to have arisen from the indifference of the inhabitants to School instruction, rather than from their poverty. Indeed it is questionable, whether there is a School Section in Canada West, containing 60 children of School age, the inhabitants of which, with the aid of the Legislative grant, cannot support a School-master more than six months of the year. It is gratifying to observe, that the average period of tuition has not only increased, but that it considerably exceeds that required by law in order to secure the bounty of the Legislature.

IV. TEACHERS AND THEIR SALARIES.

The number of Teachers is not given in the local Reports. Allowing one Teacher for each School, there are 2,736 Teachers. The amount of salaries paid to them for the year 1845 is, £71,514 2s. 6¼d, giving an average salary, for twelve months' service, of £29, and, for the average period of tuition, only £26. In these returns, no allowance is made for the few cases in which Teachers board among, or are allowed a house by, their employers. In some Districts the average salaries of Teachers considerably exceed the amount here stated. The whole sum paid to Teachers in 1844 was £51,714—being an increase in 1845 of £19,800—being an increase of nearly twenty per cent. in favor of 1845. It is, however, to be remarked, that there are 136 more Schools in 1845 than there were in 1844. While there is a manifest improvement in the salaries of Teachers, it is obvious the remuneration allowed them is not sufficient to secure competent persons. It is stated in several of the local Reports, that the qualifications and efficiency of the Teachers are in exact proportion to the salaries paid them. The chief remedy, therefore, for the incompetency of Teachers is in the hands of the people themselves. If they want able Teachers, they must pay them, as they do able Lawyers, Physicians, &c.

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V. COURSE AND EXTENT OF STUDY.

Reading, Writing, Grammar, Arithmetic, and Geography are taught in most of the Schools; but to what extent, or in what manner, they are taught, or what other subjects are taught, are points on which I have no information beyond the casual opinions of District Superintendents. I cannot, therefore, state what number of pupils are in the Alphabet, or in Spelling or Reading, or in the simple or compound Rules of Arithmetic, or in Grammar, or Geography, or History, or Algebra, or Mensuration, &c. &c. It is to be hoped that a classification of the pupils will soon be made, so that a tolerable opinion may be formed of the kinds and amount of knowledge imparted in the Schools.

VI. BOOKS USED IN THE SCHOOLS.

The reprints of the excellent books published by the National Board of Education in Ireland, have been partially introduced into many of the Schools; but the complaints from the local Superintendents are general, as to the pernicious variety of heterogeneous and unsuitable books which prevent all classification and arrangement in the Schools, and, in some instances, almost paralyze their usefulness. There appears, however, to be a growing conviction in the public mind of the evils of the present state of things in respect to School Books; and under the provisions of the new School Act, the Board of Education will doubtless effect much good in promoting the introduction of a cheaper, as well as better and uniform series of School Books into general use.

VII. METHODS OF TEACHING.

The different methods of teaching have not yet become the subjects of specific Reports. The absence of the essential means of classifying the pupils, on account of the variety of heterogeneous books in most of the Schools, precludes the adoption of the best methods of teaching even where the Teacher is competent to pursue it. The attention of the local School Authorities has been especially called to this subject, and it is to be hoped that subsequent Reports will furnish gratifying proofs of improvement.

VIII. SCHOOL HOUSES—THEIR FURNITURE AND APPENDAGES.

On this important subject, no specific information has been received, beyond the general statement, that, with a few exceptions, the School houses are deficient in almost every essential quality of places adapted for Elementary instruction. Very few are furnished with any thing more than desks and forms of the most ordinary kind, and have no apparatus for instruction, nor appendages, or conveniences, either for exercises, or such as are required for the sake of modesty and decency. There are, however, some honourable exceptions; and, in a future Report, I hope to be able to specify them. I think it proper to observe, also, that the people are not alone to blame in this matter, and deserve indulgence rather than censure. What has been done in this respect,—and much certainly has been done,—has been devised and accomplished by the people themselves, without plans, or instructions, or suggestion from any high quarter. In other countries, complaints, equally strong and general, have been made on this subject, in the Reports of Superintendents, or Ministers of Public Instruction; and little improvement has been effected in the construction and furniture of School Houses in those countries until plans and documents were put forth by the

Educational Authorities, evincing the nature and extent of the existing evils and the proper means of remedying them. I am convinced that nothing more is required in this Province to secure a great and extensive improvement in our Common School accommodations. When it is considered that perhaps nine-tenths of the people have access to no other place of instruction than the Common School, and how powerful is the influence of the place and its appendages upon the health, tone of study, proficiency, habits, tastes, and feelings of the young population who will soon constitute the people of the land, determine to a great extent the character of its institutions, and even of its history, the importance of School Architecture itself can scarcely be overrated, and, especially when the most essential improvement can be made in it with very little additional expense. But, on this subject, I propose to prepare a separate and special Report.

IX. COMMON SCHOOL LIBRARIES.

I have no information of the existence of a Common School Library in Upper Canada; yet such an institution is a treasury of useful knowledge—a centre and source of intellectual light and entertainment to any neighbourhood, and can be successively and equally enjoyed by all, at the expense of a few shillings to each of the inhabitants. A family may thus procure the perusal of the whole of an appropriate and useful Library for five shillings!

X. COMMON SCHOOL FUNDS.

The only funds at present available for Common School purposes in Upper Canada, arise from the Annual grant of the Legislature and the District Council Assessments and local Trustee Rate Bills. The moiety of the Legislative grant paid to Upper Canada is £21,000 per annum, while £29,000 per annum has been paid to Lower Canada; making the sum of £50,000 per annum granted by the Legislature in aid of Common Schools throughout the United Province of Canada. It is pleasing to observe that the amount of local contributions in support of Common Schools in Upper Canada, has steadily increased from year to year. In the year 1842, there was paid by local contributions (independent of the Legislative grant) for the salaries of Common School teachers in Upper Canada, £21,500; in 1844, (no Returns being made in 1843,) there was paid by local contributions alone, £30,714; and in 1845, the sum of £50,514—being an increase of £19,800 on the local contributions of 1844—an increase of more than one-third in one year by the voluntary impositions of the people themselves. These sums do not include the salaries of District and Township Superintendents, nor the amounts expended in the erection and furnishing of School Houses. These facts are very encouraging, and warrant the hope that, with the proper assistance as to a general system of School management and instruction, all the youth of Canada will soon be blessed with the means of a good Common School education.

As to the accounts of the manner in which the School Funds have in all cases been expended, I regret to have it to say, that it is not as satisfactory as could be wished, or as the new School Act provides for, after the expiration of the current year. Each District Superintendent is obliged to furnish vouchers to the Inspector General of the faithful expenditure of the money placed in his hands for one year, before he can draw the apportionment of School money for his District the year ensuing. But it is otherwise with Township Superintendents. They are accus-

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tomed to certify to the District Superintendents what moneys they have received and expended; and I am informed that, in some instances at least, they account to the District Council. But every District Superintendent's Annual Report contains a column of "Amounts reported to be in the hands of Township Superintendents." These "Amounts" average in each District from £30 to upwards of £900. The accompanying Statistical Reports will show, that at the end of the year 1845 there was in the hands of the several Township Superintendents in Upper Canada the large sum of £5,825 14s. 6½d. How these "balances" have been expended from year to year since the enactment of the law of 1843, is unknown at the Education Office for Upper Canada. The "balance in the hands of Township Superintendents" are duly reported by the District Superintendents, as reported to them by the Township Superintendents themselves; but of the subsequent disposition of those "balances" I know nothing. They may be added to the School Fund for the ensuing year, under the head of "Amount of Assessment"—and the expenditure of them may be duly accounted for to the District Councils—of which I have no knowledge; but no mention is made of them in Reports which reach this Department, although I trust they are faithfully appropriated. Provision is, however, made in the new School Act by which all such unappropriated balances will not only be separately stated in the Annual Report of the Chief Superintendent of Schools, but the disposal of them will also be separately accounted for.

XL. DISTRICT SUPERINTENDENTS' REPORTS.

The annexed Statistical Returns of Common Schools in Upper Canada for the year 1845—derived from the several Reports of District Superintendents—though deficient in a number of important particulars essential to a comprehensive and practical view of the Educational state of the country—contain all the items which have been furnished to the District Superintendents by the local reports of Trustees and Township Superintendents. The forms for local Reports under the new Act will provide for the collection of much additional information respecting the character and condition of the Schools in every respect.

In addition to the Statistical Reports, I append extracts from the Reports of District Superintendents, expressing their general views as to the state and prospects of the Common Schools within their respective jurisdictions. It is to be regretted that the District Superintendents have in general been so brief in their remarks, and that they have not all given a summary expression of their views as to the character and progress of Elementary Schools within their superintendence. It will be seen by the extracts hereto appended, that there is a manifest improvement in the Common Schools generally, and a growing interest in the public mind in behalf of the education of the youth of the country.

It affords me pleasure to add, that, without a single exception, as far as I know, the District Superintendents have faithfully co-operated in the administration of the School Law, and employed their best exertions to give the fullest effect to the benevolent and liberal intentions of the Legislature in imparting to the Province the blessings of a uniform and well digested system of public instruction, and in educating, upon Christian principles, the entire population.

XII. OBSERVATIONS AND SUGGESTIONS.

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Besides preparing an Annual Report of the actual state of the Common Schools throughout Upper Canada, the School Act requires me to submit such plans for their improvement, together with such statements and suggestions relating to education generally, as I may deem expedient.

Having on the 3d of last March reported to Your Excellency on the then existing School Law in Upper Canada, and the amendments of it which appeared to me to be necessary; and having on the 27th of the same month laid before Your Excellency a "Report on a System of Public Elementary Instruction for Upper Canada," in which I discussed the whole subject at large, I think it is superfluous for me, in the present Report, to repeat any thing that I have so recently stated, or to offer any additional observations.

There are two subjects connected with the interests of Common School Education in Upper Canada, which, being too important to be introduced at the conclusion of a Report, will be made the subject of separate Reports; namely, the Architecture of School Houses, and the necessity of a law for the better establishment and maintenance of Common Schools in Cities and incorporated Towns in Upper Canada. And in order that your Excellency may be acquainted with what has been done, or may be done, with a view to carry the new School Act into effect, and may be able to furnish the Legislature with all the information which shall be desired on that subject, I will, before the ensuing Session of the Legislature, report to your Excellency the measures which may be adopted for the purpose of establishing a Normal School, and for otherwise promoting the objects of that Act,—only ten Sections of which come into operation before the 1st of January, 1847.

I have the honor to be,
Your Excellency's
Most obedient humble Servant,
EGERTON RYERSON.

Education Office,
Toronto, August, 1846.

EXTRACTS from REPORTS of District Superintendents of Common Schools for the year 1845.

I. EASTERN DISTRICT.

[No general remarks or opinion by the District Superintendent.]

II. OTTAWA DISTRICT.

Extract from the Report of the Reverend Colin Gregor, District Superintendent:—

"I have great pleasure in reporting for your information, that the Common Schools of this District are much more efficiently taught than they were two years since. This is especially true with regard to West Hawkesbury. English Grammar, Geography, History, Arithmetic, are taught in all the Schools except one, and in one, Latin is taught along with the branches mentioned. The Schools in East Hawkesbury, though not in so advanced a state, exhibit a respectable degree of progressive improvement. Those of Longueuil, Caledonia, Plantagenet, and Clarence, have progressed in a similar ratio, and the average attendance at these

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" Schools, for at least six months in the year, is above twenty-four. Of the Schools in the remaining three Townships—Alfred, Cumberland, and Russell, I am compelled to speak in more qualified terms. They are, and always have been in a low state; but, even among them, indications of improvement are discernable. And, upon the whole, I think I am warranted in saying, that the progress of education through the District is gratifying."

III. DALHOUSIE DISTRICT.

Extract from the Report of Hamnett Pinhey, Esquire, District Superintendent.

" In the District Model School are 63 Pupils of the ages from 5 to 16. In behalf of this Institution was levied on the District by the Council, £130.

" The Common Schools are very indifferently conducted, and the Masters in general very inadequate to perform the duties required of them; a reform is expected from the establishment of the Model School."

IV. BATHURST DISTRICT.

Extract from the Report of the Reverend Alexander Mann, A. M., District Superintendent:

" As those, whose province it was to do so, have not provided training Schools for the benefit of Teachers, the state of Education in this District has not, during the last year, been essentially changed. It is vain to expect a decided amendment, until those, who have the charge of youth, be furnished with the means of obtaining the qualifications requisite for the proper discharge of professional duty. Were this placed within their reach, I have every reason to believe that not a few of the School-masters, under my superintendency, would soon become possessed of the necessary requirements.

" In existing circumstances, I have declined giving a regular certificate to any Teacher. There are, no doubt, some very deserving persons officiating in this capacity, but there is room for improvement even in those, who, by comparison, may be termed the best, either as respects literary attainments, or the manner of conducting the business of a School. On this account, I have merely sanctioned appointments, on the ground, that the most suitable instructor that could be found, for the particular locality, had been employed. Instead of having the power of making a selection, in several Townships, Schools were not in operation, for the simple reason, that the services of no Teacher whatever could be obtained. It is, therefore, evident that, unless a suitable provision be made for qualifying School-masters, the benevolent intentions of the Legislature, as regards Education in this District, will be, in a great measure, frustrated; and, if confidence cannot be placed in the Teacher, the community will not give that cordial support to Educational interests, which it is desirable should be afforded, nor can their aid be conscientiously solicited.

" It is true, indeed, that the inhabitants of this part of Canada are, in general, far from being indifferent, as respects this important matter. This is sufficiently evinced by the excitement which, for a considerable time past, has prevailed on the subject. The people, however, in many instances, require to have their attention specially directed to

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" its paramount consequence. This, it is believed, could not be more effectually accomplished than through the medium of Lectures; these might be delivered by the County Superintendent. And, in order that this might be done without prejudice to other duties devolving on that officer; there ought, I conceive, to be a Superintendent for each of the two Counties of which this extensive District is composed. And, as this is a very responsible situation, none should receive it, but an individual of acknowledged fitness, or such as, on examination, may be declared to be so by competent judges.

" In so far as Teachers are concerned, I made an effort, on my own responsibility and at my own expense, to improve them by opening a Private School solely for their benefit; but as I did not meet with proper encouragement I was obliged to relinquish my purpose. The small salary allowed for discharging the duties of County Superintendent, would not admit of my continuing to prosecute this object without some additional remuneration."

V. JOHNSTOWN DISTRICT.

Extract from the Report of Richey Waugh, Esq., District Superintendent:

" The Trustees of many Schools employ Teachers only for whatever time the School Fund will pay them wages, and they receive but little benefit from the public money thus expended. Cannot this evil be remedied? I would beg also to mention that the School Districts are (many of them) too small, so that the inhabitants cannot afford to pay a competent Teacher the whole year."

VI. MIDLAND DISTRICT.

[No general remarks or opinion by the District Superintendent.]

VII. PRINCE EDWARD DISTRICT.

[No general remarks or opinion by the District Superintendent.]

VIII. VICTORIA DISTRICT.

[The District Superintendent expresses no general opinion; but from the defects in the acquirements and system among teachers, and the great variety of books in the Schools, and the objectionable character of many of them, strongly urges the establishment of a Provincial Normal School, and the introduction of the books and methods of teaching sanctioned by the National Board of Education in Ireland.]

IX. NEWCASTLE DISTRICT.

[No remarks by the District Superintendent, who entered upon the duties of his office after the close of the year 1845.]

X. COLBORNE DISTRICT.

[No general remarks or opinion by the District Superintendent.]

XI. HOME DISTRICT.

Extract from the Report of Hamilton Hunter, Esquire, District Superintendent:

" In addition to the information contained in the foregoing Statistical Report of Common Schools in

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“ the Home District, furnished in compliance with
“ the requisitions of the Statute, the District Super-
“ intendent would beg leave to offer a few observa-
“ tions. These will be brief, as he does not deem it
“ necessary to enter into some points which he might
“ have noticed had no alteration in the law been
“ contemplated.

“ The foregoing Report shows that there are 320
“ School Districts in the County of York; and that
“ in 298 of these Schools are reported to have been
“ in operation during some part of the year 1845.
“ In a few of the School Districts, no Schools have,
“ as yet, been established, owing to the difficulty of
“ getting School Houses erected. The Report shows
“ the number of children residing in the Home District,
“ between the ages of 5 and 16 years, to be 30,215,
“ an increase of 2,651 over the number of last year;
“ and the number who have attended School during
“ some part of the year, to be 14,363, an increase of
“ 863, thus showing that nearly one half of the
“ children in the District have been in attendance at
“ School. The number of children who attend in
“ the Townships, in proportion to the whole popula-
“ tion, is much greater than it is in the City of To-
“ ronto. In the City, scarcely one fourth attend the
“ Common Schools; whilst, if we make the neces-
“ sary calculation, we shall find the number that have
“ attended School in the District, exclusive of those
“ of the City of Toronto, to be 13,255, and the num-
“ ber resident to be 25,587; thus showing that in
“ the Townships, taken collectively, more than one
“ half have been enjoying the benefits of education.

“ The reason of so small a proportion attending
“ the Common Schools in the City of Toronto is,
“ undoubtedly, the existence of so many private
“ Schools, and the feeling which exists in the minds
“ of parents of easy circumstances leading them to
“ provide, what they consider, a more genteel, or bet-
“ ter education for their children than can be obtain-
“ ed at Common Schools. I have much pleasure,
“ however, in stating that the Schools in the City of
“ Toronto, generally speaking, have been conducted
“ well; the Teachers having displayed much dili-
“ gence, ability, and zeal. The Report shows that
“ in the Home District, during the last year, the sum
“ of £6,277 13s. 8½d. has been expended in the pay-
“ ment of Teachers from the Common School Fund,
“ besides the sum of £5,366 2s. 6d. reported to have
“ been derived from Rate-bills and other sources,
“ making a total of £11,643 16s. 2½d. expended for
“ educational purposes during the year. This amount,
“ I have no doubt, falls considerably short of the
“ actual sum, as there are some instances in which
“ the returns from the School Districts are not made.

“ I have now to speak of the condition in which I
“ find the Common Schools throughout the District.
“ There is, I am happy to say, a decided improve-
“ ment since last year. There seems to be more spirit
“ and energy displayed on the part of some of the
“ Teachers, and the children, of course, are making
“ a corresponding progress.

“ In some of the Townships this improvement is
“ more visible than in others. The Township of
“ Whitby, as a whole, contains more good Schools
“ than any other Township in the District. This
“ arises from several causes; from the care exercised
“ by the Township Superintendent in forming the
“ School Districts of such an extent as to afford bet-
“ ter remuneration to the Teachers, and thus enable
“ them, in most instances, to keep their Schools open
“ during the whole year; from the care exercised by
“ the Township Superintendent and the people, in
“ the choice of Teachers, and from the general intro-

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“ duction and use of Thornton's Series of Common
“ School Books, which circumstance gives the Teach-
“ ers a decided advantage in the management of their
“ Schools, and facilitates the progress of the pupils.
“ There are a few Schools in the neighbourhood of
“ Newmarket, in the Township of Whitchurch, that
“ are conducted in a very superior manner, excelling
“ most others in the District. These have principally
“ been conducted by American Teachers, who had
“ been brought up to the profession in their own
“ country, but whose services we are about to lose.
“ Whilst I have much pleasure in noticing the im-
“ provement that is gradually taking place in the
“ character of our Schools, I must add that they are
“ still, as a whole, very far from being such as the
“ friends of education could wish. In my last Re-
“ port, I expressed the opinion that our Common
“ School System never could be effective, never could
“ wear the proper aspect of a National System of
“ Education, never could produce its best fruits until
“ a Normal and Model School would be established
“ for educating and training Teachers. Further ex-
“ perience only tends to confirm me in the truth of
“ this, and I rejoice exceedingly that steps are now
“ about to be taken to supply that desideratum.

“ Without well qualified Teachers, we cannot have
“ good Schools; with them we cannot have bad ones.
“ Wherever I find a Teacher who is himself pretty
“ well qualified, and who adopts a proper system in
“ the management of his School, there do I find edu-
“ cation flourishing, proper attention paid to the
“ various studies that ought to constitute a Common
“ School education, the School well attended, well
“ provided with books and School requisites, and, in
“ short, a lively interest in the subject of education
“ diffused throughout the whole neighbourhood, and
“ animating both parents and children. But, on the
“ contrary, when the Teacher is a person of poor at-
“ tainments, the School languishes, all is dullness, and
“ the proper studies are not attended to. It may be
“ said: Why employ such as these? The reason is,
“ we cannot avoid it. The supply of good Teachers
“ is not equal to the demand, and many of our Dis-
“ tricts are too poor to afford sufficient remuneration
“ to those who are properly qualified, if they could
“ be obtained. We are improving in this respect,
“ however, and a little time may remedy the evil.

“ I have the pleasure of reporting, that, as far as
“ I can discover, the inhabitants of this District are,
“ generally speaking, very favourably disposed to-
“ wards the system of Common School Education
“ that has been in operation for the last two years,
“ and willing to avail themselves of the advantages
“ it unquestionably confers. Whatever dissatisfac-
“ tion may have existed in the minds of some at the
“ period of its introduction, seems to have subsided,
“ and, we have every reason to hope, that our Com-
“ mon Schools will, in the end, prove not only
“ satisfactory to the people, but a blessing to the
“ country.

“ There is one fact with which I have been for-
“ cibly struck in my visits to Schools, which shows,
“ in the clearest manner, the great necessity that ex-
“ isted in this Colony for the establishment of a sys-
“ tem of Common School Education; it is this, that
“ in our Schools the amount of attainment, on the
“ part of the pupils, is generally in an inverse ratio
“ to their size and age, after they have reached be-
“ yond their twelfth or thirteenth year. The largest
“ Scholars that attend our Schools are by far the
“ lowest in point of attainment, which shows how
“ sadly the Education of that portion of the com-
“ munity, now about to attain the years of manhood,

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“ has been neglected. In many of our Country
“ Schools, it is a very common thing to find persons
“ advanced to the age of young men and women,
“ commencing to learn the very first rudiments.
“ The mind feels pained upon contemplating this,
“ but it is gratifying to think that a remedy has been
“ provided against it in the establishment of our
“ Common Schools, by which the elementary branch-
“ es of Education are brought within the grasp of
“ all. It leads us to reflect upon the melancholy
“ state of ignorance that must have existed at no
“ distant period in this Province, had no means been
“ provided other than those which formerly existed
“ for placing the elements of knowledge within the
“ reach of the rising generation.

“ It may not be out of place for me to state in
“ this Report, that I do not find the School Houses
“ throughout the District, with some few exceptions,
“ such as they ought to be; they are generally too
“ small, and not seated and fitted up in a convenient
“ manner. If it were taken into consideration how
“ much the health and spirits of the children are af-
“ fected by being confined in too close a house, how
“ much their capacity for improvement is impaired
“ by the influence of an unhealthy atmosphere; and
“ how great is the disadvantage under which the
“ Teacher labours, whose School-room accommoda-
“ tion is too limited; more attention would, undoubt-
“ edly, be paid to this matter, in the erection and
“ fitting up of our School Houses. There seems to
“ be much want of information upon this point, even
“ among Teachers themselves; who do not seem
“ generally to know and feel the importance of keep-
“ ing their School Houses properly ventilated, and
“ their rooms in winter at a proper temperature.
“ This I hope, will be better attended to in time to
“ come than it has been. Indeed, there is some im-
“ provement visible in the size and construction of
“ most of our new School Houses.

“ I noticed, in my last Report, the necessity that
“ exists for a sufficient supply of better School Books,
“ of books more uniform and better adapted to the
“ work of a Common School Education. There has
“ not as yet been much improvement made in our
“ Schools in this respect. This, I fear, must be a
“ work of time, unless some of those now in use
“ should be prohibited by some competent authority.
“ I have adverted to the introduction of a better
“ class of text books in the Township of Whitby,
“ the advantages of which are seen in the state of
“ the Schools, and progress of the pupils. There are
“ some few other Schools in the District that have
“ laid aside the old books, and adopted a new series,
“ but this has by no means become general. Books
“ of a proper character are now available, which was
“ not the case to the same extent some time ago. We
“ could not, in my opinion, have a better series, one
“ more suited to the circumstances and wants of the
“ Province, or to promote the interests of Eleme-
“ ntary Education, than the excellent works of the
“ Irish National Board of Education, now reprinted
“ in Montreal, but there is some difficulty in getting
“ them introduced. The people will not go to the
“ expense of providing new books, while the old ones
“ last. The books mostly used in our Schools are
“ Mavor's, Carpenter's, and the Canadian Spelling
“ Books; and by the more advanced pupils, the
“ English Reader of Lindley Murray—a book not
“ at all calculated for Common Schools. I could
“ not conceive a greater good that could be done
“ to our Schools than its entire prohibition. I
“ find no fault with anything it contains; but the
“ selections are not of a character suited to the ju-
“ venile mind, being too abstract, and not calculated
“ to awaken interest or impart instruction to the

“ learner, because the children cannot comprehend
“ the meaning of what they read. They might read,
“ with almost as much improvement, the text of some
“ book written in a language with which they are
“ entirely unacquainted. We want books in our
“ Schools whose lessons are easily comprehended, and
“ which will enable the Teacher to stimulate the
“ minds of the children to thought and reflection by
“ appropriate questions, suggested by the subject
“ brought before their minds. One of the greatest
“ defects observable in the management of the
“ Schools is the merely mechanical character which
“ teaching assumes. Children repeat their lessons
“ without having their minds properly exercised
“ upon the subject, or being taught to think. This
“ great evil, we have reason to hope, will disappear
“ when our Teachers have enjoyed the advantages
“ derivable from a proper training in a Normal
“ School.

“ I should have adverted in this Report to many
“ points connected with the working of our present
“ Common School system, which I will not notice
“ in consequence of the contemplated alteration.
“ We have much reason to feel gratified that the
“ foundation of a good system has been laid, and that
“ it has worked as well as could have been expected
“ under the circumstances. Let us hope that, when
“ matured by experience, it will realize all the just
“ expectations of its friends, and prove a blessing to
“ the country—diffusing knowledge and virtue and
“ happiness throughout the land.”

XII. SIMCOE DISTRICT.

Extract from the Report of the Reverend S. B. Ardagh, A.M., District Superintendent:

“ It will appear that the amount of Rate Bills is
“ very small, and, in consequence, the School
“ Teachers are most miserably paid—none but per-
“ sons of very inferior attainments will accept the
“ office. They have received their certificates from
“ the Township Superintendents, as I could not con-
“ scientiously qualify a single individual of all that
“ came for that purpose.”

XIII. GORE DISTRICT.

Extract from the Report of Patrick Thornton, Esquire, District Superintendent:

“ The Schools in the District are progressively
“ improving, not so much in the range of study as
“ in the manner in which the different branches are
“ taught. The germs of mental training which are
“ being introduced are calculated to render the pupils
“ capable of doing much more for themselves when
“ they leave School, than the old parrot system of
“ repeating words without attaching ideas to them.
“ It is a matter of regret that this system does still
“ in too many instances prevail; and the dregs must
“ remain till some of the old formal Teachers are off
“ the field. It is now, however, stamped with the
“ marks of decay; and one of the best signs of the
“ times is, that the parents are now becoming alive
“ to the importance of practical teaching. In several
“ instances, in this District, there have lately been
“ considerable pecuniary advances made to good
“ Teachers, in order to secure their services. And
“ it is due to the parties to state, that these have
“ been made voluntarily in almost every instance
“ where such a movement has taken place. Lectures
“ on practical education seem, in almost every in-
“ stance, to have a good effect. Much may be done
“ by Superintendents in this way. The want of a

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“ District Model School has hitherto been much felt in the District; though it is to be hoped that the desideratum will soon be supplied. The sooner an efficient Normal School can be established in the Province, so much the better,—but District Model Schools may be a more immediate assistance. Many of our Teachers are so poor, and their remuneration is in general so small, that few could avail themselves of a Normal School—but almost all could be benefited by a District Model School. It may not be out of place to conclude these remarks by suggesting, that, at whatever time a Provincial Normal School may be established, in order to render it generally efficient, much more attention should be given to the philosophy of the human mind than has hitherto been done in the establishments for training Teachers in Glasgow and Dublin. This suggestion is dictated by a careful study of the theory on which the training in each of these establishments is founded, and confirmed by the practice of those who have their diplomas from these Seminaries. We have several Teachers in this District bearing testimonials from said Seminaries.”

XIV. NIAGARA DISTRICT.

Extract from the Report of Jacob Keefer, Esquire, District Superintendent:

“ At the end of my Reports for 1844 and 1845, I have given an Abstract, which furnishes a ready means of comparing them, and I think that when you leave out of the amount, the four Townships in my Report for 1844, now set off to other Districts, the comparison will be favourable towards the progress of Common Schools in the District.”

XV. WELLINGTON DISTRICT.

Extract from the Report of Alexander Allan, Esquire, District Superintendent:

“ From this Report it will appear, that the increase, since the former Report, in the number of children, between the ages of 5 and 16 years, is 281, and the increase in the numbers attending School, 500.”

XVI. TALBOT DISTRICT.

Extract from the Report of the Reverend William Clarke, District Superintendent:

“ It is with much pleasure I inform you, that there is a visible improvement in the cause of education in this District.”

XVII. BROCK DISTRICT.

Extract from the Report of George Hendry, Esquire, District Superintendent:

“ It would therefore now only remain for me to give a general Report of the state of Schools in the District for the past year. But, as my appointment to the office of District Superintendent did not take place until February of the present year, (1846,) it is obviously out of my power to give such a Report for the whole District, as I only visited, in 1845, the Schools in East Oxford, of which I was then the Township Superintendent. I have, however, received from my predecessor, the Reverend Newton Bosworth, F. R. S., a Report, by him, on the state of the Schools throughout the District, which I will take the liberty to transcribe for your consideration. Mr. Bosworth observes, that:—

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“ My recent inspection of the Schools in the District of Brock, has disclosed the pleasing fact anticipated in the last Report, of a great increase in the number of Schools in operation during the year 1845, as compared with the preceding year. In that year there were in all 81 Schools, but in the year just expired, there are 124. Though I could not actually examine all the Schools, as some of them were suspended for a season, at the time of my visits, yet those few which I did not find then in operation, had been so, for at least three months, several of them for a longer period, during some part of the year. Preparations were also going forward, in various other divisions, for erecting School Houses; and I have reason to believe that a greater number still would have been in progress but for two causes: first, the inability of the District Council to levy assessments for such erections; and secondly, the disputes which had arisen in some Districts, either among the Trustees themselves, or between them and the other inhabitants, as to the localities of the School Houses. It would be well if some method could be devised and applied to put an end to these unprofitable and even mischievous altercations.

“ The diversity of books and modes of teaching referred to in my last Report, still exists, nearly to the same extent; and in the qualifications of Teachers also, as great a variety was observable, as before. In a considerable number of Schools, however, I was gratified to notice a marked improvement, which the Teachers, with honourable candor, ascribed to the visits and suggestions of the different Superintendents, rendering more effective their own assiduous exertions. Some few Schools were in a high state of excellence and prosperity, owing, not only to the skill and diligence of the Teacher, in conjunction with the visits before mentioned, but also to the laudable encouragement and co-operation of the parents and Trustees. It appeared to me most desirable that parents should be impressed, to a much greater extent than at present, with a sense of the necessity and importance of Education for their children. How such a wholesome impression can be more generally produced, is an inquiry deserving the serious attention of all who are engaged, or feel interested in the improvement of Education and the welfare of society.

“ The pupils, in general, I found well behaved, quiet, and respectful. It is due to the whole body of Teachers in the District, whether male or female, to report that the Schools were kept in good order, and due subordination, with scarcely an exception, and not one that requires to be specified as deserving of censure. That branch of instruction with which I felt least satisfied was the art of writing, which appeared to be generally taught without any regard to rule or system. There were, indeed, some honourable exceptions to this charge, but they were very few.

“ The best method of producing the desired uniformity in the system of teaching, indeed the only practical one which occurs to me, is to train the Teachers themselves on some plan which shall be generally suitable to the wants and circumstances of our population. This may be done by the establishment of a Normal School in some suitable place in Canada West—and perhaps a similar one in Canada East—in which Teachers should be trained by able Professors, either from the British and Foreign School Society in England, or perhaps from the Board of Education in Dublin. Instruction in this School should be given to Teachers gratuitously, they finding their own board, &c.;

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“and, when fully qualified, a certificate from the Professors should render them eligible to be appointed Conductors of the Model Schools in the various Districts in the Province, by which other Teachers would be initiated into the plan agreed upon by the proper authorities. And thus a degree of uniformity would be attained, and an efficient mode of teaching would become general throughout the land, to the great advantage of the rising generation, and the advancement of our population in intelligence and virtue. In a word, I am strongly persuaded that nothing will ever effectually be accomplished without a properly conducted Normal School.

“With respect to the series of Reading Books published by the Board of Education in Dublin, and reprinted in this country, I may observe, that they appear well adapted for use in our Common Schools; and their adoption, generally, would remove much of the difficulty which at present exists from the want of proper books. I regret, however, that some of them are incorrectly printed, and so slightly put together.”

“In as far as my observations go, I fully agree with the remarks made by Mr. Bosworth, and as he has expressed himself so fully, I conceive that anything further from me would be altogether uncalled for.”

XVIII. LONDON DISTRICT.

[No general remarks or opinion by the District Superintendent.]

XIX. HURON DISTRICT.

[No general remarks or opinion by the District Superintendent.]

XX. WESTERN DISTRICT.

Extract from the Report of George Duck, junior, Esquire, District Superintendent:

“It will be observed, that the number of Schools in operation during last year was 144; in which

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“the number of children taught, from 5 to 16, has been 4,876, being nearly one-half of the children between those ages in the Western District. The sum expended in Common School education was £3,510 5s. 4d., making the average cost of educating each child attending School about 14s. 5d. for the year. There is seldom more than one Teacher employed in a School, which gives an average of 34 children for each Teacher; and, as each School taken with another is only open about 6 months in the year, each Teacher may be supposed to have received for his services, during this period, £24 7s. 6d.

“The number of children in this District at the different studies for last year, may be estimated as follows:—

“Scholars, each learning Grammar, Geography, Writing, and Arithmetic.....	864
“Scholars, each learning Arithmetic and Writing.....	1,167
“Scholars, each learning Reading and Spelling, from one syllable to four.....	2,845
“Total.....	4,876

“In many Townships, it will be observed, little or nothing was raised by Rate Bill, in many places the poverty of the settlements prevented; and the only School that was kept open in these Districts was just during the time that the allowance from the aggregate Fund was sufficient to pay a Teacher. This course is, in fact, of very doubtful benefit, as the School is seldom kept open for more than three months in the year, and the children lose so much benefit, continuous education produces.

“In Districts, however, containing the larger number of children, the Schools are kept open nearly all the year, and the Teachers are, from Rate Bills and otherwise, tolerably well paid. In the older and more wealthy settlements, the Teachers are generally men of talent; but the ability of the School Master, in almost every case, may be rated by the remuneration received.”

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STATISTICAL REPORT OF COMMON SCHOOLS IN UPPER CANADA, from August, 1845, to August, 1846.

NAME or TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportion- ment from Legislative Grant.	Assessment by Municipal Council.	Amount paid Teachers, from School Fund.	Amount paid Teachers, from Rate Bill.	Total amount paid Teachers.	Amount reported in the hands of Township Super- intendents.	No. of visits by Town- ship and District Superin- tendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.								
EASTERN DISTRICT.—174 Schools.													
Cornwall Town.....	2	6	12	302	452	43 12 4½	43 12 4	79 9 4	34 4 5½	113 13 9½	...	7	"The amount reported in the hands of Township Superintendents includes moneys not yet paid over by the Collectors."
Matilda.....	25	23	9½	793	1368	154 1 10	190 12 6	370 2 1	277 15 8	647 17 9	...	51	
Mountain.....	20	18	8½	648	1177	141 6 38	131 9 7	245 19 8	111 4 10½	357 4 6½	...	42	
Williamsburg.....	13	12	9	267	621	67 13 0	66 4 4½	129 8 4½	71 6 7½	201 1 4	...	26	
Winchester.....	20	16	8½	754	1279	184 19 2	142 1 2½	261 18 9½	155 7 4½	417 6 2	...	36	
Osnabrock.....	12	4	8½	403	463	41 11 4½	39 7 2½	10 0 0	10 0 0	38 0 11	...	0	
Finch.....	21	21	9	703	1318	147 0 7½	141 9 9½	333 17 9	269 16 11	603 14 8	...	52	
Roxborough.....	6	6	7	168	317	29 19 0½	29 12 6½	49 6 7	...	49 6 7	...	11	
Charlottenburgh.....	13	5	7	214	511	44 1 0	51 18 2½	80 18 10½	23 19 4	104 18 2½	...	12	
Kenyon.....	24	23	10	816	1631	198 12 5½	199 13 8½	196 14 3½	162 6 10½	379 1 7½	...	53	
Lancaster.....	14	13	9½	487	1112	124 11 10½	129 4 1½	181 0 2½	6 2 0	187 2 2½	...	33	
Lochiel.....	14	14	10	497	1039	125 14 8	120 17 4½	249 7 3½	217 18 3½	467 6 0½	...	33	
Lochiel.....	14	13	10½	559	1111	116 1 0½	118 0 9½	175 14 9½	200 15 0	378 9 9½	...	25	
Total.....	198	174	9½	6362	12459	£1369 5 8½	1424 8 11½	2392 6 0½	1500 17 5½	3943 9 6½	478 11 6½	381	
OTTAWA DISTRICT.—39 Schools.													
Hawkesbury West.....	8	7	11	431	576	79 19 3½	75 17 7	140 13 9	86 14 9	227 8 6	...	15	"The Report from West Hawkesbury is correct and satisfactory, but this can be said of few, if any of the others."
Longueuil.....	11	9	11	267	493	68 8 9½	64 16 0½	125 5 9	18 13 11½	143 19 8½	...	17	
Caledonia.....	5	5	11½	149	339	47 1 2½	53 1 6	33 19 5½	27 5 0	120 19 10½	...	10	
Plantagenet.....	5	5	12	155	243	33 14 8½	23 0 0	53 3 5½	58 12 0½	111 15 5½	...	10	
Clarence.....	6	5	10½	.....	307	42 12 4½	36 17 2	78 2 6	...	78 2 6	...	22	
Cumberland.....	2	2	9	44	62	8 12 2	10 17 10½	23 1 6	12 18 6	36 0 0	...	8	
Cambridge.....	4	3	8½	77	228	35 13 7	55 1 5	86 7 3	...	86 7 3	...	6	
Alfred.....	2	2	11½	51	100	13 17 7½	12 13 11½	19 13 10½	...	19 13 10½	...	4	
Russell.....	2	1	12	25	48	6 13 3½	5	
Total.....	45	39	11	1199	2425	£386 13 1½	392 5 6½	614 7 6	204 4 3	818 11 9	30 15 9½	97	

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportion- ment from Legislative Grant.	Assessment by Municipal Council.	Amount paid from School Fund.	Amount paid Teachers, from Rate Bill.	Total amount paid Teachers.	Amount reported in the hands of Township Super- intendents.		No. of visits by Town- ship and District Super- intendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.						£	s. d.		
DARHOUTH DISTRICT.—89 Schools.														
Nepean .....	.....	28	12	1696	.....	£ 171 6 11	.....	£ 171 6 11	.....	699 11 11	.....	.....	.....	.....
Gloucester .....	.....	5	.....	194	.....	£ 64 17 2½	.....	£ 498 5 0	.....	211 7 2	.....	.....	.....	.....
Osgoode .....	.....	11	.....	536	.....	£ 45 0 10½	.....	£ 146 10 0	.....	154 5 10	.....	.....	.....	.....
Marlboro' .....	.....	8	.....	318	.....	£ 31 5 4	.....	£ 128 12 0	.....	159 17 4	.....	.....	.....	.....
North Gower .....	.....	7	.....	304	.....	£ 27 3 3	.....	£ 137 7 0	.....	104 10 3	.....	.....	.....	.....
Goulborne .....	.....	10	.....	484	.....	£ 81 18 10½	.....	£ 210 10 0	.....	292 8 10	.....	.....	.....	.....
Huntley .....	.....	8	.....	521	.....	£ 52 13 5	.....	£ 164 16 0	.....	217 9 5	.....	.....	.....	.....
Fitzroy .....	.....	7	.....	434	.....	£ 51 1 7	.....	£ 180 10 0	.....	231 11 7	.....	.....	.....	.....
Torbolton .....	.....	1	.....	26	.....	£ 22 7 7	.....	£ 30 0 0	.....	52 7 7	.....	.....	.....	.....
March .....	.....	3	.....	134	.....	£ 16 2 3½	.....	£ 50 0 0	.....	66 2 5	.....	.....	.....	.....
Total.....	89	83	12	4642	4951	£563 17 4½	.....	£636 15 0	.....	2220 12 4	.....	.....	.....	.....
DARHOUTH DISTRICT.—117 Schools.														
Levant	8	6	11	218	442	£ 47 12 1½	.....	.....	.....	72 9 8	14 19 2	13	No School in Levant.	
Burgess	4	3	12	86	11	£ 1 5 0½	.....	.....	.....	52 3 10	0 0 1	6	.....
MacNab	12	5	10½	135	149	£ 38 3 0½	.....	.....	.....	69 7 11	4 19 11	8	.....
Admaston	6	3	7½	26	243	£ 7 1 2½	.....	.....	.....	7 12 6	0 12 6	8	.....
Horton	5	4	8½	65	80	£ 20 3 2	.....	.....	.....	40 0 0	17 6 7	7	.....
Davling	3	3	9	83	179	£ 11 12 4	.....	.....	.....	29 18 4½	3 12 0	10	.....
Bromley	4	4	9	118	131	£ 14 16 1½	.....	.....	.....	110 14 9	73 8 10½	6	.....
Montague	18	13	9½	416	952	£ 96 16 1½	.....	.....	.....	4 9 11	3 12 0	8	.....
Ramsay	13	10	10½	427	859	£ 104 8 8½	.....	.....	.....	292 18 3	5 8 0	25	.....
Beckwith	12	10	10½	453	713	£ 78 9 4½	.....	.....	.....	292 8 10½	.....	25	.....
Bagot and Blithfield	14	1	7	19	45	£ 10 16 4½	.....	.....	.....	.....	.....	27	.....
Lanark	2	12	9½	395	767	£ 88 4 3½	.....	.....	.....	56 4 0	.....	3	.....
North Sherbrooke	2	1	11	83	101	£ 12 3 8½	.....	.....	.....	8 0 0	11 0 3½	5	.....
Packenham	4	3	10½	183	331	£ 42 14 2	.....	.....	.....	47 0 0	.....	11	.....
North Elmsley	8	6	9½	285	614	£ 63 17 10	.....	.....	.....	165 10 0	.....	43	.....
Drummond	20	19	11	710	1141	£ 120 19 0	.....	.....	.....	256 15 9½	.....	80	.....
Bathurst	20	13	11½	434	865	£ 95 11 0½	.....	.....	.....	167 3 4	27 3 10½	.....	.....
Ross .....	.....	.....	.....	.....	.....	£ 5 16 2	.....	.....	.....	.....	.....	.....	.....	.....
Pembroke and Stafford .....	.....	1	4½	21	.....	£ 5 13 10½	.....	.....	.....	.....	.....	.....	.....	.....
Westmeath .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Sherbrooke
Total.....	153	117	9	4157	7800	£892 12 9½	£592 15 3½	1692 17 2½	173 18 10½	238

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportion- ment from Legislative Grant.	Assessment by Municipal Council.		Amount paid from School Fund.	Amount paid from Teachers, Rate Bill.	Total amount paid Teachers.		Amount reported in the hands of Township Super- intendents.	No. of visits by Town- ship and District Superin- tendents.	REMARKS BY DISTRICT SUPERINTENDENTS.	
				Between the ages of 5 and 16 years, Taught.	Between the ages of 5 and 16 years, Resident.		£	s.			d.	£				s.	d.	£	s.	d.
JOHNSTON'S DISTRICT.—217 Schools.																
Prescott.....	4	4	12	177	343	89	53	5	0	124	5	0	163	11	3	12
Brookville Town.....	4	4	11	219	649	58	80	0	0	131	17	9	260	17	8	10
Augusta.....	23	20	10½	850	1619	176	205	15	11½	347	13	6	568	18	8½	46
South Elmsley.....	10	7	9½	180	379	34	41	19	1	76	14	0½	99	18	9½	21
Wolford.....	13	14	9½	432	816	82	78	16	8	169	1	0½	322	2	0	30
Edwardsburg.....	19	19	8½	755	1200	120	113	1	4½	40	9	7	293	12	10½	43
South Gower.....	8	8	10½	134	293	24	38	10	8	17	17	9	81	5	0	11
Oxford.....	20	20	9½	685	1217	109	127	3	0	107	7	8½	359	11	2	41
Elizabethtown.....	27	27	9½	1028	1713	180	271	14	5½	199	9	7	556	0	10½	69
South Crosby.....	7	6	9	245	383	38	42	15	6	32	17	4½	113	3	10½	14
Leeds and Lansdowne (Rear).....	23	21	9½	823	1428	116	51	13	7	83	14	3	147	8	5	17
Eastard and South Burgess.....	10	10	10½	196	479	31	118	14	1	219	1	7½	273	17	0½	42
North Crosby.....	17	17	8½	588	1113	28	33	2	2½	77	9	3½	138	12	11½	9
Yonge and Escott.....	6	6	8½	190	365	163	172	19	2½	184	1	3½	568	4	1½	45
Leeds and Lansdowne (Front).....	25	25	9½	1090	1510	86	99	19	7½	129	11	7½	321	12	1½	11
Leeds and Lansdowne (Front).....	14	14	7½	477	811	86	99	19	7½	129	11	7½	321	12	1½	11
Total.....	227	217	9	8019	14248	£1411	1648	6	2½	2912	2	5	4618	18	7	475
MIRAMOND DISTRICT.—167 Schools.																
Kingston City.....	7	7	12	622	1811	207	207	19	2½	466	10	0	204	16	10	16
Kingston.....	26	24	8½	821	2029	222	222	6	2½	176	2	11	463	18	2½	68
Loughborough.....	11	11	9½	345	499	75	75	5	7½	89	15	9	75	2	3	29
Bedford.....	2	2	11	82	136	13	13	6	6	31	17	10½	32	0	2½	6
Portland.....	12	11	6½	290	575	57	57	14	10	32	0	2½	150	8	10	31
Camden.....	28	25	10	1028	1828	190	190	19	10	281	17	11½	470	3	2½	94
Sheffield.....	7	7	10	196	426	44	44	19	8½	281	17	11½	470	3	2½	24
Richmond.....	13	12	8½	509	944	64	64	0	0	114	10	0	54	10	6	29
Earnest Town.....	21	21	9½	629	1505	164	164	0	0	114	10	0	309	12	0	56
Adolphustown.....	5	5	9½	148	216	29	29	9	11½	46	16	0	328	0	0	28
Predricksburgh.....	19	19	9½	617	1054	113	113	4	1½	62	17	5	109	13	5	64
Amherst Island.....	5	5	10	140	390	38	38	7	7½	76	15	2	226	8	2	20
Wolf Island.....	10	10	7	277	563	55	55	13	10	129	4	10	206	0	0	32
Pittsburgh.....	8	8	11	314	577	71	71	3	7½	91	5	6	131	9	5	21
Storrington.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	174	167	9½	6016	12988	£1376	1376	11	6	1343	18	3½	8688	4	1½	518

General character of the Schools:—City of Kingston, 2 good, 6 medium, the rest very inefficient. Loughborough; Medium. Bedford; Medium. Portland; Badly conducted, with few exceptions. Camden; A few good, some medium, and about one-half very inefficient. Sheffield; Efficient except two. Richmond; Medium. Earnest town; 6 very good, 4 good, 6 medium, 2 inefficient. Adolphustown; 4 good, 4 medium, 8 inefficient. Amherst Island; Medium. Wolf Island; Medium. Pittsburg; 4 good, 4 inefficient. Storrington; the returns for this Township are included in those of Kingston, Loughborough and Pittsburgh, out of which it has been formed.

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportionment from Legislative Grant.	Assessment by Municipal Council.		Amount paid from School Fund.		Amount paid from Teachers Rate Bill.		Total amount paid Teachers.		Amount reported in hands of Superintendents.		No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.	
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.		£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.			
PRINCE EDWARD DISTRICT.—102 Schools.																			
Pictou (Town)	8	3	11	165	405	47	3	0	47	3	0	109	10	11	156	13	11	5	
Athol	10	10	9	436	578	62	5	11½	135	6	11	99	0	8	234	7	7	19	
Hillier	17	17	9½	645	951	96	0	2	327	17	11½	203	15	2½	531	13	2	39	
Hallowell	15	15	9½	568	808	87	18	5½	205	8	8	242	3	0½	447	11	8½	38	
Sophiasburgh	28	18	9½	469	694	101	18	7½	280	3	7	150	17	0½	380	0	7½	47	
Marysburgh	20	20	10½	769	1026	118	10	11½	114	7	9½	121	15	8½	236	3	6	41	
Ameliasburgh	19	19	9½	708	881	99	8	6	132	16	1	305	17	2	658	17	11½	0	
Total	109	102	10	3755	5349	£608	5	7½	1419	8	8½	1232	19	8½	2646	8	5½	189	
VICTORIA DISTRICT.—98 Schools.																			
Belleville (Town)	20	20	8½	666	1206	67	6	2	247	12	4½	66	3	0	313	15	4½	46	"In the Town of Belleville there was none raised by assessment in 1845."
Thurlow	5	4	12	89	153	17	8	6	30	10	9	126	1	4	389	12	3	4	
Marmora	28	19	8½	623	1499	142	9	6	263	10	11	54	3	10½	402	7	6½	50	
Tyndinaga	25	22	9	748	1282	141	6	8½	348	3	8	80	17	2½	196	11	7	68	
Sidney	12	8	9½	313	580	55	18	4½	102	14	4½	80	17	2½	84	11	5½	19	
Huntingdon	15	11	4½	364	669	67	13	0	84	11	5½	36	14	0	77	13	6½	25	
Rawlton	11	8	5	195	557	38	7	7½	40	19	6½	35	14	7	113	7	0½	18	
Hungerford	8	6	7	216	415	44	19	8½	77	12	3½	35	14	7	113	7	0½	8	
Madoc	124	98	0	3214	6361	£697	2	3½	1195	15	6½	402	14	0	1598	9	6½	231	
NEWCASTLE DISTRICT.—177 Schools.																			
Cobourg (Town)	5	5	11½	270	782	81	8	7½	109	5	6	152	13	4	261	18	10	10	
Port Hope (Town)	3	3	12	136	425	39	8	1½	71	17	2½	117	0	0	188	17	2½	9	
Darlington	22	20	10	827	2004	220	12	0½	461	15	0½	429	5	1	891	0	1½	36	
Clarke	17	16	10½	1595	3191	151	7	2	319	14	10	280	9	11	600	4	9	31	
Hope	19	12	9½	502	1349	125	3	3½	332	18	11½	136	1	2	469	0	1½	34	
Hamilton	12	11	9	475	1080	112	12	0½	127	14	11	185	0	5½	312	15	4½	11	
Haldimand	22	19	8	682	1048	118	2	0½	214	18	1½	230	0	0	444	18	1½	40	

Appendix
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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid Teachers, from School Fund.	Amount paid Teachers, from Rate Bill.	Total amount paid Teachers.	Amount reported in the hands of Township Superintendents.			No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.						£	s.	d.		
NEWCASTLE DISTRICT (Continued.)															
Cramahoe.....	23	19	9	702	1206	128	140	231	298	559	11	3½	41		
Murray.....	24	19	7½	717	1386	188	162	241	165	407	8	7	30		
Seymour.....	5	5	11	234	486	53	48	112	80	193	1	6	14		
Percy.....	10	8	6½	260	485	43	51	76	57	134	0	6	27		
Alnwick.....	3	3	6	59	111	12	14	18	8	21	16	11	9		
Cavan.....	15	14	10	817	1860	149	176	297	188	488	16	0½	50		
Monaghan (South).....	5	5	11½	133	294	31	37	63	78	141	17	7½	14		
Mauvers.....	7	5	8½	236	423	39	40	52	19	71	9	3	21		
Cartwright.....	3	3	7½	123	248	24	28	46	14	60	16	3½	11		
Total.....	195	177	8½	6994	14122	£1421	13	6	2411	5183	13	2½	388		
COLMORRE DISTRICT.—84 Schools.															
Mariposa.....	10	9	6½	410	673	57	63	126	17	194	7	1½	18		
Ops.....	11	10	7	368	634	54	60	42	10	42	18	0	30		
Fenelon.....	4	2	7½	41	97	4	5	12	0	20	10	0	6		
Emily.....	14	11	9	480	943	89	99	114	18	132	3	7½	26		
Enismore.....	3	2	8½	37	158	11	12	9	8	9	8	1	3		
Smith.....	13	18	7½	501	709	66	74	292	55	237	18	5½	18		
Asphodel.....	9	9	4½	235	276	36	39	80	15	121	9	6	13		
Dunmore.....	6	6	5	196	408	36	40	60	5	103	0	0	12		
Douro.....	6	4	9½	210	458	31	35	54	18	65	6	1½	18		
Otonabee.....	12	10	10½	515	1030	92	101	179	9	324	12	11½	30		
Monaghan, (North).....	5	4	12	352	675	51	57	115	14	115	14	9	9		
Verulam.....	4	4	9½	71	106	29	6	20	18	40	19	5½	7		
Eldon.....						4	12								
Belmont.....															
Total.....	97	84	8	8451	6167	£572	10	4½	397	1378	3	1½	183		

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME of TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open.	CHILDREN.		Appropriation from Legislative Grant.	Assessment by Municipal Council.	Amount paid Teachers from School Fund.		Amount paid Teachers from Rate Bill.		Total amount paid Teachers.		Amount reported in the hands of Township Super- intendents.			No. of visits by Town- ship and District Superin- tendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years, Taught.	Between the ages of 5 and 16 years, Resident.			£	s. d.	£	s. d.	£	s. d.	£	s. d.	£		
HOME DISTRICT.—312 Schools.																		
Toronto (City)	12	13	12	1108	4638	479 14 0	479 14 0	860 15 6	747 18 12	1618 13 72	144 19 10	98 12 6	58	"The City Superintendent reports that there remains in his hands, at this date, £98 12s. 6d., be- longing to School District No. 7. There also remains in his hands an unappropriated bal- ance of £144 19s. 10d. from the School Fund of 1844. The balances in the hands of the Superintendents of the Gore of Toronto and Etobicoke, are un- appropriated balances of former years, £188 5s. 2d. and £143 13s. 6d., included in the bal- ances of Whitechurch and Mark- ham, respectively, are also un- appropriated balances of former years."				
Toronto (Gore)	23	23	11 1/2	1192	2092	213 8 6	237 0 3	445 17 1	405 9 5 1/2	851 6 6 1/2	6 5 4	6 5 4	111					
Brock	13	11	7	388	818	49 19 11 1/2	32 6 5	83 2 9	53 9 10 1/2	147 12 7 1/2	29 17 11 1/2	20						
Whitby	22	22	10 1/2	1090	2414	82 6 10	.....	115 15 1 1/2	84 8 2 1/2	150 3 4 1/2	0 16 4	104					
Georgina	6	5	7 1/2	141	240	278 0 0 1/2	25 19 8	56 19 9	581 6 11 1/2	1144 1 9 1/2	1 5 8 1/2	19						
Pickering	18	16	9 1/2	1074	1889	193 19 0 1/2	193 16 8	387 14 4 1/2	384 13 0	772 18 11 1/2	7 10 10	91						
Scott	2	2	7	44	82	7 10 4	5 14 9	17 19 7 1/2	8 5 0	26 4 7 1/2	1 14 10	8						
Whitechurch	17	15	8 1/2	709	1145	124 7 4	292 5 8	274 17 8 1/2	268 10 0 1/2	543 13 9 1/2	168 13 1 1/2	75						
Thorah	5	4	11	189	265	27 11 2 1/2	56 6 1	112 4 9	34 0 7	146 5 4	9 3 9	18						
Gwillmsbury (East)	12	12	7	280	455	77 18 0	79 16 0	161 10 4	110 19 7	29 11 4 1/2	.....	33					
Gwillmsbury (North)	4	3	9	232	322	34 14 8 1/2	26 18 7	62 13 5 1/2	53 15 1	116 8 6 1/2	0 1 10 1/2	18						
Chinguaoucy	28	28	7 1/2	912	1928	208 6 0 1/2	178 2 8	376 3 1	346 9 8 1/2	722 12 9 1/2	10 5 7	108						
Mara	5	4	7	97	237	20 5 5 1/2	23 0 0	60 12 0 1/2	15 12 3	76 4 3 1/2	9 14 7 1/2	10						
Rama	9	7	11 1/2	430	954	94 19 8	99 12 6	106 13 1 1/2	150 8 11 1/2	356 2 1	04 19 8 1/2	8						
Etobicoke	14	13	11 1/2	412	1092	117 15 2 1/2	107 2 11	216 9 9 1/2	129 5 0	343 14 9 1/2	8 8 2	50						
Albion	23	16	9 1/2	839	1418	135 3 8 1/2	126 3 8	277 7 11	282 1 7 1/2	559 9 6 1/2	4 1 6 1/2	73						
King	22	22	8	1125	1874	188 14 3 1/2	162 14 6	367 0 10 1/2	299 7 3	668 8 1 1/2	6 10 4 1/2	48						
Vaughan	9	9	11	436	925	116 10 2	126 11 4	243 1 8 1/2	212 12 3 1/2	455 13 11 1/2	.....	43					
Scarborough	14	9	7 1/2	375	628	62 19 7 1/2	110 18 1	152 9 9	124 0 10	25 12 9	25 12 9	24						
Reach	29	28	9	1140	2482	244 10 4 1/2	246 7 8	503 17 3	504 19 1 1/2	1008 16 4 1/2	86 14 4 1/2	134						
York	13	13	10 1/2	572	997	101 9 6	110 3 0	211 2 1	132 7 10	343 9 11	15 3 0	52						
Calcedon	32	28	9 1/2	950	2254	436 19 7 1/2	230 11 3	480 5 10	345 16 0 1/2	826 1 10 1/2	173 19 5 1/2	82						
Markham	6	4	8	167	302	29 3 1 1/2	34 4 3	60 4 10	56 14 11	116 19 9	58 3 11	8						
Uxbridge																		
Total	346	312	10 1/2	14363	30215	£3135 2 8	3258 1 3	6277 13 8 1/2	5366 2 6	11643 16 2 1/2	915 11 0	1219						

STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid Teachers from School Fund.		Amount paid Teachers from Rate Bill.		Total amount paid Teachers.		Amount reported in Township Superintendents.		No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.	
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.			£	s.	d.	£	s.	d.	£	s.			d.
SIMCOE DISTRICT.—78 Schools.																		
Tiny	2	2	10½	54	112	11	16	16	25	10	8½	45	6	9	4	4	..	..
Orillia	2	1	8	37	141	10	16	10	19	0	1	11	8	4	9	9	..	..
Adjala	7	7	10½	291	545	44	37	5	77	4	6½	97	8	6	17	17	..	..
Essa	5	5	10	160	214	24	22	18	49	11	8½	33	14	9	18	18	..	..
Tecumseth	21	18	10	535	978	51	130	5	184	2	9½	201	7	7½	47	47	..	..
Oro	12	6	10	153	532	51	55	16	85	19	5½	108	1	0½	24	24	..	..
Mono	11	9	9½	414	614	60	64	1	132	16	2	118	15	1½	24	24	..	..
Tay	3	1	9	7	76	7	11	19	17	3	3	..	..	..	4	4	..	..
Flos	3	3	11½	83	86	8	7	11	10	17	7	..	..	..	4	4	..	..
Innisfil	3	3	11	268	512	45	39	7	108	18	5	..	..	..	11	11	..	..
Notawasaga	7	7	11	91	326	7	12	6	15	15	9	..	..	..	3	3	..	..
Sunnidate	1	1	.....	27	54	6	17	7½	8	18	2½	..	..	..	2	2	..	..
Medonte	6	6	8½	144	289	19	31	5	39	3	6½	..	..	..	10	10	..	..
Machedash	7	7	10½	699	1284	116	128	13	224	17	1½	..	..	..	28	28	..	..
Williamsbury (West)	18	13	11½	109	254	13	27	8	50	15	0	..	..	..	11	11	..	..
Vespra	4	1	.....	27	54	6	17	7½	8	18	2½	..	..	..	3	3	..	..
Total	111	78	11½	2944	6415	£560	696	16	1064	8	7½	1877	14	5½	227	227	..	..
GOVE DISTRICT.—221 Schools.																		
Hamilton (Town)	6	6	12	908	1716	148	148	12	297	5	0	..	..	..	63	63	..	..
Ancaster	16	16	9	742	1091	129	260	16	347	3	8½	..	..	..	60	60	..	..
Barton	7	7	9½	265	559	55	123	12	113	19	8	..	..	..	36	36	..	..
Beverly	22	22	9	794	1196	125	180	17	230	6	4½	..	..	..	67	67	..	..
Binbrooke	5	5	9½	149	578	45	51	0	88	10	3	..	..	..	12	12	..	..
Dumfries	30	30	10½	1484	2523	266	311	15	526	10	3½	..	..	..	52	52	..	..
Esquesing	15	15	10	658	1900	155	155	9	278	13	9½	..	..	..	89	89	..	..
Flamboro (East)	9	9	7½	187	548	55	82	8	125	11	9½	..	..	..	21	21	..	..
Flamboro (West)	10	10	11	647	1091	115	189	8	308	10	5	..	..	..	38	38	..	..
Glasford	5	5	10½	183	431	47	57	9	85	7	11	..	..	..	22	22	..	..
Nassagaweya	8	8	10½	277	614	57	115	9	115	9	8	..	..	..	22	22	..	..
Nelson	16	16	9	525	1166	122	162	7	200	5	5½	..	..	..	38	38	..	..
Oneida	8	8	9	165	456	21	21	10	44	16	0	..	..	..	12	12	..	..
Onondaga	4	4	9½	141	317	40	78	4	105	11	9	..	..	..	13	13	..	..
Saltfleet	10	10	9½	413	855	91	118	3	186	15	10	..	..	..	31	31	..	..
Seneca	8	8	10	333	506	51	48	18	77	8	3	..	..	..	17	17	..	..

CHARACTER OF THE SCHOOLS.—
 .. Tiny: In a very backward state.
 .. Orillia: Very bad attendance.—
 .. Adjala: Some good, others inferior.
 .. School Houses generally in a very
 .. wretched state.—Essex: Tolerable.—
 .. Tecumseth: Generally well conduct-
 .. ed and improvement manifest.—Oro:
 .. Very fairly conducted.—Mono: to-
 .. lerable.—Tay: Inferior.—Flos to-
 .. lerable.—Innisfil: Very fair.—Not-
 ..awasaga: Very bad.—Sunnidate:
 .. Trustees have refused to send in a
 .. proper report, or to give an order to
 .. Teacher on the Supt. for the £8 18s. 2½d.
 .. was paid to Teacher for 1844.—Me-
 ..donte: Very inferior.—West Gwil-
 ..iamsbury: Generally very good, owing
 .. to the increased payment of the Teach-
 .. ers.—Vespra: Tolerable.—No Re-
 ..ports have been sent from the Town-
 ..ship Superintendents of Mulmur,
 .. Toronto, St. Vincent, Colling-
 ..wood and Upprissa. No inhabitants
 .. in Oprey, Artemisa, and Machedash.

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School District.	No. of Schools open.	Average time open, Months.	CHILDREN.		Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid from School Fund.	Amount paid Teachers from Rate Bill.	Total amount paid Teachers.		Amount reported in the hands of Township Superintendents.		No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years, Taught.	Between the ages of 5 and 16 years, Resident.					£	s.	d.	£		
GOOSE DISTRICT.—(Continued.)															
Trafalgar		19	9½	835	1027	185 15 0½	235 4 7½	416 19 8½	315 13 6½	732 12 8½	.....	.....	41	
Brantford		23	10½	970	2223	244 3 6½	255 14 3	241 15 2	462 8 8½	704 3 6½	13 19 1	.....	48	
Total	221	221	9½	9610	18679	£2037 19 5½	2551 9 8	3791 1 0½	4119 10 8½	7910 11 8½	441 0 11	.....	619	

CHARACTER OF THE SCHOOLS.—"Hamilton: There are none of the Schools in Hamilton belonging to the first class in the District. Nos. 1 and 3 are lacking in energy. No. 2 wants system. No. 4 great activity, but a total want of order. No. 5 is strictly speaking a R. C. School, there has never been any very advanced scholars in it. No. 6 is a P. School in the same district as No. 5, and the School population is included in No. 5. No. 6 has always been, and still is, the best conducted School in town. The School population includes the children of three Boarding Schools, containing respectively, 6, 31 and 97, hence the total population is 74 more than it should be.—Ancaster: No. 2 has hitherto been the best conducted in the Township, but owing to local differences the attendance has diminished. No. 4 has made great advancement, the others not much. No. 11, if I mistake not, is very low.—Beverly: Not all the improvement desired, except Nos. 7 and 15.—Dumfries: There are two Schools which may be considered in the first class, not more than one below mediocrity.—Essex: Nos. 2, 3, and 4 the best.—Flamboro (East): Nos. 3 and 5 best conducted. No. 4 very low.—Flamboro (West): Stands higher, both as to its proportion of first class Schools and the remuneration of its Teachers, than any in the District.—Glantford: Nos. 2 and 3 are well conducted. No. 4 also, but not so high. Nos. 1 and 5 are in good standing.—Saltfleet: No. 4 is a first class School.—Seneca: The School at Caledonia has been a first class School.—Trafalgar: No. 5 a first class; No. 4 also, but not so high. Several others, particularly No. 1, well conducted.—Brantford: No. 14 ranks high in the first class; No. 15 also, but not so high; No. 7, if I mistake not, in the first class. Three or four are very low, the others are pretty good." The number of School Districts are not reported. In consequence of the misapplication, by the Collector, of the Brantford Assessment, but £50 has been paid over to the Superintendent. In most of the Townships the "Assessment by Municipal Council" includes balances of 1844.

NAME OF TOWNSHIP.	No. of School District.	No. of Schools open.	Average time open, Months.	CHILDREN.		Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid from School Fund.	Amount paid Teachers from Rate Bill.	Total amount paid Teachers.		Amount reported in the hands of Township Superintendents.		No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years, Taught.	Between the ages of 5 and 16 years, Resident.					£	s.	d.	£		
NIAGARA DISTRICT.—191 Schools.															
Stamford	10	11	10½	498	889	98 16 10½	116 0 0	201 12 2½	256 17 8	458 9 10½	10 10 2	.....	42	
Willoughby	7	7	8½	204	422	44 19 8½	54 0 0	135 14 8½	40 3 5½	175 18 2	38 3 10	.....	12	
Crowland	10	10	7	382	509	61 16 10	70 0 0	97 0 2	76 15 1	176 4 1	53 17 1½	.....	15	
Humberstone	9	9	10	503	682	69 11 0	72 0 0	147 11 7½	49 2 10½	196 14 5½	77 7 6	.....	21	
Bertie	15	15	9½	538	856	97 16 7½	120 0 0	236 4 1½	123 4 7½	359 9 9½	71 10 0	.....	23	
Wainfleet	11	11	8	281	430	42 0 6	64 0 0	114 8 8	78 8 1½	192 16 9½	58 12 11½	.....	19	
Sherbrooke	6	2	9	42	116	6 18 11½	12 0 0	14 5 0	14 6 3	28 11 3	12 0 0	.....	9	
Moulton	6	5	5½	156	286	33 11 11½	42 0 0	55 16 10½	22 6 3	78 3 1½	56 14 3½	.....	6	
Dunn	3	2	7½	47	142	16 12 6½	21 0 0	18 5 4	5 10 0	23 15 4	39 15 2½	.....	5	
Carborough	6	5	7½	133	237	25 3 4½	33 0 0	60 15 0½	48 3 0½	108 18 1	82 10 0	.....	26	
Cayuga	13	11	5½	276	459	45 6 6½	52 0 0	73 11 4½	22 3 7½	95 14 11½	102 10 10½	.....	9	
Caistor	10	7	6½	243	290	80 17 3½	38 0 0	78 1 10½	24 9 0	393 6 0	31 5 0	.....	27	
Gainsborough	14	14	10	430	736	76 19 9½	94 0 0	204 16 0	188 10 0	393 6 0	81 5 0	.....	30	
Clinton	12	12	8½	415	641	69 14 0	79 0 0	74 16 1	180 16 1½	255 12 2½	3 7 8½	.....	34	
Grantham	16	13	10	531	789	86 2 0	100 0 0	204 4 4½	247 5 1	538 10 10	4 1 10	.....	39	
Louth	9	9	8½	790	1499	182 13 6½	200 0 0	291 5 9	247 5 1	538 10 10	88 18 1½	.....	24	
Niagara	12	10	10	253	514	57 17 11½	64 0 0	143 8 6½	155 19 8½	299 8 3	24 17 5½	.....	28	
Thorold	13	13	9	1018	1566	170 12 11½	235 0 0	349 0 10½	186 9 8	535 10 0½	13 0 8	.....	34	
Pelham	13	13	8	885	1206	127 6 6½	135 0 0	163 16 8	314 14 3	478 10 11	22 19 7½	.....	38	
Total	213	191	9	6087	12700	£1495 11 9½	1684 0 0	2855 18 6	2315 2 8½	5171 1 2½	779 5 8½	456		

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN:		Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid from School Fund.	Amount paid from Rate Bill.	Total amount paid Teachers.	Amount reported in hands of Superintendents.	No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.								
WELLINGTON DISTRICT.—91 Schools.													
Guelpb.....	7	7	11	694	1031	115	145	231	155	386	92	23	
Waterloo.....	26	26	7½	1233	1652	193	225	391	315	706	9	62	
Wilnot.....	17	15	7	663	1063	112	149	276	127	409	11	29	
Woolwich and Queensbush.....	6	6	8	417	716	79	100	125	44	169	3	23	
Eramosa.....	5	5	12	843	490	50	82	96	103	190	...	10	
Nichol.....	5	5	10½	282	517	51	72	102	104	206	...	24	
Erin.....	11	11	8	325	789	80	101	197	80	277	9	22	
Garafaxa.....	6	6	4½	137	251	29	48	34	16	63	...	8	
Pusineh.....	10	10	10	339	913	98	124	189	...	...	...	...
Amaranth.....	1	1	...	57	...	...	...	...	...	...	...	...
Total.....	95	91	8½	4383	7488	£713	1040	1034	960	2594	82	195	
TALBOR DISTRICT.—90 Schools.													
Townsend.....	19	19	7½	757	1183	122	151	272	153	429	9	48	
Windham.....	14	12	7½	408	703	72	95	137	84	221	28	37	
Walsingham.....	10	8	7½	386	552	55	70	117	78	196	14	10	
Houghton.....	5	3	5½	72	266	22	26	31	9	42	12	3	
Middleton.....	8	7	6½	148	270	33	25	58	17	85	0	15	
Walpole.....	13	8	7	338	561	52	60	79	2	103	36	15	
Rainham.....	7	7	6½	267	365	35	48	98	16	118	53	10	
Woodhouse.....	16	12	8½	572	860	97	135	228	7	379	12	36	
Charlottetown.....	18	14	6½	546	850	79	117	189	13	322	17	26	
Total.....	110	90	8½	3444	5610	£483	731	1315	703	1918	188	200	
BRACK DISTRICT.—122 Schools.													
Nissouri.....	16	15	5½	485	926	81	91	118	9	216	17	25	
Burdorf.....	20	16	7½	798	984	107	118	121	5	357	20	43	
Dereham.....	12	9	7½	316	543	53	61	82	7	155	41	17	
Oakland.....	5	4	7½	147	216	36	41	72	8	110	...	11	
Norwich.....	22	20	7½	899	1110	112	135	228	7	350	62	33	
Blanchin.....	24	15	7	563	691	77	85	158	6	368	55	27	
Zorra (East and West).....	18	16	8	806	1592	130	143	247	9	383	57	31	
Oxford (East).....	11	11	6½	391	711	66	70	118	7	211	...	18	
Oxford (West).....	9	8	8	323	570	52	61	115	8	183	64	20	
Oxford (North).....	6	4	7½	169	253	20	24	44	5	44	15	17	
Blandford and Woodstock.....	5	4	9½	244	442	20	36	26	15	92	12	9	
Total.....	148	122	8½	5681	7801	£768	871	1334	2002	3337	363	251	

"You will observe a comparatively large sum in the hands of the Township Superintendents. This has arisen for the most part because, though due, it has not been applied for before the 31st December; while, in some instances, there have been failures on the part of the School Trustees in not fulfilling the requirements of the Act."

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Appendix
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12th July.

STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid Teachers from School Fund.	Amount paid Teachers from Rate Bill.	Total amount paid Teachers.	Amount reported in the hands of Township Superintendents.	No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.								
LONDON DISTRICT.—190 Schools.													
London (Town)	5	5	12	509	1174	115 9 8	115 10 0	221 18 7	205 11 5	427 10 0	0 11 3½	11	
London	25	23	7	1098	1877	194 17 3½	186 10 0	344 9 2½	321 11 2½	665 14 6½	18 18 1½	39	
Yarmouth	12	9	6	877	1483	160 18 6	193 15 5	403 0 2	407 17 7	810 17 9	5 2 1	44	
Dorchester	18	16	9	269	544	58 1 8	53 15 0	87 7 3	.....	87 7 3	26 14 9	28	
Southwell	9	5	8½	691	1391	135 17 4½	150 15 11	286 5 7½	162 10 7½	448 16 2½	4 1 6	33	
Moss	9	7	7½	213	326	25 3 4½	40 0 0	121 5 1½	47 17 8	169 2 9½	.....	15	
Elfrid	9	7	7½	275	527	50 9 0½	57 14 4	104 4 11	19 7 0	133 11 11	35 14 10	12	
Carradoc	11	7	7½	238	617	40 1 9½	54 11 5	102 3 8½	27 11 10	129 15 6½	13 8 3½	20	
Dunwich	7	5	9½	183	359	33 14 2½	33 14 3	60 17 1	105 17 7½	166 14 8½	.....	13	
Westminster	21	20	8	897	1477	134 14 7½	155 16 9	371 13 8	155 16 9	527 10 5	9 18 9	58	
Malahide	24	16	7	780	1192	120 7 7½	116 5 6	170 14 2½	192 0 7½	362 14 10	.....	41	
Lobo	11	11	9½	472	680	73 4 7½	88 8 1	145 2 2	105 19 7½	251 1 9½	4 5 1½	24	
Adelaide	9	5	8½	296	531	53 15 1½	31 18 2½	97 0 0	96 10 0	193 10 0	8 10 0	8	
Delaware	5	5	7½	203	287	26 6 2	25 18 6½	51 19 11½	61 13 11½	113 13 11	.....	31	
Bayham	17	17	8	578	984	100 15 10	138 12 9	293 19 9	164 10 3½	378 10 0	20 2 5	41	
Aldbrough	6	5	8	117	310	30 19 6½	31 1 9	59 10 0	42 17 10	102 7 10	13 11 0	17	
Williams	4	3	9½	155	301	20 7 8	.....	12 14 11½	.....	12 14 11½	15 14 9½	8	
Total.....	222	190	8½	7911	14250	£1354 16 5½	1470 6 11½	2825 3 4½	2117 4 0½	4942 7 5½	176 12 11½	418	
HUNON DISTRICT.—41 Schools.													
Goderich	9	7	11½	335	585	68 13 7	.....	154 11 4	45 17 0	200 8 4	.....	35	
Colborne	1	1	12	40	163	13 9 5	.....	28 10 0½	5 17 6½	34 16 7	.....	6	
McGillivray	3	3	8	54	108	6 8 1	.....	11 19 11½	41 5 0	58 4 11½	0 3 0	6	
Biddulph	3	3	10	125	237	21 15 0½	.....	42 12 5½	.....	.....	.....	10	
Williams	3	3	12	177	219	28 9 9	.....	59 10 9½	.....	.....	.....	6	
Stanley	2	2	7½	49	77	3 19 6	.....	11 2 6	.....	1 17 11	.....	6	
Tuckersmith	3	3	9	80	178	15 2 6½	.....	27 4 7	50 11 0	77 15 7	.....	13	
Ellice	4	2	7½	53	136	5 14 0	.....	13 13 7½	12 17 1	26 10 8½	.....	7	
Stephen	1	1	12	28	93	8 16 8	.....	6 11 9	22 12 6	29 4 3	.....	5	
Osborne and Kay	1	1	12	40	59	7 17 11½	.....	11 3 6	4 17 6	16 1 0	.....	2	
South Easthope	3	3	6½	67	190	4 14 11½	.....	4 14 11½	.....	.....	.....	6	
North Easthope	5	5	8½	168	361	18 11 0	59 2 0	117 10 0	157 1 0	11	
Blanchard	1	1	5	40	89	3 4 5½	6 8 11	3	

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

NAME OF TOWNSHIP.	No. of School Districts.	No. of Schools open.	Average time open. Months.	CHILDREN.		Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid Teachers from School Fund.	Amount paid Teachers from Rate Bill.	Total amount paid Teachers.	Amount reported in the hands of Township Superintendents.	No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.
				Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.								
Huron District.—(Continued.)													
Downie.....	3	3	10	104	182	15 9½	...	17 8 5	15 12 0	33 0 5	19 6 7½	4	
McKillop and Hibbert	3	3	10½	109	101	11 3 0½	...	35 14 8	49 16 10	85 11 6	...	17	
Ashfield.....	1	1	12	25	105	7 10 2	...	7 10 2	...	7 10 2	...	12	
Hullet.....	2	2	...	...	86	2 8 7	...	...	...	...	4 17 2	...	
Fullarton.....	...	...	...	...	...	11 0½	...	...	...	...	1 2 1	...	
Logan.....	...	...	...	...	...	18 6	...	...	...	...	1 17 0	...	
Total.....	40	44	10	1494	3043	£244 14 11½	500	471 9 9½	367 4 5½	848 14 2½	44 12 3	150	

"On my receiving a copy of the apportionment to the Huron District for 1845, I immediately forwarded a certified copy to the District Clerk, by whom it was laid before the District Council, who gave me an order on the District Treasurer for a sum equal to the Provincial Grant, to be apportioned to the different Townships in like manner. At an earlier meeting the District Council had voted one-eighth of the general taxes, assessed throughout the District for Common School purposes, estimated at £500; but on presenting the order, I found there were no funds in the Treasurer's hands, arising out of their non-payment of their taxes by the Canada Company, caused, I believe, by some informality in wording the By-law of the District Council. The same circumstances occurred the previous year, 1844; but on application to the Commissioners of the Canada Company, they very kindly, for the benefit of the Common Schools, cashed the order held on the Treasurer. I again applied to T. M. Jones, Esquire, Commissioner of the Canada Company, who informed me that the difficulties that had existed between the Canada Company and the Council had been happily arranged, consequently the Company's taxes would very shortly be paid into the Treasurer's hand, and that I might safely calculate on receiving the Common School money by the middle of May."

WESTERN DISTRICT.—189 Schools.	No. of Schools open.	Average time open. Months.	CHILDREN.	Apportionment from Legislative Grant.	Assessment by Municipal Council.	Amount paid Teachers from School Fund.	Amount paid Teachers from Rate Bill.	Total amount paid Teachers.	Amount reported in the hands of Township Superintendents.	No. of visits by Township and District Superintendents.	REMARKS BY DISTRICT SUPERINTENDENTS.	
												Between the ages of 5 and 16 years. Taught.	Between the ages of 5 and 16 years. Resident.
Anderson.....	4	2	5	7 10 4	7 10 4	15 18 11½	6 0 4	21 19 3½	15 18 11½	4	"It will be observed, that I have only the sum of £2 16s. 11½d. on hand due the Township of Brooke, which, during this year, has had no Superintendent appointed in time to disburse it—and from which I have received no Report—but I have reason to believe the money will shortly be applied for and added to the aggregate fund of that Township."	
Brooke.....	8	5	8½	53 12 10½	53 12 10	139 6 8	45 2 9½	144 9 5½	13 11 11½	0		
Colchester.....	8	7	4	24 2 10½	26 7 2½	54 0 0	36 10 6	90 10 6	2 12 3	11		
Chatham.....	3	3	8	17 11 0½	13 11 0½	35 6 8½	48 9 4½	83 15 11½	3 2 5½	6		
Camden.....	7	6	6½	32 16 0	40 5 7½	50 8 6	65 15 5	116 3 11	22 5 10½	12		
Dawn.....	9	6	6½	26 1 7½	68 3 11½	64 2 5	44 12 9½	108 15 2½	7 15 11½	10		
Dover, (East and West).....	7	6	8½	48 8 0	48 8 0	110 8 5½	44 0 5	154 8 10½	3 13 0½	17		
Gosfield.....	7	6	7½	73 4 7½	65 16 0½	146 9 2	150 12 2	297 1 4	7 5 10	23		
Harwich.....	12	11	10½	80 17 2½	80 17 2½	172 11 0½	168 16 11½	341 8 0½	8 8 11½	29		
Howard.....	5	4	8	11 7 9½	9 7 5½	35 7 7½	27 1 6	62 9 1½	11 18 11½	10		
Maitstone.....	5	4	10½	28 4 10½	28 5 0	74 9 2	11 16 0	86 5 2	...	9		
Mersa.....	9	8	10½	59 2 2	68 1 3½	148 8 3½	131 17 3½	280 5 6½	12 10 6½	16		
Malden.....	5	4	9½	39 9 5½	38 10 10½	54 10 0½	59 9 1	113 19 1½	10 10 11½	23		
Moore and Enniskillen.....	6	4	10	25 14 11½	25 9 7	93 9 7	25 9 11	118 19 6	18 19 9	9		
Oxford.....	7	6	6½	15 18 10½	16 18 8½	47 16 0	44 0 0	91 16 0	2 0 0	10		
Plympton.....	7	6	6½	62 12 9½	67 9 5½	183 13 4½	171 12 10	355 6 2½	...	22		
Raleigh.....	9	9	9½	695	695		

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STATISTICAL REPORT OF COMMON SCHOOLS.—(Continued.)

Table with columns: NAME or TOWNSHIP, No. of School Districts, No. of Schools open, Average time open, CHILDREN (Between ages of 5 and 10 years, Taught, Resident), Apportionment from Legislative Grant, Assessment by Municipal Council, Amount paid Teachers from School Fund, Amount paid Teachers from Rate Bill, Total amount paid Teachers, Amount reported in hands of Superintendent, No. of visits by District Superintendents, REMARKS BY DISTRICT SUPERINTENDENTS.

RECAPITULATION.

Table with columns: UPPER CANADA.—2756 Schools, Eastern District, Ottawa do, Dalhousie do, Bathurst do, Johnstown do, Midland do, Prince Edward do, Victoria do, Newcastle do, Colborne do, Home do, Simcoe do, Gore do, Niagara do, Wellington do, Talbot do, Brock do, London do, Huron do, Western do, Total.

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12th July.

ANNUAL REPORT of the Superintendent of Schools
for Upper Canada, for the year 1846.

EDUCATION OFFICE,
Toronto, 29th June, 1847.

MAY IT PLEASE YOUR EXCELLENCY:

Though the Report of Common Schools in Upper Canada, for the year 1846, is not due until August, according to the terms of the 11th clause of the 2nd section of the Statute 9 Victoria, chapter 20, I have thought it desirable to anticipate the usual period of presenting my Annual School Report, in order that it may be laid before the Legislature during its present Session.

This Report relates to the operations of the late Common School Act for Upper Canada during the last year of its existence. As the office of the Township Superintendents ceased at the close of the year, many of them refused to report to the District Superintendents the proceedings of their last year of office. This will account for the absence of reports from no less than twenty Townships mentioned in the annexed Statistical Tables. It will also be seen that very many of the reports received are represented as defective. It is not probable that such defects will occur in the School Reports prepared under the provisions of the present Common School Act. The Superintendent of Schools for the Niagara District directed the Trustees of Schools to report to him, according to the provisions of the present Act, and not to the Township Superintendents, as heretofore; and he states that, "of the whole number of School Sections, only three have omitted to report as the law directs." And with a view still further to secure accuracy and completeness in the local reports for the current year, blank forms will be prepared and transmitted both to the District Superintendents and School Trustees throughout Upper Canada.

On account of so many Township Superintendents having omitted to report, it is not possible for me to present, with any degree of accuracy, a comparative view of the Schools in 1846, and in former years. And, as my Annual Report for 1845 has not yet been laid before the Legislature, and contains most of the suggestions and remarks which it might

have been otherwise desirable to make on the present occasion, and as this Report concludes the operations of the late School Act, it will be superfluous for me to do any thing more than make a few references to the annexed Statistical Tables.

In most of the local reports, the term, "School Section," is synonymous with the term "School." It will be seen from the general abstract of the local reports, that there are 2,925 School Sections in Upper Canada, from 2,589 of which reports have been received—leaving 336 from which no reports have been received, besides the 20 Townships not reported.

The average time during which Schools, throughout Upper Canada, have been kept open, is 8½ months. The average time of keeping open the Schools during the year 1846 has, in the several Districts, varied from 7 to 10½ months.

The number of children, of school age, reported for 1846, is 204,580; for 1845, 198,434. The number of children taught in 1846, as reported, is 101,912. The number taught in 1845, was 110,002.

The total amount paid Teachers in 1846, as reported, is £67,906; the total amount reported to have been paid Teachers in 1845, is £71,514.

But when the large number of School Sections above referred to, from which no reports have been received for 1846, is taken into the account, it may be fairly assumed, that the number of children taught, and the amount of money paid Teachers in 1846, is considerably in advance of the number of children taught, and the amount paid in 1845. Yet the melancholy and alarming fact still remains, that almost one-half of the children in Upper Canada, of school age, are receiving no instruction in the Schools!

I have the honor to be,
Your Excellency's
Most obedient humble Servant,

EGERTON RYERSON.

His Excellency
The GOVERNOR GENERAL,
&c. &c. &c.

Appendix
(B. B.)

12th July.

STATISTICAL REPORTS OF COMMON SCHOOLS

Appendix (B. B.)
12th July.

NAME OF TOWNSHIP.	No. of School Sections.	No. of Schools Reported.	Average Number of Months open.	CHILDREN		Apportionment of the Legislative School Grant.			Assessment by the Municipal Council.		
				Of School age Taught.	Of School age Resident.	£	s.	d.	£	s.	d.
EASTERN DISTRICT.—186 Schools and one part Reported.											
Cornwall (Town)	6	6	11½	240	310	43	1	9	43	1	9
Cornwall	24	24	8½	786	1392	152	4	3	162	1	1½
Matilda	17½	17½	8½	634	1232	139	12	3	153	18	11½
Mountain	11½	11½	7½	387	679	66	16	6	73	7	1
Williamsburg	17½	17½	9½	606	1332	133	6	3	141	15	1½
Winchester	12	12	11	27	520	41	1	3	47	14	5½
Osnabrock	21	21	8½	723	1307	145	4	9	159	14	8
Finch	6	6	11½	238	326	29	11	9	35	14	4
Roxborough	10	10	8	245	555	43	10	9	47	4	5½
Charlottensburgh	22½	22½	11	858	1677	196	4	0	204	3	3½
Kenyon	12	12	11½	570	1149	123	1	6	129	1	5
Lancaster	14	14	10	612	1172	124	4	0	180	18	1½
Lochiel	12½	12½	10	581	1126	114	12	9	119	19	11½
Total.....	186½	186½	9½	6507	12787	£1352	11	9	1448	14	8½
OTTAWA DISTRICT.—45 Schools Reported.											
Hawkesbury (West)	9	9	11½	454	898	78	16	0	115	12	6½
Hawkesbury (East)	10½	10	11½	295	809	65	14	8	78	12	6
Longueuil	5½	6	10½	170	389	45	4	0	54	0	1½
Caledonia	4½	5	11½	137	326	32	8	0	40	3	2½
Plantagenet	7	5	8½	188	378	40	18	8	52	19	2½
Cumberland and Cambridge	5	4	12	110	154	37	5	4	45	11	4½
Alfred	5½	3	9	70	100	15	6	8	19	15	4½
Russell	2	1	12	30	64	8	12	4	11	19	2½
Clarence	2	2	9	44	80	10	5	4	13	17	1
Total.....	51	45	10½	1498	3193	£332	11	0	432	10	8½
JOHNSTOWN DISTRICT.—226 Schools Reported.											
Brockville (Town)	3	3	12	184	666	58	5	6	100	0	0
Prescott (Town)	4	4	11½	197	428	38	11	9	38	12	6
Elizabethtown	80½	30½	8½	1080	1836	177	19	6	209	3	1
Wolford	14	14	9	482	879	81	9	0	87	13	4½
Kitley	17½	17½	11	642	1197	114	12	9	134	4	0½
Augusta	23½	23½	8	799	1690	174	0	9	181	4	2½
Leeds and Lansdowne (Rear)	10	10	5	252	503	30	18	9	32	0	8½
Oxford	21½	21½	7½	684	1275	108	0	0	121	5	7½
North Crosby	6	6	9½	207	378	27	13	6	28	14	0½
South Crosby	6	6	9½	207	360	37	16	0	40	8	0
Edwardsburg	20	20	8½	898	1167	119	2	9	118	19	6½
Bastard	16	16	8½	526	1077	120	5	3	180	16	11½
South Burgess	1½	1½	9	47	86	4	10	0	14	1	1½
Leeds and Lansdowne (Front)	13	13	8	468	924	85	14	6	97	1	9½
Yonge	20	20	7½	665	1125	161	13	3	146	7	0½
Escott	9	9	5½	252	423	38	12	9	38	12	9½
South Elmsley	7½	7½	8½	164	392	34	6	3	39	13	10½
South Gower	3	3	7½	113	229	24	1	6	26	7	3
Total.....	226	226	8½	7867	14635	£1394	11	0	1571	5	4
DALHOUSIE DISTRICT.—101 Schools Reported.											
Goulborne	12	12	.....	141	743	80	17	9	.....	.....	.....
Gloucester	9	9	.....	116	620	64	0	3	.....	.....	.....
Tarbolton	1	1	.....	18	95	16	8	6	.....	.....	.....
March	4	4	.....	70	242	22	1	0	.....	.....	.....
Marlborough	8	8	.....	93	511	30	16	6	.....	.....	.....
Huntley	9	9	.....	207	625	51	19	6	.....	.....	.....
North Gower	8	8	.....	103	451	26	15	6	.....	.....	.....
Fitzroy	10	10	.....	151	471	50	8	0	.....	.....	.....
Nepean	26	26	795	1290	109	4	0
Osgoode	14	14	130	450	44	8	9
Total.....	101	101	1824	5498	£556	19	9	0	0	0

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from the several Districts in UPPER CANADA.

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Amount of School Fund paid Teachers.	Amount of Rate Bill paid Teachers.	Total Amount paid Teachers.	Balance in Township Superintendents' hands.	No. of visits by Township and District Superintendents.	Character of Schools.			REMARKS.
					V. Well.	Well.	Mid.	
£ 74 s. 9 d. 0½	£ 12 s. 10 d. 0	£ 86 s. 19 d. 0	£ 42 s. 14 d. 1½	21	2	2	3	Defective Report. do do
288 8 1½	301 8 3	589 16 4½	42 14 1½	68	2	15	7	
304 5 11	69 0 6½	373 5 5½	8 1 1	68	2	9	7	
135 9 2	164 10 10	300 0 0	.....	44	.....	7	7
149 9 7½	203 3 7	352 13 2½	.....	44	6	6	4
68 5 1½	None reported.	68 5 1½	17 15 2	19	.....	3	3
316 1 1½	184 14 4½	500 15 6	36 10 0	65	2	17	2	
52 1 3	None reported.	52 1 3	.....	14	.....	5	.....
108 7 1½	23 14 8½	132 1 10½	3 19 8½	23	.....	5	2
176 12 2½	232 8 7½	409 0 9½	24 8 4	58	4	15	6	
312 17 10½	None reported.	312 17 10½	63 3 10½	48	2	5	6	
236 1 0½	246 5 11¼	482 7 0½	.....	31	3	6	5
213 9 2½	212 15 5	426 4 7½	7 15 4½	45	2	6	6	
£2435 16 9½	1650 12 3½	4086 9 1½	204 7 9½	548	25	101	58	
178 17 7	84 2 9	263 0 4	17	Assessment placed in Rate Bill.
130 8 10½	30 18 3	161 7 1½	.....	21	.....	.....	.....
93 6 2½	27 15 1½	121 1 4½	.....	12	.....	.....	.....
64 8 5	36 6 3½	100 14 8½	.....	11	.....	.....	.....
92 0 0	None reported.	92 0 0	0 18 10½	12	.....	.....	.....
35 3 5	do do do	55 3 5	.....	5	.....	.....	.....
21 12 11	do do do	21 12 11	25 0 0	9	.....	.....	.....
10 0 0	do do do	10 0 0	8 0 0	4	.....	.....	.....
21 14 0	16 6 0	38 0 0	.....	5	.....	.....	.....
£667 11 5½	195 8 5	862 19 10½	33 18 10½	96	.....	.....	.....
158 5 6	121 1 7	279 7 1	10	1	2	One Model School.
38 11 9	113 9 6	152 1 3	.....	16	.....	4	.....
480 19 10½	127 13 11½	608 13 10	10 13 10	61	1	11	13	
171 19 10	152 8 10	324 8 8	.....	28	1	8	6
223 14 9	154 10 10	378 5 7	16 18 9	51	1	8	7	
362 13 4	160 15 5½	523 8 9½	24 9 6	50	1	9	10	
56 19 9	34 2 11	91 2 8	9 17 6	14	.....	4	2
213 2 1½	99 5 0½	312 7 12	.....	42	2	5	9
53 15 10½	52 9 6½	106 5 5½	.....	7	.....	2	.....
76 8 0½	34 0 3½	110 8 4	2 14 5	11	2	1	2	
250 18 5	71 10 3	322 8 8	.....	42	1	10	9
245 1 1½	59 16 0½	304 17 2	24 5 0½	37	.....	9	5
28 12 7½	None reported.	28 12 7½	.....	1	.....	.....	.....
186 17 2	139 4 1	326 1 3	0 19 7	12	.....	4	7
251 19 3½	100 10 9½	352 10 1	.....	39	.....	4	5
72 13 3	11 1 8	83 14 11	8 10 1	5	.....	.....	.....
63 18 6½	53 17 9½	117 16 4	16 18 4½	16	.....	.....	.....
48 9 0	33 12 9½	82 1 9½	.....	10	.....	2	1
£2985 0 3½	1520 11 3½	4505 11 7	105 7 1	445	10	83	77	Very defective Report.
80 17 9	252 0 0	332 17 9	.....	.....	.....	.....	.....
64 0 3	233 0 0	297 0 3	.....	.....	.....	.....	.....
16 8 6	25 0 0	41 8 6	.....	.....	.....	.....	.....
22 1 0	35 0 0	57 1 0	.....	.....	.....	.....	.....
30 16 6	179 10 0	210 6 6	.....	.....	.....	.....	.....
51 19 6	191 10 0	243 9 6	.....	.....	.....	.....	.....
26 15 6	129 10 0	156 5 9	.....	.....	.....	.....	.....
58 8 0	171 0 0	221 8 0	.....	.....	.....	.....	.....
169 4 0	848 0 0	1017 4 0	.....	.....	.....	.....	.....
44 8 9	197 0 0	241 8 9	.....	.....	.....	.....	.....
£556 19 9	2261 10 0	2818 9 9	.....	.....	.....	.....	.....

* Included in the voluntary subscriptions and placed in the Rate Bill column.

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STATISTICAL REPORTS OF

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COMMON SCHOOLS.—(Continued.)

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12th July.

NAME OF TOWNSHIP.	No. of School Sections.	No. of Schools Reported.	Average Number of Months open.	CHILDREN		Apportionment of the Legislative School Grant.			Assessment by Municipal Council.		
				Of School age Taught.	Of School age Resident.	£	s.	d.	£	s.	d.
BATHURST DISTRICT.—98 Schools Reported.											
Ramsay	13	9	7½	469	830	103	3	3	119	4	3
Baget	4	2	11½	21	75	10	13	9	16	14	1
MacNab	6½	3½	7½	98	307	37	13	9	48	6	5½
Dalhousie and Levant	6½	6½	11	423	48	5	3	65	9	2	
Admaston	3½	1½	9	19	94	6	19	6	12	9	5½
North Sherbrooke	2	1	11	55	113	12	0	9	15	7	11
South Sherbrooke	1	1	10	51	54						
Beckwith	11½	10	7½	399	777	77	10	3	100	15	6
Montague	17½	11½	9½	362	985	95	12	6	91	13	10½
Ross	4	1	3	12	131	5	14	9	13	6	8
Horton	4	2	12	32	194	19	18	3	34	6	9
Packham	4	4	9½	195	467	42	3	9	50	17	7
Darling	2	2	7	97	161	11	9	6	13	15	6½
Bathurst	11½	10½	9½	382	784	94	7	9	102	7	8½
Westmeath	4½	1	12	44	68				30	17	5
North Burgess	2	2	10	154	228	18	4	6	28	5	5½
Bromley	4	3	8	92	187	14	12	6	13	5	1
Lanark	11½	10½	9½	426	782	83	3	3	104	0	7½
North Elmsley	8	6	9½	334	573	63	2	3	69	2	5
Drummond	16	10		576	1264	119	9	6	139	8	7½
Pembroke and Stafford						5	12	6	29	6	9
Total.....	137	98	8¾	3818	8517	£871	17	6	1099	1	4
MIDLAND DISTRICT.—176 Schools Reported.											
Kingston	23½	23½	8½	870	2214	201	19	7½	201	19	7½
Loughborough	8	8	10	306	577	50	12	6	50	12	6
Portland	11	11	8½	374	624	57	0	9	67	10	11
Bedford	2	2	10	91	139	13	3	3	22	11	0
Camden	29	29	8½	1019	2034	188	13	3	188	13	3
Sheffield	8½	8½	10	245	542	44	8	9	55	10	9
Richmond	13	13	8½	561	984	90	18	0	105	18	0
Earneſt Town	22½	22½	9	865	1594	162	0	0	176	6	8
Adolphustown	4½	4½	9½	129	235	29	2	9	35	6	5
Amherſt Island	5	5	8½	158	334	37	18	3	42	11	9
Wolf Island	10	10	8	310	598	55	0	3	60	11	9
Pittsburgh	9	9	9	317	620	60	9	3	70	2	9
Storrington	6½	6½	9½	254	650	51	4	1½	58	19	9½
City of Kingston.....	4	4	12	850	1954	205	8	6	None	report'd	
Fredericksburgh	19½	19½	7½	607	1060	111	16	6	124	16	7
Total.....	176	176	9¼	6936	14139	£1359	15	9	1261	11	9
PRINCE EDWARD DISTRICT.—101 Schools Reported.											
Hallowell	14	14	10	613	802	86	17	0	No Assessment Reported.		
Athol	10	10	10	454	578	61	10	9			
Pictou (Town)	3	2	10	132	326	46	11	6			
Marysborough	19½	19½	11	612	1134	112	3	3			
Hillier	18½	18½	8	781	1002	94	16	9			
Ameliasburgh	18	17	8	725	973	98	4	3			
Sophiasburgh	21	20	9	770	1028	100	13	9			
Total.....	104	101	9½	4087	5843	£600	17	3			
VICTORIA DISTRICT.—94 Schools Reported.											
Tyendinaga	27	23	8	800	1759	147	0	5	147	0	5
Hungerford	11½	5	8½	188	672	54	12	8	54	12	8
Thurlow	20½	15	8	577	1293	118	5	7½	118	5	7
Huntingdon	10	8	8	327	554	56	17	8½	56	17	9
Sidney	24	20	9	679	1325	125	14	8½	125	14	9
Rawdon	16	12	7	364	767	65	12	3½	65	12	4
Nadoc	8	8	5	219	433	40	14	0½	40	14	0
Mannara	5	3	6	44	163	15	0	1½	15	0	1
Belleſville (Town)	4				597	64	14	8			
Elievir					24						
Total.....	126	94	7¾	3198	7582	£688	12	3	623	17	7

Amount of School Fund paid Teachers.			Amount of Rate Bill paid Teachers.			Total Amount paid Teachers.			Balance in Township Superintendants' hands.		No. of visits by Township and District Superintendants.	Character of Schools.			REMARKS.	
£	s.	d.	£	s.	d.	£	s.	d.	£	s.		d.	V. Well.	Well.		Mid.
192	16	5½	147	2	3½	339	18	0	33	7	3½	18				
10	0	0	1	14	6½	11	14	6½				4				
74	3	6½	9	1	0½	83	4	7¼	13	15	2½	9				
124	14	0	None	reported.		124	14	0				16				
13	9	0	13	9	0	26	18	0	2	15	7	7				
37	8	6½	4	0	0	41	8	6½				2				
9	12	8	7	0	0	16	12	8				2				
159	1	10½	138	15	0	297	16	10½	18	6	3	20				
261	10	3¼	83	5	11	294	16	2¼				21				
33	14	9	None	reported.		33	14	9				3				
43	6	8½	10	18	6½	54	5	2½	25	12	1½	3				
89	12	7½	37	10	3½	127	2	11¼				12				
26	17	5	26	2	7	52	0	0	2	13	1	5				
84	16	10½	28	16	0	113	12	10½	25	4	8½	29				
39	5	0	None	reported.		39	5	0				3				
42	0	8	6	11	0	48	11	8				7				
11	17	11	None	reported.		11	17	11				8				
168	5	3½	95	16	1½	264	1	5	5	16	5½	23				
119	1	4	88	1	3	207	2	7	7	16	4	14				
116	16	1	200	12	7	317	8	8	2	13	5	34				
					0			0								
£1658	11	0½	848	15	2½	507	6	3	150	6	7½	240				No Report.
403	19	3	None	reported.		403	19	3				58				
101	5	0	105	9	8	206	14	8				30				
124	11	8	83	1	6	207	13	2				34				
35	14	3	21	9	0	57	3	3				8				
377	6	6	None	reported.		377	6	6				83				
99	19	6	85	19	1	185	18	1				70				
196	16	0	216	2	6	412	13	6				27				
338	6	8	319	5	3½	657	18	11½				33				
64	9	2	49	4	1½	113	11	3½				19				
80	10	0	23	8	6	103	13	6				16				
115	12	0	87	5	11	202	17	11				28				
130	12	0	84	1	6	214	13	6				24				
110	3	11	50	19	0	161	2	11				19				
205	8	6	None	reported.		205	8	6				11				
236	13	1	None	reported.		236	13	1				12				
£2621	7	6	1126	1	1	3747	8	7				509				
171	0	2	201	17	6	372	17	8				17				
122	6	9	110	7	11	312	5	5				21				
65	11	11	45	16	6	111	8	5				5				
112	9	4½	110	0	8	222	10	0½				39				
275	5	3	169	11	6	454	16	9				45				
217	5	10	252	14	2½	470	0	0½	10	9	11	39				
244	6	10	238	4	2	482	11	0				48				
£1208																

STATISTICAL REPORTS OF

NAME or TOWNSHIP.	No. of School Sections.	No. of Schools Reported.	Average Number of Months open.	CHILDREN.		Apportionment of the Legislative School Grant.	Assessment by the Municipal Council.				
				Of School age Taught.	Of School age Resident.			£	s.	d.	
NEWCASTLE DISTRICT.—169 Schools Reported.											
Cobourg (Town)	5	5	11	313	799	80	8	9	80	8	9
Hamilton	13	12	10	504	1037	111	5	3	132	1	3
Cartwright	3	3	7	159	373	23	19	3	31	18	9
Darlington	22	22	9	1095	2156	213	8	3	247	17	9
Cramahe	22	19	8½	710	1338	126	18	0	148	9	9
Port Hope (Town)	3	3	12	145	446	38	18	6	38	18	6
Clarke	17	15	11½	788	1605	149	10	3	176	10	3
Haldimand	24	21	6½	559	1273	116	13	3	137	11	3
Manvers				423		38	16	3	51	15	9
Murray	24	23	7	697	1507	130	16	0	160	1	6
Monaghan (South)	5	5	11½	134	307	31	1	0	37	19	3
Seymour	5	5	11	272	532	52	8	6	63	17	6
Percy	10	7	7½	257	461	43	6	3	52	16	3
Cavan	15	14	10	695	1362	147	18	9	173	9	3
Hope	18	13	8½	524	1206	123	12	9	146	9	6
Alswick	3	2	6	28	82	12	9	9	14	11	6
Total.....	189	169	9½	6880	14907	£1447	10	9	1694	17	0
COLBORNE DISTRICT.—61 Schools Reported.											
Belmont	1	1	4	20	49	3	16	6	4	4	2
Asphodel	7½	7½	8	21	286	38	11	9	42	11	0
Dummer	3	3	7	183	312	38	9	6	42	8	5
Otonabee	11½	6	11	336	636	98	2	0	108	0	2
Douro	6	5	6	241	377	33	12	9	37	0	1
Monaghan, (North).....	2½	2½	9	80	555	54	4	6	59	18	0
Smith	13	11	7	406	674	70	10	9	77	12	11
Emily	14	4	9	212	554	95	5	9	104	16	5
Ops	12	11	7½	257	460	58	3	3	64	1	7
Mariposa	11	10	6	481	772	60	10	6	66	11	6
Eldon						31	1	0	34	3	1
Fenelon						3	18	9	4	6	2
Ennismore						8	6	6	9	5	2
Verulam						5	14	9	6	6	3
Total.....	81½	61	7½	2237	4675	£600	8	3	660	19	11
HOME DISTRICT.—289 Schools Reported.											
Toronto (City)	15	16	11½	1221	4450	473	17	0	473	17	0
Albion	10	3	12	184	301	116	6	6	121	17	10
Brook	13	8	7	348	831	81	6	9	93	5	8½
Scott	1½	1½	6½	33	122	7	8	6	9	3	0½
Caledon	12½	12½	11½	560	1067	100	4	9	112	6	8
Chinguacousy	25½	24½	10	1023	1994	205	15	3	215	6	11
Etobicoke	8½	8½	11	379	1048	93	16	6	109	8	3
Georgina	5½	3½	6½	54	246	24	15	0	27	17	11
Gwillimsbury (East).....	13	12	7½	431	762	76	19	0	87	3	5
Gwillimsbury (North).....	3½	3	9	174	320	34	6	3	40	10	4
Toronto (Gore)	4½	3½	11½	227	425	49	7	9	57	14	2
King	23	20½	10½	890	1541	133	10	9	152	0	10½
Markham	32	29	8½	1270	2566	218	0	6	242	8	6
Uxbridge	6	4½	8	142	345	28	16	0	35	11	8
Pickering	19	18½	11½	1113	1941	191	11	9	214	12	5
Reach	12	9	8½	306	723	62	4	3	73	19	7½
Scarborough	9	9	11½	487	1078	115	1	9	125	7	8
Toronto	22½	22½	10½	1120	2121	210	16	6	222	2	5½
Vaughan	21½	16½	9½	1017	1905	186	8	3	208	1	3
Whitchurch	16½	15	8½	713	1208	122	17	0	142	9	9
Whitby	22	21	11½	1033	2489	274	12	3	294	2	11
York	29½	27½	9½	1056	2767	241	10	9	260	9	11
Thorah						27	4	6	32	12	6
Mara						20	0	6	23	16	6
Rama									1	4	8
Total.....	325½	289	9½	13781	30250	£3096	18	0	3377	11	11½

COMMON SCHOOLS.—(Continued.)

Amount of School Fund paid Teachers.			Amount of Rate Bill paid Teachers.			Total Amount paid Teachers.			Balance in Township Superintendents' hands.			No. of visits by Township and District Superintendents.	Character of Schools.			REMARKS.
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		V. Well.	Well.	Mid.	
160	17	6	118	0	2	278	17	8	...	...	...	18				
224	16	1	290	17	11	515	14	0	...	...	...	29				
49	10	3	29	5	7	78	15	10	...	...	...	7				
386	13	1	432	9	10	819	2	11	...	...	...	30				
261	15	2½	65	11	1½	327	6	4½	...	...	...	36				
72	13	6¼	112	10	0	185	3	6¾	...	...	...	11				
280	2	1	287	8	2½	567	10	3½	...	...	...	31				
209	2	3	220	13	8½	429	5	11½	...	...	...	32				
229	7	6	198	8	10	487	16	4	...	...	...	37				No Report.
63	0	3¼	81	10	6	144	10	9½	...	...	...	10				
120	12	5	56	9	5	177	1	10	...	...	...	13				
81	9	10	30	9	4	111	19	2	...	...	...	17				
324	2	3	206	8	2½	530	10	5½	...	...	...	44				
259	6	5¼	205	18	8	465	5	1½	...	...	...	30				
17	10	0	None reported.			17	10	0	...	...	...	8				
£2800	18	9¼	2336	1	6	5137	0	3½	143	11	9½	353				
3	18	6	None reported.			3	18	6	...	...	...	1				Defective Report.
44	6	3½	5	5	9	49	12	0¼	...	...	...	18				do do
43	18	3½	2	17	0	46	15	3½	...	...	...	6				do do
75	18	9	74	19	3½	150	18	0¼	...	...	...	10				do do
59	3	3	None reported.			59	3	3	...	...	...	11				do do
34	1	4	do do do			34	1	4	...	...	...	6				do do
129	14	4½	34	14	7	164	8	11½	...	...	...	31				do do
45	18	10	21	2	7	67	1	5	...	...	...	7				do do
111	10	10	None reported.			111	10	10	...	...	...	20				do do
144	16	3	45	13	10½	190	10	1½	...	...	...	20				do do
									...	...	...					No Report.
									...	...	...					do
									...	...	...					do
									...	...	...					do
£693	6	8½	184	13	1	877	19	9½	30	13	1½	130				
947	14	0	809	11	6	1757	5	6	...	...	...	60				Defective Report.
50	1	9	29	0	9	79	2	6	...	...	...					do do
103	18	9¼	13	10	4	114	9	1½	...	...	...	12				do do
20	13	3	5	11	8	26	4	11	...	...	...					do do
115	7	9	None reported.			115	7	9	...	...	...	36				do do
441	5	7	461	6	6	902	12	1	...	...	...	95				do do
257	7	3½	156	2	9	413	10	0¼	...	...	...	31				do do
27	5	0	35	0	0	62	5	0	...	...	...	15				do do
181	9	2	148	2	6	329	11	8	...	...	...	34				do do
69	15	7½														

Appendix (B. B.)

12th July.

STATISTICAL REPORTS OF

Appendix (B. B.)

12th July.

Table with columns: NAME OF TOWNSHIP, No. of School Sections, No. of Schools Reported, Average Number of Months open, CHILDREN (Of School age Taught, Of School age Resident), Apportionment of the Legislative School Grant, Assessment by the Municipal Council. Includes districts: SIMCOE DISTRICT, GORE DISTRICT, NIAGARA DISTRICT.

Appendix (B. B.)

12th July.

COMMON SCHOOLS.—(Continued.)

Appendix (B. B.)

12th July.

Table with columns: Amount of School Fund paid Teachers, Amount of Rate Bill paid Teachers, Total Amount paid Teachers, Balance in Township Superintendents' hands, No. of visits by Township and District Superintendents, Character of Schools (V. Well, Well, Mid.), REMARKS. Includes districts: SIMCOE DISTRICT, GORE DISTRICT, NIAGARA DISTRICT.

Appendix (B. B.)

12th July.

STATISTICAL REPORTS OF

Appendix (B. B.)

12th July.

Table with columns: NAME or TOWNSHIP, No. of School Sections, No. of Schools Reported, Average Number of Months open, CHILDREN (Of School age Taught, Of School age Resident), Apportionment of the Legislative School Grant, Assessment by Municipal Council. Includes districts: TALBOT DISTRICT, BROCK DISTRICT, WELLINGTON DISTRICT, LONDON DISTRICT, HURON DISTRICT.

Appendix (B. B.)

12th July.

COMMON SCHOOLS.—(Continued.)

Appendix (B. B.)

12th July.

Table with columns: Amount of School Fund paid Teachers, Amount of Rate Bill paid Teachers, Total Amount paid Teachers, Balance in Township Superintendents' hands, No. of visits by Township and District Superintendents, Character of Schools (V. Well, Well, Mid.), REMARKS. Includes a 'Very defective Report' section.

Appendix (B. B.)

12th July.

STATISTICAL REPORTS OF

Appendix (B. B.)

12th July.

Table with columns: NAME or TOWNSHIP, No. of School Sections, No. of Schools Reported, Average Number of Months open, CHILDREN (Of School age Taught, Of School age Resident), Apportionment of the Legislative School Grant (£ s. d.), Assessment by the Municipal Council (£ s. d.). Includes sections for Huron District and Western District.

ABSTRACT OF THE STATISTICAL REPORTS from the several

Table with columns: THE DISTRICTS, No. of School Sections, No. of Schools Reported, Average Number of Months open, CHILDREN (Of School age Taught, Of School age Resident), Apportionment of the Legislative School Grant (£ s. d.). Lists various districts like Eastern, Ottawa, Bathurst, etc.

Appendix (B. B.)

12th July.

COMMON SCHOOLS.—(Continued.)

Appendix (B. B.)

12th July.

Table with columns: Amount of School Fund paid Teachers (£ s. d.), Amount of Rate Bill paid Teachers (£ s. d.), Total Amount paid Teachers (£ s. d.), Balance in Township Superintendents' hands (£ s. d.), No. of visits by Township and District Superintendents, Character of Schools (V. Well, Well, Mid), Remarks. Includes a 'Defective Report. No Report. do do' section.

Districts in UPPER CANADA.—2589 Schools and one part Reported.

Table with columns: Assessment by the Municipal Council (£ s. d.), Amount of School Fund paid Teachers (£ s. d.), Amount of Rate Bill paid Teachers (£ s. d.), Total Amount paid Teachers (£ s. d.), Balance in Township Superintendents' hands (£ s. d.), No. of visits by Township and District Superintendents, Character of Schools (V. Well, Well, Mid).

Appendix
(B. B.)

Appendix
(B. B.)

12th July.

12th July.

COMMON SCHOOLS in New Townships not represented in any District Council.—2 Schools aided.

District.	Township.	No. of Pupils.	No. of Months open.	How supported.	Amount of Parliamentary Aid granted.			Extract from Trustees' Report.
					£	s.	d.	
Wellington ...	Sydenham Lot No. 3.	15	Average 3	School Fees...	10	0	0	"Number of Pupils, 12. Four only of this number ever attended a School before and were taught the first rudiments of Education. The School has continued three months and would still continue, with more scholars, but for the want of funds. The progress the children made has been very great." "There are taught at this School about 25 scholars: of which 3 are only in the alphabet, 10 in spelling and easy reading, and the other 12 are learning spelling, reading, writing, and arithmetic. The improvement of the children is such as to be gratifying to their parents."
Wellington ...	Sydenham Village ...	25	12	School Fees...	10	0	0	
To.	2 Schools.	40	7½		£20	0	0	

MODEL SCHOOLS IN UPPER CANADA.—3 aided.

DISTRICT.	No. of Schools.	Amount assessed by Municipal Council.			Amount paid for Erection, Repairs, or Rent of Building.			Amount paid in aid of the Model School from Assessment.			Amount of Parliamentary aid granted.			Total amount expended on Model School.			No. of Teachers.	No. of Pupils.	Apparatus.	Books used.	Remarks.
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.					
London.....	1	67	9	9	.....	.....	67	9	9	32	3	9	99	12	11	1	.....	.....	.....	School closed
Johnstown..	1	100	0	0	.....	.....	100	1	0	50	0	0	150	1	0	2	43	Maps, Globes.	Irish National	
Dalhousie...	1	90	11	2	39	15	10	50	15	4	25	7	8	115	18	10	1	.....	.....
Total.....	3	£258	0	11	39	15	10	218	6	1	107	11	5	365	12	9					

Disposition of the ANNUAL SCHOOL GRANT, for the year 1845.

	£	s.	d.	£	s.	d.
Total amount apportioned to the several Districts in Upper Canada, as per detailed Statistical Report for that year				20962	12	6
Grant to the Dalhousie District Model School for the year 1844-5	37	7	6	37	7	6
Total Parliamentary Grant				£21000	0	0

Disposition of the ANNUAL SCHOOL GRANT, for the year 1846.

	£	s.	d.	£	s.	d.
Total amount apportioned to the several Districts in Upper Canada, as per accompanying Statistical Report				20851	19	9
Grant to Common School, Lot. No. 3, Township of Sydenham	10	0	0			
Grant to London District Model School	32	3	2			
Grant to Johnstown District Model School	50	0	0			
Grant to Common School at the village of Sydenham.....	10	0	0			
Grant to Dalhousie District Model School	25	7	8			
Balance unappropriated	20	9	5	148	0	3
Total Parliamentary Grant				£21000	0	0

ESTIMATE

OF

CERTAIN EXPENSES OF THE CIVIL GOVERNMENT

OF THE

PROVINCE OF CANADA

FOR THE YEAR 1847, FOR WHICH A SUPPLY IS REQUIRED.

SERVICE.	Currency.			Currency.		
	£	s.	D.	£	s.	D.
<i>Militia Staff.</i>						
Salary of the Adjutant General of Militia.....	1000	0	0			
Do of Two Deputy Adjutants General at £500 each.....	1000	0	0			
Do of Four Clerks in the Office.....	535	0	0			
Do of a Messenger.....	66	0	0			
Contingent Expenses, including Office Rent, Fuel, Postages, Printing, Stationery, &c.....	620	0	0			
	£	3221	0 0			
Salary of one Provincial Aide-de-Camp.....		200	0 0			
						3421 0 0
<i>Expenses of Legislature.—Legislative Council.</i>						
Salary of the Speaker.....	1000	0	0			
Do do Clerk.....	500	0	0			
Do of One Assistant Clerk.....	350	0	0			
Do of the Law Clerk.....	250	0	0			
Do do French Translator.....	225	0	0			
Do do Gentleman Usher of the Black Rod.....	100	0	0			
Do do Sergeant at Arms.....	100	0	0			
Do do Chaplain and Librarian.....	200	0	0			
Do do Door Keeper.....	60	0	0			
Do do Head Messenger.....	100	0	0			
Do of Three Messengers for the Session at £45 each.....	135	0	0			
Contingent Expenses.....	5000	0	0			
						8020 0 0
<i>Legislative Assembly.</i>						
Salary of the Speaker.....	1000	0	0			
Do do Clerk.....	500	0	0			
Do do Assistant Clerk.....	400	0	0			
Do do English Translator and Law Clerk.....	350	0	0			
Do do French Translator.....	250	0	0			
Do do Sergeant at Arms.....	100	0	0			
Do do Clerk of the Crown in Chancery.....	150	0	0			
Contingent Expenses including Sessional Allowance to the Members.....	25000	0	0			
						27750 0 0
<i>Pensions to Officers and Servants of the late Legislative Bodies of Upper and Lower Canada.</i>						
Wm. Smith, as late Clerk of the Legislative Council of Lower Canada and Master in Chancery.....	393	6	8			
Wm. Ginger, as late Sergeant at Arms to do.....	66	13	4			
Louis Noreau, as Messenger to do.....	20	0	0			
Pierre Lacroix, as do do.....	18	0	0			
Joseph Bolduc, as do do.....	18	0	0			
Carried over.....	£	516	0 0			39191 0 0

Appendix
(C. C.)

ESTIMATE of certain expenses of the Civil Government, &c.—Continued.

Appendix
(C. C.)

June, 1847.

June, 1847.

SERVICE.	Currency.			Currency.			
	£	s.	d.	£	s.	d.	
<i>Brought over</i>	516	0	0	39191	0	0	
<i>Pensions to Officers and Servants, &c.—Continued.</i>							
L. B. Pinguet, as Clerk of the Committees of the House of Assembly Lower Canada.....	66	13	4				
Saml. Waller, as do do do do	100	0	0				
David Jardine, as do do do Upper Canada.....	133	6	8				
William Coates, as do do do do	133	6	8				
Fras. Roderigue, as Messenger to House of Assembly, of Lower Canada.....	18	0	0				
Louis Gagné, the same.....	18	0	0				
				985	6	8	
<i>Hospitals and other Charities.</i>							
To the Commissioners for the relief of Foundlings and Indigent Sick persons in the District of Quebec.....	1200	0	0				
To the same in the District of Montreal.....	700	0	0				
For defraying the balance of the sum of £3057 3s. 4d., claimed by the Grey Nuns of Montreal as arrears due to them on their expenditure in the care of Foundlings and Indigent Sick under their charge, in the past years, in part of which £2000 was granted in 1846.....	1057	3	4				
To the Commissioners for the Relief of Foundlings and Indigent Sick persons in the District of Three-Rivers.....	750	0	0				
Aid to the Corporation of the General Hospital at Montreal, towards their Expenses in the present year.....	1000	0	0				
Do to the Managers of the Protestant Female Orphan Asylum at Quebec.....	100	0	0				
Do to the Ladies of the Benevolent Society of Montreal, for Widows and Orphans.....	100	0	0				
Do to the Roman Catholic Orphan Asylum at Quebec.....	100	0	0				
Do to the Montreal Protestant Orphan Asylum.....	100	0	0				
Do to the Male Orphan Asylum at Quebec.....	100	0	0				
Do to the Charitable Association of the Ladies of the Roman Catholic Asylum at Montreal.....	100	0	0				
Do towards the Support of the Temporary Lunatic Asylum at Toronto.....	4000	0	0				
<i>Proposed to be defrayed out of the Marriage License Fund for Upper Canada.</i>							
Aid towards the Support of the Toronto General Hospital.....	£	750					
Do towards the Support of the Toronto House of Industry.....	500						
Do towards the relief of Indigent Sick at Kingston Hospital.....	500						
Additional Aid to the Lunatic Asylum, Toronto.....	750						
	£2500						
Aid towards defraying the Expenses of the Temporary Lunatic Asylum at Beauport, near Quebec.....	5500	0	0	14807	3	4	
<i>Various Public Institutions.</i>							
Aid to the Medical faculty of McGill's College.....	300	0	0				
Do to the School for Medicine at Montreal.....	300	0	0				
Do to the Literary and Historical Society of Quebec.....	50	0	0				
Do to the Natural History Society at Montreal.....	50	0	0				
Do to the Mechanics' Institute at Quebec.....	50	0	0				
Do to the same at Montreal.....	50	0	0				
Do to the same at Kingston.....	50	0	0				
Do to the same at Toronto.....	50	0	0				
Do to the Atheneum at do.....	50	0	0				
Do towards the Support of the Provincial Penitentiary at Kingston, in addition to £1500 charged in Account, No. 19 of Statements laid before the Legislature, to be provided for.....	12762	9	8	13712	9	8	
<i>Education.</i>							
Salary of the Secretary of the Royal Institution for the advancement of Learning.....	100	0	0				
Allowance to the same for a Messenger and Contingencies.....	67	15	7				
Usual Aid to the Upper Canada College.....	1111	2	2				
Same to the Victoria College.....	500	0	0				
Same to the Queen's College.....	500	0	0				
Aid to the Regiopolis College at Kingston.....	500	0	0	2778	17	9	
<i>Miscellaneous.</i>							
Salary of the French Translator of the Laws.....	350	0	0				
Do of the Inspector of Chimnies at Three-Rivers.....	27	15	6				
Allowance for Five Keepers of Depots of Provisions on the St. Lawrence below Quebec, with a view to the relief of Shipwrecked persons.....	300	0	0				
For the Purchase of Provisions for the Depots.....	156	0	0				
Allowance to Pierre Brochu, for residing on Kempt Road, for the purpose of assisting Travelers along that Road.....	25	0	0				
Do to J. Noble, for the same purpose.....	25	0	0				
Expenses of Quarantine establishments at Quebec and Grosse-Isle.....	10000	0	0				
Extra Expenses attending the Immigration of the present year.....	10000	0	0				
For Printing Laws and other Printing for the Public Service.....	6000	0	0				
<i>Carried forward</i>	£	26913	15	6	71474	17	5

Appendix
(C. C.)

ESTIMATE of Certain Expenses of the Civil Government, &c.—Continued.

Appendix
(C. C.)

June, 1847.

June, 1847.

SERVICE.	Currency.			Currency.		
	£	s.	D.	£	s.	D.
<i>Brought forward</i>	26913	15	6	71474	17	5
<i>Miscellaneous.—Continued.</i>						
Expense of distributing the Laws including arrears	490	0	0			
For the ordinary Repairs, Alterations, Rent and Care of Public Buildings, &c.....	2000	0	0			
To meet unforeseen Expenses in the various branches of Public Service.....	500	0	0			
Contingent Expenses of the Office of the Clerk of the Crown in Chancery.....	100	0	0			
Additional Salary of the Interpreters to the Courts at Quebec and Montreal.....	70	0	0			
Proportion of Expense of Keeping up Light Houses on the Isles of St. Paul and Scatarie in the Gulf.....	750	0	0			
Pension to Jacques Brien for Wounds received in the Public Service.....	20	0	0			
Do to Mrs. Margaret Powell as late Keeper of Public Offices at Toronto.....	35	0	0			
Travelling Allowances to Judges for Circuits in Lower Canada.....	600	0	0			
Salaries to two Judges of Bankruptcy in the Districts of Three-Rivers and St. Francis at £200 each.....	400	0	0			
For improvements required to the Common Gaol of the District of Montreal.....	2615	11	8			
To pay the Expenses of the undermentioned Arbitrators named under the Act 9 Vict. ch. 37, employed in investigating claims against Government on Account of certain Public Works, over and above the sum of 20s. per diem allowed to such Arbitrators by that Act, viz:						
John Hait, Henry Fry and W. Freeland, on the Williamsburg Canal.....	£27	16	6			
James Somerville, on the Lachine Canal.....	22	10	0			
Do on Beauharnois do.....	6	3	6			
Edward Quin, on Lachine do.....	22	11	3			
Do on Beauharnois do.....	6	4	2			
P. T. Masson, on Lachine do.....	25	4	9			
Do on Beauharnois do.....	3	11	8			
Henry Fry, on River Trent Works.....	11	7	0			
Ogilvy Hait, on do.....	9	13	5			
W. Freeland, on do.....	8	11	2			
	143	13	5			
Paid for the Relief of the Crew of the Bark "Thames" Shipwrecked in November last, at Gaspé Basin.....	25	0	0			
For Pension to Wm. Sharpe in consideration of his Services and Sufferings from Wounds received during the late Political Troubles in Lower Canada.....	20	0	0			
To pay John Parkyn, Clerk of the Bankruptcy Court for compiling a Report, &c., concerning Bankruptcies in the District of Quebec, as called for by an Address of the Hon. the Legislative Council.....	26	2	0			
For the Expenses of the Survey of the Toronto Harbour.....	47	3	0			
For the Reward to Mr. Brampton for arresting and delivering over to the Local Authorities in the Western District, one Peter Davis, a man of color, charged with the murder of Austen Jefferson, also a man of color.....	25	0	0			
Towards the Expense of a Survey for a line of the proposed Railway from Halifax to Quebec.....	£2000	0	0			
Less.—So much charged in the Account No. 19 of Public Statements laid before the Legislature during its present Session to be made good.....	200	0	0			
	1500	0	0			
Representatives of the late James McDowall, being the amount alleged to be due to them by the Crown under the Lease of the King's Posts, which expired in 1842.....	1500	0	0			
To defray expenses of Commissioners who may be appointed under the Authority of the Act 9 Vic. ch. 38, for enquiring into matters connected with the Public Business, to take Evidence on Oath.....	200	0	0			
So much paid H. H. Killaly for Services as Engineer employed on various Public Works in the quarter ended the 31st December, 1846.....	222	4	5			
To reimburse Mr. John F. Muncey, so much disbursed by him relieving certain Shipwrecked Seamen on the Magdalen Islands in December, 1845.....	125	10	0			
Expense of distributing Register Books, Canada West.....	110	4	7			
	39039	4	7			
Total Currency.....	£	110514	2 0			

INSPECTOR GENERAL'S OFFICE,

Montreal, 29 June, 1847.

W. CAYLEY,

Inspector General.

Appendix
(C. C.)
June, 1847.

Appendix
(C. C.)
June, 1847.

GENERAL ESTIMATE

Of the Probable Amount of the Expenditure and Net Revenue of the Consolidated Fund of the Province of Canada, for the Year 1847.

HEADS OF EXPENDITURE.		HEADS OF REVENUE.	
Amount Currency.		Amount Currency.	
£ s. d.		£ s. d.	
Interest on Public Debt.....	160000 0 0	Net Customs.....	410000 0 0
Amount of Civil List.....	83333 6 8	Excise.....	34000 0 0
<i>Permanent charges under Legislative Enactments of late Lower Canada.</i>		Territorial.....	23000 0 0
Act 55 Geo. 3. Cap. 10, Militia Pensions.....	390 0 0	Light House Dues, Canada West.....	800 0 0
“ 6 Geo. 4. Cap 8, Fees to Prothonotaries on Returns of Births, Marriages and Burials.....	120 0 0	Bank Imposts.....	16000 0 0
“ 1 Will. 4. Cap. 16, Ground Rent of the Bishop's Palace at Quebec.....	1111 2 2	Fees on Militia Commissions.....	45 0 0
“ 1 Will. 4 Cap. 6, Continued by Ordinance 3 Vic Cap. 16, Rewards for the destruction of Wolves.....	120 0 0	Fines.....	900 0 0
Ordinance 2 Vic. Cap. 22, Houses of Correction.....	400 0 0	Casual.....	4500 0 0
Various Acts, for Interest on Turnpike Trusts.....	2000 0 0	From Public Works.....	50000 0 0
Ordinance 2 Vic. Cap. 2, Expenses of Police Magistrates.....	1150 0 0	Interest from Deposits of Public Monies in the Banks.....	1000 0 0
“ 4 Vic. Cap. 30, Inspector of Registrars.....	400 0 0		
<i>Of late Upper Canada.</i>			
Various Act. For District Schools.....	2000 0 0	Balance at the Credit of the Consolidated Fund on the 31st January, 1847.....	£ 510245 0 0
Maintenance of Light Houses.....	4500 0 0		
Militia Pensions.....	3200 0 0		
<i>Of the Province of Canada.</i>			
Act 4 & 5 Vic. Cap. 20 and 6 Vic. Caps. 13 and 37, to make up the deficiency of the Fee Fund to pay Salaries of District Judges.....	4000 0 0		
“ “ “ Cap. 18, and subsequent Acts for Common Schools, including arrears for Lower Canada.....	54000 0 0		
“ “ “ Cap. 24, Services of Officers of Criminal Courts in behalf of Prisoners in cases of Felony.....	350 0 0		
“ “ “ Cap. 69, Expenses of Transporting Convicts to the Provincial Penitentiary at Kingston.....	300 0 0		
Act 6 Vic. Cap. 2, Fees to Returning Officers.....	500 0 0		
“ 7 “ “ Cap. 16, Salaries of Five Circuit Judges, at £500 each.....	2500 0 0		
“ “ “ “ 17, do of One do District of Gaspe.....	500 0 0		
“ “ “ “ 16, Contingent Expenses of Circuit Courts.....	200 0 0		
“ 8 “ “ “ 13, Pensions to two Retired District Judges in Upper Canada.....	200 0 0		
	321274 8 10		
		Carried over.....	£ 592251 3 7

Appendix
(C. C.)
June, 1847.

Appendix
(C. C.)
June, 1847.

GENERAL ESTIMATE of the probable Amount of the Expenditure and Net Revenue, &c.—Continued.

HEADS OF EXPENDITURE.	Amount Currency. £ s. d.	HEADS OF REVENUE.	Amount Currency. £ s. d.
<i>Brought over</i>	321274 8 10	<i>Brought over</i>	592251 3 7
<i>Under Acts of the Province of Canada.—Continued.</i>			
Act 8 Vic. Cap. 50, Geological Survey of the Province.....	2000 0 0		
" " " 53, Allowances to Agricultural Societies in Lower Canada.....	5000 0 0		
" " " 54, The same in Upper Canada.....	5000 0 0		
" 9 Vic. Cap. 58, Proportion of the Expenses of the Administration of Justice in Criminal matters in Upper Canada.....	10000 0 0		
" 9 Vic. Cap. 62, For giving relief to the City of Quebec, Expenses of Commissioners appointed under this Act.....	1500 0 0		
£	344774 8 10		
Amount of Estimate for Services to be provided for the year 1847.....	110514 2 0		
Total Estimated Expenditure.....	£ 454288 10 10	Total Estimated Funds.....	£ 592251 3 7

INSPECTOR GENERAL'S OFFICE,
Montreal, 29th June, 1847.
W. CAVLEY,
Inspector General.

Appendix
(C. C.)
June, 1847.

APPROPRIATION for the Encouragement of EDUCATION in Eastern Canada, for the year 1847, to be defrayed out of the Revenues arising from the Funds and Estates of the late Order of Jesuits.

Appendix
(C. C.)
June, 1847.

EDUCATIONAL INSTITUTIONS.	Amount Currency.		
	£	s.	d.
For the Salary and Allowance for House Rent, heretofore paid to the Master of the Grammar School at Montreal, to be allowed to the Directors of the High School at Montreal, in consideration of their educating twenty free scholars of the poorer classes.....	282	4	6
The same at Quebec.....	£282	4	6
Less, amount of Pension paid to Rev. R. R. Burrage, formerly Master of that School.....	111	2	2
Aid towards the support of the National School at Quebec.....	171	2	4
The same at Montreal.....	111	2	3
Aid — To the Society of Education at Quebec.....	280	0	0
To the Education Society at Three-Rivers.....	125	0	0
To the British and Canadian School at Quebec.....	200	0	0
To the same at Montreal.....	200	0	0
To the St. Andrews School at Quebec.....	100	0	0
To the Montreal Recollet School.....	100	0	0
To the St. Jacques School at Montreal.....	250	0	0
To the Montreal American Presbyterian Free School.....	100	0	0
To the College of Ste. Anne de la Pocatière.....	300	0	0
To the College of St. Hyacinthe.....	300	0	0
To the College of Chambly.....	300	0	0
To the College of L'Assomption.....	175	0	0
To the Academy at Berthier.....	100	0	0
To the Academy at Charlestown.....	100	0	0
To the Stanstead Seminary.....	100	0	0
To the Shefford Academy.....	100	0	0
To the Sherbrooke Academy.....	111	2	2
To the Rev. Andrew Balfour's School at Waterloo, and the Bedford Academy.....	100	0	0
To the Master of the School under the Royal Institution at Three Rivers.....	45	0	0
To the British North American School Society at Sherbrooke.....	50	0	0
To the High School in Durham Village, Missisquoi.....	100	0	0
To the Infant School at Quebec.....	55	11	1
To the Female School at Indian Lorette, near Quebec.....	50	0	0
For an Indian School at Caughnawaga.....	50	0	0
For the same at St. Regis.....	50	0	0
For the same at St. Francis.....	50	0	0
To the School at Ste. Thérèse.....	200	0	0
To the College at Nicolet.....	200	0	0
Total Currency.....	£	4567	4 7

INSPECTOR GENERAL'S OFFICE,
Montreal, 29th June, 1847.

W. CAYLEY,
Inspector General.

Montreal:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

RETURN

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, of the 14th ultimo, praying that His Excellency would be pleased to cause to be laid before the House, Copies of all Communications between the Provincial and Imperial Governments, (subsequently to the last Session of Parliament,) in relation to the Works in operation on Lake St. Peter; together with all Reports made to the Provincial Government in pursuance thereof, and all decisions come to by the Executive Council thereon;—And also the Report of a Commission of Enquiry held at William Henry in December last, in reference to the Management of the said Works, with the decision of the Government thereon.

By Command,

D. DALY,
Secretary.SECRETARY'S OFFICE,
Montreal, 1st July, 1847.Board of Works Office,
30th May, 1846.

Sir,

I take the liberty of acquainting you, for the information of His Excellency the Governor General, that the day before yesterday I received a communication from the Secretary of this Department, informing me, by direction of one of the Members of the Executive, that there would be no further grant of money for the Works now being carried on on Lake St. Peter; and that therefore it was necessary that the expenditure should not be allowed to exceed the amount already appropriated. By the statement of the Secretary to me, the balance in hands is about £2070; to clear, up to the 31st of the present month, would require about £1000, and that upon the difference, there might be some demands at present unforeseen.

Under these circumstances, it becomes my duty to state, that to continue to expend any portion of this balance would be utterly useless. No profitable result whatever would be had from it; as unless the sum of £8500 is granted and expended in completing the channel, nothing whatever of practical utility is obtained, and, therefore, I humbly conceive any further expenditure of the balance in hands would be unjustifiable.

Under those circumstances, I have to request that I may, as soon as possible, be made acquainted with the decision of the Government as to the immediate stoppage of the Work, and as to the course which is to be adopted with regard to the outfit, vessels, machinery, materials, &c.

I trust I will be excused in respectfully recording my opinion of the extreme inexpediency of permitting work to be dropped in its present state of forwardness; when, after an expenditure of £61,000, the comparatively trifling sum of £8500 only is required to carry a channel of 150 feet in width clear through from deep water to deep water. This, although it would leave the channel of only half the breadth I think it ultimately should be, would, in conjunction with a small excavation to be made at *La Batune*, be of great importance to the Trade, the interests of which, in its present crisis, cannot be too carefully attended to.

It would permit deeply laden vessels to pass up to and down from this City, thereby lightening the taxes on the Trade resulting from the cost of lighterage, cooperage, injury to produce, especially flour, from the present frequent transhipments of it, &c.

It would afford two channels instead of one, lessening the risk of collision thereby.

It would render the past expenditure of £61,000 available, which, with the exception of the value of the vessels and machinery, will have been utterly thrown away if the work is now abandoned; and I am satisfied it would establish the fact beyond all question or cavil, that this straight channel would not only keep itself open, but would annually improve.

In favor of the channel adopted and the course of operations pursued, the highest Naval authorities in England have given their opinions.

The operations have also received the approval of two Members of the Executive, who personally inspected the work last season. And the special Report of the Commission of Enquiry instituted by the Government has very lately, in the strongest manner, expressed their concurrence in all that has been done, and recommended that the sum of £8,500, required for this year, should be procured. I have not been furnished with a copy of the estimates for this year to be submitted by the Executive, but I am respectfully of opinion that, without increasing the amount to be asked for this year, this item might be substituted for some other not so pressing.

I have, &c.,

(Signed,) H. H. KILLALY.

To the Honorable
the Provincial Secretary,
&c. &c. &c.

Appendix
(D. D.)

2nd July.

Board of Works,
8th June, 1846.

Sir,

I have the honor to acknowledge the receipt of your letter of the 8th instant, directing the Works on Lake St. Peter to be forthwith discontinued until further orders. I have accordingly had a letter to that effect addressed to the Superintendent of the Work.

I think it my duty to acquaint you at the same time, for the information of His Excellency the Governor General, that the only saving which can be effected thereby, will be the cost of fuel, oil and tallow, and which is comparatively trifling. While the delay caused by the suspension may have this effect, that should it be finally decided to prosecute the work on the line of the present, the opening of, through this season, will not be accomplished.

I have also to request instructions with regard to the procuration of coals, about 2,000 chaldrons. They were sold last week I am informed, at Quebec, unusually low, (20s. per chaldron,) but if advantage is not taken of the supply brought by the spring fleet, they will no doubt in a few days be higher; such at least has been the usual course.

Your very obedient Servant,

(Signed,) HAMILTON H. KILLALY.

Honorable
the Provincial Secretary,
&c. &c. &c.Public Works Office,
18th June, 1846.

Sir,

I have the honor to acquaint you, that in accordance with the command of His Excellency the Governor General conveyed by your letter of the 15th instant, directing that "Captain Vaughan should be called upon to come to Montreal without delay, and bring with him all his papers, &c., required for the closing of the accounts with the several parties employed on the Lake," Captain Vaughan was immediately written to and is now in Montreal. He has furnished the pay lists and accounts which are herewith transmitted, and he states that, so far as he knows, they include all the outstanding claims at present due, with the exception of his own salary from 1st March last, and a pay list marked No. 23, upon which the men will have to be settled with up to the day of payment.

Captain Vaughan is anxious to know if it is necessary that he should remain here.

I have, &c.,

(Signed,) THOMAS A. BEGLY,
Secretary.Honorable D. DALY,
Secretary.

Memorandum shewing the nature of the engagements made by Capt. Vaughan with the men employed upon the Lake St. Peter service.

Appendix
(D. D.)

2nd July.

Masters—

Robert M'Kinnon...	£17	10	0	per month.
A. Wright.....	12	10	0	do
J. O'Leary.....	10	0	0	do
Thomas Davidson...	10	0	0	do

Engineers—

Wm. Calvert.....	15	0	0	do
John Milen.....	15	0	0	do
John Smith.....	15	0	0	do
David Hood.....	15	0	0	do

Pilot—Henry Cote..... 7 10 0 do

Blacksmith—George Ford.. 0 7 6 per day.

The above named persons are engaged by the season, which Capt. Vaughan states he considers to end on the 1st December.

The men whose names appear upon list No. 23 are engaged by the day, and may be discharged at any time, with the exception of the Blacksmith, Ford, mentioned above, as engaged by the season.

All the other men are engaged by the month.

Capt. Vaughan is engaged at the rate of £500 Currency per annum: his time commenced on 1st March, 1844.

James State, Storekeeper, commenced 1st March, 1845, at £8 15s. Currency per month. The services of this man will be required in any case, and if the vessels are laid up, he would require two Watchmen under him.

(Signed,) T. A. B.

Montreal, Sherbrooke Street,
23rd June, 1846.

Sir,

I beg leave to acknowledge the receipt of the memorandum relative to the Lake St. Peter establishment, with an order endorsed thereon that I should report by whom and under what authority the persons therein mentioned were engaged. With reference thereto I have the honor to state, that upon Captain Vaughan's appointment to the Chief Superintendency of that Work, (which appointment was made by the special desire of Sir Richard Jackson,) the selection of the Engineers, Captains of Dredges, and other working officers was left wholly to him, as being the person responsible for the details of the working, and best acquainted with the qualifications which were required in those under him.

On making his arrangements, Captain Vaughan found three or four officers in employment whose services he thought were not necessary, and he accordingly dispensed with them, and made such changes both as to pay and victualling as to effect much saving.

The nature of the engagements with Engineers and other such officers employed on board Steamboats is, I believe, universally by the season, and those men have but little chance of procuring employment after the opening of the season, unless in case of a vacancy created by death, illness, misconduct, or some such cause.

Appendix
(D. D.)

2nd July.

The men selected by Captain Vaughan are of the very first class, whether as regards their conduct or qualifications,—and this was so well known, that prior to the commencement of each season, attempts have been made by captains and proprietors of Steamboats to seduce them from the service, by offers of higher wages, which I presume were declined on account of the hitherto supposed more permanent nature of their present employ. Those men have been, therefore, held on from year to year, and being good mechanics, the necessary alterations and repairs have been effected by them during the winter without calling in extra aid. As there was a balance of the appropriation sufficient to carry on the work nearly to the middle of this season, and no appearance of any probability of the work being stopped, at the proper time for engaging men Captain Vaughan, I suppose, considered their continuance as a matter of course, especially from not having heard anything to the contrary from the Board or from me.

I have the honor to be,
Sir,

Your very obedient Servant,
(Signed,) HAMILTON H. KILLALY.

E. PARENT, Esquire.

Montreal, 24th June, 1846.

Sir,

In accordance with the wish expressed to me yesterday by the Committee of the Honorable the Executive Council, I take the liberty of suggesting the course which, in my opinion, would be the most advisable to adopt with regard to the Lake St. Peter Works.

I conceive that an application should be made to the Admiralty to request that Captain Bayfield, now on survey in the Gulf, might receive immediate instructions to proceed to Lake St. Peter, for the purpose of minutely examining both the channels, the extent of work done, &c., and to make such further observations as would enable him to report, for the guidance of the Government, as to the course it would be most expedient to adopt under all the circumstances.

All the men who are employed by the month or day should be immediately paid up and discharged, and the boats laid up at Sorel.

Supposing Captain Bayfield's decision to be communicated by the latter end of August, there would remain nearly three months of the working season, and for this period a supply of coals (about 1000 chaldrons), in addition to what is in hands, would be required. Coals have been selling very cheap this season (at 20s. per chaldron). It might be well, therefore, to instruct Mr. Ryan, of Quebec, to continue to purchase, to the extent of 1000 or 1500 chaldrons, whenever he can buy for 20s. and under.

The principal part of the appropriation for the improvements in Lakes St. Francis and St. Lewis is yet unexpended. These improvements consist, in part, of the removal of certain shoals, the erection of lights, and the procuring and fixing of buoys.

For the first, I had purposed to fit up the large square scow, now at Sorel, as a horse dredge-boat, with similar machinery to that now in use in the boat at Beauharnois.

Appendix
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This I would recommend to have done at once; the men to be employed in doing so, to be the four Engineers and Blacksmith who are under pay by the season: they are all good mechanics, and can therefore be thus well and profitably employed. The other men engaged by the season, namely, Masters of the Dredges and Steamboats, I would put under Captain Vaughan, with instructions immediately to continue the survey and soundings, and making out of the channel in Lake St. Louis. This operation was commenced last winter, and the channel, its depth, and breadth, very accurately ascertained and laid down, from the Beauharnois Canal to the opposite mouth of the Chateauguay River. But thence to the Lachine Canal, the channel is very intricate and not well known—the only charts of the Lake are so very incorrect as to be of no use whatever, and now that a larger class of vessel is adopted, the necessity for properly fixing and buoying this channel is very urgent. Within the last month the mail steamers have grounded several times. I conceive, therefore, that these men will be most usefully occupied in the manner I have suggested. Some of the Buoys are provided, but until the channel throughout is ascertained the erection of the Light Houses and the mooring of the Buoys cannot take place. Mr. McKinn, Master of one of the boats, and the mates should be retained, one on each boat, to take charge and attend to their moorings. Such I believe to be the best course to be adopted under the circumstances.

I am, Sir,
Your very obedient Servant,
(Signed,) H. H. KILLALY.

E. PARENT, Esquire.

Copy of a Report of a Committee of the Honorable the Executive Council, dated 24th June, 1846, approved by His Excellency the Governor General in Council, on the same day.

On the letters of H. H. Killaly, Esquire, dated 30th May, 8th June and 24th June, 1846, relative to the suspension of the Works on Lake St. Peter, and the several documents connected with the subject,—

The committee recommend, that an application be made to the Admiralty to request that Captain Bayfield, now on a survey in the Gulf, might receive immediate instructions to proceed to Lake St. Peter, for the purpose of minutely examining both the channels, the extent of work done, &c., and to make such further observations as would enable him to report, for the guidance of this Government, as to the course which it would be most expedient to adopt under all the circumstances.

All the men who are employed by the month or day to be immediately paid up and discharged, and the boats laid up at Sorel.

Supposing Captain Bayfield's decision to be communicated by the latter end of August, there would remain nearly three months of the working season, and for this period a supply of coals (about 1000 chaldrons), in addition to what is in hands, would be required; and Mr. Ryan, of Quebec, should be instructed to purchase, to the extent of 1000 or 1500 chaldrons, whenever he can buy for 20s. or under.

The principal part of the appropriation for the improvements in Lakes St. Francis and St. Lewis is

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yet unexpended. These improvements consist, in part, of the removal of certain shoals, in the erection of lights, and in the procuring and fixing of buoys. For the first, should be fitted up the large square scow, now at Sorel, as a horse dredge-boat, with similar machinery to that now in use in the boat at Beauharnois, the men to be employed in doing so, to be the four Engineers and Blacksmiths who are under pay for the season.

The other men engaged by the season, namely, the Masters of the dredges and steamboats, to be put under Captain Vaughan, with instructions immediately to continue the survey and soundings, and marking out of the channel on Lake St. Louis. Mr. McKin, Master of one of the boats, and the Mates to be retained, one on each boat, to take charge of and attend to their moorings; as well as James State, Storekeeper, and two Watchmen, to take charge of the steamboats.

Certified.

(Signed,) E. PARENT.

To the Provincial Secretary.

No. 7.

(Copy.)

Downing Street,
28th July, 1846.

My Lord,

I have had the honor to receive your Lordship's Despatch No. 81, of the 26th June, in which you represent the difference of opinion which prevails in Canada relative to the best Ship Channel through Lake St. Peter, and request that Captain Bayfield, R.N., may be instructed to examine the Lake, and furnish you with his report and opinion upon the question.

Having enquired of the Lords Commissioners of the Admiralty whether Captain Bayfield could be employed in this service, I have the satisfaction of informing Your Lordship that the Board of Admiralty have instructed that officer to place himself at your disposal for the object in question.

I have, &c.
(Signed,) GREY.The Governor General,
Lieutenant General
Earl CATHCART, K. C. B.
&c. &c. &c.

(Copy.)

Admiralty, 25th July, 1846.

Sir,

My Lords Commissioners of the Admiralty having in consequence of an application from Her Majesty's Secretary of State for the Colonies, for an examination to be made of the Lake of St. Peter in the River St. Lawrence, ordered Captain Bayfield, R.N., to place himself at Your Excellency's disposal, for

that special service; and as the season is already so far advanced, my Lords direct me to inform Your Excellency thereof, in case you may have any immediate means of communicating with Captain Bayfield, earlier than that officer may receive their Lordships' orders by way of Halifax.

I am, &c.
(Signed,) H. G. WARD.His Excellency
the Governor General of Canada,
Montreal.Gulnare, Lake St. Peter,
17th September, 1846.

My Lord,

Having received the commands of my Lords Commissioners of the Admiralty to place myself at the disposal of the Governor General of Canada, for the purpose of making an examination of Lake St. Peter, with a view of ascertaining in which of the two Channels it would be advisable to continue the excavations; and having, in the interview with which I was honored on the 9th instant, learnt Your Excellency's wishes on the subject, I immediately placed myself in communication with the Honorable W. B. Robinson, Chief Commissioner of Public Works, by whom a steamer was placed at my disposal, and every information afforded which his Office contained. At his Office, I also met the Honorable H. H. Killaly, who readily entered into any explanation desired; and who, together with the Superintendent of the Works, seemed anxious to court investigation.

The conflicting statements and opinions contained in the documents submitted to me, at once convinced me that nothing short of a full personal examination of the Lake, such as should enable me to form an independent and unbiassed judgment, could afford me any chance of performing the important duty entrusted to me in a manner satisfactory to Your Excellency, or useful to the Province.

Accordingly, on the 10th, 11th, 12th, and part of the 14th instants, both Channels were accurately sounded by me, and my principal Assistant, Captain Orlebar, R.N., in the steamer Vulcan and boats of the Gulnare; every precaution being taken to ascertain the actual and relative depths by sounding in both Channels on the same day, and also by having a tide-pole regularly registered every hour, that no change of level in the Lake, during our operations, should escape notice. The amount of excavation already performed in the new Channel was closely examined. The direction and rate of the current at various points was ascertained. And, lastly, the soundings thus obtained, the light vessels and the buoys of the New Channel, were all laid down by angles, taken by myself and Captain Orlebar, on the original Chart of the Lake, a copy of which accompanies this Report.

The following facts were established by our examination:—

1st. That no perceptible change in the relative depths in the present and proposed Channels has taken place in the last sixteen years, or since our survey in 1830; excepting at the head of the new Channel, where a considerable portion of the shallow bank, which formerly existed, has been cut away by

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the action of the current, as shewed by a red dotted line on the Chart.

2nd. That there is (with the exception of one or two places, of small extent, where the depth is the same as by the present route) from one to two feet more water in the line of the proposed new Channel, from the fifth Buoy down to the point B, than there is on the line of the old or present Channel, from the lower Light-vessel to the same point. Whence it follows, that if those places, of small extent, were deepened, and the cut through the St. Francis Bank (from the first to the fifth Buoy, two miles) completed, an increase of one foot more water would at once be gained.

3rd. The excavation already performed in the new Channel fully equals the amount stated in the Report of the President of the late Board of Works, and shown on the plan of the soundings taken by Messrs. Keefer and Vaughan. If there be any difference, it consists in an increase rather than a decrease of depth since that plan was made. The state of the 150 feet cut is precisely that which is stated by Mr. Killaly; it is, for the most part, of the full breadth of 150 feet, and of the required depth, namely, 14 feet, when there are 11 feet over the flats, below the lower Light-vessel: in some places, it is much wider and deeper; in one or two places only, of less width, and of less depth only on angles and ridges left by the dredging, and which, it is said, was intended to be levelled by the rake.

4th. Although the first cut of 150 feet is thus incomplete, and has not been carried much below the sixth buoy, a current of considerable strength has already been established in it, fully equalling, if not rather exceeding in rate, that which obtains in corresponding parts of the old Channel. For instance, at the second Buoy of the new Channel, the rate was one and a third knots; whilst at the upper Light-vessel, it was one and a quarter knots. At the seventh Buoy, two-thirds of a knot; and at the lower Light-vessel, half a knot. These facts show that there is no tendency, in the new Channel, to fill up, but the contrary, as might be expected when we consider what would necessarily be the unimpeded direction of the main streams of the River, which unite a short distance below Stone Island. The resolution of the forces of those streams must evidently be in the direction of the new Channel, as is clearly proved, not only by the stream established there, but also by the strong current, setting to the Southward, past the point of the Marshes that extend down from Monk Island; and lastly, by the action of the current in cutting away the bank between the red dotted line and the first buoy, as already stated. This southerly inclination of the current is very im-

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portant, as bearing on the question under consideration; and it appears to have been one of the principal inducements to the selection of the line which has been adopted, for the experiment determined on by the Legislature.

The object aimed at, appears not only to have been the formation of a deeper channel by which ships of larger draught of water might pass the Lake and ascend to Montreal, but also, ultimately to effect a great improvement in the navigation, by the substitution of a straight channel, sufficient for every purpose, instead of the present inconveniently crooked one.

Now, if this latter object is to have any weight, it will go far to prove, setting aside pecuniary considerations, that the selection of the new instead of the old channel has been dictated by enlightened views, and I may add, that thus far, the work has been ably executed.

The immediate formation, however, of such a Channel as I have contemplated, would require the cut through the St. Francis Bank to be made at least 100 fathoms wider than has been intended, and an additional expenditure of probably £80,000 or £90,000, unless great assistance were rendered by the current during the progress of the work. The expense would be great, but the result, I am confident, would be the formation of a noble and safe Channel, easily buoyed and lighted, through which the main body of the river waters would flow, and might reasonably be expected to widen it still further. The cost of so great a work is far beyond the appropriation made by the Legislature, and such as it may be deemed imprudent to incur at present; but it is, nevertheless, a consideration of importance, that the retention of this new Channel would keep in view the possible and ultimate attainment of so desirable an object, by the gradual action of the current proved to be going on at its head, and by a limited amount of labor which it might be thought expedient annually to devote to it.

Whether this, or any other advantages possessed by the proposed new Channel, afford a compensation for the greater expense of deepening it, I next proceed to consider.

In order to estimate the expense, it was first necessary to compute the amount of excavation that would be required to form a Channel 300 feet wide, and 14 feet deep in the ordinary low state of the waters in summer, that is, when there are 11 feet of water over the flats below the lower Light-vessel. This has been done as follows:

To deepen the old or present Channel, from the point C, just above the lower light vessel, to the point B, in 14 feet water—

See Chart.	Distance.	To Deepen.	To Remove.
	Yards.	Feet.	Cubic Yards.
From C to A	1,500	2	100,000
A to B	2,900	3	230,000
B to C	3,200	2½	266,667
C to D	900	2	60,000
D to B	2,180	1	72,667
Total Distance	10,080 or 5 nautical miles, less 55 yards.		Total 729,334 exclusive of the small bar above the upper light vessel, which may be estimated at from 10,000 to 15,000 cubic yards.

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To deepen the new or proposed Channel—

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	Distance.	To Deepen.	To Remove.	
	Yards.	Feet.	Cubic Yards.	
To complete the first 150 feet, from the 1st to the 5th Buoy	4,000	69,245	} This is taken from the plan of the soundings by Messrs. Keefer and Vaughan, verified by Capt. Bayfield, and is, if anything, an over-estimate. Cubic Yards. 258,893
To complete the second 150 feet, from the 1st to the 5th Buoy .....	.....	.....	189,648	
Total to be removed in the 300 feet Channel through the Bank of St. Francis.....	.....	.....	.....
From the 5th to 7th Buoy	3,200	1½	160,000	} 731,250
7th to 10th do	5,050	2¼	378,750	
10th to * in Chart	2,200	2	146,667	
* to B.....	2,750	0½	45,833	
Distance from 5th Buoy to B	13,200	6½ Nautical miles.	Total		990,143
Distance from 1st to 5th Buoy	4,000	2		
Total Distance from 1st Buoy to B...	17,200 or	8½ Nautical miles.		

Now, assuming the cost of removing a cubic yard of soil to be 1s. 3d. currency, which is a penny more than the estimate of Mr. Killaly, the expense will be as follows:—

	Cubic Yards.	£	s.	d.	
For the old or present Channel—					
From C to B	729,334	45,583	7	6	} Requiring three seasons' work, at 245,000 cubic yards per season.
Add for small bar above upper light vessel		1,000	0	0	
Total					£ 46,583 s. 7 d. 6
For the new Channel—					
From 1st Buoy to B	990,143				61,883 18 9 Requiring four seasons.
Difference		£15,300	11	3	

This difference, however, in favour of deepening the old Channel, would have to be considerably diminished, if it should be decided now to abandon what has been done in the new one; for the expense of removing the buoys and replacing them on a new line, and of stopping up the cut already made through and below the St. Francis Bank, would probably cost several thousands of pounds. It would be unsafe to leave the new Channel open, because the very considerable quantity of water now passing through it, would lessen the chance of any cut that might be made through the flats of the old Channel, remaining open. The expense of such works almost invariably exceeds the estimate; but, in this case, if the expense of the establishment for deepening Lake St. Peter be, as stated in the Report of the President of the late Board of Works, only £8,500 per annum; and also, that from improvements in the machinery, and increased experience, much more than 245,000 cubic yards can be removed in a season, then the expense will be considerably less than I have estimated. Assuming, however, the difference of expense against the new Channel, without any reduction, to be about £15,000; I next proceed to consider whether there are not counter balancing advantages in retaining it; considering it as an additional Channel for the special purpose of enabling ships of larger draught to pass the Lake, the present Channel being sufficient for all other purposes. A Channel, 300 feet wide, is not sufficient for any other than the purpose I have named. That breadth is sufficient for steamers, either with or without vessels in tow; to run along a straight and continuous line of Buoys, a quarter of a mile apart, and to pass each other with common care in the day-time; and this seems all that can be required for the purpose in view, for it is only in fine and clear weather, and when the waters are high, that it is ever at-

tempted to take ships of heavy draught through the Lake at night. The few hours delay that might occasionally occur from waiting for daylight, could never be of much consequence.

Regarding then, the Channel in this light, all the objections on account of its narrowness fall to the ground. And here I may remark, that the facility with which the Steamer Vulcan was steered along the line of Buoys was such as to convince me, that if the present cut of only 150 feet in width had been completed, all the ships at that time aground in the Lake might have been brought up singly and with care, although so narrow a Channel would be altogether insufficient under ordinary circumstances.

The advantages of the proposed new Channel then are, that it is straight throughout. That from the natural direction of the main stream of the river directly through it, and its action already proved to exist, there is strong reason to expect that the Channel, if once completely formed, would, with very little assistance, continue to widen at its head, and for the first two miles, down from the first to the fifth Buoy, where it passes through the Bank of St. Francois, and where alone its margins are very shallow, in the remaining six and a half miles, it would have the advantage of having never less, and in general from one to two feet more water adjacent to it, than there would be on either side of a cut through the flats below the lower Light-vessel. It is only in the direction of the new Channel that any ultimate improvement in the navigation, for general purposes, can be reasonably expected.

Now, to set off against this, we have in the old Channel the sole but important advantage of its breadth, down as low as the lower Light-vessel; an

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advantage so great, that if the intention were to make a Channel for all purposes, it could only be compensated by cutting through the Bank of St. François, a Channel at least 100 fathoms wider than has been intended, as I have before remarked. The objections to the old Channel are its crookedness. In the thick fogs that so frequently prevail in the Lake, it is extremely difficult to know where to take the turns, or even to find the lower Light-vessel at times when ascending over the flats. Another objection is, the less probability, as compared with the new Channel, of any attempt to deepen it being permanent, on account of the weakness of the current from the lower Light-vessel down to B, which it appears impossible to strengthen by directing any additional stream into it, and which the southerly inclination of the waters described in a previous part of this Report, seems to threaten with a still further diminution.

Before I attempt, in conclusion, the somewhat difficult task of balancing these conflicting advantages and disadvantages, with the view of giving the opinion required of me, I beg to observe, that the question is no longer the same as before the commencement of the works, since a large sum has been expended, and considerable progress made in forming the new Channel, and considerable experience gained as to the set of the current, &c.

If, in the first instance, when I was consulted before the commencement of the Works, it had been represented to me that the amount of excavation required to deepen the new Channel, and consequently the expense would be nearly double of that required in the old Channel, instead of its having been inconsiderately stated to me, by an authority, the competency of which I could not doubt, that on a comparison of the two Channels, it was found that the quantity to be removed in the straight Channel, was "but little more than what would be necessary in the crooked one." I might have doubted whether any advantages possessed by the new Channel, could have afforded a sufficient compensation for so great a difference of expense, in the present burthened state of the Colonial Revenue, and been compelled to decide in favor of the attempt being made in the line of the old Channel. But now, under the present altered circumstances of the case, and considering that £29,000 (or according to Mr. Killaly, £23,000) has been already expended on this work, and very considerable progress made in it, that the experience gained as to the set and strength of the current, towards and through the new Channel, affords a very strong probability not only of its keeping open, but also of its becoming gradually wider, and thus effecting, eventually, a great improvement in the navigation, which could not be looked for from deepening the old and crooked Channel;—Considering, also, the advantage of having, in the meanwhile, an additional straight Channel for heavy ships, with its numerous and heavy iron Buoys, out of the way of the small craft and swift passage steamers, running in dark nights;—Also, the necessity, the difficulty, and the expense of closing the new Channel again, now that it is so far made: and, lastly, the small difference, considering the magnitude of the work, in the expense of completing this new Channel, over what would be required if it were to be abandoned for the old one;—I arrive at the conclusion, not however, I confess, without much hesitation, that it would be inexpedient now to sacrifice the sum already expended, and abandon a work so far advanced for another route, which, however great may have been its advantages in the first instance in point of economy, is destitute of those prospective advantages

of the new Channel, which may be considered a compensation for the small difference of expense which has been stated.

I therefore respectfully submit to Your Excellency as my opinion, that the new Channel should be completed of the required depth, namely, 14 feet in the ordinary low water of summer, and 300 feet wide, that breadth being considered sufficient for the special and principal purpose of enabling ships of heavy draught, in tow of steamers, to pass the Lake. For this purpose, the present line of excellent Buoys should be kept complete, but until it becomes, or is made, wider, it will not be necessary to incur the expense of lighting it, since its use by night is not contemplated, whilst the present Ship Channel remains sufficient for the general purposes of the trade. Steamers may use it with advantage by day, saving a mile of distance, but rafts should be forbidden to use it, lest they should injure the Buoys, or get in the way of vessels.

I have the honor to be,
My Lord,
Your Excellency's
Humble and obedient Servant,

(Signed,) HENRY WM. BAYFIELD,
Captain Royal Navy,
Surveying the Gulf of St. Lawrence.

To His Excellency
the Governor General,
&c. &c. &c.

Extract from a Report of a Committee of the Honorable the Executive Council, dated 21st September, 1846, approved by His Excellency the Governor General, in Council, on the same day.

On the Report of Captain Bayfield, dated 17th September 1846, of his examination of Lake St. Peter, with a view of ascertaining in which of the two Channels it would be advisable to continue the excavations,—

It appears clear to the Committee, that in the present state of the question, Captain Bayfield thinks the new Channel should be proceeded with in preference to commencing any improvement of the old. It must be borne in mind, however, that Captain Bayfield is of opinion, that the new Channel should be 300 feet wide, while, as the Committee understand, it has at present been only made 150 feet, and that, on this scale, an expenditure of £60,000 will be requisite in order to complete a new Channel of 14 feet deep. From a careful consideration of the whole case, the Committee think, that the Report of Captain Bayfield sufficiently establishes the propriety of persevering with the new Channel, in preference to commencing an expenditure on the old. They are not prepared, however, to recommend the application to Parliament for so large an additional sum, or to advise that anything should be undertaken at present which will exceed in cost, the appropriation made last session. They, therefore, respectfully advise, that the work be continued on the former scale of 150 feet wide along and over the flats, towards the point B, as designated on the Chart furnished by Captain Bayfield. For this purpose, they understand the appropriation already made, is sufficient. They conceive that this will make the Channel available to the trade, although to a limited extent; that the action of the current, as explained by Captain Bayfield, will

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be continually widening and deepening the Channel so formed, and thus slowly diminishing the expense of its completion to the width recommended by Captain Bayfield, whenever the financial state of the Province shall warrant an additional appropriation.

Certified.

(Signed,) E. PARENT.

Copy.

Secretary's Office,
Montreal, 22nd Sept., 1846.

Sir,

I have the honor, by command of the Governor General, to acquaint you that His Excellency in Council has had under consideration the Report of Captain Bayfield, dated 17th instant, of his examination of Lake St. Peter, with a view of ascertaining in which of the two Channels it would be advisable to continue the excavation, and that on a careful perusal of that Report, His Excellency in Council has determined to continue the work on the straight Channel, on the former scale of 150 feet wide, along and over the flats toward the point B, as designated on the Chart furnished by Captain Bayfield, which I transmit for your information, and which I am to request you will return to me, after having made a copy of it, if you deem it advisable.

His Excellency in Council understands the appropriation already made is sufficient for the above purpose, and will make the Channel available to the Trade, although to a limited extent.

His Excellency is further given to understand, that the action of the current, as explored by Captain Bayfield, will be continually widening and deepening the Channel so formed, and will thus slowly diminish the expense of its completion in the width of 300 feet, which Captain Bayfield recommends when the financial state of the Province shall warrant it, but the expense of which His Excellency is not prepared to recommend to the Legislature at present.

I am therefore to request, that you will be pleased to take the necessary steps for carrying this decision of His Excellency, in Council, into effect without delay.

I have, &c.
(Signed,) D. DALY,
Secretary.The Honorable
WM. B. ROBINSON,
&c. &c. &c.

Sorel, 11th November, 1846.

Sir,

Will the gentlemen at the head of your Department allow Captain Vaughan to abuse me, call me a liar, and shut his fist in a threatening attitude up to my face, for striving to discharge my duty honestly. During the time I had the payment of the men, I was told that Captain Vaughan had F. Rotting at his house at night and in daytime painting it, for the most of the month, while he had him returned on the pay list as watchman. I told him what I had heard, and told him I would take his word for the time that

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F. Rotting was at his house and stop the amount. He told me that if I would pay him for that month, in full, he would have it stopped out of the next month, and pay him for the time absent from his duty, and that I could stop it by that means. I did so, and in five days' time he discharged him for drunkenness, while he kept the other man that was so drunk, that he remained in bed in the watch-boat until Captain V. came about eight or nine o'clock to rouse him up to go to his house, as he worked there in daytime too. Now I took Frederick back to put in the few days that was due to the yard, and this is the reason Captain Vaughan abuses and threatens me. You would greatly oblige me by laying this before Mr. Robertson, and if he pleases to allow me to go up along with Frederick to prove to this and more. He insists upon Frederick being turned out of the work, because he it was that told me about his absence from the watch, as well as the other watchman.

I remain, Sir,
Your obedient Servant,
(Signed,) J. STATE.T. A. BEGLY, Esquire,
&c. &c. &c.
Montreal.

Sorel, 14th November, 1846.

Sir,

I wrote to you on last Wednesday in a hurry, complaining of Captain Vaughan's conduct; and as I did not send it in proper form, I now do it as well as I can, as I hope for an investigation to put a stop to such tyranny, not to me alone, but to any man that dare say against him.

I remain,
Sir,
Your obedient Servant,
(Signed,) J. STATE.THOS. A. BEGLY, Esquire,
&c. &c. &c.
Montreal.Lake St. Peter's Service,
Sorel, 14th November, 1846.To the Honorable the Commissioners of Public
Works.

Sirs,

I beg leave to report the conduct of Captain D. Vaughan to me, while on the Government premises discharging my duty conscientiously. He attacked me, with his fist shut up to my face, in a threatening manner, calling me a liar, and at other times thumping at every thing in his way, for taking a man to work two days he was overpaid by Capt. Vaughan's smuggling. That, notwithstanding the great gains he has by boarding the men; and the privilege of running up and down, wasting coal from the Lake, for provisions upon the most trifling excuse, as he can form any he pleases, he further neglects the Public interests, and studies his own by having servants at his house and returned on pay lists; not even

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satisfied with the man he had out of the yard, but had others that were working in his garden returned on the Lake pay lists, and the man allowed from ship-yard, when not employed at his house, chopping serviceable timber for firewood for his house; and had one of the two men in charge of the night-watch, night and day at his house for some time, and the other left to watch or sleep along with attending at his house daily, having both returned as watchmen, while neither could watch. As the man left to watch said to me, he could not stand it, as he had to work all day at his house; and that one of these men, F. Rotting, is ready to prove upon oath, that the green paint he used painting Captain Vaughan's house belonged to the Lake Service. That whenever I checked this, Captain Vaughan abused me to others, and said he would settle me; and at the time I prevented the wood being taken out of the yard, Mrs. Vaughan sent for me, and called me to account for stopping the man's time so employed. That I will prove that Captain Vaughan discharged F. Rotting, not for drunkenness, as he asserts, as it happened early in August and he was discharged in September, but for the old fault of not studying his interest alone, and not keeping his secrets. That I humbly conceive it was my duty to put a stop to this waste, and for striving to do so, Captain Vaughan comes, with his fist measured to my face, in order to bully me out of my duty.

I am,
Gentlemen,
Your obedient humble Servant,
(Signed,) J. STATE.

Copy of a Minute of the Department of Public Works, dated Saturday, 28th November, 1846:—

Present, the Honorable W. B. Robinson, Chief Commissioner.

“ C. E. Casgrain, Commissioner.

Lake St. Peter.

No. 421.

The Secretary was directed to collect and examine all documents, &c., in the office, relative to the charges brought against Captain Vaughan, Superintendent of the Lake St. Peter Service, by James State, Storekeeper, for appropriating the Public Stores to private use; and to report upon this or any other matter of a like nature.

Memorandum made by the Secretary, for the information of the Commissioners of Public Works, in accordance with instructions received by the former, on the 28th ultimo, viz.:—To examine into the accounts and documents connected with the Lake St. Peter Service, relative to the charges brought by James State against Captain Vaughan, in two communications, bearing date at Sorel, the 11th and 14th November, 1846, as well as upon any other points which may have come to his knowledge, as to the mal-appropriation of funds, materials, &c., supplied for that service.

On the 25th April last, the Secretary of Public Works was informed that an account of twenty-seven shillings and sixpence, paid to James Gilliland, on the 25th November previous, and certified to by the Honorable H. H. Killaly, Chairman of the Board of Works, as being for the Lake St. Peter Service,

was expended on his, Mr. Killaly's, private business; being for travelling expenses incurred in procuring certain pieces of elm timber for building a pleasure yacht. A copy of the receipt and account, to which is appended Mr. Killaly's certificate, is hereunto attached, marked A.

Up to the month of July last, the foregoing was the only information which the Secretary of Public Works was in possession of relative to the matter: but during the aforesaid month of July, having heard that Mr. Connolly's Clerk, in the Department of Public Works, had reported that Captain Vaughan had made use of the Public property, for building the pleasure yacht already referred to; he, the Secretary, has since gained such information as he could, relative to the matter, and has thoroughly examined the accounts and documents in the office, connected with the Lake Service; the result of which shews:

First. That a person named James Ferguson, known at Quebec as a fancy boat-builder, was brought up from that place to Sorel, and his travelling expenses paid by the Board of Works. This person was employed, during the winter, in building a small skiff, of very beautiful workmanship, and capable of holding two persons. It has since been used by Mr. Killaly in his fishing and shooting excursions. The accompanying document, B, gives the number of the vouchers and the names of the parties to whom monies were paid on this account, and shews that this small skiff must have cost the Province over forty pounds.

Secondly. That two men, Henry Côte and Baptiste Jonceu, are returned on the Lake St. Peter service, during the whole of the months of July and August, 1845, the former as Pilot on board the Steamer St. Peter, and the latter as Pilot on board the Vulcan. Their wages during these two months amounted to twenty-three pounds, in addition to which, Captain Vaughan was paid ten pounds for their board. These men might have been employed on the Lake works for a few days in the latter part of August, but for all the remainder of the period, they were not engaged in any manner whatever, in the service for which they have been paid. An extract from the voucher is annexed: C.

Thirdly. That four pieces of red pine were purchased at Quebec, from Mr. J. W. Benson, in November, 1845, the delivery of which was made by Messrs. R. Roberts & Co. on the 18th, and forwarded from Quebec to Sorel by the steamer of Messrs. John Torrance & Co., on the 21st of the same month. All these accounts have been certified to as being for the Lake St. Peter service, and the amount paid from the public funds. The timber has not been delivered at the public ship-yard, or made use of for the Lake service. Copies of the accounts, D, are hereunto attached.

Fourthly. That the time of John Sullivan and Baptiste Jonceu is returned for the months of July and August, 1846, and is certified to for the period above stated, doing duty as Mates. It is a matter of public notoriety, that these men were not employed in the Lake service for the two months above stated. During the first month (July,) Captain Vaughan received the sum of £5 for their board, and for the month of August, a like amount was paid to the men themselves, for board, in addition to their pay. The document E shews the whole amount paid, with the numbers of the vouchers, &c.

Fifthly. With regard to the materials generally, of which the Honorable Mr. Killaly's pleasure yacht was built, having been supplied from the public stores,

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there can be little doubt; and it is even stated, that some of the men engaged in the building of it, have kept a regular account of the materials so obtained. The knees were taken from those supplied during the previous winter for the building of a scow, and the spikes, paint, rigging, &c. nearly all from the steamers' stores. The principal carpenter, Thomas Davidson, whose time was regularly returned on the pay-lists, and paid by the public, was employed to work at the yacht nearly all the winter of 1845-6; and John O'Leary, Captain, and Allison Wright, Captain, likewise paid from public funds, have done the painting and rigging.

Sixthly. With regard to the charges brought by Mr. State, in his letter of the 11th November, relative to a false return having been made of some of the men's time, who, he says, while they were certified to by Captain Vaughan, as having been employed in the Public service, when engaged in his own private business, I am unable to give any further information. In the letter referred to, State says, that if he is allowed, he "can prove this and more." Relative to the green paint and useful timber taken by Captain Vaughan, as mentioned in State's communication of the 14th ultimo, I can only say, that from the account paid to Messrs. Carter & Cowan, (voucher No. 37 of the Public Accounts,) there appears to have been a considerable quantity of very expensive green paint supplied in 1845; it could be easily proven, whether it has been used for the Lake service or not, as State says that the man Rotting, who painted at Captain Vaughan's house, is ready to prove where the paint came from. As to unnecessary waste of coals, in running back and forward between Sorel and the Lake, the logs of the respective boats will of course shew, if correctly kept, how often they have been engaged in this service.

Lastly. With regard to the charges generally, the Secretary would beg to observe, that, according to the recommendation of Captain Vaughan, the whole of the men who could give information thereon, are now about to be discharged, and as in a few days all opportunity of proving the truth or falsity of the charges will be lost, the Secretary of Public Works would respectfully suggest, that the Masters, Mates, Pilots and Engineers, of the respective vessels, as well as the Store-keeper, should be examined, in the presence of Captain Vaughan, upon oath, as provided for by the 33rd Section of the Act establishing the Department of Public Works, either at Sorel or at Montreal. An examination would likewise require to be made of all stores, furniture, &c., now on hand, and comparison made with the Inventory handed in by Captain Dubord, in November, 1843, when Captain Vaughan took charge of the Lake vessels; also, of the Inventory of the "Vulcan," since purchased, attached to the Deed of Sale of that vessel.

Respectfully submitted,
THOMAS A. BEGLEY,
Sec. Pub. Works.

Public Works, 4th December, 1846.

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This document having been returned to the Secretary of Public Works, to state upon what service the men Côté, Jonceu and Sullivan, were employed when absent from Lake St. Peter, he can only say, that they were with Mr. Killaly, on an excursion below Quebec.

T. A. B.

7th December, 1846.

A.

From the Public Accounts rendered to the Honorable the Inspector General, to 31st December, 1845.

Voucher No. 30.

Board of Works,

To James Gilliland.

1845.—To Travelling Expenses from Montreal to Beauharnois and back, for Elm timber....£1 7s. 6d.

(Signed,) H. H. K.

Montreal, 22d November.

(Certificate attached.)

In consequence of timber required for the repairs of the boats at Sorel not having arrived, that the "Vulcan" might not be detained, I sent Gilliland to Beauharnois to arrange for its being immediately sent over. His Account of Expenses, when checked, should therefore be paid, charged to Lake St. Peter.

(Signed,) H. H. KILLALY.

24th November, 1845.

Received from the Board of Works, by the hands of the Secretary, the sum of one pound seven shillings and six pence currency, being expenses to Beauharnois, for Elm timber, for Lake St. Peter Service.

£1 7s. 6d. Currency.

Signed in duplicate, at Montreal, this 25th day of November, 1845.

(Signed,) "JAMES GILLILAND."

Witness:
(Signed,) STRUTHER STRANG.

B.

From the Public Accounts rendered to the Honorable the Inspector General, to 30th June, 1845.

Paid to James Ferguson, Boat Builder—				£	s.	d.
Per inner Voucher No. 16 of Voucher No. 11,	11½	days at 4s.	.....	2	6	0
do do 23 do do	11	days at 4s.	.....	2	4	0
do do 26 do do		Travelling expenses from Berthier.....	.....	0	7	6
do do 30 do do		12 days at 5s.	.....	3	0	0
do do 38 do do		Francis Gagnon, stage fare of James Ferguson from Quebec to Berthier.....	.....	2	0	6
do do 41 do do	10½	days at 5s.	.....	2	12	6
do do 50 do do	10½	do do	.....	2	13	9
do do 52 do do	5½	do do	.....	1	8	9
do do 59 do do	10½	do do	2	13	9
do do 60 do do	6	do do	1	10	0
do do 69 do do	5	do do	1	5	0
do do 69 do do	7	do do	1	15	0

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	£	s.	d.
Per inner Voucher No. 81 of Voucher No. 46, 22 days at £5 per month.....	3	13	4
do do 86 do do 1 day	0	5	0
do do 93 do do 24 days at £5 per month.....	4	0	0
do do 97 do do 7 do do do	1	3	4
do do 99 do do paid to Captain Vaughan for board of Ferguson	4	8	4

From Accounts rendered to 30th June, 1845.

	£	s.	d.
Per inner Voucher Number 28 of Voucher Number 11, paid to Louis Pelleau, 6 crooks at 1s. 8d., and 35 crooks at 1s.	2	5	0

From Accounts rendered to 31st December, 1845.

	£	s.	d.
Paid to L. and J. Brown, of Quebec, for copper nails, per inner Voucher Number 123 in Voucher Number 46	3	15	0

C.

From the Public Accounts rendered to the Honorable the Inspector General, to 31st December, 1845.

	£	s.	d.
Voucher Number 46.			
Per inner Voucher No. 91, Henry Côté, Pilot, 1 month (July)	7	10	0
do do 92, Baptiste Jonceu, do do	4	0	0
do do 94, Captain Vaughan, board, do	5	0	0
do do 104, Henry Côté, Pilot, 1 month (August).....	7	10	0
do do 105, Baptiste Jonceu, do do	4	0	0
do do 111, Captain Vaughan, board, do	5	0	0

D.

From the Public Accounts rendered to the Honorable the Inspector General, to 30th June, 1846.

Inner Voucher No. 155, of Voucher No. 63.

Quebec, November, 1845.

Board of Works, Lake St. Peter Service.

To W. J. Benson. Dr.

To 4 pieces Red Pine, 174 1x5 feet,
at 1s. 2d.....£10 3s. 1d.

I hereby certify, that the above account, amounting to ten pounds three shillings and one penny, is correct.

(Signed,) D. VAUGHAN.

The receipt for the above is dated 29th January, 1846.

Inner Voucher No. 154, of Voucher No. 63.

New London Cove, 18th November, 1845.

Board of Works, Lake St. Peter.

To Robert Roberts & Co. Dr.

To delivering 4-14 tons Red Pine, at 1s. 6d....6s. 6d.

I hereby certify, that the above account amounting to six shillings and six pence, is correct.

(Signed,) D. VAUGHAN.

The receipt for the above is dated 29th January, 1846.

Voucher No. 59.

Board of Works.

To the Montreal and Quebec Steamboat Company.

After sundries enumerated in the account amounting to..... £170 16 7

Comes the following—

November 21, to freight of 4 pieces
Red Pine, at 15s..... 3 0 0

£173 16 7

William Henry, December, 1845.

I hereby certify, that the above account amounting to one hundred and seventy-three pounds sixteen shillings and sevenpence, is correct.

(Signed,) D. VAUGHAN.

The receipt for the above is dated 16th March, 1846.

E.

From the Accounts of the present half-year, not yet rendered to the Honorable the Inspector General.

Paid by James State, Store-keeper.

Voucher No. 1.—John Sullivan, Mate, 1 month, (July).....	£4	0	0
do No. 1.—Baptiste Jonceu, Mate, 1 month, (July).....	4	0	0
do No. 17.—John Sullivan, Mate, 1 month, (August).....	4	0	0
do No. 17.—John Sullivan, Mate, Board, (August).....	2	10	0

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do	No. 17.—Baptiste Jonceu, Mate 1 month, (August),.....	4	0	0
do	No. 17.—Baptiste Jonceu, Mate, Board, (August),.....	2	10	0

Paid at the Office of Public Works, per Voucher dated 4th August, 1846, to Captain Vaughan, Board of Sullivan and Jonceu, for July, £5.

Department Public Works,
14th December, 1846.

Sir,

I have the honor to enclose, for the information of His Excellency the Governor General in Council, a Memorandum of occurrences connected with the Lake St. Peter work, which has been laid before us by Mr. Begley, and also certain letters from Mr. State, the Storekeeper for the same service, at Sorel.

Mr. Casgrain and myself will feel obliged by receiving His Excellency's instructions, as to the propriety and necessity of a prompt examination into the charges contained in these documents.

Your obedient Servant,

(Signed,) W. B. ROBINSON,
Chief Commissioner Public Works.

The Provincial Secretary.

In obedience to an order from the Governor in Council, to the Commissioners of the Department of Public Works, to report upon certain complaints of Mr. John State, Store-keeper at Sorel, against Captain Vaughan, Superintendent of the Works on Lake St. Peter, and also upon a Memorandum of Thomas A. Begley, Esquire, Secretary of the Department, alleging certain mal-practices and mal-appropriations on the same service, I, the undersigned Commissioner, proceeded to Sorel, and there made the following enquiry, in order to enable the said Commissioners to report fully on the matter; having previously given notice to the Honorable Mr. Killaly and Captain Vaughan, as appears by the two letters addressed to them, and herunto annexed, of the intended proceedings.

(Signed,) E. C. CASGRAIN,
C. P. W.

No. 867.

Public Works,
Montreal, 26th December, 1846.

Sir,

Mr. J. State, Store-keeper at Sorel, having brought charges against Captain Vaughan personally, and also accused him of misconduct as Superintendent of the Works on Lake St. Peter, and having also heard several reports against him in which your name is mentioned, of which we took no notice until brought before us in an official manner, we submitted the whole to the Governor in Council, and have been ordered to report. We think it due to you to furnish you with a copy of those charges, and as one of us will go down to Sorel on Monday next, to inves-

tigate the matter, we shall be happy to meet you there, should you think fit to be present at the enquiry.

I have the honor to be, &c.
(Signed,) E. C. CASGRAIN,
C. P. W.

The Honorable
H. H. KILLALY.

Sorel, this 28th of December, 1846.

My dear Sir,

I have just arrived, and send you by Mr. Baillarge, copies of Mr. State's letters, purporting complaints against you, and also, Copy of a Memorandum, drawn by the Secretary of our Department, relative to those complaints, and other matters connected with the Lake St. Peter Service, which are of such a nature as to require an enquiry, not only on these particular alleged facts, but upon the operations generally, which will enable us fully to report to the Governor, in Council, as ordered. I shall begin the enquiry to-morrow morning at nine o'clock, and will be happy that you should be present.

Copy also of Captain M'Kin's letter, complaining of his dismissal from the Service, and requesting investigation, accompanies these documents.

I have the honor to be,
Sir,
Your very obedient Servant,
(Signed,) C. E. CASGRAIN,
C. P. W.

To Captain VAUGHAN,
Superintendent of the
Works on Lake St. Peter.

Province of Canada, }
District of Montreal. }

Commenced the Enquiry at nine o'clock, A.M., on the twenty-ninth of December, one thousand eight hundred and forty-six, Captain Vaughan being present.

James State, of Sorel, Store-keeper, being duly sworn upon the Holy Evangelists, does depose and say, I have been in the employ of the Department of Public Works, as Store-keeper, since February, 1845. Arrived at Sorel sometime in March. Having learned that F. Rotting had been absent from his duty, being in Captain Vaughan's employ, I stopped his pay until the arrival of Captain Vaughan who was then absent. Rotting and Main were watchmen at night. I stated those facts to Captain Vaughan on his return, who stated that Rotting was absent seven nights; I took his word for it; he requested me to pay him that month, in full, which I did, to comply with his wishes, and he promised that he would allow the time to be deducted in the following month. The following month Rotting gave five days only, and was afterwards discharged by Captain Vaughan, and he being then idle, sometime after I requested him to make up the two days by working in the yard; while doing so Captain Vaughan arrived from the Lake, wished to know from me why I employed Rotting, and abused me for it. I told him to take patience, that I would explain the matter to him, which I did, yet he seemed not to understand me, and got so impatient that he several times struck the

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boat with his fist; after which he called for Frederick Rotting, asking of him if he did not leave the work of his own accord, which he denied.

I then asked Frederick, if he was not more than seven nights absent from his work at Captain Vaughan's. He stated that he was about one month. Captain Vaughan remarked that I should not behave so towards him, that he himself had always acted as a gentleman towards me. I replied that he did not, that I considered he was not a gentleman: he then told me, I was a liar; I replied, "he was one." When he called me a liar, he had his fist shut to my face; I also had my fist shut, and told him that if he struck me, I was as good a man as he was. He shook his hand in my face, and said that he did not think it worth while to strike a mean scoundrel like me. Many harsh words were afterwards exchanged between Captain Vaughan and myself. The bad feeling between him and me arose from my taking notice of Frederick Rotting's absence from his work and duties; and Michael Kelly, employed by the Department, having been employed cutting wood in the yard belonging to the Department, but mixed with some of Captain Vaughan's; as soon as I checked Kelly's time for so doing, as well as for his attendance at Captain Vaughan's, this was stopped, that is to say, the cutting of the wood. Kelly was employed by Captain Vaughan, though paid by the Board of Works; he brought the wood he cut to Captain Vaughan's, and called others to assist him. I state with confidence, that Captain Vaughan was aware of this. Kelly was employed from May, 1845, until December following: one half day of his time was given to the Board of Works, and one half-day to Captain Vaughan; and from the 1st of December to the 2nd of February, all his time was given to Captain Vaughan; and afterwards gave part of his time in the yard and part of it at Captain Vaughan's, until discharged in May following. (Captain Vaughan here wishes to state, that he applied to some Clerk in the office, he believes Mr. Connolly, and certainly Mr. Begley, the Secretary of the Board, if he was not allowed a man to attend his house and Post Office; they said he was entitled to it: and for a greater certainty, he applied to Mr. Killaly, himself, who said, he generally allowed a man to the Chief Engineer and Superintendents of such large establishments, to attend his horse, Post Office, and other business.) When Rotting gave back the seven days, they were paid by Captain Vaughan.

In April, 1845, Richard Main and Captain Conway were employed in Captain Vaughan's garden; Richard Main, from the 21st of April till the 14th or 15th of May following, and Michael Conway assisted and worked with him during that time, and was paid by the Board of Works.

In the Summer of 1845, I remarked that Captain Vaughan came over to Sorel in the Steamer "Vulcan," from the Lake Service, several times, without any business connected therewith; I speak in my capacity of Store-keeper, and attending service. I was generally on the wharf when the boat came. I thought there was no occasion for the boat calling so often, the wood being at Isle aux Corbeaux, in the Lake. One instance in particular, the boat having been up one night, and having returned again the second night following, I learned that Miss Vaughan and a young lady were taken down, and spent part of two days on the Lake; and were sent back in a boat with a gentleman, it being a pleasure party. Green paint (emerald) was taken from the Store to the Lake, and partly used there, and partly for Captain Vaughan's house.

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In the Winter of 1844 and 1845, a skiff was built in Mr. Killaly's name; I understood so from himself, by his telling me not to allow any one to use it but himself. James Ferguson, boat-builder, from Quebec, was employed in making it. The materials were got in the yard. I gave the copper nails, paint, and varnish, out of the store for it. Capt. Vaughan superintended the work.

Last winter, a yacht was built in Sorel, in the yard adjoining the Board of Works' Shipyard, for Mr. Killaly, under the Superintendence of Captain Vaughan. Captain Davidson, of Dredge No. 2, on the Lake Service, built the yacht, with some other hands; the most of the knees were taken from the yard of the Board, most of the spars, and most of the planking also; the nails, oakum, oil, and part of the rope, were taken from the Store: men's time, borrowed from the Shipyard at different intervals, and paid by the Board, as well as Captain Davidson's. There was a great deal of blacksmith's work for the boat; the materials, as well as the workmanship, paid by the Board.

I knew Captain M'Kim since the Spring of 1845; he always bore the character of an industrious, sober, active, intelligent man, quite competent to fulfil the duties he had to discharge, and giving general satisfaction.

John O'Leary, Ex-Captain of Dredge No. 1, bore the character of being an active and very intelligent man in forwarding the works, and fully competent to perform the duties of his situation. I heard Captain Vaughan, himself, say so, before he began to be harsh with him.

Cross-questioned by Captain Vaughan.—Captain Vaughan requested me to keep a check upon any man being absent or working for other persons. Whenever I handed him any account for work done by men employed by the Board, he always paid it; I mean to speak of men employed in cutting in his own meadows, working in his own house, or doing any other jobs; but he never mentioned this, before I noticed and checked the time and absence of the men.

And the Deponent further saith not, and signeth this Deposition, which he declares to contain the truth.

(Signed,) JAMES STATE.

Taken, sworn, and examined before me, at Sorel, this 29th day of December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

James State, called in again; states, under the oath he has taken, that he received two mattresses, taken from the "Vulcan," which were cut into four, to answer the berths of the yacht.

(Signed,) JAMES STATE.

(Signed,) C. E. CASGRAIN.

One o'clock: adjourned till two o'clock, P.M.

Resumed at two o'clock.—Captain Vaughan being present.

Michael Conway, District of Montreal, labourer, being duly sworn on the Holy Evangelists, doth depose and saith:—I entered the Lake Service under

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Captain Vaughan in April, 1844, and remained thirteen months or thereabout in that employ, with the exception of two months or so I was at Captain Vaughan's, attending his horse, going to the Post Office, and fulfilling the general service of the household. I was paid from 2s. 3d. to 3s. according to the season, by the Board. A pair of blankets was taken from the store by Captain Vaughan's order, for covering his horse. He remarked that they were too good—they were used for the mare all the time that I was there. I mean to say the whole of the winter following. I took at different times, about twice or thrice to the best of my recollection, soap and candles from the store. I took those articles myself. Once or twice O'Brien, then in charge, gave them to me, but I was allowed to take any thing wanted or asked for by Captain Vaughan. There might have been, more or less, 15 or 20 lbs. of soap, and 20 or 30 lbs. of candles. Mrs. Vaughan told me that she had lent some candles to O'Brien. That was the first time I went. O'Brien then told me to take what I wanted, which I did.

While engaged in the yard tallying the coals according to Captain Vaughan's instructions, I was taken from the work by order of Mrs. Vaughan, and remained that afternoon doing several jobs for the house. I attended the Post Office every morning. While going to Mrs. Vaughan, I met O'Brien going to the yard.

And the Deponent further saith not, and declareth the foregoing Deposition contains the truth, and hath signed.

(Signed,) MICHAEL CONWAY.

Taken, sworn, and examined
at Sorel, this 29th day of December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Michael Conway, called in again, declares under the same oath, that during the summer of 1844, he told Mrs. Vaughan that a man belonging to one of the boats complained in Sorel of the board, and described him to her. A few days afterwards, Mrs. Vaughan told me that he would complain no more, for he was dismissed. Learning that another man in his stead had been dismissed, I felt in duty bound to make Mrs. Vaughan aware of the mistake, but at the same time, I could not say whether the man was discharged on that account. Richard Main, sometime in April, 1844, about the 15th or 20th, worked with me till about the month of May, and I cannot say by whom paid.

(Signed,) MICHAEL CONWAY.

(Signed,) C. E. CASGRAIN,
C. P. W.

Taxed as follows:—

Stages and Ferrys.....37s. 6d.
Three days' attendance, salary, and board....20s.

57s. 6d.

Paid 30s. by Mr. Begley, and 27s. 6d. by Commissioners.

(Signed,) C. E. CASGRAIN,
C. P. W.

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Thomas Davidson, Captain of Dredge No. 2, on Lake St. Peter Service, being duly sworn on the Holy Evangelists, doth depose and saith:—I was engaged by Captain Vaughan as Foreman of the yard at Sorel, and Captain of Dredge No. 2, the summer following, and have been in the service since. I came in January, 1845, and began to work about the 17th. To my knowledge, the "Vulcan" steamer was absent from the Lake Service several times, and, according to report, often times on business unconnected with the service. I recollect that once, when an official visit was expected, the Dredge was removed from the head of the Channel from the south side, to a sand-bank lower down in a clay bottom, by order of Captain Vaughan. It was not removed back. To the best of my knowledge it was last spring. Nobody interfered with my log-book. When working in the yard at Sorel, a man of the name of Kelly, paid by the Board, worked by times with me for half days. I saw him sawing old timber, thrown away from the scow while repairing. I saw old timber taken across in a boat, but could not say where to, by men employed in the yard. The fall before last, the men on board my Dredge refused to work for want of proper victuals. Complaints were made to me once before. I told them to complain themselves to Captain Vaughan, who provided for their board. They did so. The chief complaint was, that they had no pork, and they found fault with the beef. The difficulty was settled between them and Captain Vaughan, who explained to them the reason why he did not send the pork before. They appeared satisfied, and went to work. The provisions served out were tea, pork, beef, biscuit, and sometimes potatoes, the scarcity of which they complained of. The officers on board of my Dredge, as well as myself, five in number, were not satisfied with the board; but since the resuming of that work this last fall, we were better provided for. We were served with pork, beef, butter, sugar, tea and coffee, bread and fresh meat three days in the week; but before this last fall, at the end of the week, we were sometimes pretty often in want of some of those provisions, such as tea, coffee, sugar, butter, or bread. We had a man and boy as cooks, a steward also, but they never assisted in working the Dredge. A skiff was built in the ship-yard at Sorel by a man of the name of Ferguson, from Quebec. To the best of my recollection he spent six weeks in building it. He was sometimes assisted by a boy in the employ of the Board. The materials were procured from the yard. It was understood to be for Mr. Killaly. I did not before this fall see it used for the Lake Service, when I saw Captain Vaughan taking it to go to Point du Lac. I see no use for it in the Lake Service. I was employed from about the 20th of December, 1845, till about the beginning of April, in the construction of a yacht of about 15 tons for Mr. Killaly. With the exception of two weeks at Berthier, half of my time was given for the building of the yacht. I was assisted by two men, who were paid by Mr. Kelly, on the part of Mr. Killaly. They worked from about the 20th December to the end of March. I had assistance from men belonging to the Board, in the yard, sometimes for an hour or two, more or less, and two men two and a half days, and one man two days, who were paid by the Board at the rate of four shillings, and myself at the rate of seven and sixpence a day. Captain Vaughan directed the work. I took from the yard several materials for the yacht, of which I shall furnish a statement. I was instructed by Captain Vaughan to make a regular statement of the materials so employed. Captain Vaughan stated that he would pay the men's time and the materials.

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The rope for the rigging and paint for the yacht were taken from the store. Captain O'Leary oiled the boat, and Frederick Rotting painted it—all men in the employ of the Board. I think I took for the repair of the scows, as many bolts belonging to Captain Vaughan, as were taken from the store for the hull of the yacht. I think, taking every thing into consideration, that the yacht must have cost £300.

The "Vulcan," during the summer of 1845, went twice below. She was absent for about ten days on the first trip,—about six days the second trip. It occasioned a great delay in the works. I am of opinion that it retarded the work on an average about one-third or one-fourth. Captain Vaughan was on board during the two trips.

I know Captain M'Kimm since my residence in Sorel, and call him an active, intelligent man, quite competent for fulfilment of all his duties, and never heard any complaints made against him. I also consider O'Leary as a very capable man for his situation, and have heard no complaints against him.

Captain Vaughan requested me to tell him, what was required for repairing and outfit of the different vessels for the Lake St. Peter Service; the requisition marked A, which was shewn to me, appears to be correct, except as to the canvass, the use of which I do not see.

The Deposition being read, the Deponent declares that it contains the truth, and hath duly signed it.

(Signed,) THOMAS DAVIDSON.

Taken, sworn, and examined before me at Sorel, this 29th December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Closed at half-past 5 o'clock, P.M.

Thomas Davidson, the above Deponent, has produced the statement mentioned in his Deposition, hereunto annexed and marked letter G, containing certain quantities of timber and other materials, taken from the yard and used for the building of Mr. Killaly's yacht, as well as another statement of timber had from Mr. M'Carthy, and paid for by the Board, the whole amounting in value to the sum of Forty-two pounds eighteen shillings and five pence half-penny.

(Signed,) C. E. CASGRAIN.
C. P. W.

(Signed,) THOMAS DAVIDSON.

Resumed at seven o'clock, P.M., Captain Vaughan being present.

John O'Leary, of Montreal, late Captain of Dredge No. 1, on Lake St. Peter Service, being duly sworn on the Holy Evangelists, doth depose and says:—In April, 1844, I was appointed Captain of Dredge No. 1, and held that situation till the latter end of September, last, when I was dismissed by Captain Vaughan; after which I was asked to return and take command of the Dredge, but refused, saying that I would rather beg for my bread than serve under such a tyrant. I remember Captain Vaughan telling me, that I was too quiet and too easy with the men. I remarked to him, that my conduct was reported as rather severe towards the men. Never

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mind, said he, drive them on and make them work, and if they don't please you turn them off, and I will get you plenty men.

Sometime during the summer of 1845, when an official visit was expected, I was ordered by Captain Vaughan to remove the Dredge further down, to get better cutting and softer bottom, the former place being more difficult to dredge. This also happened in the spring of 1846, when another visit was expected. I believe that we did as much work on other days, as we did during those days when we received official visits. I kept my log-book regularly, and Captain Vaughan never interfered with it.

Complaints were sometimes made by the men on board my dredge, respecting the victuals, which I never mentioned to Captain Vaughan. The officers, and especially the head Engineer, complained between themselves, of the food. The reason why I did not lay the complaint before Captain Vaughan was, that I was afraid of creating bad feelings between him and myself.

Captain Vaughan being paid to provide for us; I did not consider the victuals were good enough for the allowance made to provide the same. Captain Vaughan said that any man that would complain, relative to the victuals, should be put on shore, and left to find their way to Sorel. I am inclined to think, that fear prevented them from complaining openly. We had two cooks and a steward who did not work at dredging, but merely confined to their duties as such. This, I understand, was also the case on board the other Dredges and Steamers. I had no correspondence whatever with Captain M'Kimm, since I left the service, till I saw him in Montreal about the 24th of this month.

Adjourned at twenty minutes past five, and resumed the Enquiry at seven, P.M.

I am aware that a Skiff was built during the winter of 1844-5; it was generally understood that it was for Mr. Killaly. Ferguson, from Quebec, built the boat; he was about five or six weeks, more or less, building her; he had a man the greatest part of the time to assist him, from the ship-yard, his name was Camel, and he was reported on the pay-list and paid accordingly. The materials were taken from the store.

Captain Vaughan wishes to state, that he got the boat (skiff) built, and asserts that the materials, for the construction thereof, were taken from the store by order of Mr. Killaly. The sail was procured, and the boat painted according to order. Also, that the officers and men are found with bedding, candles, cooking utensils and ware, and the officers with soap. There is a Cook, an assistant, and Steward to every Dredge and Steamer, making twelve altogether, who are solely occupied in their respective capacities.

(Signed,) D. VAUGHAN.

I dont see that the boat (skiff) is at all useful or necessary for the Lake Service. Last winter a yacht was built for Mr. Killaly, of about fifteen tons, under the direction of Captain Vaughan, by Captain Davidson, assisted by two other men; Captain Davidson was then in the employ of, and paid by, the Board; and the men were paid by Mr. Kelly, in the name of Mr. Killaly. Some materials were taken from the yard, I cannot state what quantity, such as nails, rope, and wood. I helped a few days in preparing some of its rigging. I oiled the boat, with oil from the store, twice before it was painted. When Mr.

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Killaly returned from below in September last, I believe with the yacht, I gave it, by order of Captain Vaughan, three coats of paint in the bottom, and painted her elsewhere, and in the cabin. The paint and oil were furnished by Captain Vaughan, and a man of the name of Kelly who gave it according to his orders.

I was about ten or twelve days, to the best of my recollection, engaged in scraping and repairing the boat, and was paid six days by Captain Vaughan with an order upon Mr. Kelly. The rest of my time was charged as usual on the pay-list, and I was paid accordingly as belonging to the establishment. Frederick Rotting gave the yacht the first coat of paint, that is, painted her in the first instance. She was painted in the Lake. Rotting was then employed by the Board. I should suppose that the yacht cost £300, as I heard Captain Vaughan say so. I think that all the iron work was wrought by blacksmiths belonging to the Lake St. Peter Service, except the blocks and most of the bolts.

(Captain Vaughan begs to mention here, to prevent any further questions relative to the absence of the "Vulcan" below, that, according to orders, he went two different times on that service, the first in the latter end of June and beginning of July, and was absent ten days, taking the Honorable Mr. Killaly and family, Captain Rayside, Captain Campbell, and Mr. Shanly, Clerk in the Board of Works Office. We first stopped at Grosse Isle at about seven in the evening, and left next day at about eight in the morning, after having taken soundings and marked the site for erection of a pier. While passing Crane Island, we stopped the engine several times to take soundings, after which we proceeded to Riviere du Loup, where we arrived the same evening, and landed Mrs. Killaly and family, as well as Captain Higgins' children and their governess. Next morning Mr. Killaly, Côté, the Pilot, and myself, took soundings at the point and entrance of Riviere du Loup, and left about ten o'clock for the Saguenay. While crossing we took bearings relative to Red Island, for the position of a Light-house, which we left the following day for the Escoumains, which is about twenty-four miles below Riviere du Loup, on the north shore. I there left the Honorable Mr. Killaly, Mr. Shanly, and two men, Côté and Joncas, with the small boat called the "Red Bird" and skiff. I then left for the Lake, and on my way up landed at Platon, where I left oil for the use of the Light-houses, shipped in Montreal by Captain Rayside.

The second time I was absent six days, and took down to Bay St. Paul's tools for the *Chemin des Caps*, having previously proceeded to Riviere du Loup to bring up Mrs. Killaly and family, according to my orders from Mr. Killaly. I knew well that the Lake Service would materially suffer on account of such absence from the service. I did not express it to Mr. Killaly, for I knew that he must be aware of that himself. The distance between Bay St. Paul and Riviere du Loup is about fifty miles.

(Signed,) D. VAUGHAN.

John O'Leary's evidence resumed.

I am of opinion that the absence of the steamer "Vulcan" from the service for such a length of time, delayed the works considerably. The difference in the work for my Dredge was about one-eighth the first time: as to the second time, I cannot exactly say.

About half a coil of small rope (twelve thread rope) was taken at different times by Captain Vaughan's direction, for the use of his nets, and not returned to me; but I cannot say if it was lost, worn out, or returned to the other boats. We lost no time fishing.

I recollect that, in the winter of 1844 and 1845, the men employed by the Board did cut ice to fill the ice-house of the ship-yard, and at the same time, cut the ice wanted for Captain Vaughan's ice-house.

The Deponent further saith not, and declareth that this his Deposition contains the truth, wherefore he hath signed it.

(Signed,) JOHN O'LEARY.

Taken, sworn, and examined
before me this 29th day of
December, 1846, at Sorel.

(Signed,) C. E. CASGRAIN,
C. P. W.

Closed at 20 minutes past 9, P.M. Resumed at half-past 9, A.M., on Wednesday, 30th instant.—
Captain Vaughan present.

John O'Leary, called in again, states, under the oath he has already taken:—

In the course of last summer, sometime in July or August last, I was sent down to the Lake with Captains Wright, Davidson, and Côté, to gather some timber bought by Captain Vaughan for his own use, I understand. I think I was three or four days absent. Captain Davidson was I think a day less than myself, and Côté also. Captain Wright was some days longer. The work was then suspended, but I was occupied pumping the vessels.

I was also occupied more than a day in hauling Mr. Killaly's yacht on the slip, with Captains Wright and Davidson, and other Engineers. We were then laid up.

As I have been charged by Captain Vaughan of neglect, in not going down to Peloton when the Dredges were there repairing, I wish to state distinctly, on my oath, that I remained in Sorel according to his orders. He directed me in the meantime to paint Mr. Killaly's yacht, and to look over the vessels and watchmen.

I suppose that the cost of the skiff cannot be less than twelve pounds. Sometime after Mr. State having taken charge of the store, after his appointment, I heard one day Captain Vaughan say, Where is that man? or, Where is that fellow? He appeared to be in a passion. I understood it was about Mr. State he was speaking. He went to the door of the office, found it locked, returned again and kicked the door open.

My opinion, from what I have seen, is, that Captain Vaughan did not like Mr. State.

(Signed,) JOHN O'LEARY.

Taken, sworn, and examined,
before me at Sorel, this day,
30th of December, 1846.

(Signed,) C. E. CASGRAIN,
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Allowed:—

Stage fare from Montreal, coming and re-
turning, and ferry.....£1 17 0
Four days, at 10s. per day 2 0 0
£3 17 0

(Signed,) C. E. CASGRAIN.

Allison Wright, Captain of the steamer "Vulcan," being duly sworn on the Holy Evangelists, doth depose and saith:—I entered the Lake Service in the spring of 1844. In the summer of 1845, I was appointed Captain of the "Vulcan." When the steamer "Vulcan" came to Sorel, on the Lake Service, I entered it on the log-book, but not otherwise. I was once ordered up from the Lake, the summer before last, by Captain M'Kimm, to bring up to Sorel, in the "Vulcan," Miss Sparks, Miss Vaughan, Mrs. M'Mahon and Mrs. Stevens. I was often absent from the boat on other work, and have known it to be often absent from the service when Mr. Killaly and others came down to inspect the work, after which it was taken to different places on shooting excursions. It happened at different times, I cannot say how often. I know that different parties have been landed below Sorel, I know not where exactly, nor cannot name the parties, but they were not, to my knowledge, connected with the Department. Last fall, I recollect, that the boat took down two gentlemen when proceeding to the works, one of them was the Rev. Mr. Adamson, the other I know not, and brought them up below Sorel the next day.

(The Revd. Mr. Adamson states, that they were landed the same day, after the boat had ceased to work, and near the works).

Last June, when laid up, we took down Mr. Killaly to Quebec, and towed his yacht. We were absent two days and two nights. On our return up, we stopped at four places to enquire about a Buoy from the Lake, which had gone adrift. The daily expense of coals for the "Vulcan," while running, is about two chaldrons and three-quarters of coals daily, and five or six pounds of tallow.

(This last statement being taken about the "Vulcan" going down to Quebec, Captain Vaughan here states to be correct, and adds, that in the summer of 1845 Captain Rayside called on him, and delivered him a verbal message from Mr. Begley, Secretary of the Board of Works, to go for him at Three Rivers, with the "Vulcan," which he did, and brought him to Sorel to meet his lady).

I remember that some green paint and yellow also, I cannot tell what quantity, was taken from the "St. Peter" to Captain Vaughan's house. The green paint was returned about six weeks ago, after F. Rotting's dismissal from the service, and the circulation of a report in the village of Sorel, that Captain Vaughan had used some paint belonging to the Board, for the painting of his house.

I know that Richard Main, Frederick Rotting, and Michael Conway, and a man of the name of Kelly, in the employ of the Board, worked at different times at Captain Vaughan's. The Post Office is about three minutes walk from Captain Vaughan's. Sometime this summer, I was employed by Captain Vaughan, about seven or eight days, in company with Captains O'Leary, Davidson, and Henri Côté,

all belonging to the Lake Service, in gathering timber for Captain Vaughan, along with other men who were paid by him. The other persons mentioned, were not, I believe, employed this way as long as myself.

It is to my knowledge, that complaints were frequently made by the officers and men relative to the victuals. I remember that the men on board Dredge No. 2 refused to work on that account, but an explanation having been given by Captain Vaughan, they seemed satisfied and re-assumed their work. By times, I considered that victuals were not served in sufficient quantity, and of inferior quality, to the officers and men.

In the winter of 1844 and 1845, I recollect, that, by order and under the direction of Captain Vaughan, a small skiff was built, by one Ferguson, of Quebec, for Mr. Killaly; the materials, as stated by Captain Vaughan, were the property of the Board. I believe the skiff did not cost more than ten pounds. Ferguson did not work continually at the skiff, but was engaged in repairing other boats for the Lake Service. I do not consider that skiff of any use for the Lake Service. I understood it to be Mr. Killaly's, and she was attached to the yacht, when towed down to Quebec, and remained attached to her at Sorel, after Mr. Killaly's return; and was scraped and painted, and varnished, on the Lake, with the materials of the Board, after which she was returned to the yacht. I remember not exactly by whom the skiff was painted, but I know it was by some of our men. I recollect that last winter a yacht was built for Mr. Killaly, under the direction of Captain Vaughan. Captain Davidson, and two other men, paid by Mr. Kelly, for Mr. Killaly, built it, being occasionally assisted by other men from the yard.

The materials, such as knees, elm and oak, the latter brought down from Montreal in the boat the previous fall, and procured by Gilliland, were used in the construction of the yacht, and belonged to the Board, as it bore the marks of it in black paint. The rope, one coil excepted, was taken from the store to rig her. I was the principal person engaged in rigging her. Sullivan and O'Leary assisted me. Captain O'Leary oiled her and put in the plugs. F. Rotting painted her. She was again painted by Captain O'Leary, under Captain Vaughan's direction, after Mr. Killaly's return from below. I cannot say whether the paint in the first instance was taken from the store, but I suppose so; but I know that when painted after Mr. Killaly's return, this gentleman furnished the paint. The ballast, with the exception of one ton and a half, belongs to the Board. There are but eight tons altogether, I should suppose the cost of the yacht to be Three hundred pounds. It is about fifteen tons burthen.

To the best of my knowledge, Captain M'Kimm gave general satisfaction, and never heard any complaints made against him; and I think he was quite capable of filling his situation as Captain of the steamer "St. Peter." I have been with him for these last eleven or twelve years, and served under him for two years when in command of the steamer "Canada."

I know also Captain O'Leary, and found him equal to his task when in command of the Dredge No. 1. I heard no complaint against him. I know that the Engineer then on board his Dredge, of the name of Calvert, interfered with his works, and thus created bad feeling. For my part, I should not have allowed it. I cannot say that it was done to the knowledge or with the consent of Captain Vaughan.

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I did not enter in my log-book the absence of the steamer "Vulcan" from the Lake on pleasure parties, or business unconnected with the service. I dare not make those entries in the log-book, for I knew that I would be immediately dismissed.

I think that fear of dismissal prevented the men from complaining to Captain Vaughan relative to their victuals; and I have myself discharged a man of the name of Pomburtant, by Captain Vaughan's order, for having complained in the village about the board, as he told me. I understood since that he was discharged by mistake for another man; but my intention was to have dismissed him at the end of the month for being insolent. I heard Captain Vaughan tell O'Leary to remain at Sorel, instead of going to Peloton for the repair of the Dredges, and to stop and paint the yacht; also to look after the watch.

The Deposition having been duly read, the Deponent declareth that it contained the truth, and has signed it: and adds, that last spring, while on the service of the Lake, several men of the Lake Service were at different times engaged in fitting out the yacht. I gave about twenty-five or thirty yards of coarse canvass at the request of Sullivan, who went down with Mr. Killaly. The sail of one of our batteaux was cut to serve as a jib for the yacht, and has since been returned. A broken mast was also taken and cut to fit the yacht for a bow-sprit. By order of Mr. Killaly, and in his presence, I cut two of the mattresses from the "Vulcan" to fit the berths of the yacht. They have been since returned so cut.

I wish to state, for my own satisfaction, that I delivered the log-books of the Vulcan for the summer of 1845 to Captain Vaughan, for the time I was on board.

In November last, when Rotting was working in the yard, Captain Vaughan asked me if it was him or not, and who had employed him. I said, I suppose it must be Mr. State. He appeared pretty angry, and said, I'll go and fix the fellow. I suppose he meant Mr. State. It was then that the quarrel arose betwixt them.

And the Deponent further saith not.

(Signed,) ALLISON WRIGHT.

Taken, sworn, and examined
before me at Sorel, this
30th December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Adjourned at 2 o'clock, P.M.

Resumed at two o'clock, P.M., Captain Vaughan being present.

John Milne, being duly sworn on the Holy Evangelists, doth depose and saith;—I am of Sorel, and first Engineer of the steamer "Vulcan." Since January, 1845, the steamer "Vulcan," to my knowledge, was several times, while under Captain Vaughan's command, absent on pleasure parties. In one instance, that Miss Vaughan and Miss Spark went down in the "St. Peter," on a Sunday night, in the summer of 1845, were put on board the "Vulcan" the same evening; Monday evening we returned with Captain Vaughan to Sorel. Captain Vaughan was on his way to Montreal. The distance from Sorel to the

entrance of the new cut, is twelve miles or thereabout. I state that the "Vulcan" was often at Sorel for business unconnected with the service, because its fuel was at Isle aux Corbeaux. Captain Vaughan was not on board each time. On Wednesday afternoon, Mr. McMahon and Mr. Stevens came down in a small boat, and came on board the "Vulcan." That same afternoon the "Vulcan" proceeded to Sorel, where it left the parties, that is to say, the last named gentlemen, and Miss Vaughan and Miss Spark. The "Vulcan" generally consumes two chaldrons and three-quarters of coal, and from five to six pounds of tallow, per day.

Previous to official visits, once I remember that Dredge No. 2 was removed from above to further down. The Honorable Messrs. Killaly, Caley, and Draper came down that time. The Dredges generally had better cutting below. A general report amongst the people of the Dredge was, that they were removed on that account.

The statement made by Captain Vaughan respecting the several trips of the steamer "Vulcan" below, yesterday, and embodied in O'Leary's deposition, which is now before me, is correct. The "Vulcan" was again taken down last summer by Mr. Killaly, and had his yacht in tow. It was absent two days and two nights. Coming up, we stopped at four different places for the purpose of enquiring about an iron Buoy of the Lake, which had been lost.

I know that the skiff and yacht were built for Mr. Killaly, and have heard that the materials for their construction chiefly belonged to the Board. I see no use of the skiff for the Lake Service. Mr. Killaly once used it himself on a fishing excursion. Captain Vaughan, also, made use of it once for going to Pointe du Lac, on duty. Last summer, while conversing with Mr. Flood, Engineer of the "St. Peter," and Mr. G. Ford, Blacksmith, who did the work for the yacht, we valued it, at the time, from eighty to a hundred dollars, but I will say it to be worth twenty pounds.

The first time, to my knowledge, when a complaint was made against the victuals, it was by the men on board Dredge No. 2, who stopped working, but reassumed their work after an interview and explanation with Captain Vaughan. The next complaint was made by myself, on board the "Vulcan," to Captain Vaughan, who gave me satisfaction at the time. I considered that the provisions were by times, both deficient in quality and quantity on board of the "Vulcan," towards the end of the week, and not such as I think ought to be given for the price allowed for board; but I must say, that I have seen casks of beef opened, and sent back when not found of good quality. I never knew them to be in want of biscuit, nor of pork, except once on board of Dredge No. 2.

The requisition of Captain Vaughan's, now shewn to me, and marked A, was made without my being consulted, and the article I wanted for fitting out the furnace bars was not mentioned.

Sometime on the ninth of November last, I overheard high words exchanged between Captain Vaughan and Mr. State; who began the quarrel I cannot say. I heard Mr. State say to Captain Vaughan not to strike him, that he was as good a man as he was, to which the latter replied, that he would not strike such a mean scoundrel as he was.

Peter Buckener, Second Engineer of the "Vulcan," has often stated to me, that he believed Captain Vaughan's reason for being so severe on him, was

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that he had been complaining in the Village about the victualling on board the vessels, and he said, he did not see it was any use for him to keep his situation any longer, because he could not stand it. And the Deponent further saith not.

The Deposition being read, he says it contains the truth, and has signed it.

(Signed) JOHN MILNE.

Taken, sworn, and examined,
before me this 30th day of
December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Thomas Smith, First Engineer of Dredge No. 2, residing in Sorel, having been duly sworn on the Holy Evangelists, doth depose and saith:—I have been First Engineer on Dredge No. 2 since December, 1845. In the spring of this year, we thought that the food was rather poor, but I never heard the men complain. It was better in the fall, from September last till the boats were laid up.

The Deponent further saith not, and declareth that this his Deposition contains the truth, and he hath signed it.

(Signed,) THOMAS SMITH.

Taken, sworn, and examined,
before me at Sorel, the
30th December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Adjourned at a quarter past five o'clock, P.M.

Resumed at a quarter past seven, P.M.

Peter Melone, of Sorel, being duly sworn on the Holy Evangelists, doth depose and saith:—In the spring of 1845 I was in the employ of the Board, and painted Captain Taylor's yacht, of about fourteen or fifteen tons burthen, with paint taken from the "St. Peter" steamer by order of Captain Vaughan. I painted her outside. I was mate of the "St. Peter." I presented my bill to Captain Vaughan for the time I had given in painting the "Shannon" and the "Red Bird." He refused to pay it, and discharged me. The amount of the bill was four dollars, two of which I received the same evening from Mr. Begley, the Paymaster, who stated he could not give me more, as it was not marked in the books, but that he would pay the balance when he would come down: but this I never received, having left the service and proceeded to Kingston in search of employment. I spent, to the best of knowledge, five days in painting the "Shannon," the rest of my time in painting and fitting up the "Red Bird," belonging to the Board.

When in Montreal, I went to Captain Taylor's office, and informed him of what I have just stated relative to my board, and Captain Vaughan's conduct towards me. He said he was very sorry for it, and handed me a ten dollar bill, after which he advised me to return, promising to speak to Captain Vaughan for me. I begged his pardon, saying that I had been discharged, and could not resume my former service.

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I received my full pay for the month. The difficulty only arose relative to my board, having had to find myself when absent from the Lake Service.

The Deponent further saith not, and declareth that this his Deposition contains the truth, and hath made his ordinary mark.

(Signed,) PETER X MELONE.

Taken, sworn, and examined,
before me at Sorel, this
30th December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Allowed for attendance, five shillings.

Resumed enquiry at a quarter past seven o'clock, P.M.—Captain Vaughan being present.

Frederick Rotting, of Sorel, being duly sworn upon the Holy Evangelists, doth depose and say:—I was engaged in the winter of 1844 with Captain Vaughan, and was employed in pumping and watching on board the vessels; after which, during the spring of 1844, I went as steward in Dredge No. 1, under command of Captain O'Leary. The following winter I was engaged in keeping the watch, and pumping on board the vessels. In the spring of 1845, I went on board the steamer "St. Peter," was occupied as before stated during the winter, and in the spring of 1846, returned again to the "St. Peter," where I remained till the suspension of the works, after which I was employed as watchman in charge of the boats.

The men sometimes complained of the scarcity of potatoes, which it was then difficult to obtain. The principal complaint was against the butter, which could not be used in whatever manner we tried it. Sometimes the butter was pretty good. This was also the case on board of the other boats and dredges. I mean amongst the officers, for the men had no butter.

I know that a small skiff was built in the winter of 1844 and 1845, and a yacht last winter, both for Mr. Killaly. As to the skiff, I speak from report. I painted the skiff. I also painted the yacht thoroughly. I got the paint, and whatever was wanted, from the store.

I gave two coats of green paint to one of Captain Vaughan's rooms, with paint procured from the store, which amounted to about two pounds and a half. I brought a keg containing about half a gallon of mixed yellow paint; Captain Vaughan told me to keep an account of what I took, and I told him about the yellow paint, on which he made no reply, so I used it. I was altogether eight days engaged in painting Captain Vaughan's house. The rest of the paint required was procured at Captain Vaughan's own expense. On a Saturday, I asked Captain Vaughan for half a day's leave of absence, for the following Monday, having friends from Montreal. He replied, that the Sunday would do. I did not return on Monday morning, when I was sent for, at nine o'clock, by Captain Vaughan, who asked why I did not come to work; I told him it was too bad, after having been so long in the service, not to have half a day for myself. He said, if you don't like to go to work, you need not return any more, neither did I. The house was not then done painting. In the winter, and while not engaged on the Lake Service,

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I was employed in working at Captain Vaughan's the most of the time. Michael Conway, also, was working with me at different times; I, as well as he, was paid by the board. This summer I was about five weeks, day and night, at Captain Vaughan's, during the absence of the family, except seven nights or so, when Captain Vaughan was at home, and then I went to the watch. Most of the time, Richard Main was alone to keep the watch; it is too much for one man, for any length of time, moreover when employed during the day, as he was, at Captain Vaughan's. Out of that time, I was paid twenty-one shillings from Captain Vaughan, for seven nights. (Captain Vaughan wishes to remark, that he was absent on duty, according to orders.)

I recollect, last fall, that a difficulty arose between Captain Vaughan and Mr. State, relative to my being employed by the latter, in the yard, to give two days' work which I owed. Captain Vaughan appeared to be very angry, and abused Mr. State. Captain Vaughan lifted his fist first to Mr. State's nose, and Mr. State did the same, and Captain Vaughan told State he was a mean scoundrel. I left them and went about my work.

Mrs. Vaughan ordered me to go to the store for six pillows, which I received from Mr. O'Brien, then in charge, and took them to the house.

And the Deponent further saith not, and declareth that this his Deposition contains the truth, and hath signed.

(Signed,) FREDERICK ROTTING.

Taken, sworn, and examined
before me, at Sorel, this 30th
day of December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Allowed for two days attendance, 5s. 7½d.

Adjourned at twenty-five minutes past nine o'clock,
P.M.,—Captain Vaughan being present.

Resumed at twenty minutes past nine o'clock, A.
M.,—Captain Vaughan being present,—Thursday,
31st December.

Captain Robert M'Kim, Captain of Steamer "St. Peter," being duly sworn on the Holy Evangelists, doth depose and saith:—I wish to state, that I did not come here voluntarily to give evidence in this investigation, but have been summoned by the Commissioners of Public Works. On being paid off from the Lake St. Peter Service, this fall, I determined not to look for further employment in the Lake St. Peter Service. On arriving at Montreal, I took the first opportunity of crossing to Laprairie, to my home, where I remained until I was called by the Commissioners to wait upon them, in Montreal, which was about the twenty-second or twenty-third of this month. I then went to the Board of Works Office, for the first time, and handed a letter, of which Captain Vaughan has been furnished with a copy; and I now declare that I never kept up a correspondence, while in the Lake Service, with Captain O'Leary or the Department, or with any individual respecting, Captain Vaughan, or the Lake Service, except the letter of which he has had a copy as stated, anonymous or otherwise; as I had, on going to Montreal, determined to interfere no further in the Lake

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business. I had been given to understand from Captain Vaughan, who engaged me, that my situation was permanent, and unjustly treated when paid off, this fall, by Captain Vaughan; against which I have appealed, by letter, to the Commissioners.

(Captain Vaughan being now present, begs to state, that having no reason of complaint against Captain M'Kimm, it was for mere reasons of economy that he paid him off.)

I say that both boats, the "St. Peter" and the "Vulcan," were often taken to Sorel for business unconnected with the Lake Service. It might have been sometimes for pleasure. I took no notice on the log for such trips, but noticed those made for the business of the Board. I kept the log as directed by Captain Vaughan, under whom I acted. I know that if I had entered those different trips, it would have caused difficulty with Captain Vaughan. I cannot say the number of times since I have been in the service, but it occurred several times. I have no recollection that the boat ever came up for any of Captain Vaughan's family particularly. I may, on consideration, call such things to my recollection. In one instance, I am aware that the "Vulcan" brought up to Sorel Miss Vaughan and other parties, in the summer of 1845. It was at Mrs. Vaughan's request that the boat came up, Captain Vaughan being absent at Montreal.

I am aware that the Dredges have been moved from the St. Francis bank further down the Channel, to better cutting ground, when people were expected from the Department, and other parties, such as persons from the Board of Trade, Trinity House, or others from Montreal. They were not shifted on every occasion, but frequently.

I entered the service in the winter or spring of 1844. I kept the accounts till I was paid off from the service, and most part of Captain Vaughan's correspondence, up to about two months before the close of the navigation. Captain Vaughan then appeared to have lost confidence in me.

Complaints were frequently made by the officers respecting the victuals. I frequently considered them as not sufficient. The quality of the fresh beef was often very inferior, and, at the end of the week, we sometimes ran short of butter, coffee, and vegetables; indeed, I may say, latterly we have not been supplied with vegetables. I only recollect of their being supplied once since we last began operations, but we were better found in other respects. I think that the officers should have been better found, and in some instances the men. To the best of my knowledge, the profits arising to Captain Vaughan, from victualing the officers and men, must have been about four or five hundred pounds annually.

I have no knowledge whatever of any articles having been taken from the store to Captain Vaughan's. I am aware that a skiff and yacht were built for Mr. Killaly, with materials chiefly belonging to the Department. I think the skiff is quite useless to the Lake Service. I always understood it was for Mr. Killaly's own purposes.

I think on an average, that the absence of the Steamers from the Lake Service, must have caused a delay in the works of one-third or one-fourth.

The men did not wish to complain of their victuals, for fear of being discharged. In one instance, I received instructions from Vaughan to discharge a man of the name of Maxime La Couture, for having complained of the victuals, but I did not do so.

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There were complaints on board, of which he was considered the leader; he was afterwards made Second Engineer of the steamer "St. Peter;" he proved to be a worthy man, as far as I know.

I think that Captain Vaughan has acted frequently with severity and harshness towards some of the people in the Lake Service. I have no doubt but that it has caused bad feelings between Captain Vaughan and the officers and men. I think that the service would be better conducted if otherwise.

As far as I know, I think Mr. State, since he entered the Lake Service, has always discharged his duties faithfully and honestly. I have no hesitation to say, that Captain Vaughan acted harshly, and sometimes unjustly, towards him, he had always a dislike for Mr. State.

I am of opinion that the boat which Captain O'Leary was charged to have lost by neglect, was broken adrift when Captain Wright took a scow in tow with the "Vulcan," that was inside of the scow she was made fast to, in consequence of the rope, she was made fast by, breaking. The boat was sunk, to prevent her shrinking by the sun.

The rope might have been broken without having been observed at the time. I think that Captain O'Leary is very fit for taking charge of his Dredge, and of fulfilling the duties connected with it. In the fall of 1844, after the boats arrived at winter quarters, Captain O'Leary got the worse of liquor. I stated so to Captain Vaughan. Captain O'Leary, to my knowledge, was never drunk before or after.

The Deponent further saith not, and declareth that this his Deposition contains the truth, and hath signed it.

(Signed,) R. M'KIM.

Taken, sworn, and examined,
before me at Sorel, this 31st
day of December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Travelling expenses and attendance to be considered and taxed in Montreal.

(Signed,) C. E. C.

Richard Main, of Sorel, being duly sworn on the Holy Evangelists, doth depose and saith:—While in the employ and pay of the Board of Works, I worked nearly the whole of last summer, with the exception of one month and a half, for Captain Vaughan. Frederick Rotting sometimes worked there with me. I was working about the house, attended the horse, and went to the Post Office and to the Lake with letters. I told Mr. State that I could not stand working at Captain Vaughan's during the day, and keeping the watch at night. I mean during four or five weeks.

The Deponent further saith not, and declareth that this his Deposition contains the truth, and he hath made his mark.

(Signed,) RICHARD ✕ MAIN.

Taken, sworn, and examined,
before me at Sorel, this 31st
day of December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Allowed for attendance, 2s. 6d.

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Baptiste Joncas, having been duly sworn on the Holy Evangelists, doth depose and say:—I have just heard read that part of the deposition of Henri Côté, which relates to my voyage with him below as a sailor. In substance it is correct. As to what he says about a blanket, I know nothing. I went down with Mr. Killaly, and another person named Cook, who worked as we did. The "Vulcan" towed Mr. Killaly's yacht to Quebec, about the latter part of last June. The day following, we started for Rivière du Loup, which we reached in the yacht. The next day we made use of the skiff to sound the River at the point of Rivière du Loup, which we left in the morning about eleven, to go to *Les Escoumains* to the north, where we remained two or three days, to the best of my knowledge. Captain Vaughan, and the Rev. Mr. Adamson accompanied Mr. Killaly. From there we crossed over to *Isle aux Basques* to land those gentlemen, who returned to Rivière du Loup by land carriage.

We waited three days for them, when Mr. Killaly, Mr. Adamson, and Captain Strachan came and joined us, and we crossed over to the *Escoumains*, where we remained fishing two or three days as we had already done. We then proceeded lower down to the River Gadabout, to fish and shoot. They occasionally ascended the river, in the small skiff, as far as the rapids. We remained eight or nine days at River Gadabout; thence we went to the Caribou Islands, lower down. We left them on the same day and proceeded to Metis, where we arrived on the following day. Having staid there about three hours, during which Mr. Killaly visited the bridge then being built over the river, we went to Rivière du Loup, where we remained four or five days. We then proceeded up to St. Thomas, and we anchored there for a day and a half. We then crossed to Grosse Isle, which we left at eight o'clock the next morning, and made for Quebec. The following night we got to the Peloton. Having staid there about a day, the "Canada" towed us as far as Batiscan, where we met Captain Vaughan, who had come down in the "Red Bird." Captain Vaughan, Mr. Killaly, and Mr. Rubridge, went to visit the Bridges at Batiscan and Ste. Anne; after that, Mr. Killaly went to Sorel in his yacht, which was towed by the "Charlevoix." We were absent about two months. I was paid like the others, by the Paymaster of the Lake, for the time I was absent. We received provisions for about a month and a half. On our arrival at Sorel, we received, from Mr. State, some money for our board.

The Deposition having been read, the witness declared it to be correct, and made his ordinary mark, a cross.

(Signed,) BAPTISTE ✕ JONCAS.

Taken, affirmed, and declared,
before me, at Sorel, this
31st December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Captain Vaughan being asked if he had any witnesses to produce, the Commissioner informing him that he was ready to hear them, declared he had none, and was satisfied with the manner and impartiality with which the Enquiry had taken place, but says he will make an official reply, accompanied with proper documents and affidavits.

(Signed,) D. VAUGHAN.

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George Starky, Joiner, of Sorel, being duly sworn on the Holy Evangelists, doth depose and say:— I have been in the employ of the Board for three seasons. Last spring, I spent about six or seven days in working at Mr. Killaly's yacht on the Lake. I was found and paid by the Board, at the rate of five pounds a month.

The Deponent further saith not, and declareth, that this his Deposition contains the truth, and he hath signed it.

(Signed,) GEORGE STARKY.

Taken, sworn, and examined,
before me, this 31st December,
1846, at Sorel.

(Signed,) C. E. CASGRAIN,
C. P. W.

Allowance for attendance and detention, 3s. 9d.

Closed at quarter past two, P.M.

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John Stevens, Carpenter, of Sorel, being duly sworn on the Holy Evangelists, doth depose and saith:—I have been in the employ of the Board since the winter of 1845. I worked as Carpenter at the yacht, during the whole time of its construction, and was paid by Mr. James Kelly. (I mean Mr. Killaly.) I worked at the yacht in the Lake, and while in the employ and pay of the Board, for about five or six weeks. I then received five pounds a month besides my board.

The Deponent further saith not, but declareth that this, his Deposition, contains the truth, and he hath signed it.

(Signed,) JOHN STEVENS.

Taken, sworn, and examined,
before me, at Sorel, this
31st December, 1846.

(Signed,) C. E. CASGRAIN,
C. P. W.

Allowed for attendance and detention, 3s. 9d.

STATEMENT of Timber and other Materials taken from the Ship-yard of the Board of Works, at Sorel, and used in the construction of a Yacht built for the Honorable H. H. Killaly at Sorel.

	£	s.	d.	£	s.	d.
46 Tamarack knees, at 6s. each				13	16	0
12 do do 3s. do				1	16	0
8 pieces of Tamarack, at 2s. 6d.				1	0	0
2 do do 20 feet by 8 inches square ...	17	9	4			
4 do do 6 do 8 do do ...	10	8	0			
Sundry pieces, 76 feet by 8 inches square.....	33	9	4			
.....62 2 8 at 4d.....				1	0	8
One White Pine log, picked up in the Lake, and brought to Sorel by the steamer "Vulcan," 42 feet long, by 20 inches square, 116 feet, at 3d. per foot				1	9	0
One Red Pine log, used for the mast of the yacht, and one taken for plank, the Red Pine came from Quebec				6	14	9½
100 boards, used by Mr. Skillins for the cabin of the yacht.....				2	10	0
1 cask of 3 inch spikes				2	6	0
50 lbs. of oakum				0	17	6
7 days work done by men employed in the yard, and paid by the Board of Works, at 4s....				1	8	0
For other men who have been occasionally employed at the yacht, 8 days, at 4s. per day...				1	12	0
Elm and Oak timber, brought from Montreal by the "Vulcan," on her last trip in the fall, viz:— 1 piece of oak, measuring..... 37 17 5=21 feet 1 do do do 36 11 12=33 do.....54 feet at 10½d.....						
About 14 or 15 Elm plank, measuring from 20 to 36 feet in length, and 14 to 18 inches in breadth, and 1½ inches thick, value				2	7	3
				3	0	0
				£39	17	2½
Timber got from Mr. M'Carthy's Ship-yard at Sorel, and used in the construction of the yacht, viz:— 1 log, Elm timber..... 44 12 13=47 feet. do do 38 13 14=48 do do do 31 10 10=21 do.....116 feet at 10½d.	5	1	6			
1 log, Oak timber..... 34 10 10=23 feet. do do 22 12 12=22 do do do 10 12 7= 6 do.....51 feet at 10½d.	2	4	7½			
6 Tamarack knees.....	1	0	0			
1 Spruce spar, 32 feet long						
do do 37 do						
do do 42 do						
do do 27 do						
} Cost.....	0	8	10			
	£8	14	11½			
Mr. Kelly paid out of the above sum, on behalf of the Honorable Mr. H. H. Killaly.....	4	3	8½			
				4	11	3
				£44	8	5½
Some of the Elm plank brought from Montreal, were used for the board, value about				1	10	0
				£42	18	5½

The foregoing Statement and Valuation I give as correct, to the best of my knowledge, and as part of my testimony.

(Signed,) THOMAS DAVIDSON.

December 29th, 1846.

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No regular inventory being made of the establishment at Sorel for the Lake St. Peter Service, Mr. Casgrain issued, before leaving, the following instructions to that effect, addressed to Captain Vaughan and the Store-keeper, Mr. State.

Sorel, 31st December, 1846.

Sir,

You are hereby requested to make an inventory of all articles belonging to each Steamer and Dredge respectively, and of all vessels and boats attached thereto; a statement of the condition of the engines, and of the several boats; what repairs they require; the quantity of coal and wood in the yard, and what will be required for the following season. You will be so good as to call upon Captains M'Kim, Davidson, and Wright, and Mr. Milne and Smith, Engineers, to assist you to that effect, so as to enable you more fully to report that which you are required to do at your earliest convenience. Any previous inventory of articles belonging to the "Vulcan" or "St. Peter" in your possession, you will please send to the office.

I have the honor to be,
Sir,

Your very obedient Servant,

(Signed,) C. E. CASGRAIN.

C. P. W.

To Captain D. VAUGHAN,
Superintendent, &c. &c. &c.,
Sorel.

Sorel, 31st December, 1846.

Sir,

You will please make an inventory of all articles in your charge, as Store-keeper of the establishment of the Lake St. Peter Service at Sorel, and send the same to the office of Public Works at your earliest convenience.

I am, your very humble Servant,

(Signed,) C. E. CASGRAIN,
C. P. W.To Mr. JOHN STATE,
Store-keeper,
Sorel.

Sorel, December 31st, 1846.

Sir,

In consequence of the number of allegations that have been made, during the present investigation before you, which it is my duty to myself to clear up, and as I shall for that purpose, require the evidence of parties (some of whom are at present at a considerable distance from this) which it will not be possible to obtain for some time, and whose attendance could not be procured at this investigation; in consequence of the suddenness of the notice I myself received of your intended proceedings, I most respectfully solicit a reasonable time to obtain the same, and to furnish a statement in my defence, supported by affidavits under oaths, which I trust will be considered with the other proceedings, prior to any action being taken upon them. Earnestly praying your compliance with this request, and that this letter may be

attached to and form part of the documents to be submitted by you in the matter in question,

I have the honor to be,
Sir,Your most obedient Servant,
(Signed,) D. VAUGHAN.

To the Hon. Mr. CASGRAIN.

P.S.—As you cannot, in consequence of your sudden departure from here, comply with my request by giving me a copy of the evidence taken before you, I most earnestly hope that you will, on your return to Montreal, be pleased to send me a copy of it, in order to enable me to prepare my defence.

(Signed,) D. V.

Montreal, 28th January, 1847.

Sir,

I have the honor herewith to hand you in my Statement, to which is added various affidavits and other documents in contradiction of the charges made against me, for mal-practice in the management of the work, with which I have been so long intrusted.

Having been unavoidably in town for some days for the collecting of the documents, I am desirous of getting down as soon as possible to see that all is going on right at Sorel, and on that account shall leave this day: but I shall be ready at any moment to come up, should you require my presence.

Mr. M'Kim has shown me the letter addressed to him from the office, directing him to go to Sorel and place himself under my direction and receive my orders; in reference to which, I beg leave to refer you to my letter of November last, in which I felt it my duty to acquaint you that, until the commencement of the work in the spring, a considerable reduction should be made in the establishment. Having received your instructions to carry out such arrangement, I did so at once, and Mr. M'Kim was included in it, as one of those whom there would be no means of profitably employing, until the works on the Lake began again.

I therefore wish to know in what way the Commissioners wish I should employ him; and with regard to Mr. M'Kim's letter, complaining of his dismissal, a copy of which was furnished to me, I beg leave to observe, there never existed any engagement (as he implies) by which he was to be retained during the winter. The reason of his having been employed in the winter of 1844-5 was this: a number of labourers being employed to drive pickets, &c., I asked permission to employ Mr. M'Kim as overseer thereof, which I was allowed to do; and the winter of 1845-6, we had a number of men cutting holes in the ice, and also raising and securing Berthier Bridge, and I obtained permission to keep him that winter also, overseeing the men: but having no such employment for him this winter, was the reason why he was not retained. The nature of his engagement was the same as that of the masters of boats, only for the season of navigation.

I am, Sir,

Your obedient Servant,

(Signed,) D. VAUGHAN.

The Honorable

W. B. ROBINSON,
&c. &c. &c.Appendix
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Montreal, 18th January, 1847.

Sir,

I have the honor to transmit to you, appended hereto, the affidavit which I stated, upon the closing of your investigations at Sorel, I would forward; and to account for what might appear delay in my doing so, to any person not acquainted with the circumstances; I feel it due to myself to remark, that your arrival and that of the witnesses collected and brought down to Sorel, in support of the charges against me, the evening before the morning on which the examination commenced, was the first I heard that such a thing was to be, and therefore, until I was furnished with a copy of their depositions, which was only yesterday week, I could take no steps towards procuring any evidence in contradiction of these charges.

The men whose evidence I wanted, were scattered over the country; some of them I have found with difficulty, and some I have not been able to meet with. Had I a reasonable notice, previous to the investigations, I would have endeavored, and I think successfully, to have laid before you abundance of evidence, not only fully to clear me of all blame, but such as would have fully exposed the plot that was laid, and the pains that have been taken, for a long time, to injure me in the eyes of the Board, at the head of which I consider Mr. Begley, whose hostility I can only account for, by the fact of my having felt it my duty, long since, to report the neglect of the Paymaster, his brother, in not duly paying my men: for having done which, Mr. Begley, on the first occasion of our meeting, told me I had better have left it alone, and that I should remember it. In fact, it is well known, and the Commissioners know it too, that he has been doing little else, for the last six or eight months, but blackening the characters of many in the Department, and that he does not hesitate to make use of the lowest fellows for that purpose. Even against Mr. Barrett, now the principal Engineer of the Board, and who he now pretends to think so much of, he had, just as the Commissioners took office, brought forward the most scandalous charges, of which he drew up a regular official document, and which must at this moment be in the office, which he never pushed further, because, I suppose, his protégé and tool, by whom he was to support the charge, was shortly after lodged in gaol, by Captain Wetherall, on a charge of stealing; but by the exertions of his, Mr. Begley's brother-in-law, (a lawyer,) being let out on bail, he made off to the States, being, according to current report, furnished with money for that purpose by Mr. Begley.

It must appear singular to the Commissioners, that for such a long time as three years, during which I have controlled this work, no complaints whatever have been brought against me, although many of the improprieties with which I am now charged, if true, were going on all that time, and that it is only now, upon the dismissal of most of the men, and when Mr. Begley himself holds office only *pro tem*, that for the first time they appear.

And I am sure it is useless for me to point out the conduct of Mr. State, which is such as to make his evidence not to be believed. His charges first begin with the details of a personal quarrel with me, and then he goes on to tell what, if it ever happened, he should if he was an honest man, or if his accusations were brought from proper motives, have long since communicated to the office.

He never says one word for nearly two years of all these improprieties, which he now suddenly finds

out; but in November last, after he had got a severe lecture from Mr. Casgrain for the improper state his store, &c. &c. &c., were in, he accused me of having drawn Mr. Casgrain's attention to it, and told me he did not care a damn for me or Casgrain, that he would go up to see Mr. Draper: and since then, he has evidently not been idle in his endeavours to injure my character, and in his desire to do this, he has had no difficulty in finding others ready to assist him.

I will now endeavour to answer the principal of the several charges brought against me, and give such explanations as will, in conjunction with the testimony I have collected, I trust satisfy the minds of the Commissioners of the purity of my conduct. The principal of these charges are—

1st. My having men employed repeatedly at my house, who were paid in the Public business, and who should have been employed thereon.

2nd. That in the painting of my house, the paint used was Public property, and that at various times, I made use of Public materials for my private use.

3rd. That the provisions furnished by me to the men in the establishment, were sometimes scanty, and at other times, not of good quality.

4th. That I permitted the boats under my control, and which should have been solely engaged in the Public Service, to be otherwise frequently used.

5th. That I allowed materials from the Public store, and men who were paid by the Public, to be employed in the building of a sail boat for the Honorable H. H. Killaly.

Before going into the evidence brought in support of the first charge, and my evidence and statement in contradiction thereof, I would again draw the Commissioners' attention to the curious conduct of Mr. State. He, the person solely charged with, and paid for the care of the yard, and of the stores, (to enable him to attend to which closely, he was provided with a house in the very yard itself,) shows in his own statement, which follows, that he knew nothing of what was going on in it; or, if he did, and that what he accuses me of is true, he was utterly unfit to be so entrusted. He says, "having learned that Rotting had been absent," &c. &c. &c. Now, if he had been attentive to his duty, he was the very person that should have been the first to discover and know that fact, and Rotting or any other man could not have been absent without his being aware of it. But it is clear, that he knew nothing at all about it, for first, "he takes Captain Vaughan's word (as he says) for Rotting's being absent seven times," and settles on stopping that much time from him; and several weeks after, when Rotting is dismissed by me for drunkenness, Mr. State finds out that Rotting had been nearly a month absent. And how did he find this out? He is told it by Mr. Rotting himself.

The evidence in support of the first charge is Mr. State's, who says, that "having learnt" that Rotting was absent from duty, in my employ, seven times, he stopped his pay. That he subsequently agreed to let him be paid that month, but he was to stop seven days from him the next month, but that, in consequence of my dismissing him early in the month, he had only been able to stop five days; the public thus losing two days. That subsequently Rotting told him, he had been absent nearly a month. Again State says, that Michael Kelly paid in the returns and employed cutting wood for the Department, while so employed, cut some wood for me, and

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that this wood so cut for me, he with others brought to my house; that Kelly was employed from May to December, 1845, during which time, one-half of his day was given to the Board, and the other half to me; and from the 1st December to 2nd July, 1844, all his time was given to me; and after that, he gave part of his time in the yard and part to me, until discharged in May.

Again, in May, 1845, that Richard Main and Michael Conway were employed in my garden, the former from the 21st of April to the 14th or 15th of May; and Conway assisted and worked with him during that time, and was paid by the Board. Conway states, in support of the first charge, that he was about thirteen months in the service, during which time, except two months, he was engaged about my house, attending a horse, going to the Post Office, and fulfilling the general service of the household. Again, that one day while he was tallying coals, he was taken from the work by Mrs. Vaughan's order, and remained that afternoon doing several jobs about the house.

Thomas Davidson.—While he worked in the yard, Kelly, paid by the Board, worked at times with me for half days.

John O'Leary.—(In support of first charge.)—That the men employed by the Board who cut the ice for the Ship-yard, did cut ice from which my ice-house was filled.

A. Wright.—(In support of first charge.)—He knows that Main, Rotting, Conway, and Kelly worked at different times at Captain Vaughan's.

Rotting.—(In support of first charge.)—Worked at the painting of Captain Vaughan's house, was eight days so engaged.

In the winter, when not employed on the Lake, was most of his time at my house. Michael Conway was with me at different times, both paid by the Board.

In 1844 was five weeks in my house, day and night, except seven days or so when I was at home.

Richard Main.—While in the employment of the Board, worked almost the whole of last summer, with the exception of six weeks, for me.

Frederick Rotting.—Worked with me. He was employed about the house, attending the horse, going to the Post Office and down to the Lake with the letters.

(Thus ends the evidence in support of first charge.)

As to the employment of the several men at different times about my concerns, charged against me in the foregoing, I beg leave to state, as I have already done during the course of the investigation at Sorel, that shortly after my assuming the command of the Works, finding that the constant instructions and communications that were sent down to me from the office, required a person to regularly attend on the arrival of the public passenger boat, and that when I was down on the Lake, as was usually the case, those letters, many of them marked "immediate," had to be forwarded down to me, I inquired of Mr. Conolly, chief Clerk in the office, and I think of Mr. Begley, if I would be allowed a man for such purpose. Mr. Conolly informed me, that the gentlemen in chief charge of the several works, had each about their office a person employed in attending to the Post, carrying instructions, attending to the fires, &c. &c. &c., and that he supposed that I was entitled to the

same assistance. I subsequently made the same enquiry of Mr. Killaly, the head of the Department, and having explained to him the nature of the work so required to be done, he told me that he considered such was reasonable and usual, and added that he had no doubt I would make such a person as generally useful in the service as I could.

For the correctness of this statement I refer to these gentlemen.

Accordingly, when absent, such person had chiefly to be about my concerns, and, among other duties, attended to my horse. When the weather was favourable, the messenger brought down the orders to me by water. When unfavourable, the horse was used. It was also, and at all times, used by me on Public Service when visiting the works, St. Ours, the Bridge below, going to Montreal, and in winter time, or whenever else I was ordered, and no charge has ever been made for it.

The foregoing statement will fully account for the charge made against me of having one man so frequently about my house; and I have only further to observe, on this point, that I endeavoured that his time should be made as available generally to the Public Service as possible, (as Mr. State's preceding evidence shows,) by his generally working half the day in the yard. With the exception of the Runner or Messenger so allowed me, the other men, who are said to be occasionally about my house, were the Watchmen, and no others; and with regard to their being there, it was in my absence, and not at my request, but voluntarily—was during the day, when their time was their own, and not abstracted from Public Service; and on the occasional days they were there, it was but for an hour or two usually, and even for this accommodation, which it is common for men so circumstanced to give freely, they were amply recompensed, not only by getting their meals but clothing.

It is stated that Rotting, while Watchman, was taken by me to stop at night in my house; this is true. Having to be absent on the service I was ordered to in Lake St. François, and to the Bridges below, I wished to leave Rotting then Yard Watchman (and who I had known for many years) in my house, as my family was also from home at the same time; and for this purpose, I sent Main the Messenger, who was a younger man, to take his place as Watchman, and placed Rotting in my house and to attend the boats.

With regard to the cutting of the ice with which my ice-house was filled, the facts are these: the men who were desired to cut the ice for their own use, went to work heartily, and cut as much, before any was drawn away, as would have filled their ice-houses, and when the Public ice-house was filled, I had mine filled with some of what remained, and a large quantity was left on the surface of the river, which floated up in the break up. The evidence I lay before you in contradiction of this first charge is—

P. O'Neil.—Who swears, that on several occasions, when applied to by Mr. State to go to work for him, he (O'Neil) refused, and on stating the fact to me, I told him to work for nobody; this man O'Neil was Yard Watchman, and the only Watchman when the vessels were not at Sorel; but when the vessels were there, there were other Watchmen to attend to them, and the latter are the men who I am charged with having permitted occasionally to work about my concerns. This took place in my absence, but I think I have already satisfactorily accounted for it.

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David Healy.—(As to first charge.)—"He swears that, as Blacksmith-helper, he was most of his time in the yard, and while so employed he saw Conway working about the yard, except about two hours each day;" this man Conway was at the time the Runner or Messenger allowed me, and it is, therefore, shewn by Healy, that, notwithstanding that, I made him attend to duty in the yard. Healy also swears he saw Kelly and Main working in the yard. Conway being discharged as Runner, Kelly was appointed. No two were Messengers or Runners at any one time, and so it happened that each of them, during the time of their so being Messengers, was about my concerns, as allowed. A large part of Healy's evidence goes to show the manner in which Mr. State performed his own duty.

Patrick Sallagher.—This evidence goes chiefly to prove that threats of one of the chief witnesses against me, (O'Leary,) after his having been discharged by me, that he would do all in his power to injure me, and that he had good encouragement from certain parties in that office.

John Saunders.—(On first charge.)—Is much of the same nature as the preceding witness, and proves that the charges are the result of a plot, as shown by the fact of several private meetings latterly held in the steamers, and attended by Captain M'Kim, State, &c. &c. &c., in which my name was injuriously referred to.

Jacob Savage.—(As relates to the first charge.)—Says, that on all occasions of his going, with his batteau, to the yard for fuel, Conway, the Messenger, always assisted him in loading the coals.

Richard Main.—(On first charge.)—That he entered the service in the spring of 1845, in the capacity of the Messenger or Runner allowed me, that he remained in that capacity three weeks or a month; that he attended to my horse, waited on the Steamboats, attended Post Office, and conveyed the letters down the Lake to me, and that during this time he worked half the days (each day) in the yard, except on the days he had to go down the Lake. That he was then appointed sailor on the "Vulcan," that he so continued until the summer of 1846, when he was ordered to the watch in the yard by me, and remained there nearly two months,—until, as he says, the other Watchman having been found drunk (but Côté's evidence shows that he, Main, was also himself drunk,) they were all dismissed by me next day. That during the time he was on the watch, he and the other Watchmen (when there were others) had the days to themselves, and might sleep or work as they liked. This second evidence of this man explains fully his former. While employed as Runner, part of his time was spent attending to my horse, to the Steamboats, to the Post, and to the carrying of my despatches down the Lake to me; the remainder of the time, he worked in the yard.

Thomas Forgrave.—(As to first charge.)—Was present, and heard me direct Mr. State to keep a regular account of any work that might be done for me at any time, and to let me know who the men might be that might so work, that he has seen me pay men for work they had done for me, that he himself and another man had worked for me, and were paid by me. He swears he was working in the yard when Conway was Runner, and that Conway was almost constantly in the yard also working, except the time he was absent on the duties before alluded to.

He swears that in the spring of 1845, Kelly was appointed Runner in Conway's place, and that he

(Kelly) also worked in the yard, generally from half-past ten to eleven; that during the winter of 1845 and 1846, Richard Main lived with me as servant, and was paid by me.

Frederick Rotting.—(On first charge.)—He worked, as he stated in his evidence before the Commissioners, for eight days in the painting of my house; that during this time he was Watchman, and he could well do so without injury to the service, as the daytime was his own; and generally, as to the getting up of the charges, he says that in October last, when in Montreal, O'Leary wanted him to go into the office to complain against me, which he refused, saying he had no complaint, and that at the office door he met a person, he believed Mr. Begley, who questioned him about green paint. From this, as well as the previous evidence and circumstances well known, it is clear, that for all this time, these charges have been plotted against me, although not brought up for nearly four months after.

Second charge, viz:—"That in the painting of my house, the paint used was Public property; and that at various times I made use of Public materials for my private use."

The evidence brought forward in support of this, is of Mr. State, on second charge.

That Michael Kelly was employed cutting up wood for the Department, which was mixed up with wood of mine, and that part of it was brought down to my house.

That green paint was taken from one of the boats, and used in painting my house.

Michael Conway.—(On the second charge.)—That a pair of blankets was taken from the store for my horse, that he (Conway,) took soap and candles from the Stores to my house, about fifteen or twenty pounds of soap, and twenty or thirty pounds of candles.

John O'Leary.—(On second charge.)—That half a coil of small rope was taken, at different times, for the use of my nets, and not returned by me,—but he cannot say whether it was lost or returned.

Allison Wright.—(On second charge.)—He remembers some green and yellow paint was taken to my house; the green was returned.

Peter Malone.—(On second charge.)—Painted the "Shannon," Captain Taylor's boat, with paint from one of the boats, by my orders.

Frederick Rotting.—(On second charge.)—He used about two pounds of green paint, from one of the boats, in the painting of my house; and he brought a paint vessel which had about half a gallon of yellow paint in it. He did not want the yellow paint, only the use of the vessel; he states, I directed him to keep an account of what I took. Again that he brought from the store, six pillows to my house.

Henri Côté.—(On second charge.)—Got a blanket out of the Store for my horse; that I told him, it was too good; he replied, he could not get worse. Before he got the blanket, he states he was sent by me, through the village, to buy a horse-cloth, but could not get one; and that I told him I would replace it. Does not know whether I did so or not. With respect to the foregoing, the items charged against me, are—1st. That some wood of mine was in the Public Yard, mixed up with some belonging to the Department, and was brought to my house.

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Explanation.—Upon the Board renting this Yard, there was in it a considerable quantity of old refuse timber, such as gathers together in all such yards, the produce partly of repairs, partly of broken up vessels, &c.

This old timber I bought for some three or four pounds, at the auction, in the fall of 1833, and it remained in the yard, some of it to this day. What is called the wood belonging to the Department, is precisely of the same description, good for nothing, and such as is cut up and burned in all such yards; some of it was cut up, from time to time, for the stoves in the yard. If I had not plenty of my own, I would have felt no hesitation in taking to my house all that was not burned in the yard.

Second Item.—That about two pounds and a half of green paint was used in painting my house, and a paint vessel, with about half a gallon of yellow paint, was brought there also.

Explanation.—My family had left home, and I took the opportunity of giving my house a thorough painting; all inside two or three coats, and outside and roof one coat.

There was a room formerly painted green which I wished renewed with the same color; as this could not be obtained in the village, I took some (about two pounds and a half of dry paint) from one of the boats, at the same time desiring an account to be kept of it (as is sworn to), and stating I would replace it when I went to Montreal; this I subsequently did, and an additional quantity to make up for the yellow paint which was in the vessel I wanted the use of.

Third Item.—That a paint vessel, containing about half a gallon of yellow paint, was brought to my house.

Explanation.—This is referred to in the foregoing; the painter wanted the use of the vessel but not the paint, the latter was replaced by green paint.

Fourth Item.—That a pair of blankets was taken for the use of my horse.

Explanation.—The cold weather having set in, and not being able to purchase a horse-cloth in the village, I sent to the Store for a blanket to cover him, intending to replace it, as sworn to by Côté. I really do not recollect whether it was ever replaced or not. This horse, be it remembered, has been at all times at the use of the Service, uncharged for.

Fifth Item.—That soap and candles, in all about fifteen or twenty pounds of the former, and twenty or thirty of candles, was taken, by Conway at different times, to my house; sometimes given to him by Mr. O'Brien, the Store-keeper, sometimes taken by himself.

Explanation.—Upon this item I can afford no other explanation, than that I do not believe the materials stated were ever so brought to my house.

The affidavit hereto appended of the then Store-keeper, Mr. O'Brien, states, that he being short of candles at one time, got a few pounds of candles from my house, and that he subsequently returned the same. He swears he never did give Conway either candles or soap, and that he, Conway, could not have taken them without his knowledge, more particularly, as during the time that he was Store-keeper, there never was any soap in the Store.

Sixth Item.—That half a coil of small rope was taken to draw my nets.

Explanation.—For the gratification of the men working in such a solitary situation, during after hours or when the Dredges were stopped by bad weather, and to let them have fresh fish, I procured, at my own expense, nets which the men of one boat would sometimes use, and sometimes the men of another boat. The small rope or heaving line was used by the men on such occasions, and sometimes was left in one boat and sometimes in another.

Seventh Item.—That paint was used, by my permission, in painting the outside of the "Shannon," Captain Taylor's boat, in the spring of 1845, which paint was taken from one of the boats.

Explanation.—I recollect, about that time, that Malone was painting some of our boats, when Captain Taylor, then at Sorel, on Sir Richard Jackson's Staff, asked me to allow his boat, lying alongside, to get a coat on the outside of black, and that he would return to me as much paint. I directed it to be done, and the paint was returned to me.

Eighth Item.—That six pillows were taken to my house from the Store.

Explanation.—My young children being sick with the measles, their mother sent to the Store-keeper for the loan of those pillows, to put under the children. The pillows were extra ones not in use, and Mr. O'Brien, the Store-keeper, sent them over to me. Subsequently, when Mr. State was appointed Store-keeper, I myself told him of these pillows being in my house, and that he could have them when required.

The practical point to be established by the foregoing is that, taking the charges against me all as true, the account against me stands thus:—

1st item, The wood, my own.			
2d. Green paint, 2½ lbs. 3s. 6d. per lb.,			
8s. 9d., returned	£0	0	0
3d. Use of paint vessel, 3d, the yellow			
paint being replaced by green.....	0	0	3
4th. A blanket, or a pair, not ascertained,			
(had been in use,) which say	1	0	0
5th. Twenty lbs. soap @ 3¼d., 5s. 10d.,			
30 lbs. candles @ 7½, 18s. 9d.....	1	4	7
6th. Small rope used by the men in			
fishing, but not by me, and returned	0	0	0
7th. Black paint for Captain Taylor's			
boat, worth say, 7s. 6d., but re-			
turned.....	0	0	0
8th. Six pillows borrowed and returned,			
say use of them at 1s. each.....	0	6	0
	£2	10	10

And by this account, therefore, it appears that I value my character for integrity, at two pounds ten shillings and ten pence, as during the four years I had the charge of these works this is the amount of the Public materials (on their own showing) that has been appropriated by me, and that in the face of every one in the service, without any attempt at concealment. The summing of the evidence, as relates to the second charge to which I append, is as follows:—

Patrick O'Neil.—(On second charge.)—He was Watchman until 1846, until the vessel being laid up, and some of the hands belonging to them kept of necessity, he was not longer required, and was discharged. He swears he received orders from me to be careful and cautious of every thing under his charge—that he never knew me to take or order to be taken, any of the Public property for my use. He swears that Conway told him he (Conway) was

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in gaol in Ireland. A good deal of this man's evidence is about Mr. State's conduct, when my back was turned.

David Healy.—(On second charge.)—Swears he has seen Conway drunk more than once, that he (Conway) told him he had sworn three times against drinking, and that he had broken three oaths. He swears he had heard me desire the Blacksmith to keep an exact account of anything that might be done for me, that the whole of it would not amount to one dollar.

John Gibbons.—(On second charge.)—Swears—knew Conway to have been accused by a man in Sorel of having stolen goods from him, that he (Conway) acknowledged, in the presence of the accuser and the witness and his wife, that the goods were in his possession, but that it was his wife who stole them. He swears he never knew of any part of the Public property being converted to my use.

Francis Robert.—(On second charge.)—Swears to the best of his knowledge, any ropes taken by the men to draw the net were returned to one or other of the boats.

Richard Main.—(On second charge.)—Swears he was on the Watch in the summer of 1846, and subsequently lived with me as servant, and was paid by me; never took any wood, or anything else, from the yard which was not my own.

Michael Forstell.—(On the second charge.)—Swears, was in the yard since 1844, never saw me, nor any person by my orders, take anything from the yard that was not my own.

Thomas Forgrave.—(On second charge.)—Swears, was in the service since 1844, is aware that I had plenty of wood in the yard, without using any belonging to the Public; there is wood of mine still there; there could be no wood taken, nor did he see any taken for me that did not belong to me.

Frederick Rotting.—(On second charge.)—Swears, that when painting my house, wanted a vessel to mix paint, went to the Steamer "St. Peter" of his own accord, without my knowledge, to get one; not finding an empty one, took one that had a little yellow paint, worth about three shillings and eight pence; that I told him, on all occasions, to keep an exact account of anything he might get for me.

To the foregoing on the second charge, is to be added the character given of Michael Conway, by E. L. Hayden, Justice of the Peace, Mr. Hunt and Colonel DeRouville, and the replies of Mr. O'Brien, in contradiction of Conway's statement as to his having got soap and candles for my use.

Third charge.—"That the provisions furnished by me to the men in the establishment, were sometimes scanty, and at other times not of good quality."

The amount of the testimony brought forward to support this charge is,—

Michael Conway.—(On the third charge.)—Swears, he told Mrs. Vaughan, that a man had complained of the food he got on the boat. That he described the man: That a few days after, Mrs. Vaughan told him the man would complain no more, that he was dismissed. That learning another man had been dismissed in his place, he told Mrs. Vaughan

so,—but he could not say whether the man was dismissed on that account.

Thomas Davidson.—(On third charge.)—Swears, that in the fall of 1845, the men in his boat refused to work, for want of proper victuals; they had complained once before.

He told them to complain themselves to me. They did so. The chief complaint was, that they had no pork, and they found fault with the beef. That the difficulty was settled between them on my explaining the reason why the pork was not sent before. The provisions served out were tea, pork, beef, biscuit, sometimes potatoes, the scarcity of which they complained of. The officers in his boat, as well as himself, were not satisfied with the board; that since the resumption of the works, last fall, it was better.

John O'Leary.—(On third charge.)—Swears, complaints were sometimes made by the men in his Dredge, of the victuals. The officers complained between themselves of the food; he did not tell me, lest he should create bad feelings between him and me. He did not consider the victuals good enough for the allowance made to provide them; that I said any man who complained should be put on shore; that he thinks fear of this prevented them complaining.

A. Wright.—(On third charge.)—Swears, that the officers and men complained of the victuals, that the men on Dredge No. 2 refused to work on that account, but on my explanation, they were satisfied. That at times he considered the victuals were deficient in quantity and quality. He thinks fear of dismissal prevented some from complaining. He himself discharged a man named Tomburant by my orders, for having complained in the village of his board, as he (the man) told him, but he (Wright) since understood he was discharged for another man in mistake; but his (Wright's) own intention was to have dismissed the man himself at the end of the month for insolence.

John Milne.—(On third charge.)—Swears, that the first time to his knowledge that a complaint against the victuals was made, was when the men of Dredge 2 refused to work, but on my explanation they resumed work. The next complaint was by himself to me, and that I gave him satisfaction at once. He thought the provisions deficient at times in quantity and quality, towards the end of the week, and not such as might be given for the price. That he has seen casks of beef opened and sent back, when not found of good quality. Never knew them to be short of biscuit or pork, except once on board No. 2. That Peter Bucknor had told him that my reason for being so severe on him (Bucknor) was, that he had complained of the victuals in the village.

Thomas Smith.—(On third charge.)—Swears, has been First Engineer of No. 2 Dredge since December, 1845. In the Spring of the year 1846, thought the provisions rather poor. Never heard the men complain. It was better in the fall.

Frederick Rotting.—(On third charge.)—Swears, the men sometimes complained of the scarcity of potatoes, which it was difficult to obtain. The principal complaint was against the butter; sometimes the butter was pretty good.

Robert M'Kim.—(On third charge.)—Swears, complaints were frequently made by the officers of the victuals. He considered them frequently as not sufficient. The quality of the fresh beef was often very inferior, and at the end of the week sometimes

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they ran short of butter, coffee, and vegetables. To the best of his knowledge, the profit for furnishing the victuals was four or five hundred pounds a year.

With respect to this charge about the victualling the men, before I state the sum of the testimony which I bring before you on it, I want to make a few general observations:—

When I was entrusted with the management of the Works, the men were found by Captain Dubord, under an arrangement made by Mr. Atherton, the Engineer. By this arrangement, the allowance for the officers' board was from three to four pounds per month, and for the men two pounds ten shillings per month, and Captain Dubord was allowed a dollar a day to pay for his board when on shore. Knowing that these rates were higher than usual, and more than were paid by the Steamboat Companies, I felt it my duty to state so to the head of the Department, with whom I was then in communication, arranging the establishment for the Spring work. In reply to his question, I told him I did not think that Captain Dubord or myself was entitled to receive an allowance of this kind when on shore. I also told him that I did not think there should be a difference made in the allowance for the board of the master of the boats and the other officers; and that I considered two pounds ten shillings round for the officers' board per month, and two pounds for the men, was sufficient, and was what was paid by the Steamboat Companies. Upon this, I was directed by Mr. Killaly to make arrangements accordingly, and that he would hold me responsible that the proposed rates should not be exceeded.

The supply of the men was therefore not sought after at all by me. I have never been desirous of it; and I have more than once written to the Office requesting to be relieved from it. These rates are the same as those paid in the village of Sorel at the boarding-houses, where, as well as in the large Steamers, there are much more facilities for procuring the board than I had. Even by the evidence in support, it is shown that in very few cases was a complaint made to me of the board; and it is admitted, that when such complaint was made, I gave satisfaction, and the men were satisfied with my explanation. These complaints are spoken of in the most general terms; but when closely traced up, appear to relate chiefly to potatoes, which were not to be had that season, as everybody knows, except with difficulty, and even then of bad quality. It is alleged, that towards the end of the week, sometimes butter and vegetables would run short; but it certainly cannot be wondered at, that butter should occasionally not be good on board heated boats, as all the Dredges and Tug-boats are, in a hot sun, without the conveniences to keep such matters.

The attempts made to establish the assertion, that "more complaints would be made of the victuals, were not the parties afraid of dismissal," contain contradictions in themselves.

Conway says, he told Mrs. Vaughan that a particular man complained of his food; and so anxious was he, I suppose, for his being dismissed, that he described the man particularly to her. But what happens? That man is not dismissed, but another is. That on this, he again told Mrs. Vaughan: but he cannot say whether the man was dismissed on that account or not.

A. Wright says that he himself dismissed a man (Pomburant) by my orders, for having complained of his board, as he, the man himself, told him. This

man is the same as that alluded to by Conway, and yet, in the next minute, he says it was his (Wright's) own intention to dismiss him for insolence: and one of the other witnesses "think" that fear of dismissal prevented the men making complaints; and yet every one of the witnesses state, that when complaints were made to me "I gave satisfaction at once," or, that "the men were satisfied with my explanation." It is not asserted by any one witness, that when a complaint was made to me, that I did not give satisfaction. From the statement by Milne, that the men of Dredge 2 stopped work on account of victuals, and resumed it afterwards on my explanations, it might be supposed that the work was really stopped, and after some long time of suspension, resumed again; and yet the fact is, that the work was stopped probably for half an hour, by the crew of one boat. And why? Because they were served out only with corn beef instead of beef and pork. Some delay had taken place in sending down the pork, which I had written to Montreal for, so that one day passed that pork was not served out. This witness admits he has seen casks of beef opened, and when not found such as they ought to be, headed up again and returned. He says also, that Peter Buckner (a man whom I had repeatedly to find fault with for the management of his engine, allowing it to "stop on the centre," and for going about his work with a long pipe in his mouth,) told him that my censuring him was because he complained of the victuals. If this was so, according to the other witnesses, who "think fear of dismissal prevented complaints," I would have dismissed him instead of faulting the management of his engine. Some of the witnesses state they never heard the men complain; but, as I said before, it is not asserted by one of them, but that whenever they did make any remark on their board to me, I gave them satisfaction. With regard to several of the others who say they "think" or "consider" the board might be better for the allowance, it is very probable the same would be said, no matter what the allowance was. With regard to Mr. M'Kim's calculation of the great profits I must have had, I have only to regret that he is so grossly wrong. It is not easy to make out how this fortune was to be made, when are considered all the disadvantages I lay under in procuring the necessaries, from the nature of the position of the Works, and the fact of the Steamer going up only on Saturdays for supplies; as well as the fact, that the food was served out to the men, not only at the usual and regular hours, but that they had free access to the victuals at all hours they wished for any; (this is necessary when men work the early and late hours that I required of them,) and that the board was furnished at the same rates as it is in the village, where so much greater facilities are for the providing of it.

I should further observe, that in October or December last, when Mr. Commissioner Casgrain inspected all the boats, and had all the crews together, and asked them if they had any complaints; they said, without a solitary exception, they had not; on which Mr. Casgrain expressed his satisfaction to me.

The statement of the evidence I bring before you, so far as they relate to this charge, is—

Patrick O'Neil.—(On third charge.)—Swears, while Steward of the "St. Peter," M'Kim, Master, the officers of the boat usually got for breakfast, potatoes, tea or coffee (whichever they preferred), bread, butter, and sometimes eggs. For dinner, roast beef, potatoes and bread, and tea or coffee when required. Supper the same as breakfast. The sailors got for breakfast, biscuits, tea, pork or beef; and for

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dinner, pork and corned beef, pea soup, potatoes and biscuits. They frequently objected to fresh beef and preferred pork.

The victuals used on board were better than he ever saw working men get, and such as no person should complain of. He never saw the least scarcity of provisions. My instructions to him, at all times, were to give the men plenty, and let there be no reason to complain.

David Healy.—(On third charge.)—Swears, he kept a boarding house in Quebec, the victuals he got and saw the others get, were as good as those he got in his own house.

John Saunders.—(On third charge.)—Swears, while Steward on board the Steamer "Vulcan," the provisions were always as good as men could expect. At one time, some barrels of pork came down, which were not good: they were sent back without being touched.

Swears, no blame can be attached to me for want of good victuals; that I always sent sufficient; and ordered him repeatedly to give the men plenty, and to let there be no room for complaint.

The butter was once complained of by Milne, it was at once taken away and other butter procured as soon as possible, and he was blamed by me for not having mentioned it before.

John Gibbons.—(On third charge.)—Swears, while he was on board the Dredge, the officers were always provided with very good victuals. They had beef-steaks for breakfast and supper, and roast beef for dinner, every day of the week, during the whole time; except on one or two occasions, when, at the latter end of the week, the fresh beef ran short. And he was told by me at all times, to give the men plenty at every time they wished to eat; and that I did not wish the men to complain. That they had plenty of potatoes, except in the spring, when there was no possibility of getting them.

James McQuillan.—(On third charge.)—Swears, was Second Engineer on board the "Vulcan," all the time he was in the service, (two years,) he was perfectly satisfied with the provisions, and had plenty of them.

Henri Côté.—(On third charge.)—Swears, on one occasion there was a complaint about the victuals, but he went that night, with the steamer, to Sorel to get provisions.

Francis Robert, Mate and Carpenter.—(On third charge.)—Swears, he has heard me order the several Stewards to give the men plenty to eat, and that I did not wish to hear any complaints in that respect: that he always found the victuals good.

Swears, that on one occasion there was a scarcity of potatoes.

Joseph Ronda, Mate.—(On third charge.)—Swears, that on two or three occasions, the pork was not the best, and that it was immediately sent back by my orders.

Michael Forstell, Ship Carpenter.—(On third charge.)—Swears, was on the Lake for part of two summers, and during all that time, they got as good victuals and usage as any man could require.

The only fault he found was, that I made them all work too hard, and obliged them to work before and after regular hours.

Fourth charge, viz.:—"That I had permitted the boats under my charge, and which should have been solely engaged in the Public service, to be otherwise frequently used."

The evidence brought up to support this charge, is—

Thomas State.—Who says, that in the summer of 1845, he remarked, that I came up to Sorel in the Steamer "Vulcan" from the Lake, several times, without any business connected therewith.

One instance he recollects, the boat having been up one night, and having returned again the second night after, he learned that Miss Vaughan and another young lady were taken down, and were sent back in the boat with a gentleman, it being a pleasure party.

Thomas Davidson.—To his knowledge the Steamer "Vulcan" was absent from the Lake several times, and, according to report, on business connected with the Service. The "Vulcan," during the Summer of 1845, went twice below Quebec.

John O'Leary.—Is of opinion, that the absence of the Steamers from the Service for such a length of time delayed the works considerably. The difference in the work of his Dredge was one-eighth the first time (eight days), as to the second time (two days), he cannot say. (Note.—The boats were not then at work.)

A. Wright.—Was once ordered up from the Lake, the summer before last, by Mr. M'Kim, to bring up Mrs. Vaughan, &c. Has known it to be often absent from the Service, when Mr. Killaly and others came down to inspect the work, after which it was taken to different places on shooting excursions.

It happened different times, he cannot say how often. Knows that different parties have been landed below Sorel, who were not, in his knowledge, connected with the Department. Last fall, recollects the boat, when proceeding to the works, took down the Rev. Mr. Adamson, and another gentleman, and brought them up below Sorel the next day. Last year, when the works were stopped, took down Mr. Killaly to Quebec, and had his boat in tow. Absent two days; stopped at sundry places on returning, to enquire about a Buoy which had gone adrift.

John Milne.—The Steamer "Vulcan," was several times, while under my command, absent on pleasure parties. One instance, Miss Vaughan and Miss Sparks went down to the Lake, in the "St. Peter," on a Sunday night in the summer of 1845, and were put on board the "Vulcan" that same evening. That on Monday evening, these young ladies returned with me, being on my way to Montreal. The distance from Sorel to the New Cut is about 12 miles. That the "Vulcan" was often at Sorel for business unconnected with the Service. I was not on board each time. On Wednesday afternoon, Messrs. M'Mahon and Stevens came down in a small boat, and came on board of the "Vulcan;" that same evening, the "Vulcan" proceeded to Sorel, where it left the parties. That the statement made by two of the witnesses, of the "Vulcan" going below Quebec, is correct.

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Mr. M'Kim.—Says that both boats, the "St. Peter" and "Vulcan," were taken to Sorel on business unconnected with the Lake.

It might have been sometimes for pleasure. Cannot recollect the number of times since he entered the service. In one instance, he is aware that the "Vulcan" brought up Mrs. Vaughan, &c. It was at Mrs. Vaughan's request that the boat came up; Captain Vaughan being absent in Montreal.

Henri Côté.—Refers to the two trips of the "Vulcan" below Quebec, and explains how she was employed.

Baptiste Joncas.—Same as Côté's.

In the foregoing, I am accused of letting the boats be employed on service unconnected with the Lake Service; and the use of the words "pleasure trips" by one of the witnesses, would lead one, unacquainted with the facts, to think that on those occasions the boat was really employed on pleasure trips: but the whole is easily explained. The employment of the boat, so referred to, was of three kinds:—

First.—Two trips were made by the "Vulcan" below Quebec, in the year 1845; and one trip to Quebec in 1846, when the work on the Lake was suspended. My authority for those trips was that of the head of the Department. The nature of the employment in which she was engaged on the two trips in 1845, is shown by the evidence of Côté and Joncas, to have been examining for the sites of piers, &c.

It was certainly not connected directly with the improvement of the Lake, but was immediately connected with the improvement of the navigation of the River lower down; and I presume the services of the boat were, on that account, considered applicable to it. We might, however, have made the second trip with the tools to the *Chemin des Caps*; but Mr. Killaly, after I had left him the first time, had repeated his examination of the sites of the works, and made some changes, which he wished to ask my opinion on. The trip in 1846 was to seek one of the Buoys which had broken away, and it was therefore on Lake Service.

Secondly.—The trips I include under the second head, are the several trips made by the boat in the neighborhood of the Lake. They were all on Public service, and were a trip I made by orders received from the Office, to bring Mr. Killaly and the Engineer of the Board to the *Bout de l'Isle*, where the day was spent in sounding and examining for the sites of the several large Bridges to be built there, ascertaining the strength and sets of the current, &c. A trip made to Nicolet, on which occasion the Honorable Messrs. Daly and Killaly proceeded, by appointment, to examine into the grounds of objection raised against the proposed sites of the Bridges there; to examine all the sites. A trip the boat made to bring down the Board of Trade of Montreal, to enable them to judge of the proposed Channel. Another similar trip, upon which occasion some Members of the Board of Trade, Commission of Enquiry, Captain Boxer, &c., went down for the same purpose. Another trip of the same description, with some Members of the House of Assembly, for the same purpose. Three trips up the Richelieu at different times—two of them early in the spring, before the ice had left up the St. Lawrence—to bring down castings, &c. &c., which were required before going to work, and were sent over land to Chambly, as the ice was not safe opposite Sorel; and one, with Mr. Casgrain and Mr. Barrett,

to inspect the works at St. Ours. These, with the ordinary and necessary trips to Montreal for materials, &c., account for all the trips which I include under this second head.

Third.—Those which I suppose are meant by the pleasure trips. The only instance of the so called pleasure trips of which I am aware, are,—

One case, in which my daughter was brought down to the Lake and back.

With respect to it, an order was received by me, in Sorel, requiring me to go to Montreal; before I did so, I wished to see the boats all started at work for the week. I therefore, went down, on Sunday evening, in the "St. Peter," (she having come up for the supplies, and, as usual, on Saturday night,) and I brought my daughter and a young lady, her friend, with me. I remained at the works during Monday, and after work hour, returned that evening, in the "Vulcan," to Sorel, to take the mail boat that night, so as to be in Montreal early on Tuesday morning.

The "Vulcan," immediately after landing me at Sorel, returned the same night, to be ready for her work in the morning; and as I expected to have no delay in Montreal, I directed that she should be brought up to meet me at Sorel, on Wednesday evening, in order to bring me down to the work again.

My daughter and her friend remained in the boat on Tuesday, and came up in her on Wednesday evening, to meet me, as I have already stated. Not a moment of the boat's time was thereby lost.

With respect to the trip upon which Mr. Adamson and his friend were brought to the Lake, I have only to state, that gentleman having gone down to Sorel, to preach a Charity Sermon, I told him after service, on Sunday, that I would be going the following morning early, down to the Lake, and if he wished to see the boats working, I should be very happy to bring him; and that I had to return with a statement of supplies required, that same evening; (not the next day as it is stated in the evidence,) and, as the weather was fine, I would have a vehicle to meet me opposite the islands, which would bring us up to Sorel. Mr. Adamson availed himself of this opportunity, I so afforded him, of seeing the works; and we returned in my vehicle, not in the boat.

Again, with landing Mr. Killaly on some of the islands after inspecting the works, I have to observe that, that gentleman on a few occasions, not more during the whole time than three times, to the best of my recollection, brought down his gun with him; and, as stated in the evidence, after his inspection, he got me to land him on some of the islands. On one of these occasions, Mr. Killaly was accompanied by Messrs. Calcy and Draper. But the matter is really unworthy of notice; especially as the steam has to be kept up all the time in the tug vessels.

Finally, the boat made a trip to Three Rivers, by orders I received through Captain Rayside from Mr. Begley, who had gone down to the Three Rivers election, and having left his wife in Sorel, he desired the boat to be sent to bring him from Three Rivers to meet her at Sorel.

Fifth charge.—"That I allowed materials from the Public Stores, and men who were paid by the Public, to be employed in the building of a coal boat for the Honorable Mr. Killaly."

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Upon this fifth charge, it is only necessary for me to make a few remarks.

Mr. Killaly had been down the river in the "Red Bird," in 1845, on the surveys of some sites for piers, &c. On his return, he told me he found the accommodation, which the portion of the boat, which was covered in forward, afforded, was very wretched, and that he did not consider the boat, as it then was, safe for such duty; and that he would have to go down again next year (1846), and probably should go to Gaspé; he wished to know if I could cover her in, and make some improvement in her. I told him, that she was an old boat, and that I did not think her worth laying out money on. He then asked me if I thought he could get a suitable one to charter. I told him, I thought he could get no boat, except an open boat, or a decked one that would be too large and expensive for his purpose. Mr. Killaly then stated, there was so much to be attended to below, for which such a vessel was required, that the Department ought to be provided with one. Some weeks after, he mentioned to me that he had been considering the subject, and that if even he could get such a vessel ordered, it could only be through the Legislature, and that then it would be too late for use in 1846; and that he had made up his mind to build one himself. He consulted me as to the cost, the time required for its building, &c. I told him it would cost about one hundred and fifty pounds, that if he would decide on her being built that winter, he would have several advantages: that she could be built in our yard, or the one adjoining, by which I could, as well as our Foreman, occasionally pay attention to her; that I would do so cheerfully; and that the Foreman Carpenter (Davidson), whose duty did not require him to work himself, could not only have an eye to her construction, but that I was sure he would often lend a hand at a fancy thing like her; and further, that some of the Watchmen, Mates, &c., were handy fellows, and could often, without interposing with their duties, assist in doing occasional jobs about her. All the expensive parts were ordered from the first house; the sails, &c., from Hunt of Quebec; blocks, ropes, &c., from Carter & Cowan; the oak for the keel, kelson, &c., and elm for her bottom sheeting, were procured by Mr. Killaly himself; and some of the deck plank and inner work, was done from timber picked up by men on the Lake, who turned out more than once on Sundays, in volunteer parties, for that service, several rafts having been wrecked, and so scattered, that no search was ever made for portions of their contents in some quarters. Some of the timber so gathered was used in the boat, the greater portion by the men who gathered it.

Prior to beginning the building of the boat, I had told Mr. Killaly that the *habitants* used to bring in, during the winter, tamarac knees, and that I could procure him sufficient for his boat for a mere trifle: but subsequently, Mr. Killaly having expressed his wish that the boat should be forwarded as much as possible, before my time and that of Davidson would be busily occupied in spring, in order not to lose time I made use of some knees which were left in the yard after the building of the scows: by so doing, the cost of the knees will be more than double what Mr. Killaly would have had to pay, if he waited for the *habitants* to come in. Of them, as well as of all other materials whatsoever, I directed a strict account to be kept. Such were Mr. Killaly's repeated instructions to me, and that I did so, is abundantly admitted even in evidence brought against me. And so particular was I on this point, that when I learned that Davidson was about to go to Quebec after being paid off, I went to him, and told him to be careful and

leave me the account of the materials taken from the yard for the boat.

I append hereto his affidavit to that effect, in which it is particularly stated, that I did this long before any investigation was dreamed of.

The statement of materials is not correct in some particulars, as I will show when I have leisure to furnish it regularly. I think from the foregoing, it must be clear that no intention whatever existed, of permitting any portion of the Public materials to be used in the construction of this boat, without being duly paid for, and from the nature of the service the boat was required for, I considered myself fully justified in facilitating her construction in any way in my power.

With regard to the temporary accommodation of several little matters, use of ballast, mattresses, &c. &c., I don't think it necessary to take up the time of the Commissioners in offering any explanations: and as to the hauling of her up on the stocks, it was done when the vessels were laid up, and when the hands, who were under pay in the service, were then doing nothing.

As to the building of the skiff, (as I have already stated in my answer to a set of questions put to me by Mr. Killaly,) I had her built by order of Mr. Killaly: the object in building her, I understood, was partly that Mr. Killaly might in fair weather be able to use her instead of one of the large gigs, which required four or six men, and partly because it was necessary when Mr. Killaly went down in the "Red Bird," that he should have a boat along with her to put him on shore when he wished, and so light that he could easily have it lifted up out of the water, and stowed on board. The boat was accordingly built very light, and I had Mr. Killaly's directions that she should only be used when he required her; for was she to be used knocking about by the men, she would soon go to pieces.

I wish to make a remark or two about the moving of the Dredge, for in the malicious manner in which it is represented, it is sought to make it appear, that I wished to deceive as to the works of the boat.

When I understood that Messrs. Draper, Caley, and Killaly were coming down to inspect the works, the boat was working in a position where almost the whole work was done, and where the bottom was all in furrows, so that sometimes the buckets would come up quite full, when they happened to come across a ridge, and when they got over the furrow, they came up light. I was desirous of letting Messrs. Caley and Draper see what the boat was capable of doing when in full action; and, therefore, had her moved down to a new place.

Thomas Davidson, on this point, says, that once in the spring of 1846, when a visit was expected, his Dredge was moved from the head of the channel lower down, by my order; but he immediately added, he was not moved back. Now the head of the channel was where most of the work was done, and the portion of the entire work which was most advanced.

O'Leary, on the same point, says, that once in the summer of 1845, and once in the spring of 1846, when a visit was expected, that he was ordered, by me, to move the Dredge to a less difficult place. But even he also, in his evidence states, immediately, "I believe we often did as much work on other days, as we did during those days we were moved, when we received official visits."

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Mr. M'Kim states, he is aware that the Dredges have been moved from the St. Francis Bank further down the channel, to better cutting, when people were expected from the Department, and such as persons from the Board of Trade, Trinity House, &c.; they were not shifted on every occasion, but frequently.

Now the two preceding witnesses, Davidson, the Master of one Dredge, and O'Leary, of the other, prove,—the former, that once his Dredge was moved, but was not moved back. The other, that once in 1845, and once in 1846 his Dredge was moved, but that he did as much work on other days when not moved. The two latter witnesses, (the Masters of the Dredges,) must be admitted to know better than Mr. M'Kim of the moving of their boats.

In this part of Mr. M'Kim's evidence, he states, that until about two months before the close of the season, he had charge, not only of all my accounts, but also, of my correspondence; surely, then, if there had been any impropriety in either, he had abundant opportunity of knowing it. Mr. M'Kim begins his testimony by pretending he was an unwilling evidence, but the private meetings he held have been sworn to, and the preceding part, relative to the frequent change of the Dredge boats, (contrary to the testimony of the Masters of the boats,) as well as the whole of his evidence, shows clearly in what spirit his testimony is given. He speaks of frequent complaints being made, on board his boat, about provisions, but he does not presume to say, he ever made the complaints known to me; if there was cause of complaint, therefore, it lay with him, not with me.

By the evidence brought forward by me, and from that of the witnesses themselves against me, as well as the proof given of the private meetings of Messrs. M'Kim, State, and O'Leary, the farce of those gentlemen complimenting each other, and giving each other good characters, must be seen through by the Commissioners. Mr. M'Kim compliments Mr. O'Leary, and "thinks him very fit to take charge of his Dredge;" of Mr. State he says, "As far as I know, I think Mr. State since he entered the service, has always discharged his duties faithfully and honestly." (Note, Mr. M'Kim's duties were down on the Lake, Mr. State's in the yard; and the manner in which Mr. State really performed his duty is sworn to by the men in the yard.) Mr. State returns the compliment, "He knew Mr. M'Kim since 1845, and he bears the character of an industrious, sober man," &c. &c.

From the whole of the foregoing, the truth of which is fully established, not only by the testimony that I have brought forward, but even by that of the accusers themselves, it must be seen perfectly by the Commissioners, that the entire of the accusations are the result of a malicious plot against me; and that they were not brought forward upon Public or creditable grounds.

The parties more immediately and openly in this plot, were State and O'Leary, aided by other parties whose services I had dispensed with; but these have been most heartily assisted by Mr. Begley, the Secretary, as the whole proceedings, as well as his repeated and private interviews at his house, and at the Office, up to the present moment, with Conway, shews.

What the character of this man Conway is, is amply proved by the first document appended hereto, from Colonel DeRouville, and the two following

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ones, as well as by the testimony of O'Neil, Healy and Gibbons.

But Mr. Begley has a happy knack of finding such assistants, when he desires to attack the character of any one whom he wishes to destroy. See his attack on Mr. Barrett, already alluded to.

From the beginning, State boasted of his influence with Mr. Draper, that "he did not care a damn for Mr. Casgrain," and even the connexion of this gentlemen (Mr. Casgrain) with the Messrs. Armstrong (who have been all through so bitter against me, and one of whom had solicited my situation previous to my appointment), has not been allowed to pass without reference being made to it, and the certainty therefrom, "that Captain Vaughan would be dismissed this fall" has been openly asserted. The hostility of Mr. Begley I have shewn to have arisen from my having been obliged to report the neglect of his brother, the Paymaster; and when the position which Mr. Begley still holds, and which gives him access to every document in the Office, which enables him to catch the ear of every one going to it, and gives him the gratification of working up against me, or any person to whom he feels animosity, the feelings of any one who might consider himself aggrieved, from having been dismissed; and the attacks upon me to which the foregoing is an answer, cannot be at all wondered at.

I have the honor to be,
Sir,
Your obedient Servant.

D. VAUGHAN.

27th January, 1847.

The documents appended hereto are—

1. Colonel de Rouville, character of Conway.
2. Mr. Hunt do do
3. Character of Conway, by E. L. Hayden, Esquire, J. P.
4. Mr. O'Brien's statement, contradicting Conway's evidence.
5. Mr. Davidson, affidavit as to his having received particular orders from me, to furnish me with an account of all the materials used.
6. Statement of P. M'Ree, Esq., J. P.
7. Patrick O'Neil's affidavit.
8. David Healy's do
9. Patrick Galagher's do
10. John Saunder's do
11. John Gibbon's do
12. Jacob Savage's do
13. James M'Quillam's do
14. Henri Coté's do
15. Francis Robert's do
16. Joseph Rondo's do

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- 17. Richard Main's affidavit.
- 18. Michael Forstall's do
- 19. Thomas Forgrave's do
- 20. Frederick Rotting's do
- 21. Edward Reas do
- 22. William Calverts's do
- 23. Mr. Parkins's do
- 24. Captain Rayside's do

No. 1.

Certificate of Mr. Conway's character, by Colonel de Rouville, of William Henry.

Michael Conway lived in my employ for twelve months, during which time, I experienced very little satisfaction from his services.

I knew him to violate the pledge against taking liquor twice, and found him frequently in a state of stupidity from effects of intoxication.

I have no hesitation in saying, from his conduct with me, that he is, on the whole, the worst and meanest character that ever entered in my employ.

To all whom it may concern.

(Signed,) HERTEL DE ROUVILLE.

Sorel, the 15th January, 1847.

No. 2.

Sorel, 16th January, 1847.

Sir,

Having been called on to state what I know concerning the character of Michael Conway, I have to say, that I have known him since his arrival in Sorel, in the summer of 1842. He has been in my employ occasionally, and I have reason to believe him artful, ungrateful, false, and unprincipled. I can say nothing good of him, and am prepared to attest the above on oath, and by evidence, if called on.

ROBERT HUNT,
Gardener and Seedsman.

Captain VAUGHAN.

No. 3.

I certify that Michael Conway was last year a tenant of mine, having lived in a house of mine for about nine months; that he left it without paying the rent, or any part of it during that time, nor has he since; that he told me Colonel DeRouville owed him twenty pounds at a time, when I do not believe he owed him twenty shillings.

To all concerned.

E. L. HAYDEN, J. P.

William Henry, 11th January, 1847.

No. 4.

Montreal, January 24th, 1847.

Sir,

In reply to yours of the 20th instant, I beg to return the following answers to the Questions there-in put:—

Question.—Did you give Michael Conway for me, or permit him to take, at sundry times, 15 or 20 lbs. candles, and 20 or 30 lbs. soap?

Answer.—I did not. And never allowed any person to have recourse to the stores, excepting when I was present. By a reference to the books of the Board of Works, it will be found whether, at that time, I had 20 or 30 lbs. soap, the property of the Board. I distinctly assert, that the only soap that was in my house, was my own private property.

Question.—Did you at any time tell Conway, or any other man, to take whatever he wanted for me?

Answer.—I did not, and would not allow it.

Question.—Do you know of any of the Public stores having been converted to my private use?

Answer.—Never.

Question.—Be so good as to state any thing you know as to men working for me.

Answer.—In December of 1844, you either purchased or received of the Firm of Molson & Vaughan, a quantity of old pickets, which Mrs. Vaughan requested me to get sawed up into firewood. I immediately employed Thomas Forsgrave, and George Mathews to do that work; they were at it for one day and a half before you noticed that they were so employed, when you, in a very harsh tone, reproved me for employing the Board's men to do your household work. I replied to you, in (I think,) the presence of Captain M'Kim, come up to my private office and I will show you the time list, and see if there is any time returned for Forsgrave & Mathews; for yesterday I paid them with my own money, which was afterwards repaid me by Mrs. Vaughan.

Yours respectfully,

DENIS O'BRIEN.

No. 5.

I hereby certify, that when the boats were laid up here, I intended to proceed to Quebec, which when Captain Vaughan ascertained, he called on me and requested of me to leave him a copy of the statement of the materials taken from the yard, for the use of the yacht.

This was before I heard or thought that any investigation was to be held.

To all whom it may concern.

THOMAS DAVIDSON.

Master of No. 2 Dredge.

Sorel, January 15th, 1847.

Signed in my presence.

C. P. J. HARE.

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No. 6.

Sorel, 4th January, 1847.

Dear Sir,

As you were pleased to purchase from me the biscuit which you required for the Lake St. Peter Service during the three years past, I can safely state that they were of the best quality that could be made, less on one occasion. I remember some complaint having been made to you regarding the quality, and your strict orders to them, and always has been, to have them made of the best quality, as you said you wished, if possible, to put it out of the power of the men to find fault with the provisions.

I sold you a tinnet of butter last fall: it was returned home, and all the fault I could find with it was, that it was rather salt.

I afterwards sold it to the inhabitants, and it was not found objectionable.

I further remember, in regard to the biscuit, when a sample was shown to Captain Morton, he observed that "Jack would not thank you for them," as they were by far too fine.

I remain, your most obedient Servant,

PETER M'REE.

Captain VAUGHAN.

No. 7.

Personally came and appeared before me, E. W. Carter, Esquire, one of Her Majesty's Justices of the Peace for the District of Montreal, Patrick O'Neil, late Sergeant of 81st regiment, now an out-pensioner of Chelsea, resident in Sorel, County of Richelieu, who being duly sworn on the Holy Evangelists, doth depose and say:—That on 11th May, 1846, he, the Deponent, was employed by Captain Vaughan as Watchman in the Board of Works Shipyard, in Sorel; from which period until I was discharged from the watch, I had strict and repeated orders, from Captain Vaughan, to be careful and cautious of every thing under my care, and not to allow any of the Public property to be lost or stolen. Captain Vaughan never left the yard without repeating these orders to me. I never knew Captain Vaughan to take or order to be taken, any of the Public property for private use. Mr. State, the Store-keeper, repeatedly required me to go to work to his house, to do his own private business. I refused and told Captain Vaughan. Captain Vaughan then told me to work for no person, but to attend to the watch. I then told Captain Vaughan, that Mr. State seemed displeased because I would not work for him. Captain Vaughan said, that was no consequence, that I should work for no persons. The day after this happened, I went into the forge and told the Foreman Blacksmith, that Mr. State reproached me the evening previous because I would not work for him (Mr. State). I said, it was not in accordance with my agreement with Captain Vaughan, to work for Mr. State or any other person, and that I would leave the employment, but that I did not wish to displease Captain Vaughan. The Blacksmith (George Ford) said in reply, that Mr. State did not like me, and that he (Ford) did not know the reason why. At this time, Captain Vaughan was at the Lake. Mr. State, on another occasion, said to me, "It would

be better for you if Captain Vaughan had given me my way in agreement with you." On another occasion, three men were employed in wheeling coals from the wharf, and I was keeping tally, Mr. State came and ordered off one of the men to go to his (Mr. State's) house, to do some private business for him (Mr. State). Mr. State then came and snatched the tally in a very rough manner out of my hands, and told me to go and wheel coals, instead of the man that he sent to his own house, whom I then saw drawing water, cutting wood, &c., for Mr. State. This man that Mr. State sent on this day to his (Mr. State's) house, was almost continually working for Mr. State at his house, except when he would see Captain Vaughan coming, and then he used to come and work in the yard until Captain Vaughan went away, and then he would go and work at Mr. State's house again. As long as I was Watchman in the yard, I have scarcely ever seen Mr. State at the wharf on the arrival of the boat from the Lake, and if there were any orders for him from Captain Vaughan, I was obliged to go to his house for him, or bring the commands to him.

When the other Watchmen were discharged by Captain Vaughan for repeated intoxication, Mr. State recommended this man, Timothy Flaherty, (he that always worked for Mr. State), to Captain Vaughan, and requested of him to take this man in as Watchman. This man spent (to the best of my knowledge) the three-fourths of his time working at Mr. State's own house, while he was returned with full time on the pay list. While I was Watchman in the Yard, I have known Richard Main (the man that attended the Post Office for Captain Vaughan) to go frequently to the Lake with letters to Captain Vaughan. He usually went in a canoe; sometimes alone and sometimes accompanied by another man. About the 9th September, 1846, I was employed as Steward on board the Steamer "Vulcan;" in a short time after, I was transferred to the Steamer "St. Peter," in capacity of Steward, where I continued until the boats were laid up in the fall. During my continuance on board, the officers of the boat usually got for breakfast beef-steaks, potatoes, tea or coffee, whichever they preferred, bread, butter, and sometimes eggs. For dinner, roast beef, potatoes and bread, and tea or coffee, if required; supper, the same as the breakfast. The sailors got for breakfast, biscuit, tea, pork or salt beef; and for dinner, pork and corned beef, pea soup, potatoes and biscuit. They frequently objected to fresh beef, and preferred pork. The victuals used on board were better than I have ever seen working men get, and were such that no person should complain of. I have never seen the least scarcity of victuals on board. There was always a superabundance. I have repeatedly taken vegetables from Sorel from Captain Vaughan's garden, and used them on board the boat.

There was always a sufficiency of vegetables until the close of the navigation, when there was no possibility of getting them. Captain Vaughan's directions to me on all occasions were, to give the men plenty, and let them have no reason to complain. I have never heard Captain Vaughan abusing or scolding any of the men on board. When Captain Vaughan came on board, he usually addressed himself to the officers. From the repeated interviews which I have seen to take place between Captain M'Kim and Mr. State latterly, I have reason to suppose that they were plotting for Captain Vaughan's subversion. I have frequently seen them conversing together privately, as if they were meditating something of a very private and important nature. This I have before remarked to a certain individual.

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I further beg to say, that I have served twenty-two years in the British army, that I draw a pension of 1s. 10d. sterling per day, and that I have my discharge and characters from the Colonels under whom I served.

The Deponent further states, on the oath he has taken, that he has known Michael Conway; that he (Mr. Conway) told the Deponent that he (Mr. Conway) was in gaol at home in Ireland for party business, and that he was, on that account, obliged to leave the country.

(Signed,) P. O'NEILL.

Sworn before me at William

Henry, this 14th day of January,
in the year of our Lord, 1847.

WM. CARTER, J. P.

No 8.

Personally came and appeared before me, E. W. Carter, Esquire, one of Her Majesty's Justices of the Peace for the District of Montreal, David Healy, labourer, of the Parish of St. Pierre de Sorel, County Richelieu, who, being duly sworn, doth depose and say:—I have, for the last six years, been in the employ of Captain Vaughan from time to time. I entered the Lake St. Peter Service in the Spring of 1844, as sailor on board No. 1 Dredge, under Captain O'Leary. In the fall, I was sent by Captain Vaughan's orders, as helper to the blacksmith on *Isle de Corbeau*, where I remained till near the close of the navigation. During my time with Captain O'Leary, I was not at all satisfied with his conduct towards his men, and was very glad to be removed from him. I often saw him ill-treating the men. On one occasion I saw him throwing a bucket full of water at one of the men: at another time I saw him strike a sailor, by name Daniel M'Gun, and knock him down on the deck of the Dredge, having got but very trifling provocation.

I heretofore kept a boarding-house at Quebec, where I had at one time fourteen boarders, and the victuals I got and saw others get on the Lake, were as good as those I gave my boarders in my house. After the close of the navigation of the year 1844, I came to the yard at Sorel, where I worked as helper to the blacksmiths, and remained there until the spring of 1846, when I again returned to the Lake, and there remained until the work was suspended, when I again returned as blacksmith helper to the yard in Sorel. During all the time that I was employed in the yard, I saw Michael Conway working about the yard, except about two hours each day. I also saw Mr. Kelly and R. Main working in the yard during the same time. I knew these men to be the persons appointed to go to the Post Office, to take care of Captain Vaughan's horse, and go to the Lake with letters to Captain Vaughan. I have seen Michael Conway drunk more than once. He (Mr. Conway) told me that he had three times sworn against taking liquor, and had also taken the pledge three times, and that he broke both the oaths and pledges, and that he could not expect to have luck. While I was working in the yard, I did not see Mr. State come more than once or twice a week into the forge, or looking after the men. He, Mr. State, never came, either morning or evening, to call the men's names, in the summer season; but as soon as Captain Vaughan came from the Lake, in the fall, he used to do it regularly, until Captain Vaughan went to the Lake again, in the spring. I was often

waiting from ten to fifteen minutes, knocking at the door, for the keys of the forge and work-shop.

There was a labouring man, by name Timothy Flaherty, who lived with Mr. State, and was paid by the Board of Works. He appeared like a Foreman. He used to feel annoyed when I asked for the keys of the forge, in the morning, saying it was only five o'clock, when it was six. This Timothy Flaherty was always employed at Mr. State's house, except when he saw Captain Vaughan coming. He would then go and work in the yard, until Captain Vaughan went away. I have heard Captain Vaughan telling the Blacksmith, George Ford, to keep an account of all work done for him; the whole of which would not, in my opinion, amount to one dollar. I have, also, heard Captain Vaughan telling Mr. Davidson, the Foreman Carpenter, and George Ford, the Foreman Blacksmith, to keep a separate account of all work done for the yacht.

I also swear, that there was always a man working at Mr. State's house, belonging to the Public Works.

his
DENIS X HEALY.
mark.

Taken and sworn to, before
me, at William Henry, this
14th day of January, in the year
of Our Lord, 1847.

E. W. CARTER, J. P.

No 9.

Personally came and appeared before me, E. W. Carter, Esquire, one of Her Majesty's Justices of the Peace, for the District of Montreal, Patrick Gallagher, Trader and Hotel-keeper, of the Town of Sorel, who being duly sworn, deposed and saith:—I have known Captain O'Leary. He came to my house about last October, after being discharged from the Lake St. Peter Service. He, Captain O'Leary, then in my house, and in my presence, made use of threatening language against Captain Vaughan to the following effect: "He hoped that he would soon see Captain Vaughan out of the Department as well as himself; that he would do everything in his power to injure him; that he had been at Board of Works Office, and had good encouragement from certain parties there." And further the Deponent saith not.

(Signed,) PATRICK GALLAGHER.

Sworn to before me, at William Henry,
this 11th day of January,
in the year of our Lord, 1847.

E. W. CARTER,
J. P.

No 10.

Personally came and appeared before me, E. W. Carter, Esquire, one of Her Majesty's Justices of the Peace, for the District of Montreal, John Saunders, yeoman, of the Parish of St. Pierre de Sorel, who, being duly sworn, doth depose and say:—I have been in the employ of the Board of Works two seasons; the first under Mr. O'Brien, the second, I was in charge of the island. I was afterwards employed as Steward on board the Steamer "Vulcan." As long as I was on board, the victuals were always as good as working men could expect. On one occasion

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some barrels of salt pork were brought down, which were not good: these were sent back without being used. During my time on board, I can swear that no blame can be attached to Captain Vaughan for want of good victuals; for he always sent a sufficiency of provisions, and ordered me repeatedly to give the men plenty, and let them have no reason to complain. The butter was once complained of by Mr. Millen, but it was taken away and other butter procured as soon as possible, and I was blamed by Captain Vaughan for not having mentioned it before to him. I saw several meetings held in the boat on Sundays, while lying at Sorel. These meetings were composed of Captain M'Kim, Mr. State, and some of the Engineers, at which meetings I heard them speak very disrespectfully of Captain Vaughan. On one occasion, while at Sorel, on Sunday, a messenger was sent to me for the key of the cabin of the "Vulcan." I gave it, and in a short time I went myself, and on my arrival on board, I was told by Captain Wright that the meeting was commenced; but, said he, "I will have nothing to do with it."

I have never known Captain Vaughan to make private use of any of the Public property, nor ill-treat the men.

I have on several occasions when obliged to go to the Store for soap and candles, been treated with a great deal of incivility by Mr. State. On one occasion he threw the soap at me.

I would have resented this unprovoked and undeserved insult, were it not that I was in dread of displeasing Captain Vaughan.

(Signed,) JOHN SAUNDERS.

Sworn to, before me, at William Henry,
this 14th day of January, 1847.

E. W. CARTER, J. P.

No. 11.

Personally came and appeared before me, E. W. Carter, Esquire, one of Her Majesty's Justices of the Peace, for the District of Montreal, John Gibbon, Labourer, of the Town of Sorel, County of Richelieu, who being duly sworn, deposeth and saith:—I have been employed in the Lake St. Peter Service since the year 1845, altogether about 14 months. I was employed as Watchman in the winter season, and in the summer as Steward on board Dredge No. 2. In the spring of 1846, being requested by Mr. State to go to the Lake on board of Captain O'Leary's Dredge, I then said in reply, in the presence of Captain M'Kim and Davidson, and State, that I should rather spend my time walking about doing nothing, than work under Captain O'Leary. Mr. State, on another occasion, requested of me to go with Captain O'Leary, and my answer was, I would rather beg than go with him. My reason for this aversion to Captain O'Leary, was on account of the bad character I heard of him from the Stewards, and other persons who served under him on the Lake, the season previous to this. I then requested of Captain Vaughan to send me on board the other Dredge, to which request Captain Vaughan complied.

As long as I was on board the Dredge, the officers and men were always provided with very good victuals. They had beef-steaks for breakfast and supper, and roast beef for dinner, every day of the week during the whole time, except on one or two occasions, when, at the latter end of the week, there was

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a scarcity of fresh beef. I was told by Captain Vaughan, on all occasions, to give the men plenty at every time they wished to eat; and that he did not wish to hear them complain. We had a sufficiency of potatoes on all occasions, except early in the spring, when there was no possibility of getting them. I have known Michael Conway, who was in the employ of the Board of Works; and as for his character, I consider it very inferior, from the fact, that on one occasion, when he (Michael Conway) was accused by a man in this town of having stolen goods from him, he, the said Michael Conway, acknowledged, in the presence of the accuser, my wife and me, that the stolen goods were in his (Mr. Conway's) possession, but that it was his wife that stole them. I have never known Captain Vaughan to abuse or ill-treat any of the men on board. When he came on board, he usually addressed himself to the officers. It formed part of my duty to clean and regulate the officers' room. I was also obliged to attend to all their wants by directions of Captain Vaughan.

I was a short time Steward on board the Steamer "Vulcan," during which time, the officers of the boat got the same diet as Captain Vaughan, or the same as was used on the cabin table. As long as I have been in the employ of the Board, I have not known Captain Vaughan to convert any of the Public property to his private use, either directly or indirectly. I have always seen him zealous and active in urging the work, and exhorting the men to do their duty. As far as I could judge, Captain Vaughan was generally well liked by the men on board the Dredge and boat that I was employed in; for I have repeatedly heard them express a wish to see him on board, and always evinced great satisfaction on his arrival.

his
JOHN X GIBBON.
mark.

Sworn to, before me, at William Henry,
this 14th day of January, 1847.

E. W. CARTER, J. P.

Deponent further states, on the oath he has taken, that he has known Michael Conway, who was in the employ of the Board of Works. He (the Deponent) was frequently told by the said Michael Conway, that he (Mr. Conway) was a teetotaler. After this, Michael Conway was repeatedly seen in a state of intoxication, and the Deponent, at the request of the Priest, brought the same Michael Conway to the Priest, who administered the pledge to him in Deponent's presence: after this, Deponent saw Michael Conway repeatedly in a state of insensibility from the effects of intoxication.

his
JOHN X GIBBON.
mark.

Sworn before me, this
14th day of January, 1847.

E. W. CARTER, J. P.

No. 12.

Personally came and appeared before me, E. L. Hayden, Esquire, one of Her Majesty's Justices of the Peace for the District of Montreal, Jacob Savage, member of Barge "Omphale," in the employ of John Torrance & Co., who, being duly sworn, deposeth and saith:—I was employed in the Lake St. Peter Service the summer of 1844 as Master of a Batteau.

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I know Captain O'Leary, and while employed on the Lake, I have been ordered to go with my men to work on board his Dredge, some of his men having left him, but could not nor would not remain with him, in consequence of his bad temper. I further state, that I know all the masters of boats and vessels employed in the service, and never had the least falling out with any except O'Leary. I have been also told by some of the men employed under O'Leary, that they left him in consequence of his bad treatment to them. During my time in the service, I had occasion to come to Sorel for coals, and every time I came I saw M. Conway either tallying, or assisting to load coal on board my Batteau; and as long as I was under Captain Vaughan I was always well treated by him, and I never heard any complaints of him from my men. I recollect in one instance of Captain Vaughan's having to discharge O'Leary for his insolence, but he was afterwards reinstated by the intercession of Mr. O'Brien. I left the employ at my own request, to go to sea. And further Deponent saith not.

(Signed,) JACOB SAVAGE.

Sworn to, before me, at William Henry,
this 13th day of January, 1847.

E. L. HAYDEN, J. P.

No. 13.

Personally came and appeared before me, E. L. Hayden, Esquire, one of Her Majesty's Justices of the Peace, for the District of Montreal, James M'Quillam, Second Engineer of Steamer "Vulcan," of the Parish of Sorel, formerly of Richelieu, who being duly sworn, deposed and saith:—That I have been on the Lake St. Peter Service since the year 1844. I am a boiler maker by trade. I am come from the St. Lawrence Steamboat Service. The first two months I was employed on Lake St. Peter, I was Foreman; the remainder of that and the whole of the following season, I was Second Engineer on board of Dredge No. 1, of which O'Leary was Master; and in 1846, I was appointed Second Engineer of Steamer "Vulcan." In the summer of 1844, I saw Captain O'Leary threatening one of the sailors by striking him and knocking him down; the man's name was Daniel M'Gunn. In the year 1845, I often saw O'Leary quarrelling with his men. I have also heard O'Leary say, that he would take a false oath to be revenged of any person who would do him an injury, if he could not be revenged in any other way. During the time I was on board Dredge No. 1, it was very difficult to keep men on board; Captain O'Leary has been obliged to go in the middle of the week, and has also sent others, to try and engage men to work his vessel; and if men could get employment on any other vessel in the Lake, they would not go with O'Leary. On one occasion, I saw O'Leary quarrelling with Mr. Calvert, the Chief Engineer of Dredge No. 1; I was busy at the time oiling the machinery, but was told by Mr. Calvert and some of the men, that he had lifted a handspike to strike Mr. Calvert.

All the time I was on the Lake St. Peter Service, I was perfectly satisfied with the victuals got, and had plenty of them. I further state, that I never knew Captain Vaughan to bring the boats up to Sorel except on Public service, except on an occasion when Captain Vaughan fell from the upper deck, by the ladder giving way from under him, when his head was severely cut and he was knocked down senseless, on

which occasion we took him to Sorel. This happened in 1846. And further Deponent saith not.

(Signed,) JAMES M'QUILLAM.

Sworn to, before me, at William Henry,
the 13th day of January, 1846.

E. L. HAYDEN, J. P.

No. 14.

Personally came and appeared before me, Peter M'Nie, Esquire, one of Her Majesty's Justices of the Peace for the District of Montreal, Henry Côté, Carpenter, of the Parish of Sorel, County of Richelieu, who, being duly sworn, deposed and saith:—That I have known Captain Vaughan about eleven years. I was first Second Mate under him on board Steamer "John Bull;" afterwards I worked for him in the Shipyards at Sorel. I was afterwards employed as Mate and Pilot in the Lake St. Peter Service. I always found Captain Vaughan just in all his acts; and while employed he has been hasty, but always for the good of the men under him. While under, and in the employ of Captain Vaughan, he taught me to be a sailor and a carpenter, as well as many others who behaved themselves. I have often heard the men express themselves pleased at seeing Captain Vaughan come on board. On one occasion, there was a complaint about the victuals, but I came that night with the boat to Sorel to get other provisions, and to take in coal. I knew Captain O'Leary, of Dredge No. 1, while in the Lake Service, and have heard his men complain of him, stating that they would rather go with either Captain M'Kim or myself than Captain O'Leary. I saw Captain O'Leary quarrelling with Mr. Calvert, the Chief Engineer of Dredge No. 1, but did not know what it was about. On one occasion, while at Sorel, I saw Captain O'Leary in liquor, on which occasion he quarrelled with me while on duty.

When laid up in Sorel in the summer of 1846, Captain Vaughan came on board of the boat, and asked for Richard Main, F. Rotting, and Sullivan, all Watchmen, and I told him they were drunk, which was the case: and they lost the jolly-boat that night, belonging to the Steamer "Vulcan." I went the following night down the river with Captain Vaughan, and do not know who was on watch afterwards. On all occasions, while on the Lake, Captain Vaughan sought to push on the work.

On three or four occasions, to the best of my recollection, the boat came up to Sorel for the Paymaster, Mr. Begley, who failed in his appointment, and Captain Vaughan told me he would not send a boat any more for him. And further Deponent saith not.

his
HENRY M' COTE
mark.Sworn to, before me, this
12th day of January, 1847.

PETER M'NIE, J. P.

No. 15.

Personally came and appeared before me, Walter Carter, Esquire, one of Her Majesty's Justices of the Peace for the District of Montreal, Francois Robert, Mate and Carpenter, and for the last two months

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acting Master of No. 1 Dredge, of the Parish of Sorel, in the County of Richelieu, Canada East, who, being duly sworn, deposeth and saith:—I have been employed under Captain Vaughan, from time to time, since the year 1838, at which time I was Mate of the Steamer "John Bull." I was afterwards employed in the Shipyard at Sorel, where I was taught the business of Ship Carpenter under Captain Vaughan; and in the year 1845, I was employed by Captain Vaughan as foreman of one of the gins driving piles on the Lake St. Peter. I was then employed as Mate and Pilot of the "Vulcan" Steamer on Lake St. Peter, until two months previous to the close of the navigation, when I was employed as acting Master of Dredge No. 1. And as long as I have been employed under Captain Vaughan, I have known him to be passionate to myself, and in fact to all employed under him, but it was always for our own good, and for the advancement of the work under his charge; and as long as a man did his duty, I always found Captain Vaughan liberal. Since I have been employed on the Works on Lake St. Peter, I have heard Captain Vaughan ordering the several Stewards in the employ to give the men plenty to eat, and that he did not wish to hear any complaints in that respect. In fact, in all Captain Vaughan's acts, as far as I could judge, I found him to act uprightly and in justice to every man. I always found the victuals good, and had plenty.

I have known Captain O'Leary, of Dredge No. 1, since I have been in Lake St. Peter Service, and have been asked by him to procure for him some men to work his vessel, which I attempted to do; but any men that I did ask said, that they would not go with O'Leary, as he could not keep men under him: and I further state, that I would not advise men to go with him, as on one occasion, while on a surveying excursion with Captain Vaughan on Lake St. Louis, I quarrelled with O'Leary, and he said, after the quarrel was over, that if I did not quit the place where we were, he would scald me at the expense of his own life, if he could not do it otherwise. This happened on Isle Dorval, Lake St. Louis; and I was advised by all the men there at the time, to quit the place or he would injure me. At this time, Captain Vaughan was at Montreal, procuring balance weights for the iron Buoy. I have always known Captain Vaughan to be active and ready when anything was to be done, and if the men happened to be away, he would do it himself. He was also always ready to show the men their duty. I further state, that whenever the Dredge on which I was employed was moved, the work there was finished; and I never moved the Dredge until Captain Vaughan came with me and inspected the work, or, in his absence, Captain Wright, who he ordered to go with me; and, on every occasion, he told me to hurry the works, and never interfered with my men. On all occasions, when we went fishing, any ropes or lines we took were, to the best of my knowledge, returned to either one or other of the boats. And further Deponent saith not.

(Signed) FRANCIS ROBERT.

Taken and sworn to, before me, at
William Henry, this 11th day of
January, in the year of our Lord, 1847.
E. W. CARTER, J. P.

Francis Robert further states, on the oath, he has taken, that on one occasion there were complaints for want of potatoes, which could not be got at the time; also, on one occasion, that the butter was not good.

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Personally came and appeared before me, Edward Walker Carter, Esquire, one of Her Majesty's Justices of the Peace, for the District of Montreal, Joseph Rondo, Mate of Steamer "Vulcan," of the Parish of Sorel, in the County of Richelieu, Canada East, who being duly sworn, deposeth and saith:—That I have been sailing on the River St. Lawrence for several years past, and have known Captain Vaughan during that period. I have been for three years in Lake St. Peter Service. The first year I was sailor; the second, I was in charge of wood batteux; and the third, Mate of the Steamer "Vulcan." I have known Captain Vaughan to be passionate, but it has always been for the good of those employed under him.

I have known Captain O'Leary since he has been employed in the Lake St. Peter Service, and was with him when Captain Vaughan, Captain Wright, and Francis Robert, together with some other men, were on a surveying excursion, on Lake St. Louis, marking out the Channel, and laying down iron Buoys; and while at dinner, I saw Robert come from under the tent to light his pipe, and O'Leary followed; some words passed between them, and O'Leary struck Robert. While I was employed on the Lake St. Peter, I always saw good meals served out for us, except, to the best of my recollection, two or three times the pork was not the best, and it was immediately sent back by orders from Captain Vaughan.

I further state, that we worked late and early, and that Captain Vaughan always sought to push the work on. And further Deponent saith not.

his
JOSEPH X RONDO.
mark.

Sworn to, before me, at William Henry,
this 11th day of January,
in the year of our Lord, 1847.

E. W. CARTER, J. P.

No. 17.

District of Montreal.

Personally came and appeared before me, Edward W. Carter, Esq., one of Her Majesty's Justices of the Peace for the said District, Richard Main, Labourer, of the Borough of William Henry, in the said District, who, being duly sworn on the Holy Evangelists, deposeth and saith:—That he first hired with Captain Vaughan, as servant, in the autumn of 1844. He remained all that winter with Captain Vaughan, as a private servant, until the spring of 1845; he remained three weeks, or about a month, to the best of his recollection, with Captain Vaughan, at his dwelling house, in the Borough of William Henry, after the navigation opened, during which time he took care of Captain Vaughan's horse, attended the Post Office, and went several times to the Lake, with letters to Captain Vaughan. During this time, he used to work the half of each day in the Ship Yard, unless when he was sent to the Lake with letters. A man from the Yard, by name of Michael Conway, relieved him in his duties of attending the Post Office, and when the deponent was hired to go on board the "Vulcan," as sailor, I could not go to the Lake for four or five days after Conway came, for want of conveyance; this was five or six days before the Pay-

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master came down the first time. In the summer of the year 1846, Captain Vaughan ordered me to go to the watch, and I remained there nearly two months, until one night that Frederick Rotting and Sullivan got drunk, and we were all discharged from the watch, by Captain Vaughan, next day. I remained some time after this with Captain Vaughan, as his private servant, for which he paid me. During the time I was on the watch, I had all the day to myself, as so had the other Watchmen, so that we might work where we pleased.

During the time I lived with Captain Vaughan, as private servant, I never recollect having taken any wood or anything else from the Yard, except what was Captain Vaughan's own private property. During the time I attended the Post Office and remained on shore, I was obliged to go to the Lake, sometimes twice a week; I went sometimes alone, and in bad weather I was obliged to get another man from the Yard to accompany me.

his
RICHARD MAIN,
mark.

Taken and sworn to, before me,
at William Henry, this 14th
day of January, 1847.

E. W. CARTER, J.P.

Deponent further says, on the oath he has taken, that the only time he worked in Captain Vaughan's garden was for one quarter of a day, for two or three days, while waiting for a conveyance to go to the Lake, and Conway came and worked for a couple of hours, two or three days, of his own accord.

No. 18.

District of Montreal.

Personally came and appeared before me, E. W. Carter, Esq., one of Her Majesty's Justices of the Peace for the said District, Michael Forstell, Ship Carpenter, of the Borough of William Henry, in said District, who, being duly sworn upon the Holy Evangelists, doth depose and say:—That he has been employed in the Board of Works Ship Yard, in Sorel, since the year 1844, at all times when there was any work to be done; that he considers Mr. State was very negligent in his duty, in looking after the men; he used seldom or never make his appearance in the Yard before ten or eleven o'clock, so that the men might work or remain idle, whichever they pleased, from the time they commenced in the morning until this time, there being no person to look after them. Captain Vaughan was on these occasions on the Lake. Mr. State had always a man, that was paid by the Board, continually working at his (Mr State's) house, except when he saw Captain Vaughan coming, then this man would come and work in the Yard until Captain Vaughan went away, when he would immediately return to Mr. State's house; and if we asked this man to assist us only for a few minutes, in canting a piece of timber or the like, he was very reluctant to do it; in fact he would not do it. As long as I was in the Yard, I never saw Captain Vaughan, or any person by his directions, taking timber or any thing else from the Yard, except what was his own property. I have always known Michael Conway and the other men that attended the Post Office, and took letters to the Lake, to work a half day or more every day in the Yard. I was also employed on the

Lake for part of two summers, and during that time, I have got as good victuals and usage as any man could require. The only fault I found with the employment was, that Captain Vaughan made us all work too hard, and obliged us to work both before and after the regular time.

(Signed,) MICHAEL FORSTELL.

Taken and sworn to, before me,
this 14th day of January, in the
year of our Lord, 1847.

E. W. CARTER, J.P.

No. 19.

Personally came and appeared before me, Edward Walker Carter, Esquire, one of Her Majesty's Justices of the Peace, for the District of Montreal, Thomas Forgrave, Sawyer, of the Parish of Sorel, County of Richelieu, who being duly sworn, depose and saith:—I have been resident in Sorel since the year 1840. I have been working under Captain Vaughan almost constantly, since the fall of 1841. I first commenced to work in the Public Service in the spring of 1844. I have known Mr. State since he first joined the Service. I have not seen Mr. State regularly in attendance on the wharf, or in the yard, before breakfast. I have seen a man, from time to time, working for Mr. State at his house; this man belonged to the Department, and worked with me occasionally on the wharf. Since I have been employed under Captain Vaughan, I have always found him upright in his dealings and liberal. I was present when Captain Vaughan told Mr. State to keep a regular account of any work done for him, and let him know who the men were that worked for him. I have also seen Captain Vaughan paying several men for work they had done for him at different times. I have gone myself, in company with a man of the name of Cockburn, while employed in the Public Service, and worked for Captain Vaughan, but we were both paid by him for the work we did. I am aware that Captain Vaughan had plenty of wood in the yard, without using any belonging to the Board of Works: there is some wood belonging to Captain Vaughan still in the yard. There could be no wood, nor did I see any taken by Captain Vaughan, or his men, that did not belong to him, Captain Vaughan, while I was in the yard. I know Mr. Conway; I worked in the yard with him during the summer and fall of 1844, when he was almost constantly there, that is, morning and afternoon, except that he used to be half an hour after the regular hour, but he said that he had been at the Post Office. In the spring of 1845, Kelly was appointed in Conway's stead, and he worked in the Yard generally from about half-past ten or eleven o'clock in the forenoon; he was obliged to attend the Post Office and Captain Vaughan's horse. During the winter of 1845 and 1846, R. Main lived with Captain Vaughan, and was paid by him in 1845 and 1846. I have gone myself with Captain Vaughan's Messenger, who was R. Main, to Lake St. Peter, with letters to Captain Vaughan, and have known R. Main to go alone. I have always seen Captain Vaughan anxiously pushing the work; in fact, he was too much so at times, for I was present, and at work, when he kept the men working till three and four o'clock in the morning, getting on coals for the steamers to forward the work. I further state, that Captain Vaughan kept me and others harder at work while in the Government employ than in his own. I was always

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at work outside, and, consequently, had an opportunity of seeing all that transpired in the yard during my time there.

(Signed,) THOMAS FORGRAVE.

Taken and sworn to, before me,
at William Henry, this 14th day
of January, 1847.

E. W. CARTER, J. P.

No. 20.

District of Montreal.

Personally came and appeared before me, Edward Walker Carter, one of Her Majesty's Justices of the Peace, for the said District, Frederick Rotting, Labourer, of the Borough of Sorel, in the aforesaid District, who being duly sworn on the Holy Evangelists of Almighty God, doth depose and say:—That he, the Deponent, was painting at Captain Vaughan's house in August last; that having no vessel to mix paint in, he, the Deponent, went to the Steamer "St. Peter," of his own free will, and without the knowledge of Captain Vaughan, to get a keg to mix the paint in, but not finding an empty keg there, he brought a keg therefrom containing a little mixed yellow paint, about half a gallon, worth about 3s. 6d. That Captain Vaughan told the Deponent, on all occasions, to keep an exact account of anything he took from the yard. Deponent further states, that Captain O'Leary wanted him to go to the Office, about October last, to report Captain Vaughan, to which Deponent replied, that he, (the Deponent,) had no reason of complaint against Captain Vaughan, and consequently, that he had no report to make. Deponent also says, that on this occasion, in Montreal, he met at the Office-door a person whom he thought was Mr. Begley, who questioned him about Captain Vaughan's taking some green paint from the Store.

(Signed,) F. ROTTING.

Sworn to, before me, at William Henry,
this 16th day of January,
in the year of our Lord, 1847.

E. W. CARTER, J. P.

No. 21.

Edward Reas, being sworn on the Holy Evangelists, doth depose and say:—That, Michael Conway told him that he (Conway) had been frequently with Mr. Thomas Begley, the Secretary, since the charges against Captain Vaughan were got up, and Mr. Thomas Begley had said, that "Mr. O'Brien had better take care how he would act, and what he would say in the investigation going on about Captain Vaughan, as he (Mr. Begley) was determined on, and would effect his removal from his situation if he did not take care, as it was known he (O'Brien) was a friend of Captain Vaughan."

(Signed,) EDWARD REAS.

Sworn to, before me, at Montreal,
this 22nd January, 1847.

H. B. SMITH, J. P.

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No. 22.

Quebec, January 20th, 1847.

I, William Calvert, do hereby swear, that I have served as Engineer on board of one of the Dredges at the Public Works on Lake St. Peter, from the commencement of Captain D. Vaughan's superintendence until the summer of 1846, during which time, Captain Vaughan conducted himself in such a manner as speaks highly of his skill and ability; for a more industrious, persevering, and attentive master, I have never served under.

In my official capacity, I was placed under one Captain O'Leary, and I positively swear, that a more tyrannical, arbitrary, and disagreeable person I never before met with. I frequently asked to be removed to another Dredge, as it was almost impossible to serve under such a disagreeable person, but was always persuaded by Captain Vaughan to remain, and not notice his conduct. I do also believe that Captain O'Leary would do everything in his power to injure any person to whom he has taken the slightest dislike, for I have frequently heard Captain O'Leary say, that if anything transpired between Captain Vaughan and himself, he would do everything in his power to injure him.

(Signed,) WILLIAM CALVERT.

Sworn to, before me, this 20th
January, 1847, at Quebec.

E. DUGAL, J. P.

No. 23.

District of Montreal, }
City of Montreal. }

Before me, Jean Bruneau, Esquire, one of Her Majesty's Justices of the Peace, for the City of Montreal, personally came and appeared, William Parkyn, of the St. Mary Foundry, Montreal, Engineer, who being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith:—That, sometime in the winter of 1845, he was directed by Captain David Vaughan to make a cabin stove, for the boat then being built for Mr. Killaly, with instructions that it was to be charged to him; and that any other work, that might be ordered on account of said boat, must be kept separate from the accounts of the Board of Works. And this Deponent further deposeth and saith, that he was distinctly charged by Captain Vaughan, that all things so ordered were to be charged to either Mr. Killaly or himself, and not to the Board.

(Signed,) WILLIAM PARKYN.

Sworn to, before me, this
21st day of January, 1847.

JEAN BRUNEAU, J. P.

No. 24.

Captain Vaughan, trusting that I had repeated opportunities of inspecting the works on Lake St. Peter, sometimes in his absence, having requested that I would state my opinion as to his conduct therein; I have no hesitation in stating, that no man, in my judgment, could have exerted himself more strenuously and judiciously, in the management of them, than he did. In fact, his energy in every

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undertaking he embarked in, is proverbial. On which account, in all cases of difficulty—as to the relieving or raising of disabled or sunken vessels, his services are always sought after and considered most valuable.

On the several occasions I was at the works on Lake St. Peter, I observed, that the treatment of the officers and men, was of the most liberal description, and the provisions of the best quality.

As to Captain Vaughan's improperly appropriating any portion of the stores, under his control, to his private use, no man, that is acquainted with him as long as I have been, would believe a word of it.

Should the Commissioners desire to question me further on the subject, I will have much pleasure in waiting on them.

I have only further to state, that I conveyed orders from Mr. Begley to Captain Vaughan, in July 1845, directing him to bring the "Vulcan" to Three Rivers, and also, to bring him, Mr. Begley, back to Sorel; and that Captain Vaughan expressed his reluctance at doing so.

(Signed,) W. R. RAYSIDE,
Harbour Master.

Montreal, 18th January, 1847.

Montreal, 16th January, 1847.

Sir,

I beg leave to thank you for having complied with my request to be furnished with a copy of the notes of the evidence taken by you last week, during an investigation at Sorel into the charges brought against Captain Vaughan. I was not a little surprised to find, under the cover of an attack on that officer, an attempt made on my own character, as is shown by the questions prepared for and put to each witness, being solely directed to inculcate; and also by the singularity (to use the mildest term) of the opinions, in some cases, of the very labourers being called for, as to the fitness of the course taken by the Head of the Department in professional matters, and upon which any two professional men rarely coincide, and which must necessarily be left to the judgment of such officer, so long as he is considered fit to hold the office.

Notwithstanding the mortification I naturally felt at first, at finding my name so dragged into the matter, the feeling ultimately and strongly impressed on my mind, after having carefully gone over the several documents transmitted by you to me, is that of pride and exultation.

The sources of this pride are—

My having exercised the executive duties of one of the most important offices of Government, as the Head of that Department, for a period of nearly six years, during three of which, I was a member of the Executive Council.

That during this period, our great Provincial Works, which are not surpassed by those of any country, either as to magnitude, perfection of workmanship, or the moderation of their cost, were designed and executed.

That notwithstanding the calumny and obloquy to which any man is subjected who fills a situation of

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that particular description, in which is involved the controul of such a great outlay, the dispensing of the contracts, &c. &c., however pure his intentions and conduct may have been, the result of the investigation of a Commission, consisting of the present Inspector General, as Chairman, the other members being gentlemen of the first character and station in the City, specially appointed by the Government to enquire into the whole details of the expenditure on those Works (about two millions), was perfectly triumphant to me, personally and professionally; the substance of their Report, so far as relates to me, being, that this great series of Public Works was executed well, on fair and reasonable terms, and was for the best interests of the Province.

When it is recollected that this Commission commenced its operation by advertisements in every paper in the Province, announcing its readiness to receive and investigate all charges, complaints, &c., which any person might have to bring against the Department, and that the Commission continued its labours for several months, the ordeal to which I was subjected must be admitted to have been one of no ordinary description. Compared with the magnitude and importance of the interests that formed the subject of enquiry, to which the attention of this Commission was directed, the matters brought under your notice, upon your investigation at Sorel, so far as my name is mixed up with them, must be considered as trivial and unimportant; and knowing well how easily they could and ought to have been satisfactorily answered in your own Department, I had doubts as to whether I should take any notice whatever of them or not.

The substance of the informations so collected and prepared, may be divided into two parts: First, that which solely relates to Captain Vaughan, and which I leave to his own rectitude and evidence to refute, merely remarking, that almost every one of the charges against him, are stated to have been founded on facts which are represented as having occurred long since. That for the detection of very many of the alleged irregularities, had they existed, the ordinary monthly examination of the accounts should have been sufficient; and they should have been brought under my notice at the time, as Head of the Department; instead of having been allowed to go on unnoticed, and to accumulate, not only for the several years I was in office, but, also, for the last eight months, during which the Department has been under your joint direction. Had my attention been so drawn to them, I would have felt it my duty to have instituted the same rigorous enquiry into them, that has been now done by you, after such a lapse of time.

The points in the evidence directed against me are, that a skiff was built, by my direction, and charged to the work, which, from its dimension and description, was not required for the Public Service.

With regard to this, I conceive, I was to judge, not the master of the boat, or the workmen whose opinion upon the subject have been asked for. In consequence of the desire, that the shores of the river, below Quebec, should be examined, with the view of fixing on proper sites for the construction of piers, at which coasting steamers and other craft could touch at several times of the tide. I made arrangements for an examination thereof, which I was desirous of doing personally, chiefly, that I might have an opportunity of becoming acquainted with the wants of that section of the Province. I was and am still of opinion, that such duty can only be efficiently done by water, and that safely to decide on the proper site

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for a harbour or pier, the person undertaking its selection should have nautical knowledge, and should be enabled, independent of taking the indispensable and usual soundings, and to approach it from seaward repeatedly, and at different times of tide, and in different states of the weather.

For such duty the boat, under the control of the Department, most suitable, was the steamer "Vulcan," but as the coasting of several hundred miles of shore, and visiting particular spots several times, would necessarily have occupied more time than she could have spared from the Lake Service; I was obliged, in the year 1845, chiefly to depend on the "Red Bird," a small open sail boat, in which I had a cabin covered in, forward, of about six feet long, by three and a half feet high. And as she drew about four feet water, it was indispensable to have a boat or skiff attached to her, to enable me to land where I required, and so light as to allow of two persons lifting her easily in and out of the "Red Bird." The latter being too small to tow a boat astern. This was the first motive for the construction of the skiff. But, independent of it, I would mention, that after the commencement of the works on the Lake, when I had occasion to visit them, the boats I found intended for communicating between them and Sorel, were a six oared and a four oared gig. During much the greater part of the year, a small boat or skiff, such as I have described as necessary with the "Red Bird," would answer well to bring me down, and would require but one man instead of four or six which should man the gig. I directed, therefore, such small boat to be built, as it would be useful in both services. And it was done, at a cost of ten or twelve pounds, according to the evidence of two of the witnesses.

During the several years that I was connected with these works, I brought down my gun and rod, three, or at most four times; and on these occasions, having satisfied myself as to the progress of the works, I made use of them and of this small boat. I see no impropriety in my having done so, nor do I imagine any officer would hesitate in doing the same, and I never certainly contemplated its being seriously entertained as a subject of complaint. The matter is so perfectly trivial, that I notice it merely as evincing the spirit with which the informations were got up.

The second point I would notice is, that which alleges I was in the habit of taking the Steamer "Vulcan" on pleasure trips, or private excursions, to the injury of the service.

In support of this charge, evidence is brought to prove that this boat was brought down to the River du Loup, twice in the year 1845, and once as far as Quebec, in 1846. The testimony of two sailors, Côté and Joncour, on this point, is explicit and generally correct. The object of her being brought down the first trip in 1845, was that stated in the preceding explanation.

No two men are better acquainted with the River St. Lawrence, below Quebec, with its shores, difficulties, &c., than Captains Rayside and Vaughan, whose opinion generally, therefore, I was desirous of having, as to the sites of the Piers alluded to. Having obtained permission from the Government for the former's absenting himself for a few days from his duty as Harbour Master of this Port, I went down in the "Vulcan," with these two gentlemen, and having ascertained their views, the Steamer returned, in a few days, with them, leaving me and two men in the "Red Bird," which had been towed down by the Steamer. I was absent nearly seven

weeks, having been detained a few days longer than I expected, in consequence of neither of two despatches which, previous to my going down, I had sent to the gentleman in charge of the Gaspé works, having reached him in time for him to keep the appointment with me, which I had made. I was, also, delayed by light and adverse winds, to which that navigation is so subject; and occasionally I had to encounter squally and heavy weather, for which the boat I was in was much too small. During these several delays, I availed myself of the opportunities so presented to me of angling in the rivers, in all about eight or nine times, as is sworn to by the men.

The second trip of the "Vulcan," in the same year, was in consequence of the necessity of transmitting the tools and instruments required by Mr. Russell, then about to commence the Works of the *Chemin des Caps*. I availed myself of the first of these trips to bring down my family to the River du Loup, and I took advantage of her returning the second time to bring them back. In neither case was the boat thereby delayed. My family were at the River du Loup in 1846 also, and had the Public Service required the "Vulcan" to have been sent down there that year, I would not have hesitated in accepting a passage in her for them.

The trip of the "Vulcan" to Quebec in 1846 was wholly unexpected by me, when I left Montreal for the purpose of inspecting Grosse Isle, Metis Bridge, &c. On arriving on Lake St. Peter, and about to proceed in my own boat, I found that one of the iron Buoys had, in a late storm, broken from the moorings, and, after consideration, I determined that the most likely mode of recovering it was to run with the "Vulcan" to Quebec, keeping a close look-out for it, as it was probable it had been carried down by the current and tide. And should it not be met with, that the Steamer should then return and touch at such places it was likely the Buoy might have been driven into. This third trip of the boat took place during the suspension of the Works, and at the time I wrote up to a member of the Government, apprising him of the circumstance. Such were the trips made by this boat, which are represented as pleasure trips.

Under this second head, I may remark upon the implied impropriety of my permitting the men's time, for the period they were from the Lake, to be charged to that Service. If there was any irregularity in doing so, it should have been notified to me at the time of passing the accounts. But I cannot see any such impropriety. The work in the Lake I have always looked upon as a portion of the general improvement of the navigation of the St. Lawrence; to this the object of the inspections on which the men were employed equally tended. With the same ingenuity, might it be charged as an offence against you, Sir, and your brother Commissioner, that the time of Mr. Barrett, or of any Engineer, should be occasionally withdrawn from the particular work on which his salary is charged, and devoted to another, the only difference being the much greater value of the latter; but no reasonable man would raise an objection to the practice on such grounds.

The remaining point in the evidence, to which I see the slightest necessity of allusion is, that in construction of a sail boat for my own use, and being my own private property, a portion of the materials of which she was built was taken from the Public Stores, and that men were employed in the building and rigging of her, who were at the time under the pay of, and could have been usefully employed on the Public Service.

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Upon this point it would be sufficient for my full vindication to state, that, prior to the commencement of the building of the boat alluded to, I repeatedly, and in the most particular manner, expressed, verbally and by letter, to Captain Vaughan, my desire and full expectation, that he would not permit me to be compromised in the slightest manner by any interference with the Public Stores. I did not, in the least degree, consider this repeated caution necessary, from supposing for a moment that he would allow or sanction any improper use of these stores; it was intended solely to make him vigilant in guarding against the workman who might, from time to time, be employed at my boat, thoughtlessly making free with any refuse materials in the adjoining Public Yard, which they might be disposed to do, from knowing them to be unavailable for the Public purposes. Every one is aware how rapidly materials of that description accumulate in an extensive yard, after the building and repeated repairs of several large vessels.

Among a few questions which I have sent down to Captain Vaughan, with a request that he would answer and vouch to, is one, as to whether I had not taken this precaution long before the building of the boat. Upon receipt of his replies, I shall forward them to you, to be appended to this letter.

Subsequently, in the course of the construction of the boat, he informed me, that to prevent loss of time he had, in some instances, allowed materials, to a small amount, to be taken out of the Store. But that he had given positive instructions, that a strict account of the same should be kept, and that upon her completion, he would call upon me to replace or pay for them.

That he did give these instructions, is sworn to by more than one of the witnesses. When I left this city, in October last, much remained to be done to my boat. Since my return, I have paid more than one bill on account of her. I am aware that several are yet outstanding. And I have no doubt of its being Captain Vaughan's intention to close the transaction, by furnishing me with the entire together, for liquidation.

To the foregoing, I would add a few remarks as to the inducements which, in the first instance, led me to the building of this boat. I do so, as, to any unprejudiced mind, they will account fully for the readiness of Captain Vaughan to facilitate her construction by any legitimate means in his power.

My experience, in the Department, has fully satisfied me, that very considerable Public loss occurred, and still occurs, annually, in the supply and maintenance of the Lights and Light-houses from Montreal to Lake Huron, in consequence of their not being periodically visited by a person competent to judge, not only of the necessity and cost of these supplies and repairs, whether of mason, carpenter, or plumber's work, &c. &c., that are annually required; but also, as to the management thereof.

Such duty has never yet been efficiently performed, although, for some time, there was occasionally employed under the late Board of Works an intelligent man, who effected much towards the improving of the setting of the lamps, &c.; but from his previous occupation, (that of master of a schooner,) he was not qualified in the various details, which the proper discharge of the duty, as I view it, involves. My conviction, on this head, was strong; and I know well, that the want of similar inspection and attention of the Piers and Harbours on the Lakes, by a

qualified person, was another and further source of loss. I was led, therefore, greatly to desire the use of a vessel in which I could personally make such inspections.

Again, upon the trip I had made to the Lower St. Lawrence in 1845, I saw that that section of the Province was greatly neglected, and that much must be shortly done for it, in the way of establishing piers or harbours, and improving the roads thereto; to attend to which, situate as that District is on both sides of the river, and embracing the Districts of Gaspé and Percé, a boat suited to the navigation of the river, with the necessary accommodation, is, in my opinion, necessary for the person who would properly attend to it.

Being obliged to make a tour of inspection in that quarter in 1846, and having, the preceding year, encountered, in the small "Red Bird," much more danger than due consideration of my family justified, I made enquiries as to whether the services of a suitable boat could be chartered, and at what cost; but I found that a vessel unnecessarily large and expensive could only be had. Under those circumstances, and as no time was to be lost, I determined on building one. In doing so, I certainly calculated on my being facilitated, and, therefore, saved expense, to a certain extent, by having the benefit of Captain Vaughan's experience in directing her construction, as well as the supervision of any of the Foremen who might, from time to time, be engaged in the yard. And it was further represented to me, that upon the temporary suspensions of the works, which frequently take place, caused by bad weather, breakage of machinery, &c., the time of some of the hands, which would otherwise have been wholly unoccupied, could, without the slightest detriment to the Public Service, be given to furthering her completion. Intended as she was by me, then at the Head of the Department, to enable me to perform the class of Public duty I have referred to effectively, I conceived myself fully justified in allowing such assistance to be afforded. There is no question but that the charter of any suitable vessel for the period my boat was employed on the Public Service, would far exceed the total amount of all the assistance given towards her construction from the yard, without questioning the evidence on that point; but, as I have before stated, I am fully prepared to find accounted against her, by Captain Vaughan, every charge to which she should be subjected, preparatory to which the injunctions to keep a strict account, stated on the evidence to have been given by him, were clearly directed.

The temporary accommodation of an unused sail, belonging to one of the batteaux, of a pair of berth mattresses, also not in use, and of a parcel of broken rubbish metal for ballast, during the time my boat was so employed, I am inclined to believe you will scarcely deem worthy of notice.

In August last, when I returned from below, I reported officially to your Office my arrival: I represented how I had been employed, and stated that I devoted two or three weeks to the renovation of my own health; I preferred over stating this time to the contrary. The two sailors, on their examination, prove it to have been eight or nine days. So that it appears, during the years 1845 and 1846, I had taken the liberty of indulging myself for fifteen days in all! During the six years I held Public office, I was never from the Province, nor had leave of absence from my duties.

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In consideration of these periods of relaxation, although it by no means formed one-third of the time I was down the river, I paid, out of my own pocket, not only all the expense, for the whole time, of one of the sailors, out of three, who were on the boat, but also several sums expended upon necessaries for the others.

The accounts will show, that of the three sailors, Sullivan, Baptiste and Edward, with me, the two former were only charged.

With regard to the mission of the man Gilliland, to Beauharnois, the expense of which £1 7s. 6d., it is represented were improperly allowed by me to be charged against the Public, I have to state that the "Vulcan" had come up to this city at the very close of the season, for the various supplies required for the winter's operation, a portion of which were some pieces of oak to be had from Beauharnois. This timber was to have been sent in time to meet the boat, and along with it one piece of oak and one piece of elm, which I had myself procured for the keel and bottom sheeting of my boat. I requested the messenger, on his going, to enquire after and have forwarded with the others, if possible, those my two pieces of timber: my doing so, did not cause any portion of the expenditure of the £1 7s. 6d., which was accordingly, and justly, charged to the Public.

I cannot but believe that the foregoing explanation, in which I have touched upon all the prominent points, as they appeared to me, will be deemed satisfactory, and that the frivolity and futility of the charges will evidence not only the source from which they really emanated, but the objects with which they were brought forward, namely, personal hostility, and to prolong the existence of the official life, in your Department, of one who has been repeatedly pronounced by almost every member of the late Board, who are now members of the Government, as utterly unfit for the situation he fills; a fact which you and your brother Commissioner were not slow in detecting, as evinced, so long since, by your representations to the Government of your want of confidence in him, and expression of your desire for his removal.

I have the honor to be,

Sir,

Your very obedient Servant,

HAMILTON H. KILLALY.

Public Works Office,

11th February, 1847.

Sir,

The nature of the complaints and facts urged against Captain Vaughan, having a tendency, in many instances, to inculcate the Honorable Mr. Killaly, the undersigned Commissioner of Public Works deemed it his duty to inform him of it, and requested his attendance, if he thought fit, at the enquiry then about to be made at Sorel, which he declined. The Commissioners afterwards sent him a copy of the evidence there taken. To exonerate himself from such charges in the evidence, he has addressed to the Commissioners a letter, of which the accompanying is a copy, and is herewith respectfully submitted, with certain called for explanations on some main points, in order to show the case in its proper light. It was with a painful feeling, that the Commissioners

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were forced to inquire into facts reflecting upon their predecessor in office, and to enter into minute details, which they would have wished to avoid.

The Commissioners have not, for a moment, contemplated to depreciate Mr. Killaly's merits, nor deprive him of the opinion he entertains for the important works which he performed while Chairman of the late Board, and which he says are for him a source of "pride and exultation:" this is a question of which the Public can best judge; but the undersigned will simply make a few observations thereon, and state, in the first instance, that as soon as the Commissioners were informed of the irregularities complained of, they lost no time in reporting and enquiring into them; and no questions were put to witnesses which they were not wholly competent to answer, as will appear by the evidence, although the contrary is given to be understood, especially as regards the utility of a small skiff for the Lake Service, built by order of Mr. Killaly, which the witnesses declare to be perfectly useless for the Lake Service.

Mr. Killaly is pleased to admit, and with much candour, that the inferior part of the Province has heretofore been much neglected. While Chairman of the late Board, he only visited it once, that was in the summer of 1845; and once in 1846, after the change took place in the Department. Both instances are strong proofs of his assertions in that respect, for though absent each time seven or eight weeks, the whole of his official labours below Quebec, as shown by the evidence, consist of a visit to the *Chemin des Caps*, and of other short visits to Metis and Rimouski; a few soundings effected, and visits at Grosse Isle and Riviere du Loup, and an hour or two at l'Islet and Berthier, also spent in effecting soundings, without seeing, or calling for information from competent persons at any of these places; and, on his way up, in merely throwing the lead at St. Michel, *en passant*, and which it was his duty to visit and survey, in accordance with the resolutions of the Legislature.

These visits and surveys have cost the Province the sum of £215 15s. 5d., exclusive of Captain Vaughan's salary, and the salary and travelling expenses of Mr. Killaly, as shewn in Schedule A, and has given rise to two Reports, one of the 27th April, and the other of the 11th of September, 1846, contradictory in many points, and incorrect in others: for instance, he recommends in his second Report, the erection of wharves or piers at places which it appears, by the evidence, he never surveyed; such as Murray Bay, Bay St. Paul, Point aux Peres, and Pointe aux Rignaux, (after having declared, in his first Report, this latter place totally unfit for such an improvement,) and he nevertheless gives an estimate of the probable cost of them, as well as of those recommended at l'Islet, Berthier, and Riviere du Loup, which, being grounded on such an unsatisfactory and slight survey, are altogether incorrect as to their probable extent and cost. These facts have been fully established by a subsequent survey, made by this Department in order to recommend these improvements on sure and correct data.

The Department took this step to meet the wishes and views of the influential portion of the community in that District, who were bitterly complaining of neglect and disregard to their wants, especially in the erection of piers, though they knew the Province had been put to the expense of a Steamer to take down the late Chairman of the Board of Works.

As to the necessity or propriety of taking away from the Lake Service the Steamer "Vulcan," for

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the space of ten days for that object, to the great delay and injury of the works then going on, the Commissioners leave it to His Excellency to decide, especially when it is well known that in every place above mentioned boats could be had, and of all descriptions.

What little was done with the Steamer in effecting these surveys, and its trip to the Saguenay and to the Escoumin, much further down, where the Honorable Mr. Killaly was left, and the description of passengers taken to Riviere du Loup, lead to the belief that the survey was a minor consideration.

Then again, the Commissioners cannot see the necessity, while the operations were going on in September of the year 1845, for ordering the same Steamer away for six days, merely to take down a few barrows, shovels, and other tools to the *Chemin des Caps*, which might have been forwarded by the ordinary channel of the Steamers to Quebec, and thence by Schooners below: but the Commissioners find that instructions were, at the same time, given to Captain Vaughan to proceed to Riviere du Loup, more than fifty miles lower down, to bring up Mrs. Killaly and family.

It appears, by divers documents, that Mr. Killaly's yacht has cost the Province, at least, the sum of £150, though Captain Vaughan has repeatedly stated that it had been built altogether at his (Mr. Killaly's) cost for £200, and was his own private property, Mr. Killaly stating also that to be the case.

The Commissioners regret that he or Captain Vaughan did not lay before them proper accounts and vouchers, to establish and settle this fact beyond a doubt.

As to the intention to which it was built, and its proposed object as now alleged, it is not for them to judge. Suffice it to say, they cannot see any reason why, in any case, Public money should be expended for private ends, under pretence of Public interest, and without authority.

As Mr. Killaly has been pleased to cast the most severe and serious reflections, and manifest a very hostile feeling against the Secretary of this Department, the Commissioners must, in justice to that officer, say, that in this case, he has acted under their instructions in procuring necessary documents and information, so as to enable them to attain the truth.

Since writing the above, the Commissioners have, on the 5th instant, received from the Honorable Mr. Killaly, the documents marked B; but as they are not of a nature to alter in anywise the facts as established by the evidence, their only course is to transmit them to His Excellency, with the other accompanying documents.

The whole respectfully submitted by,
Sir,
Your most obedient Servant,

C. E. CASGRAIN,
C. P. W.

The Honorable D. DALY,
Provincial Secretary.

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STATEMENT, showing the cost to the Government of the Surveys made below Quebec by the Honorable Mr. Killaly, in the years 1845 and 1846:—

Amount shown in document No. 1, attached to the Commissioners' Report, on the charges brought against Captain Vaughan	£166	2	11
Paid Captain Rayside, who accompanied Mr. Killaly in 1845, as per voucher No. 1, in the Public Accounts.....	15	0	0
Paid Captain Weatherly for doing Captain Rayside's duty in his absence, as per voucher No. 2, of the Public Accounts.....	10	0	0
Paid Mr. Shanly, Clerk in the Board of Works Office, who accompanied Mr. Killaly in 1845, per voucher No. 7.....	18	7	6
Paid G. F. Prowse for a Provision Basket, in accordance with Mr. Killaly's certificate.....	6	5	0
	£215 15 5		

The above does not include Mr. Killaly's or Captain Vaughan's salaries, or any portion of the sum of £288 15s. 6d. which appears on the books of the Department against Mr. Killaly, and which he states for travelling expenses, during the years 1843, 1844, and 1845.

(Copy.)

Montreal, 16th January, 1847.

Sir,

I beg leave to put a few questions to you, relative to some points of the charges brought against you, and in which much pains have been taken to mix up my name.

You will be so good as to put your answers in such form, as that you can certify to the truth thereof on oath, which will probably be required by the Commissioners of Public Works.

1st. Upon my return from an inspection below Quebec, in 1845, did I state to you that I found the "Red Bird" utterly unfit and unsafe for such duty, and did I consult you as to the rendering her more commodious and safe?

2d. Did I consult you with respect to the chartering of a suitable vessel for such time as she might be required?

3d. Did I consult you with respect to the cost of such a boat as would be suitable for the nature of the service I explained to you, namely, the examining the mouths of rivers and other places, as to their being proper positions for piers, and for going to Metis, Rimouski, and where bridges were building, and also to inspect the Gaspé works?

4th. Having decided on building a boat myself, did I, long before she was commenced, and repeatedly after, express my strong desire that you should be particular in not compromising me, by allowing any interference with the Public stores?

5th. When I learned from you that making use of some of the knees, which had been left after building the scows, instead of waiting for the *habitants* to bring

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them in, would very much forward the construction of my boat, did I again impress on you my desire that a strict account of them, as well as of everything else which might be used, should be kept, in order that they should be replaced or paid for by me?

6th. For what purpose did you conceive the small skiff to be ordered, and did you consider, at any time, that she was built for my private uses?

7th. In the evidence it is stated that, prior to gentlemen going down to visit the works in the Lake, you frequently had the Dredges moved from one position to another: did I ever direct you to do so, and was I in any manner cognizant of the fact?

I am, Sir,

Your obedient Servant,

HAMILTON H. KILLALY.

Captain VAUGHAN.

Orr's Hotel, 28th January, 1847.

Sir,

I received your letter, putting certain questions to me, to which you wish me to give answers that I can vouch to on oath, when required by the Commissioners.

I would have given you answers before, but I have been altogether taken up in my making out my statement in contradiction of those charges; and in it, which I send in this day, is fully explained every one of the things referred to in the questions you put. However, I will give you now short answers to each.

1st. On your return in 1845, you told me the accommodation of the "Red Bird" was wretched, that the hole you had to sleep in was enough to smother you, and that the men also suffered much at times in having no cover at night from the rain: and in reply to your asking me if I could improve her, I told you she was too old to lay out money on.

2d. I told you, I thought you could not get a boat to charter which would suit you; that you would either get an open boat, or a decked one that would be too large and too expensive.

3d. You questioned me very much about the cost of building such a boat as you wanted, which you said you would like to be of the same dimension as the "Shannon." I told you I had built her, and sold her to Lord Mulgrave's brother, a twelvemonth after, for one hundred and twenty-five pounds. I told you that you could have much such a boat, with improvements on her, built for about one hundred and fifty pounds, and that if you would decide on having her built during the winter, that you would have several advantages; that I would superintend her for you; that Davidson, the Foreman Carpenter, being in the yard, could constantly see her, and that I was sure he could often lend a hand at her; that his doing so would not at all interfere with his duty. I told you also that some of the Watchmen and Mates, who were kept on in winter, who were handy fellows, could often assist, as they would often have nothing to do but watch their vessels, and might as well be fiddling at strapping your blocks, and doing other such things, as to do nothing.

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4th. From the moment you decided on building the boat, you told me repeatedly to be careful not to let the men have your name brought up, in any manner, by using the Public materials; and you told me why you so often did this was, that it was so likely that the men, seeing a parcel of things about the yard that were left after the repairs of the vessels, might take some of them, supposing that they would not work in for the large vessels.

5th. The boat once commenced, you became anxious to drive her on, and this was the reason that we did not wait for the *habitants* to bring in the knees on sleighs: but of them, and of everything else which I found it convenient, and would prevent loss of time in building her, you desired me to keep a strict account; and, as is shown in my statement, and in the evidence of the Foreman and others, I was most particular in directing that this should be done.

From your having ordered all the material things from the best houses, and with the timber you procured yourself, and with some of that which we picked up on the Lake, I know that any saving which could be had by using the materials, would be contemptible.

6th. As I show in my statement, I knew the skiff was necessary when you went in the "Red Bird" on your inspection; in fact, you could not do without some such boat. I knew that it would be a very handy little boat to take soundings, and that it would often save the men's time, who would be required if the large gigs were used. I always considered her built for such Public purposes: if I had not been sure of this, I would not have allowed her to be built by the hands paid by the Public. And with regard to your directions that she should not be used by the men, I told you myself, before she was even on the water, that I had made her as light as I could, that she might be easily lifted in and out of the "Red Bird," and that if you allowed every one to be using her, they would soon break her to pieces.

7th. I have shown in my statement why I had the Dredges moved, and as the Captains of those boats swear one of them was moved but once, and the other twice, and never one of these three times the boat was moved back, showing that it was time to move her to another place.

I had no object in the world in the moving of them, but to let the gentlemen see them in full work, and the Captain swears that he often did as much work on the days when not visited, as they did on the days of visits.

I never received any instructions from you to move them, nor were you aware I had done so, except the day when Mr. Caley and Draper were with you. On that day, you said to me "you thought I had been at work higher up," and I told you I had been, but that I was just down to bottom there, and that it was so cut into furrows, that I wanted to show Mr. Caley what the boats could do, and that I therefore dropped her down: this was the only reason of my having moved her.

I have the honor to be,

Sir,

Your obedient Servant,

D. VAUGHAN.

The Honorable
H. H. KILLALY,
&c. &c. &c.

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Montreal, 3d July, 1847.

Sir,

I have the honor herewith to transmit to you a copy of the letter from me to Captain Vaughan, containing the questions put to him by me, upon certain points embraced in the charges lately brought against him, and in which my name was so industriously mixed up, and to which I referred in the communications I lately made to the Commissioners upon the subject. I also transmit his replies thereto, and I have only to add, at present, that Captain Vaughan is prepared to verify them on oath before the Commissioners, if required so to do.

I am, Sir,

Your obedient Servant,

HAMILTON H. KILLALY.

Hon. W. B. ROBINSON.

Public Works,
Montreal, 11th February, 1847.

Sir,

In compliance with the command of His Excellency the Governor General, of the 15th December last, to inquire into certain charges made by Mr. James State, Store-keeper at Sorel, against Captain David Vaughan, Superintendent of the Works of Lake St. Peter, and on the Memorandum of Thomas A. Begley, Esquire, Secretary to this Department, relative to alleged mal-appropriations of funds and materials belonging to the Lake St. Peter Service, the undersigned Commissioner of Public Works has the honor to report, for His Excellency's information, that, in order more fully to investigate the same, he proceeded to Sorel and examined certain witnesses on oath, in presence of Captain Vaughan, respecting the charges made against him, by which it appears—

1st.—That Captain-Vaughan has, almost since the time of Mr. State's appointment as Store-keeper, entertained towards him a feeling of dislike, caused, apparently, by a due exercise of his duties on the part of the latter, and a proper interference in certain cases with Captain Vaughan's management. This feeling has latterly resulted in a personal quarrel, and appears to be chiefly attributable to the want of proper regard on the part of Captain Vaughan towards Mr. State.

2dly.—That he has had several men, in the employment and pay of the Department, engaged at his own house and elsewhere, for his own private affairs and interest, as well as for the private business of others, without any authority for so doing.

3dly.—That he has converted to his own use, and even to that of other persons, articles belonging to the Lake Service.

4thly. That he caused to be built, in the winter of 1845, an expensive skiff, with moneys appropriated for the Lake St. Peter Service, for which it is perfectly useless, but which, he states, was done by order of the Chairman of the late Board of Works.

5thly.—That he also caused to be built, last winter, a yacht of about fifteen tons burthen for the Honorable Mr. Killaly, principally by men in the

employment and pay of the Board of Works, and of materials in most part belonging to the Lake Service; the cost of which, as per annexed Statement No. 1, amounts to upwards of £130, although Captain Vaughan positively assured the Commissioners, in the early part of the summer, that the yacht was the private property of Mr. Killaly, and built at his sole expense, at a cost of £200.

6thly.—That Captain Vaughan has improperly been the cause, upon many occasions, of the non-entry in the log-books of the absence of the Steamers from the Lake Service, from which they have frequently been called away for purposes or business unconnected therewith, to the great injury and delay in the progress of the work.

7thly —That, in the summer of 1845, it is in evidence that the Steamer "Vulcan" was twice absent from the Lake (in all sixteen days) on trips to the Escoumains, below the Saguenay and Riviere du Loup, on business altogether unconnected with the Lake Service, which has occasioned considerable delay in the works, and a great expense to the Public, amounting to the approximate sum of £166 2s. 11d., as per Statement No. 2, for no apparently sufficient reason, but which Captain Vaughan states was in obedience to orders from the Honorable Mr. Killaly, and therefore no blame should attach to him.

8thly.—That Captain Vaughan, having engaged to board all the persons employed in that service at 50s. per month for the officers, and 40s. for the men, besides being furnished with cooking utensils, bedding, fuel, &c., by the Board of Works, has had a number of persons exclusively employed on the several boats in the Lake as Stewards, Cooks, and Cooks' Mates, whom, nevertheless, he has certified to, and returned on the Pay-lists as seamen and boys, during the year 1845, and partly for those of 1844 and 1846, and who have altogether been an expense to the Government of £876 18s. 5d., as shown by the annexed Document marked No. 3, without any authority that the Commissioners are aware of. An explanation of this has been asked for from the Chairman of the late Board of Works, as appears by the letter marked No. 4, but as yet no answer has been received.

9thly.—That, although very liberally paid for the board of the officers and men, Captain Vaughan has not found them with proper, and, at times, sufficient food, which has been a cause of much dissatisfaction among them, and injury to the service.

10thly.—That Captain Vaughan has dismissed good and faithful men without sufficient reason, and in consequence of just complaints on the part of the men relative to their board.

11thly.—That, at different times, when any official visits or inspection of the Works was expected, Captain Vaughan has caused the Dredges to be removed, and placed in other situations, and on better and softer bottom, thereby deceiving the Public and his superior officers, who were consequently unable to judge correctly of the state, condition, and progress of this important work.

12thly.—That men have been taken from the Lake Service for months, in the summer of 1845, during the most important time of the operations, and also in 1846, and employed while so absent (only in part) on other Public service, but nevertheless, paid altogether out of the funds appropriated for the Works on the Lake St. Peter.

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13thly.—That the men so employed in this last, as well as in the other instances above stated, were continued on the Pay-lists, and certified to by Captain Vaughan as working for, and belonging to, the said Lake Service, and paid accordingly on such certificate.

The undersigned Commissioner caused copies of all these charges, as well as the evidence taken at Sorel, to be sent to Captain Vaughan, (see letters 5 and 6,) and stated to him, that any evidence he might wish to produce, would be taken either at Sorel or Montreal. Instead, however, of adopting this obvious and only proper course, he has sent in his own statement in answer to the charges against him, accompanied by certificates and affidavits, taken without the Commissioners having had an opportunity of putting any questions to the parties. The undersigned, nevertheless, submits these documents as the only defence offered by Captain Vaughan.

Captain Vaughan admits that he was told by Mr. Killaly to keep an exact account of any materials used, or rather expense incurred, in building the yacht. He, however, never rendered any such account to this office, but returned men on the Pay-lists as working on the Lake Service, who, it is proved, were employed on the yacht for a long time.

The whole respectfully submitted by,
Sir,

Your most obedient and humble Servant,
C. E. CASGRAIN,
C. P. W.

Honorable D. DALY,
Provincial Secretary.

No. 1.

STATEMENT made from evidence taken at Sorel, of materials supplied from the Government Shipyard at Sorel, and applied for the building of the Honorable H. H. Killaly's yacht; also of the time of the men employed thereon, and paid for by the Government.

From the evidence of T. Davidson:—
Timber, &c., per bill..... £42 18 5
His own time, half of 77 days, @ 7s. 6d. 14 8 9
Paint 4 14 6

From the evidence of J. O'Leary:—
Painting—
By O'Leary..... 10 days.
Less, paid by Mr.
Killaly..... 6 do
4 do @ 6s. 8d. £1 6 8
Board 10 do @ 1s. 8d. 0 16 8

From the evidence of A. Wright:—
Rigging, viz.—
O'Sullivan in yard, 36 days, @ 3s. 6d. £6 6 0
Do in the Lake, 2 months and 18 days 10 8 0
Board..... 6 10 0
O'Leary in yard, 18 days, @ 5s. 7½d. 5 1 3
Wright do 18 do @ 6s. 8d. 5 10 0
25 yards of canvass @ 1s. 6d..... 1 17 6

From the evidence of John Milne:—
Blacksmith work..... £20 0 0

From the evidence of F. Rotting:—
Painting, 18 days, @ 4s..... £3 12 0

Carried forward..... £123 9 9

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Brought forward..... £123 9 9
From the evidence of Starky:—
Carpenter work—
1 week.....£1 5 0
Board..... 0 12 6
1 17 6

From the evidence of Stevens:—
Carpenter work—
5 weeks.....£6 5 0
Board..... 3 2 6
9 7 6

Paid by Department—
James Gilliland..... 1 17 6
£136 12 3

From the evidence of A. Wright:—
All the rope, &c., for standing and running rigging
Less one coil supplied by Mr. Killaly...
£

No. 2.

STATEMENT, showing the amount charged against, and certified by Captain Vaughan, as being for the Lake St. Peter Service, but for work unconnected therewith, viz.:—

On the trip of the "Vulcan" below Quebec, in July, 1845, ten days absent:—
Pay of men, per Voucher No. 46, of the Public Accounts.....£16 4 0
Board of do do do do 8 15 9

On board of the "Red Bird," absent 1 month and 18 days—
Pay of Henri Coté, Voucher No. 46, of the Public Accounts..... £11 17 1
Pay of Baptiste Joncas do 46 do do 6 6 6
Board of Coté and Joncas do 46 do 7 16 6
Towage of "Red Bird" from Quebec do 3 0 0
Coals laid in at Sorel, 21½ chaldrons 29 11 3
*Coals purchased below Quebec, 6 do, Voucher No. 6..... 14 14 0
Tallow..... 1 5 0

On the trip of the "Vulcan" below Quebec, in July, 1845, six days absent—
Pay of men, per Voucher No. 46, of the Public Accounts..... £11 2 1
Board do do do do 6 2 0
Coals laid in at Sorel, 16½ chaldrons 22 13 9
Tallow..... 0 15 0

Men serving on board the Honorable Mr. Killaly's yacht—
Pay of John Sullivan, 2 months, per Voucher of Public Accounts..... £ 8 0 0
Do of Baptiste Joncas, 2 do do do 8 0 0
Board of Sullivan and Joncas do do 10 0 0
£166 2 11

Note.—The above does not include the salary of Captain Vaughan.

* This item was certified to by Captain Vaughan as for the Lake Service, but was charged, in the Public Accounts, against Surveys, Canada East.

STATEMENT, shewing the Amount paid to men serving as Cooks and Stewards, and so returned in the Pay Lists, in the years 1844, 1845, and 1846, of the Lake St. Peter Service.

		£	s.	D.	£	s.	D.
1844							
April	Pay of one Cook.....	0	15	0			
	Board equal to one-half month.....	1	0	0	1	15	0
May	Pay of three Cooks.....	7	10	0			
	Board equal to three months.....	6	0	0	13	10	0
June	Pay of three Cooks.....	7	10	0			
	Board equal to three months.....	6	0	0	13	10	0
July	Pay of three Cooks.....	7	10	0			
	Board equal to three months.....	6	0	0	13	10	0
August	Pay of three Cooks.....	7	10	0			
	Board equal to three months.....	6	0	0	13	10	0
September	Pay of three Cooks.....	7	10	0			
	Board equal to three months.....	6	0	0	13	10	0
October	Pay of three Cooks.....	7	10	0			
	Board equal to three months.....	6	0	0	13	10	0
November	Pay of three Cooks.....	7	10	0			
	Board equal to three months.....	6	0	0	13	10	0
1846							
April	Pay of two Cooks.....	3	12	0			
	Board equal to one month and six days.....	2	7	9	5	19	9
May	Pay of one Steward and one Cook.....	5	10	0			
	Board equal to two months.....	4	0	0	9	10	0
June	Pay of two Stewards and three Cooks.....	13	1	8			
	Board equal to four months and twenty-five days.....	9	6	8	22	8	4
October	Pay of two Cooks.....	2	15	0			
	Board equal to one month and three days.....	2	3	10	4	18	10
November	Pay of two Cooks.....	3	10	2			
	Board equal to one month and eleven days.....	2	14	3	6	4	5
December	Pay of two Cooks.....	0	6	4			
	Board equal to four days.....	0	5	2	0	11	6
<i>Carried down,</i>.....		...	...	...£	145	17	10

STATEMENT, shewing the amount paid monthly to Men serving on board the Steamers "Vulcan," "St. Peter," and the two Dredges on the Lake St. Peter; acting as Stewards, Cooks, and Cooks' Mates, but returned on the Pay Lists as Seamen and Boys, during the working seasons of 1844, 1845, and 1846.

		£	s.	D.	£	s.	D.
1844							
<i>Brought down,</i>.....		...	...	...	145	17	10
April	Pay of eight Men.....	9	15	0			
	Board equal to four months.....	8	0	0	17	15	0
May	Pay of six Men.....	12	0	0			
	Board equal to six months.....	12	0	0	24	0	0
June	Pay of six Men.....	12	0	0			
	Board equal to six months.....	12	0	0	24	0	0
July	Pay of six Men.....	12	0	0			
	Board equal to six months.....	12	0	0	24	0	0
August	Pay of six Men.....	12	0	0			
	Board equal to six months.....	12	0	0	24	0	0
September	Pay of six Men.....	12	0	0			
	Board equal to six months.....	12	0	0	24	0	0
<i>Carried forward,</i>£	283	12	10

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STATEMENT, shewing the amount paid monthly to men serving on board the Steamers "Vulcan," "St. Peter," and the two Dredges on the Lake St. Peter, acting as Stewards, Cooks, and Cook's Mates, but returned on the Pay Lists as Seamen and Boys during the Working Seasons of 1844, 1845, and 1846.—
Continued.

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		£	s.	d.	£	s.	d.
<i>Brought forward</i>	283	12	10
October.....	Pay of six Men.....	12	0	0			
	Board equal to six months.....	12	0	0	24	0	0
November.....	Pay of six Men.....	12	0	0			
	Board equal to six months.....	12	0	0	24	0	0
1845							
April.....	Pay of eleven Men.....	7	9	4			
	Board equal to four months and twenty days.....	9	6	8	16	16	0
May.....	Pay of twelve Men.....	25	1	8			
	Board equal to twelve months.....	24	0	0	49	1	8
June.....	Pay of eleven Men.....	24	11	8			
	Board equal to ten months and twenty-eight days.....	21	17	4	46	9	0
July.....	Pay of twelve Men.....	24	12	0			
	Board equal to ten months and twenty-seven days.....	21	14	10	46	6	10
August.....	Pay of twelve Men.....	25	11	8			
	Board equal to eleven months and twenty-five days.....	23	12	3	49	3	11
September.....	Pay of ten Men and two Boys.....	24	0	0			
	Board equal to twelve months.....	24	0	0	48	0	0
October.....	Pay of twelve Men.....	26	0	0			
	Board equal to eleven months and twenty-five days.....	23	12	3	49	12	3
Nov. & Dec....	Pay of eleven Men.....	31	18	10			
	Board equal to twelve months and two days.....	28	2	9	60	1	5
1846							
April.....	Travelling expenses to Montreal of costs of Vulcan.....	...	...	...	0	12	6
	Pay of ten Men.....	13	2	0			
	Board equal to five months and twenty-three days.....	11	10	8	25	12	8
May.....	Pay of ten Men.....	23	0	0			
	Board equal to ten months.....	20	0	0	43	0	0
June.....	Pay of seven Men.....	14	10	0			
	Board equal to seven months.....	14	0	0	28	10	0
October.....	Pay of ten Men.....	22	2	1			
	Board equal to nine months and seventeen days.....	19	1	11	41	4	0
November.....	Pay of nine Men.....	20	10	0			
	Board equal to nine months.....	18	0	0	38	10	0
December.....	Pay of eight Men.....	1	1	7			
	Board equal to fifteen days.....	1	3	9	2	5	4
					£731	0	7
Amount paid to men, returned on the Pay Lists, as Cooks and Stewards.....		...	...	...	145	17	10
Amount paid to men serving as Cooks and Stewards, but returned on the Pay Lists as Seamen and Boys.....		731	0	7
					£876	18	5

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No. 4.

(Copy.)

2nd July.

Department Public Works,
8th January, 1847.

My Dear Sir,

I beg to refer you to a statement of Captain Vaughan in the course of the enquiry, in which he says, there are eight Cooks and four Stewards on the Lake Service; and please inform the Department if, besides the allowance made him for the board of both officers and men, he was allowed these aids.

I have the honor to be,
Sir,
Yours, &c.
(Signed,) C. E. CASGRAIN,
C. P. W.

The Honorable
H. H. KILLALY,
&c. &c. &c.

No. 5.

To the Honorable the Commissioners of Public Works.

Gentlemen,

The very short notice which I have received of your intention of proceeding on the present investigation, has deprived me of all possibility of procuring my witnesses (some of whom are at long distances from here) to refute these false statements and charges that have been maliciously brought against me. Under these circumstances, I appeal to your Honorable Board, praying that you will be pleased to allow me a short time to procure my witnesses, prior to any further action being taken in the matter; and, as the sudden departure of the Honorable Mr. Casgrain from here, precluded the possibility of my getting a copy of the evidence given at the investigation, I most humbly request that your Honorable Board will be pleased to send me a copy of it, in order to enable me to prepare my defence.

I further most humbly and respectfully beg to request, that your Honorable Board will be pleased to call immediately, to give evidence on the charges brought against me, and on the conduct of Captain O'Leary and Mr. State, those persons whose names I have mentioned to the Honorable Mr. Casgrain here, viz. :—Mr. D. O'Brien, Clerk in Mr. Barrett's office; Mr. Calvert, who was First Engineer on board No. 1 Dredge, and who is now on board the "John Munn," Quebec; and Mr. Hood, who was First Engineer in the "St. Peter," and who is now at Laprairie; also Mr. Smith, Engineer of the Montreal Dredge.

Most humbly and earnestly hoping that your Honorable Board will be pleased to sanction my request, and afford me that protection my case may require,

I have the honor to be,
Your Honorable Board's
Most humble Servant,
(Signed,) D. VAUGHAN.

Sorel, 31st December, 1846.

No. 6.

Department Public Works,

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(D. D.)

2nd July.

Sir,

I have the honor to acknowledge the receipt of your letter of the 31st ultimo, addressed to the Commissioners, relative to the investigation lately made at Sorel, respecting the manner in which the Lake St. Peter Service has been conducted; and in reply, I am directed to acquaint you that, previous to the receipt of your letter, the Commissioners had given instructions that a copy of the proceedings should be made, (now doing,) and forwarded to you without delay.

With reference to the examination of the witnesses mentioned by you, the Commissioners are most willing to afford you every justice in their power; and will have the persons named, summoned and examined at Montreal, for any day you may appoint—with the understanding that you are to pay their expenses.

I am,
Sir,
Your obedient Servant,
(Signed,) THOMAS A. BEGLEY,
Secretary.

Captain VAUGHAN,
&c. &c. &c.
Sorel.

Department of Public Works,
12th February, 1847.

Sir,

I am directed by the Commissioners to transmit, for the information of His Excellency, the Governor General, their Report on certain charges against Captain David Vaughan, Superintendent of the works on Lake St. Peter; together with a copy of all the evidence, and other documents relative thereto, as per annexed Schedule.

I am further directed to state, that although the Commissioners have found Captain Vaughan an attentive and efficient officer, for the short period they have known him, they feel it to be their duty to recommend that he should not be continued in the Public Service—he having, in the opinion of Commissioners, failed to give a satisfactory explanation of the charges brought against him.

As a number of articles belonging to the Lake St. Peter Service appear to be missing, the Commissioners are now having an examination made into the matter, and so soon as completed, Captain Vaughan will be called on for an explanation, relative to the deficiencies, and the result thereof will be communicated, for His Excellency's information.

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed,) THOMAS A. BEGLEY,
Secretary.

The Hon. D. DALY,
Secretary of the Province,
&c. &c. &c.

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LIST OF DOCUMENTS SENT HEREWITH.

- No. 1.—Copy of letter from Chief Commissioner of Public Works, to the Honorable the Provincial Secretary, 14th December, 1846, enclosing three letters from James State, Store-keeper, Sorel, dated 11th, 14th, and 16th November, 1846; and Memoranda of the Secretary of Public Works, dated 4th and 7th December, 1846.
- No. 2.—Memorandum of the Commissioners of Public Works, with letter to the Honorable Mr. Killaly, dated 26th December, 1846; and letter of Captain Vaughan, dated 28th December, 1846.
- No. 3.—Copy of evidence taken at Sorel.
- No. 4.—Copy of letters to Captain Vaughan and Mr. James State, dated 31st December, 1846: letter from Captain Vaughan, dated 31st December, 1846.
- No. 5.—Report of Commissioners of Public Works, relative to the Lake St. Peter enquiry, accompanied by Documents Nos. 1, 2, 3, 4, and 5.
- No. 6.—Copy of letter from the Honorable H. H. Killaly, with the remarks of the Honorable Mr. Casgrain thereon, accompanied by Documents marked A and B.
- No. 7.—Defence of Captain Vaughan, with affidavits, &c., dated 18th January, but not received until 28th January, 1847.
- No. 8.—Letter of Captain Vaughan, dated 4th February, 1847, and answers thereto.

Public Works, Montreal,
18th February, 1847.

Appendix
(D. D.)
2nd July.

Sir,

In reference to that portion of the letter from this Department, addressed to you on the 12th instant, relative to the Lake St. Peter investigation, stating that a number of articles, belonging to the Lake St. Peter Service, appear to be missing; the Commissioners are now having an examination made into the matter. I am directed to acquaint you, for the information of His Excellency, the Governor General, that on further examination, it is found a number of articles supposed to be deficient, belonging to the Lake vessels, are in store at Sorel, and that the deficiency is, consequently, much smaller than the Commissioners were led to believe.

I am further to state, that in justice to Captain Vaughan, the Commissioners consider it proper to state, that the deficiency shewn in the Schedule, a copy of which is herewith transmitted, appears little more than could be expected from ordinary wear and tear, except in few articles.

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed,) THOMAS A. BEGLY,
Secretary.

The Hon. D. DALY,
Provincial Secretary,
&c. &c. &c.

Recapitulation from the Inventory of the Moveable Articles, belonging to the Lake St. Peter Service, not including Wood, Iron, Coals, Oil, or any other stores liable to be quickly consumed.

ARTICLES.	On board the "St. Peter," per inventory, 29th Nov. 1843.	On board the "Vulcan," per inventory, 8th October, 1844.	On board Dredge No. 1, per inventory, 29th Nov. 1843.	On board Dredge No. 2, per inventory, 29th Nov. 1843.	Quantity purchased up to December 1846.	Total Quantities.	On hand, according to inventory, 7th January, 1847.	Deficiency.	Overplus.
Anchors...	3	0	2	0	12	17	20	0	3
Chains ...	3	0	2	0	20	25	8	17	0
Blocks ...	12	0	0	0	88	100	39	61	0
Handspikes ...	7	0	12	0	156	175	32	143	0
Fish Hooks ...	1	0	1	0	0	2	3	0	1
Boat Hooks ...	3	0	0	0	6	9	7	2	0
Sounding Lines ...	2	0	0	0	0	2	1	1	0
Side Water Pumps ...	1	0	0	0	0	1	2	0	1
Swabs, ...	4	0	0	0	0	4	5	0	1
Signal Halliards ...	2	0	0	0	0	2	4	0	2
Heaving Lines ...	3	0	0	0	0	3	4	0	1
Caulking Mallets ...	2	0	0	0	0	2	2	0	0
Caulking Irons ...	5	0	0	0	0	5	3	2	0
Yoke for Boat ...	1	0	0	0	0	1	0	1	0
Serving Boards ...	2	0	0	0	0	2	1	1	0
Serving Mallets ...	2	0	0	0	0	2	1	1	0
Stoppers for Chains ...	2	0	1	0	0	3	2	1	0
Tackle fall complete ...	1	0	0	0	0	1	1	0	0
Luff Tackle ...	0	0	3	0	0	3	3	0	0
Tar Brushes ...	2	0	0	0	12	14	6	8	0

Appendix
(D. D.)

2nd July.

Appendix
(D. D.)

2nd July.

ARTICLES.	On board the "St. Peter," per inventory, 29th Nov., 1843.	On board the "Vulcan," per inventory, 8th October, 1844.	On board Dredge No. 1, per inventory, 29th Nov. 1843.	On board Dredge No. 2, per inventory, 29th Nov. 1843.	Quantities purchased up to December, 1846.	Total quantities.	On hand according to inventory, 7th January, 1847.	Deficiency.	Overplus.
Lime Brush	1	0	0	0	1	2	1	1	0
Varnish Brush	0	0	0	2	0	2	0	2	0
Mops	5	0	0	0	0	5	1	4	0
Window Sashes	2	0	0	0	0	2	2	0	0
Pump Hose, and Copper Pipe	3	0	0	0	0	3	3	0	0
Scrubbing Brushes	4	2	9	3	36	54	17	37	0
Shoe Brushes	6	2	0	0	2	10	2	8	0
Marline Spikes	2	1	1	0	0	4	3	1	0
Jolly Boat, Main Sail, &c.	1	0	0	0	0	1	1	0	0
Sets Traps for Davits	4	0	0	0	0	4	4	0	0
Scrapers	3	2	0	0	12	17	10	7	0
Lanterns	1	0	0	0	15	16	0	16	0
Pitch Pots	2	0	0	0	0	2	0	2	0
Varnish Can	1	0	0	0	0	1	0	1	0
Oil Cans	9	7	7	0	8	31	9	22	0
Paint Brushes	9	0	0	0	0	9	0	9	0
Lamps	11	10	10	9	50	90	32	58	0
Buckets	14	5	21	0	0	40	28	12	0
Pinch Bars	2	0	0	0	0	2	2	0	0
Tub Sheated for Pump	1	0	0	0	0	1	1	0	0
Flag Staffs	2	0	0	0	2	4	4	0	0
Side Ladder	1	0	0	0	0	1	1	0	0
Tables	3	4	0	0	0	7	12	0	5
Grindstones	1	0	0	0	2	3	3	0	0
Stoves and Pipes	3	3	4	0	3	13	15	0	2
Cask	1	0	0	0	0	1	1	0	0
Saws	1	2	2	2	5	10	10	0	0
Axe	1	1	1	2	10	15	7	8	0
Wood Horse	1	1	0	0	0	2	1	1	0
Pig Iron, (ballast)	0	0	0	0	0	0	3 or 4 tons.	0	0
Small Stools	2	0	0	0	0	2	2	0	0
Iron Shovels... ..	2	0	6	0	96	104	64	40	0
Tarpaulins	0	0	2	0	0	2	2	0	0
Shank Painters	2	0	0	0	0	2	2	0	0
Jolly-Boat Rudder, and 5 Oars	0	0	0	0	0	1	1	0	0
Tiller, Mast, and Sprit Sail	0	0	0	0	0	0	0	0	0
Boats Davits, Brass Sheaves	1	0	0	0	0	1	1	0	0
Chain for Painter	1	0	0	0	1	2	2	0	0
Benches... ..	3	0	0	0	0	3	3	0	0
Foot Scraper	1	0	0	0	0	1	0	1	0
Bags	3	0	0	0	0	3	0	3	0
Ladder	1	0	1	0	0	2	2	0	0
Buoys (wooden)	2	0	0	0	0	2	2	0	0
Tea Kettles	1	1	2	1	2	7	11	0	4
Gridiron	1	1	0	0	0	2	2	0	0
Coffee and Spice Mills... ..	2	2	0	2	0	6	6	0	0
Knife Box	1	1	0	0	0	2	2	0	0
Saucepans	1	2	0	0	6	9	3	6	0
Tea and Coffee Pots	5	7	2	2	2	18	13	5	0
Candle Box	1	0	0	0	0	1	1	0	0
Tin Canisters	2	7	5	5	0	19	13	6	0
Soup Tureen	2	2	1	1	0	6	6	0	0
Candlesticks	9	8	3	3	0	23	23	0	0
Tin Plates and Dishes... ..	16	18	38	30	18	120	72	48	0
Panakins	13	0	32	19	26	90	29	61	0
Meal Dishes	11	0	6	0	0	17	0	17	0
Patent Glasses	2	0	0	0	0	2	0	2	0
Steamboat Bell	1	0	1	0	0	2	2	0	0
Poker	1	0	0	0	0	1	0	1	0
Shovels and Tongs	2	4	1	0	0	7	1	6	0
Tin Sconces	0	2	0	0	0	2	0	2	0
Chaudrou	1	0	0	0	0	1	1	0	0
Frying Pans	2	3	1	0	2	8	6	2	0
Sounding Poles	2	0	2	0	0	4	1	3	0
Chairs and Stools... ..	6	44	5	14	0	69	59	10	0
Sets Bed Curtains	4	17	4	4	0	29	29	0	0
Oil Cloth Cabin Floor	1	1	0	0	0	2	2	0	0

Appendix
(D. D.)
2nd July.

Appendix
(D. D.)
2nd July.

ARTICLES.	On board the "St. Peter," per inventory, 29th Nov. 1843.	On board the "Vulcan," per inventory, 8th October, 1844.	On board Dredge, No. 1, per inventory, 29th Nov. 1843.	On board Dredge, No 2, per inventory, 29th Nov. 1843.	Quantities purchased, up to December, 1846.	Total quantities.	On hand according to inventory, 7th January, 1847.	Deficiency.	Overplus.
Oil Cloth Hall and Stairs ...	1	0	0	0	0	1	1	0	0
Dust Pan ...	2	2	1	0	0	5	4	1	0
Funnel ...	1	0	0	0	0	1	1	0	0
Oil Feeder ...	1	0	0	0	0	1	1	0	0
Dusters ...	2	3	0	0	0	5	0	5	0
Curtain Arms ...	6	0	0	0	0	6	6	0	0
Hair Mattrasses * ...	22	33	21	24	0	100	108	0	0
Cotton do. ...	0	6	0	0	0	6	6	0	0
Pillows ...	20	23	6	6	0	55	52	3	0
Blankets ...	32	58	24	68	0	182	177	5	0
Coverlids ...	1	0	6	14	0	21	31	0	10
Counterpanes ...	6	59	0	0	0	65	61	4	0
Common Rugs ...	0	5	0	0	0	5	0	5	0
Pillow Cases ...	13	6	0	10	0	29	35	0	0
Do. Cotton ...	12	22	2	0	0	36	4	26	0
Table Cloths ...	6	8	1	5	0	20	17	3	0
Sheets, Pairs... ...	36	42½	6	4	0	88½	102	0	0
Do. Cotton ...	0	39	0	0	0	39	0	25½	0
Towels ...	49	22	16	10	0	97	18	79	0
Ensign and Union Jack ...	1	0	0	0	1	2	2	0	0
Snuffer and Trays ...	2	1	1	5	0	9	7½	1½	0
Bed Ticks ...	0	6	0	0	0	6	0	6	0
Table Covers ...	0	2	0	0	0	2	2	0	0
Hammers ...	0	0	0	2	7	9	5	4	0
Padlocks ...	0	0	0	4	33	37	0	37	0
Compasses ...	1	2	0	0	4	7	1	6	0
Tea Trays ...	4	3	0	0	0	7	3	4	0
Cruet Stand ...	1	2	1	0	1	5	5	0	0
Sugar Tongs ...	2	3	0	0	0	5	4	1	0
Knives and Forks ...	80	122	22	169	27	420	148	272	0
Table and Tea Spoons ...	46	23	20	82	18	189	151	38	0
Table Steel ...	2	1	1	1	0	0	5	3	2
Soup Ladle ...	1	1	1	1	2	6	6	0	0
Sugar Nippers ...	1	0	0	0	0	1	0	1	0
Table Bell ...	1	0	0	0	0	1	1	0	0
Cork Screws ...	1	1	0	0	0	2	1	1	0
Nut Crackers ...	6	0	0	0	0	6	6	0	0
Dish Covers ...	7	0	0	0	0	7	2	5	0
Crumb Brush ...	1	0	0	0	0	1	0	1	0
Nutmeg Grater ...	2	2	0	0	0	4	4	0	0
Spoons, German Silver ...	0	78	0	0	0	78	0	78	0
Pepper Castor ...	1	2	0	0	0	3	1	2	0
Mustard and Salt Pots ...	5	2	2	0	3	12	8	4	0
Sugar Bowls ...	4	6	1	0	0	11	12	0	1
Plates and Dishes ...	53	126	43	0	12	234	220	14	0
Sauce Tureens ...	2	4	0	0	0	6	3	3	0
Fish Drainer ...	0	1	0	0	0	1	0	1	0
Cover Dishes ...	2	0	0	0	0	2	2	0	0
Baking Dishes ...	7	0	0	0	0	7	2	5	0
Pickle and Salad Dishes ...	3	0	0	0	0	3	2	1	0
Cups and Saucers ...	30	64	12	0	18	124	97	27	0
Pestle and Mortar ...	1	0	0	0	0	1	0	1	0
Slop Bowl ...	1	0	3	0	1	5	5	0	0
Egg Cups ...	12	0	0	0	6	18	21	0	3
Basin and Ewer ...	3	5	0	0	0	8	3	5	0
Chambers ...	3	0	0	0	0	3	3	0	0
Soap Boxes ...	3	0	0	0	0	3	2	1	0
Pitchers ...	3	2	3	0	8	16	6	10	0
Tumblers and Wine Glasses ...	12	33	10	0	48	103	48	55	0
Decanters ...	2	7	0	0	0	9	12	0	3
Butter Tubs ...	1	0	1	0	0	2	1	1	0
Bread Trays ...	2	2	0	0	0	4	2	2	0
Cabin Carpet ...	0	1	0	0	0	1	1	0	0
Stair Carpet ...	0	1	0	0	0	1	1	0	0
Brass Rod and Eyes ...	0	10	0	0	0	10	8	2	0
Hearth Rug ...	0	1	0	0	0	1	0	1	0
Door Mat ...	0	1	0	0	0	1	1	0	0

* Two were cut into 2.

Appendix
(D. D.)

2nd July.

Appendix
(D. D.)

2nd July.

ARTICLES.	On board the "St. Peter," per inventory, 29th Nov. 1843.	On board the "Vulcan," per inventory, 8th October, 1844.	On board Dredge, No. 1, per inventory, 29th Nov. 1843.	On board Dredge, No. 2, per inventory, 29th Nov. 1843.	Quantities purchased up to December, 1846.	Total Quantities.	On hand according to inventory, 7th January, 1847.	Deficiency.	Overplus.
Table Mats	4	0	0	0	0	4	0	4	0
Bureau	1	0	0	0	0	1	0	1	0
Wash Stand	0	1	0	0	0	1	0	0	1
Milk Jugs	0	4	1	0	0	5	0	5	0
Pickle Jars	0	3	0	0	0	3	0	3	0
Oil Jars	0	1	0	0	0	1	0	1	0
Liquor Jars	0	2	0	0	0	2	0	2	0
Silver Butter Knives	0	2	0	0	0	2	0	2	0
Gravy Spoons	0	23	0	0	0	23	21	2	0
Plated Forks	0	2	0	0	0	2	5	0	1
Looking Glasses	0	1	0	0	0	1	1	0	0
Metal Dipper	0	1	0	0	0	1	1	0	0
Brass Wire Screen	0	1	0	0	0	1	1	0	0
Cullender	0	1	1	1	1	4	3	1	0
Bread Grater	0	1	0	0	0	1	1	0	0
Milk Pail	0	1	0	0	0	1	0	1	0
Shaving Cups	0	3	0	0	0	3	0	3	0
Set of Skivers	0	1	0	0	0	1	0	1	0
Grease Box	0	2	0	0	0	2	0	2	0
Strainers	0	2	0	0	0	2	0	2	0
Pudding Shapes	0	2	0	0	0	2	0	2	0
Boilers	0	9	2	0	0	11	16	0	5
Tin Measures	0	4	0	0	0	4	1	3	0
Spider	0	1	0	0	0	1	0	1	0
Smoothing Iron	0	1	0	0	0	1	0	1	0
Rolling Pin	0	1	0	0	0	1	0	1	0
Scissors	0	1	0	0	0	1	0	1	0
Market Baskets	0	1	0	0	0	1	0	1	0
Liquor Kegs and Cocks	0	8	0	0	0	8	0	8	0
Metal Weight, 56lb.	0	1	0	0	0	1	0	1	0
Do. 7lb.	0	2	0	0	0	2	0	2	0
Cabin Bed	0	1	0	0	0	1	1	0	0
Wash-hand Basin	0	0	3	3	0	6	0	6	0
Gig Mast and Sails	0	0	0	0	0	0	1	0	0
Boat and Rudder	0	0	0	0	0	0	1	0	0
Oars	0	0	0	0	123	123	18	105	0
Files	0	0	0	0	727	727	21	706	0
Paint Brushes	0	0	0	0	110	110	20	90	0
Sash Tools	0	0	0	0	72	72	16	56	0
Canoe	0	0	0	0	6	6	5	1	0
Augurs	0	0	0	0	90	90	60	30	0
Tongs	0	0	0	0	7	7	0	7	0
Sledges	0	0	0	0	2	2	0	2	0
Eight Day Clock	0	0	0	0	1	1	1	0	0
Hand Leads	0	0	0	0	5	5	2	3	0
Time Glasses	0	0	0	0	2	2	0	2	0
Deck Brushes	0	0	0	0	55	55	12	43	0
Deck Scrubbers	0	0	0	0	7	7	7	0	0
Shackles	0	0	0	0	32	32	32	0	0
Swivels	0	0	0	0	7	7	7	0	0
Anvils	0	0	0	0	1	1	1	0	0
Bellows	0	0	0	0	2	2	2	0	0
Snow Shoes	0	0	0	0	3	3	5	0	2
Iron Handbarrows	0	0	0	0	2	2	0	2	0
Deep Sea Line	0	0	0	0	1	1	0	1	0
Breakfast Set	0	0	0	0	1	1	0	1	0

Appendix
(D. D.)

2nd July.

Sorel, 20th February, 1847.

Sir,

I have the honor to acknowledge your letter of the 17th instant, in which the Commissioners are pleased to express their great surprise at the "mis-statements" in my letter of the 12th instant, and referring to the impropriety of my conduct in sending a copy of that letter to the Governor General, done, as they considered, with "the apparent design of creating a false impression;" accusing me of want of truth in the statement of facts, want of due regard for my superior officers, and taxing me with attributing to the Commissioners a disinclination to do me justice; and concluding by expressing their strong dissatisfaction at the "mis-statements" in my letter, and informing me that they feel bound, in regard to themselves, to forward a copy of these letters to His Excellency the Governor General. The repeated expressions of "displeasure" and "dissatisfaction" expressed by the Commissioners, appear to have been called down upon me by what they are pleased to call my "mis-statements," in my letter of the 12th instant, and by my having forwarded that letter to His Excellency the Governor General. With respect to my want of regard of truth, this is the first and only time that ever my honesty, truth, or integrity was called in question, and I beg leave, with all due submission and respect for the Commissioners' Office, to state, that there is no one line or word in the whole of my correspondence which was intended, or can be tortured into a proof of such a gratuitous and unfounded assertion.

I have deferred replying to the Commissioners' letter, until I had carefully considered every point in my letter of the 12th instant, so much censured by them, in connexion with all the facts and communications relating to the subject; and, after careful consideration, the nearest approximation to "mis-statement" I can discover in that letter is, that I mentioned I was not aware of the investigation being about to be held until the previous evening, whereas Mr. Casgrain states that I was made acquainted with it at two o'clock on the previous day; thus mistaking, or "mis-stating" evening instead of afternoon, a distinction certainly without much difference in the month of January in Canada. On the other hand, I find in the Commissioners' letter several circumstances so palpably mis-stated, that I consider it due to my character again to run the risk of incurring their displeasure, by forwarding a copy of this communication to His Excellency the Governor General. My whole anxiety is, that all the documents should be fully and fairly laid before His Excellency; and if they be, I have no fear for the result.

In the Commissioners' letter, it is implied that I said, I had their sanction for the course I was adopting for my defence; whereas, I simply stated in my letter, that I had acquainted the Commissioners with that course, and that they had not objected to it.

The Commissioners refer to my letter of 31st December last, and they quote it thus, "Asking for examination of your witnesses in Montreal, before the Commissioners." That letter cannot be so interpreted, as in it I requested the Commissioners to call before them immediately three witnesses whose names I gave, and to examine them; but the remainder, by far the greater number of my witnesses, and to whose evidence the Commissioners refer as capable of having been taken during the investigation at Sorel, were many of them scattered over distant parts of the country and had to be sought for indi-

vidually, and therefore could not have been brought before the Commissioner during the short time he remained at Sorel: and although Mr. Casgrain said he would wait until I could procure my evidence, still, not knowing where they were or when I could have them in Sorel, I could not appoint any fixed time.

Again, the Commissioners say in their letter, "It is with great regret that they now see you assert that they have refused to do so;" that is, to examine those three witnesses. No such assertion was made by me. I asserted that the Commissioners had not examined them, and I have no reason to believe that they have yet done so.

The Commissioners refer to my having expressed "satisfaction at the manner in which the enquiry had been conducted." The satisfaction I so expressed, was obviously intended to apply merely, and could have been only so taken, to the manner in which the questioning of the witnesses before me was conducted: but no man, in my situation, could have been satisfied at the short and insufficient notice given me of such an investigation; and much less could I have been satisfied, subsequently, when I discovered the manner in which the evidence against me had been drilled for months by the Secretary of the Commissioners, and the intimidation held forth by him to some who were inclined, or could give evidence in my favor,—facts already established upon oath. All these circumstances, together with this letter, being now before His Excellency, I shall abide his decision with hope and patience.

I cannot, however, conclude without observing, how completely the real question appears to have been wandered from in this correspondence.

Certain charges were preferred against me, to which, within as short a time as the nature of them would permit, I made such a defence as I considered most effective. The Commissioners did not consider this defence regular, and therefore cast it aside as unworthy of consideration. Aware that the subject had been referred to them for report, for the guidance of His Excellency, I was, upon being informed by them of the rejection of my defence, afraid that they would draw up their Report without reference to it, or without submitting it to His Excellency, and that the Report must be condemnatory; and, with such conviction, I transmitted to His Excellency a copy of my letter, which I knew must bring under the notice of His Excellency the whole of the documents in the case. The subsequent correspondence of the Commissioners appears to be wholly occupied with this question, of the "regularity" or "irregularity" of my defence, without any intention of having that irregularity, if there was any, rectified, or without any steps being taken to elicit the truth; and lest this imputed irregularity should not be sufficient to obtain my dismissal, a make-weight is thrown into the balance against me, of "want of truth," "mis-statements," "impropriety," "failure of respect for superiors," and "designing to make false impressions."

I have the honor to be,
Sir,

Your obedient Servant,

(Signed,) D. VAUGHAN.

T. A. BEGLY, Esquire,
Sec. Dep. Pub. Works, pro tem,
&c. &c. &c.
Montreal.

Appendix
(D. D.)

2nd July.

Appendix
(D. D.)

2nd July.

Sorel, February 20th, 1847.

Sir,

Being extremely desirous that the accompanying duplicate of a letter which I have addressed to the Commissioners of the Department of Public Works, should be laid before His Excellency the Governor General as soon as possible, the same being in reply to one I received from them, through their Secretary, who informed me that it had been already laid before His Excellency, and as the Public Offices will be closed to-morrow, I trust you will pardon the liberty I now take, in begging that you will have the goodness to lay the same before His Excellency, at your convenience.

I have the honor to be,

Sir,

Your obedient Servant,

(Signed,) D. VAUGHAN.

Honble. Col. BRUCE,
Principal Aid-de-Camp
and Secretary.

Sorel, February 20th, 1847.

Sir,

I have the honor to acknowledge the receipt of your letter of the 17th instant, in which the Commissioners are pleased to express their surprise at the "mis-statements" in my letter of the 12th instant, and referring to the impropriety of my conduct in sending a copy of that letter to the Governor General, done, as they consider, with "the apparent design of creating a false impression;" accusing me of "want of truth" in the statement of facts, of "want of due regard for my superior officers," and taxing me with attributing to the Commissioners a disinclination to do me justice; and concluding by expressing their strong dissatisfaction at the "mis-statements" in my letter, and informing me that they feel bound, in regard to themselves, to forward a copy of that letter to His Excellency the Governor General. The repeated expressions of "displeasure" and "dissatisfaction" expressed by the Commissioners, appear to have been called down upon me by what they are pleased to call my "mis-statements," in my letter of the 12th instant, and by my having forwarded that letter to His Excellency the Governor General. With respect to my "want of regard of truth," this is the first and only time that ever my honesty, truth, or integrity was called in question, and I beg leave, with all due submission and respect for the Commissioners' Office, to state, that there is no one line or word in the whole of my correspondence which was intended, or can be tortured into a proof of such a gratuitous and unfounded assertion.

I had deferred replying to the Commissioners' letter until I had carefully considered every point in my letter of the 12th, so much censured by them, in connexion with all the facts and communications relating to the subject; and, after careful consideration, the nearest approximation to "mis-statement" I can discover in that letter is, that I mentioned I was not aware of the investigation being about to be held until the previous evening, whereas Mr. Casgrain states that I was made acquainted with it at two o'clock the previous day; thus mistaking or "mis-stating" evening for afternoon, a distinction cer-

tainly without much difference in the month of January in Canada. On the other hand, I find in the Commissioners' letter several circumstances so palpably mis-stated, that I consider it due to my character again to run the risk of incurring their displeasure, by forwarding a copy of this communication to His Excellency the Governor General. My whole anxiety is, that all the documents should be fully and fairly laid before His Excellency; and if they be, I have no fear of the result.

In the Commissioners' letter it is implied, that I said I had their sanction for the course I was adopting for my defence; whereas, I simply stated in my letter, that I had acquainted the Commissioners with that course, and that they had not objected to it.

The Commissioners refer to my letter of the 31st December, and they quote it thus, "asking for the examination of your witnesses in Montreal before the Commissioners." This letter cannot be so interpreted, as in it I requested the Commissioners to call before them immediately three witnesses whose names I gave, and to examine them; but the remainder, by far the greater number of my witnesses, and to whose evidence the Commissioners refer, as capable of having been taken during the investigation at Sorel, were many of them scattered over distant parts of the country, and had to be sought for individually, and therefore could not have been brought before the Commissioner during his short time in Sorel: and although Mr. Casgrain said he would wait until I would procure my evidence, still, not knowing where they were, or when I could have them in Sorel, I could not appoint any fixed time.

Again, the Commissioners say, in their letters, "It is with great regret they see you assert that they refused to do so;" that is, to examine these witnesses. No such assertion was made by me. I asserted that the Commissioners had not examined them, and I have no reason to believe that they have yet done so.

The Commissioners refer to my having expressed "satisfaction at the manner in which the enquiry had been conducted." The satisfaction I so expressed, was obviously intended to apply merely, and could have been only so taken, to the manner in which the questioning of the witnesses before me was conducted: but no man, in my situation, could have been satisfied at the short and insufficient notice given him of such an investigation; and much less could I have been satisfied, subsequently, when I discovered the manner in which the evidence against me had been drilled for months by the Secretary to the Commissioners, and the intimidation held forth by him to some who were inclined, or could give evidence in my favor,—facts already established upon oath. All these circumstances, together with this letter, being now before His Excellency, I shall abide his decision with hope and patience.

I cannot conclude, however, without observing how completely the real question appears to have been wandered from in this correspondence. Certain charges were preferred against me, to which, within as short a time as the nature of them would permit, I made such a defence as I considered most effective. The Commissioners did not consider this defence regular, and therefore cast it aside, as unworthy of consideration. Aware that the subject had been referred to them for report, for the guidance of His Excellency, I was, upon being informed by them of the rejection of my defence, afraid that they would draw up their Report without reference to it, or without submitting it to His Excellency, and that in

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such a case, that Report must be condemnatory; and, with such conviction, transmitted to His Excellency a copy of my letter, which I knew must bring under the notice of His Excellency the whole of the documents in the case. The subsequent correspondence of the Commissioners appears to be wholly occupied with this question, of the "regularity" or "irregularity" of my defence, without any intention of having that "irregularity," if there were any, rectified, or without any steps being taken to elicit the truth; and, lest this imputed "irregularity" should not be sufficient to obtain my dismissal, a make-weight is thrown into the balance against me, of my "want of truth," "mis-statements," "impropriety," "failure of respect for superiors," and "designing to make false impressions."

I have the honor to be,
Sir,
Your obedient Servant,
(Signed,) D. VAUGHAN.

T. A. BEGLY, Esquire,
Sec. Dep. Pub. Works, pro tem.

No. 1.

Before closing the Evidence at Sorel, the following admission was made and signed by Captain Vaughan.

(Copy.)

Captain Vaughan being asked if he had any witnesses to produce, the Commissioner informing him he was ready to hear them, declared he had none, and was satisfied with the manner and impartiality with which the enquiry had taken place; but says, he will make an official reply, accompanied with proper documents and affidavits.

(Signed,) D. VAUGHAN.

No. 2.

To the Honorable the Commissioners of Public Works.

Gentlemen,

The very short notice which I have received of your intention of proceeding on the present investigation, has deprived me of all possibility of procuring my witnesses (some of whom are at a long distance from here) to refute these false statements and charges that have been maliciously brought against me. Under these circumstances, I appeal to your Honorable Board, praying that you will be pleased to allow me a short time to procure my witnesses, prior to any further action being taken in the matter; and, as the sudden departure of the Honorable Mr. Casgrain from here, precluded the possibility of my getting a copy of the evidence given at the investigation, I most humbly request that your Honorable Board will be pleased to send me a copy of it, in order to enable me to prepare my defence.

I further most humbly and respectfully beg to request, that your Honorable Board will be pleased to call immediately, to give evidence on the charges

brought against me, and on the conduct of Captain O'Leary and Mr. State, those persons whose names I have mentioned to the Honorable Mr. Casgrain here, viz.:—Mr. D. O'Brien, Clerk in Mr. Barrett's office; Mr. Calvert, who was First Engineer on board No. 1 Dredge, and who is now on board the "John Munn," Quebec; and Mr. Hood, who was First Engineer in the "St. Peter," and who is now at Laprairie; also, Mr. Smith, of the Montreal Dredge.

Most humbly and earnestly hoping that your Honorable Board will be pleased to sanction my request, and afford me that protection my case may require,

I have, &c.

(Signed,) D. VAUGHAN.

No. 3.

Montreal, 4th January, 1847.

Sir,

I have the honor to acknowledge the receipt of your letter of the 31st ultimo, addressed to the Commissioners, relative to the investigation lately made at Sorel, respecting the manner in which the Lake St. Peter Service has been conducted; and in reply, I am directed to acquaint you that, previous to the receipt of your letter, the Commissioners had given instructions that a copy of the proceedings should be made, (now doing,) and forwarded to you without delay.

With reference to the examination of the witnesses mentioned by you, the Commissioners are most willing to afford you every justice in their power; and will have the persons named, summoned and examined at Montreal, for any day you may appoint—with the understanding that you are to pay their expenses.

I am, &c.,

(Signed,) THOMAS A. BEGLY,
Secretary.

Captain VAUGHAN,
Sorel.

Public Works,
Montreal, 16th February, 1847.

Sir,

I am directed by the Commissioners to express their great surprise at the mis-statement, to say no more, contained in your letter of the 12th instant, alleging charges against them, which are fully contradicted by your own admission; your letters to them, and theirs to you. And they cannot too seriously notice the impropriety of your conduct in this respect, as well as in sending to the Governor General a copy of a letter, casting such unjust and uncalled for reflections on their official character, with

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the apparent design of creating a false impression, as to their impartiality in this disagreeable matter. This want of regard to truth in the statement of facts, and of due respect for your superior officers, cannot, certainly, in the opinion of the Commissioners, be of any service to you; and calls, on their part, for the most unqualified disapprobation.

I am directed to observe, that it must be within your recollection, that the Commissioner, when at Sorel, carefully abstained from giving you the advice sought for, as to what course you were to adopt; but merely, at your particular request, took your statement; and the Commissioners since then, have never given you to understand that you were following the proper course in your defence. The very contrary appears by your letter of the 31st December last, asking for the examination of your witnesses in Montreal, before the Commissioners; the only persons, you must be aware, recognized by law for making such an enquiry. To this request a ready assent was given by letter of the 4th January, No. 888, stating at the same time that the Commissioners were most desirous of granting you every possible facility and justice; and it is with great regret that they now see you assert that they refused to do so; while, with much consideration, you were even allowed to name your own time for their hearing.

You give it to be understood that you were taken quite by surprise, and that all the witnesses were brought down from Montreal; but you must recollect that you were previously informed, at 2 o'clock, P. M. of the day on which the Commissioner arrived at Sorel, of the intended enquiry; and that not all, but only three witnesses were summoned from Montreal. The others, twelve in number, were had in Sorel, in your immediate vicinity, being persons mostly under your control, and many of them acting under you. The nineteen persons in Sorel, who have since given their affidavits at your request, might have been regularly heard, with but little expense, before the Commissioner there, who, previously to leaving, offered to wait any reasonable time to allow you to produce your witnesses; but you then declared that you had none, and signed an admission, stating that you were perfectly satisfied with the manner in which the enquiry had been conducted.

These are the prominent mis-statements in your letter, at which, being of a nature to impeach the public character of the Commissioners, and that by a subordinate officer, they cannot too strongly express their dissatisfaction; and they feel bound, in due regard to themselves, to transmit a copy of this letter for the information of His Excellency the Governor General.

I remain,
Sir,
Your obedient Servant,
(Signed,) THOMAS A. BEGLY.

Captain VAUGHAN,
Sorel.

Public Works,
Montreal, 16th February, 1847.

Sir,

Captain Vaughan, the Superintendent of the Lake St. Peter Service, having addressed a letter to this Department, dated the 12th instant, relative to

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the late investigation into his management of the works, the concluding paragraph of which is as follows: "I shall take the liberty of transmitting to His Excellency a copy of this letter, as well as of that of the 4th instant, as I conceive they should, in justice to me, be laid before him, with the documents which the Commissioners promised to send in." And as the purport of Captain Vaughan's letter throughout would lead to a supposition that some injustice had been done to him, and that he had not been afforded a sufficient opportunity for making his defence, the Commissioners deem it proper that the accompanying documents should be laid before His Excellency for his information, and to establish the fact, that every justice was done to Captain Vaughan in the matter.

I am directed, therefore, to transmit:—First.—An acknowledgement signed by Captain Vaughan, and attached to the evidence taken at Sorel, that he was satisfied with the impartial manner in which the investigation had been conducted. Secondly.—The letter from Captain Vaughan of the 31st December, giving the names of witnesses whom he wished to be examined before the Commissioners, and

Lastly.—The reply of the Commissioners to the last mentioned letter, not only agreeing to Captain Vaughan's proposal, but allowing him to appoint his own time.

The letter of the 4th January, to which Captain Vaughan refers, has been already transmitted, with the other documents relating to the investigation, for His Excellency's information.

I have the honor to be,
Sir,
Your obedient Servant,
(Signed,) THOMAS A. BEGLY,
Secretary.

The Honorable D. DALY,
Provincial Secretary.

A copy of a letter addressed to Captain Vaughan, this day is herewith transmitted.

(Signed,) T. A. B.

William Henry, 12th February, 1847.

Sir,

I have the honor to transmit to you copies of two letters addressed by me to the Commissioners of Public Works, and request you will be so good as to lay the same immediately before His Excellency the Governor General, in order that they may be taken into consideration, along with some documents transmitted to him by the Board of Works, and which affect me.

I am, Sir,
Your obedient servant,
(Signed,) D. VAUGHAN.

Honorable D. DALY,
Provincial Secretary,
&c. &c. &c.
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Hon. W. B. Robinson.

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Sir,

I have the honor to acknowledge the receipt of the letter from your Department, of the 1st inst., and cannot help expressing my great surprise that the Commissioners will not take into consideration the documents, certificates, and affidavits, which I laid before them; and which, I respectfully beg leave to state, that I consider exculpate me fully from all the charges and accusations brought against me. Prior to replying to the different points in the Board's letter, I beg to disavow, in the strongest, but most respectful manner, any intention of proceeding in my defence in any way contrary to their wishes, or that could be disrespectful to their authority; and I cannot but feel persuaded that, on a re-consideration of the subject, they will see that it is but justice to allow me the benefit of the defence I have submitted, even should it not have been conducted in what they consider the most regular manner.

That I should not be acquainted with the regular routine of such an affair, is not to be wondered at, as it is the first time I was ever called upon to answer charges of such a nature.

The first I knew of the investigation into my conduct, was the arrival of the witnesses against me, and of Mr. Casgrain, late in the evening; and the following morning early the investigation was commenced, under every advantage to my accusers. They had been previously prepared; they had been called together the evening before by Mr. Casgrain; the questions had been carefully prepared and written out, which were to be put to each witness; and the whole thing came on me like a clap of thunder.

No impartial man can then wonder at the inability under which I labored, from the unexpectedness of the accusations, and the falsehood of the witnesses, to meet at that moment their wicked allegations.

On the close of it, I requested Mr. Casgrain to allow me some time to collect my evidence, and prepare my defence. By my letter of the 31st December, I made the same request.

In the Commissioner's letter of the 1st instant, it is stated that I asked for a re-opening of the inquiry; but in making the request I have alluded to, I could not have been supposed to imagine that the inquiry was closed, when the evidence of the witnesses against me had alone been taken; but I stated, from the fact of the evidence in my favor being scattered through the country, (for at that moment, I really did not know where they were,) I would require time to collect it, and mentioned the name of three persons, whom I requested the Board immediately to call before them, to give their testimony. My verbal request at the close of the examination, and the request contained in my letter, exactly agree with each other, as well as with the account I gave the Commissioners of the course I was pursuing for my defence. The names of three important witnesses, whose residence I knew, I gave to the Commissioners at once, as already stated; the evidence of the others I proposed collecting, and sending up with my statement; but in every case, I told the witnesses to be prepared to come before the Commissioners, if they required them,—and for this they were and are ready; and the notice the Commissioners gave me, that I should pay all the expenses of my witnesses, naturally led me to adopt the course of first

letting the Commissioners know the substance of the testimony which they could, and did give, in order that I might be saved the expense of bringing up such of them as the Commissioners saw no necessity to examine.

The Commissioners are pleased to say they will take no cognizance of my documents and proceedings, being *ex parte*; but, surely, this expression cannot be applied to my statement, which was, from its very nature, drawn up and prepared to refute the *ex parte* statements made against me, and which had alone been received by the Commissioners.

I am sorry also to find that the Commissioners consider my defence too lengthy; but I could not, in justice to myself, make it shorter. I also regret to find that I am censured for an attack on the Secretary, which the Commissioners are pleased to pronounce gratuitous; but when I found, and it was proved to me by affidavits, that this person had been collecting and preparing witnesses against me, early and late, at his private residence, for a long time—and also had used threats against one of the witnesses, whom I had requested the Commissioners to examine in my favor, I conceived such conduct could not have been in accordance with your instructions, and that it fully justified my statement respecting him.

I trust, therefore, that the Commissioners will take my statement into their impartial consideration, and call up such of my witnesses as they may see fit.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed,) D. VAUGHAN.

Sorel, 12th February, 1847.

Sir,

I have the honor to acknowledge the receipt of your letter of the 8th instant, acquainting me that although the Commissioners consider the course taken by me, in my defence, as irregular and *ex parte*, and such as they could not take cognizance of, it was, and still is their intention, to submit the documents to His Excellency, the Governor General, to be dealt with as he may think proper.

I beg to thank the Commissioners for having taken this course, as I have full reliance on the sense of justice of His Excellency; and I feel persuaded that he will weigh the merits of my case, and that he will not deprive me of the benefit thereof, even though he considered the course taken by me to be irregular. I feel the more bound to thank the Commissioners for having submitted my documents for the consideration of His Excellency, as from their letter of the 1st February, stating they could not at all take cognizance of my defence, I was apprehensive they had decided on making a report to the Governor in Council, recommending some summary action to be taken in my case, without the documents I had prepared in my defence being laid before them at all, which I must have considered very unjust and cruel. With regard to the opinion the Commissioners have formed of the course pursued by me in my defence, namely, that it was irregular and *ex parte*, I respectfully take leave to refer them to my letter of the 4th instant, in which

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I endeavoured to show—(and I had hoped with success,)—1st. That no such irregularity did exist, for that I had from the Commissioners, in writing, and personally, with the Commissioners, led them fully to understand the course I was pursuing, to which not the slightest objection was raised by them.

2ndly. As to the evidence having been taken before Magistrates, other than Mr. Casgrain, (which, it would seem, is the great ground of the irregularity which was to deprive me of all benefit of my defence,) I had requested the Commissioners to summon before them, immediately, three principal witnesses, which they did not do. And the reason of my having the evidence of others, sixteen or eighteen in number, taken in their respective localities, was this—the Commissioners had informed me that I must bear all the expense, travelling and otherwise, of such witnesses as I might wish to have examined; and being ill able to bear such costs, I had their evidence duly taken before Magistrates, informing them at the same time that the Commissioners might probably require to have them before them, and to hold themselves in readiness.

In my letter to the Commissioners, of the 4th inst., I stated this, and that I was prepared to have such of the witnesses as the Commissioners desired, brought before them. In fact, the course I took was merely with the view of submitting the substance of the testimony of each of the witnesses to the Commissioners, so as to let them judge as to those which they might consider it necessary to bring up to Montreal, and that I might thereby be saved the expense of bringing up some, whose testimony they might not think of moment. I beg here again to repeat what I stated in my letter of the 4th inst., that let the expense be what it may, I am ready (as I have been all through,) to have any of the witnesses brought before the Commissioners as they may require; at the same time, it appears to me hard, that, in the event of my being exculpated, (of which I am confident,) such expenses should be put upon me.

With respect to my defence being *ex parte*, as the Commissioners are pleased to pronounce it, I really am obliged, with all due respect, to say, that I do not see well how such a term can be justly applied to a statement drawn up by an accused party in his own defence, against charges of which he never heard, or had any intimation, until the examiner into them, with all the witnesses and written questions previously and carefully prepared, came down upon late in the evening before the day on which the examination took place.

As I have already stated in my former letter, this is the first occasion in my life that I was called upon to defend myself against charges of such a nature; so that even supposing the course I pursued to be quite as irregular as the Commissioners look upon it to be, it seems to me to be an extremely hard case, that for such irregularity my defence was to be thrown by altogether, as the Commissioners informed me should be the case; and much more cruel would such decision of the Commissioners have been, had they contemplated recommending final action to be taken in the matter by the Governor and Council, without letting me have the benefit of my defence (irregular though it might be,) being laid before them.

In my defence against the charges brought against me, I have abstained from making any reference whatever as to character, which I could well do, to almost

every leading merchant in Montreal and Quebec; nor have I, in any manner, referred to the high estimation in which I had the honor of being held by their Excellencies, Lord Aylmer, the late Earl of Durham, and the late Sir Richard Jackson, of which I feel proud in having abundant testimony; nor have I referred, as I well might do, to my services and exertions during the days of trouble, the value of which have been fully recognized, as General the Hon. Charles Gore knows.

I shall take the liberty of transmitting to His Excellency, a copy of this letter, as well as of that of the 4th inst., as I conceive they should, in justice to me, be laid before him, together with the documents which the Commissioners promise to send in.

I am, Sir,
Your obedient Servant,
(Signed,) D. VAUGHAN.

T. A. BEGLY,
Secretary, *pro. tem.*

Department of Public Works,
Montreal, 1st of March, 1847.

Sir,

Enclosed is a document addressed to the Commissioners by their Secretary, Thomas A. Begly, Esq., respecting charges brought against him by the Honorable Mr. Killaly and Captain Vaughan. In conformity to his request, we beg that you will submit the same to the consideration of His Excellency the Governor General.

I have the honor to be,
Sir,
Your very humble and obedient Servant,
(Signed,) C. E. CASGRAIN,
C. P. W.

To the Honorable D. DALY,
Provincial Secretary.

Department of Public Works,
27th February, 1847.

Gentlemen,

The unjustifiable and unwarranted attacks made against me by the Honorable H. H. Killaly and Captain Vaughan, in the defence sent in by them, in relation to the late enquiry into the management of the Lake St. Peter Works, renders some notice of them imperative on my part, and will, I trust, be a sufficient apology for troubling you with the present communication; as well as for requesting, that you will be pleased to transmit it for the information of His Excellency the Governor General, who has not yet, it may be justly presumed, had an opportunity of being made acquainted with the malicious and vindictive nature of the persecution carried on against me by Mr. Killaly, for no other reason than refusing to lend myself to a political intrigue, and for having had sufficient independence not to allow myself being made his "scape goat," in a matter alike discreditable to him as a gentleman, and disreputable to his character as a public officer. The

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whole affair to which I allude, is not only well known to His Excellency's Council, but is a matter of public notoriety.

I shall now beg leave, without further preface, to proceed to remark upon the statements of Messrs. Vaughan and Killaly.

The first mention of my name by Captain Vaughan, is in his remark in the evidence of James State, as follows: "Captain Vaughan here wishes to state, that he applied to some Clerk in the Office, he believes to, Mr. Connolly, and certainly to Mr. Begly, the Secretary of the Board, if he was not allowed a man to attend his horse and Post Office; they said he was entitled to it." Captain Vaughan, in his defence, says on the same subject: "Finding that the constant instructions and communications that were sent down to me from the Office, required a person to regularly attend on the arrival of the public passenger boats, and that when I was down in the Lake, as was usually the case, these letters, many of them marked "immediate," had to be forwarded down to me; I inquired of Mr. Connolly, Chief Clerk in the Office, and I think to Mr. Begly, if I would not be allowed a man for such purpose," &c. The discrepancy in these two statements, and from it being well known in the Department, that I have never taken upon myself to grant authority in such cases, would be sufficient contradiction of Captain Vaughan's assertion; but when taken in connection with the fact, that during the whole season of operations on the Lake in 1844, the number of letters transmitted to Captain Vaughan from the Department were six; and 1845, that the number were five; further remark upon this matter must appear altogether superfluous.

Next is the remark on the evidence of Allison Wright, relative to a conversation which I had with Captain Rayside, and to Captain Vaughan calling for me at Three Rivers. With regard to this matter, I would merely refer to the queries put by me to Captain Rayside, and his answers thereto, in annexed document A.

Captain Vaughan, in the commencement of his defence, refers to the pains that have been taken for "a long time to injure me in the eyes of the Board, at the head of which I consider Mr. Begly, whose hostility I can only account for, by the fact of my having felt it my duty long since to report the neglect of the Paymaster, his brother, in not paying my men; for having done which, Mr. Begly, on the first occasion of our meeting, told me I had better have left it alone, and that I should remember it." This statement of Captain Vaughan, I declare to be utterly false; no such remark was ever made by me; nor until I met with the paragraph referred to, had I any remembrance of the complaint stated by Captain Vaughan to have been made. I have since examined his letters, and the only one which bears on the subject, is dated 29th September, 1845; see copy annexed B. Upon examining the Books of the Department, I find that the Paymaster had, at the time referred to, express orders to remain at Montreal to pay off the workmen of Messrs. Bronsdon and Telfer, with whom, at the time, the Board had considerable difficulty. From this circumstance, coupled with the nature of Captain Vaughan's letter, which I do not look upon in the light of a complaint, it must appear evident to any unprejudiced person, that I could not have taken offence with regard thereto.

Relative to Captain Vaughan, you, gentlemen, must be aware that I have never shewn any hostile

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feeling towards him; and as to injury sought to be done to him in the eyes of the Board, (I presume he means the late Board of Works,) I can, with the utmost confidence, appeal to the members who composed that Board; all of whom, with the exception of the Chairman, were, and are still members of His Excellency's Council.

The very irrelevant allusion made by Captain Vaughan, to a complaint of mine, against Mr. Barrett, an affair totally unconnected with the case in question, only shews the shifts to which he is obliged to resort to bolster up a bad cause. It is a matter well known in the Department, that I made a complaint against the Engineer of the Lachine Canal; in doing so, I merely performed my duty. I had no cause for any personal feeling against Mr. Barrett, and do not shrink from the fullest investigation into the case. Upon this occasion, I did not adopt the course pursued by Mr. Killaly, (who now makes use of Captain Vaughan in attempting to injure me,) of making false insinuations behind the back of the party accused. I took that which will always suggest itself to a gentleman, and notified the party in writing, of that which I found it my duty to do; and should a similar cause again arise, I shall consider it my duty to adopt precisely a similar course.

As to the person named Gilliland, who was an officer under the Department, and the same who was employed by Mr. Killaly to bring the timber for his yacht from Beauharnois, I have not spoken to him or his lawyer, or had any communication with him, either directly, or indirectly, for some time prior to the period of his arrest, and certainly not with his lawyer for the last two years. The insinuation intended to be conveyed by the introduction of this person's name, could only suggest itself to the mind of a person habituated to practices similar to that for which Gilliland was arrested; namely, converting the public property to his own private use, or to that of his friends.

Captain Vaughan winds up, by producing the evidence of a person called Keys; who states, that another person named Conway, told him, that I had threatened the removal of Mr. O'Brien; and he, at the same time, produces the certificates and affidavits of half a dozen persons, to prove that this person, Conway, is utterly unworthy of belief, even on his oath. The man is an utter stranger to me; I have seen him three times, I believe, in the course of my life; and I consider it almost a degradation to notice the matter, further than to say, that the whole statement is false.

I now come to Mr. Killaly's letter of the 16th January, relative to the inquiry at Sorel. In my memoranda, of the 4th December, in relation to the various circumstances upon which I was directed to report, I stated, that it had come to my knowledge, on the 25th April, last, that an amount paid on the 25th November previous, and charged in the Public Accounts for the six months, ending 31st October, 1845, as for the Lake St. Peter work, as per voucher No. 30, and which is certified to by Mr. Killaly, as for that service, was expended for his own private use and benefit. Relative to this account, Mr. Killaly states, in his letter above referred to, "with regard to the mission of the man Gilliland to Beauharnois, the expense of which, £1. 7s. 6d., it is represented, was improperly allowed by me, to be charged against the public; I have to state, that the "Vulcan" came up to this City at the very close of the season, for the various supplies required for the winter's operations; a portion of which were some pieces of oak to be had from Beauhar-

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"nois; this timber was to have been sent in time to meet the boat, and along with it, one piece of oak and one piece of elm, which I had myself procured for the keel and bottom sheeting of my boat. I requested the messenger, on his going, to enquire after and have forwarded with the others, if possible, those my two pieces of timber. My doing so, did not cause any portion of the expenditure of this 27s. 6d., which was accordingly and justly charged to the public."

If I had not my information from a source upon which I can rely, I could scarcely have believed, that any person, pretending to the character of a gentleman, could deliberately sit down, and form a paragraph so utterly at variance with the facts. I am prepared to prove, if necessary, and that by several creditable witnesses, that every piece of timber brought down from Beauharnois, (in all about eighteen,) by Gilliland, was intended for Mr. Killaly's yacht. And the case now turns out to be even worse than I was at first aware of; for, several of the elm plank proving to be of bad quality, they were at once handed over to the Lake Service, and good and sound timber, the property of the Government, taken to replace them.

The red pine timber procured at Quebec, was likewise all intended for the yacht, although a small portion of it which remained over, has lately been used in the Lake Service. This timber was not taken to the Government Ship-yard; but, upon its arrival from Quebec, was put into a private yard, where it was sawed up, and a great portion of it used for Mr. Killaly's vessel, notwithstanding that Captain Vaughan certifies in the account (and the only item in the account is the red pine) that it was for the Lake St. Peter Service. The freight of this timber, amounting to £3, is certified to in like manner.

I consider it necessary to make these remarks, in order to show that my memoranda furnished to you were correct.

Mr. Killaly is pleased to conclude his letter, by a paragraph, insinuating that the charges brought forward had emanated from me, and that from a feeling of personal hostility. You, gentlemen, are not only aware that such is not the case, but you have been pleased to state so in your letter to the Honorable the Provincial Secretary of 11th, and in that to Captain Vaughan, dated the 4th instant. As to having been pronounced utterly unfit for the situation which I hold, "by almost every member of the late Board," and with which Mr. Killaly winds up his epistle; I consider the fact of His Excellency, the late Governor General, having placed me in charge of the Department, from the time when the late Board of Works ceased to exist, until the period of your assuming the duties of office, a sufficient refutation.

It is really painful to a person possessed of gentlemanly feeling, to be obliged to refer to Mr. Killaly's disregard to truth; but his continued persecution, carried on against me, and the means to which he resorts to accomplish his ends, leaves me no alternative, and renders it a duty imperative on me to prevent, so far as I can, any injurious effect, which might possibly be conveyed by his statements, when unsupported by other testimony. The members of the late Board of Works, who are now members of the Executive Government, cannot be unacquainted with Mr. Killaly's want of veracity; and although in my power to quote numerous instances thereof, I shall, for the present merely state, that, at the meetings of the Board of the 29th November, and 2nd December, 1845,—Mr. Killaly was convicted, upon both occasions, of wilful and deliberate falsehood.

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It must appear singularly strange and unaccountable, that my "utter unfitness for the situation" which I fill, had not manifested itself to Mr. Killaly from the year 1840 until 1845. Has it been shewn by my close attention to my public duties? not having, during a period of eight years in the Department, been eight days absent on my private business? Has it been by my faithfully accounting for the immense sums of the Public moneys which have passed through my hands; amounting since the commencement of the year 1842, to over £2,320,000, of which £256,078 were in cash? Has it been from the circumstance of Mr. Killaly himself having frequently acknowledged, that he was surprised how I got through the business of the office, with the slender establishment which was allowed to me prior to the latter part of 1844? Has it been from Mr. Killaly failing to establish a single well grounded complaint against me, notwithstanding a three months' examination of the books and documents of the office, made solely for that purpose? Has it been by performing my duties without regard to party or politics, since the period when I first accepted office? Or, has my unfitness for my office been shewn by correcting the egregious blunders made by Mr. Killaly in his estimates, prepared for the last Session of the Legislature, (well known to the Honorable the Inspector General,) and which on one work alone (the St. Lawrence Canals) amounted to £38,713 13s. 4d., exclusive of the cost of Police and land damages?

That the late Department of the Board of Works has obtained an unenviable notoriety for the irregularity with which its business was conducted, is not surprising, when it is taken into consideration, that from the period of Lord Sydenham's death, until November, 1845, Mr. Killaly did not devote a moiety of his time to his official duties, (my remark has reference only to office hours); that the Engineers and other officers employed on extensive and distant Works, among whom I would mention those of the Welland Canal, Western Works, Ottawa and Trent, have often been detained at the office, waiting for instructions, for weeks together, to the great detriment and detention of the Works, and at great expense to the Province. That letters have been unanswered (further than a mere acknowledgment) for months, some not at all, and that hundreds of references from the Executive for reports, have remained unattended to altogether. Under such circumstances, it is not surprising that the whole Department acquired an unfavorable reputation with the public, and that to the corresponding officer thereof, was attributed a share of blame which he in no way deserved. Nor is it to be wondered at, that you, gentlemen, having no knowledge of me, but from public report, and I may fairly infer (from the pains taken by Mr. Killaly and his emissaries) hearing many of the slanders propagated against me, that you did not look upon me with very favorable impressions. I have, however, to thank you for the very candid, gentlemanly, and straightforward manner in which you have not only expressed, but conducted yourselves towards me; and although it was my wish, and I have so expressed myself to you, to be removed from the Department, I cannot regret the opportunity which has been afforded to me, of enabling you to judge of my integrity, business habits, and fitness for the office which I hold.

I have the honor to be,
Gentlemen,
With much respect,
Your very obedient Servant,

(Signed,) THOMAS A. BEGLY;
Sec. Pub. Works.

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A

Queries submitted by Thomas A. Begly, Secretary of Public Works, to Captain Rayside; and to which his answers are requested, so far as his memory may assist him:—

Question 1.—Did I, or not, meet you at Sorel, on the night of Friday, the 11th July, 1845, on Mr. Harrower's Gallery, near to the Steamboat landing?

Answer.—Yes.

Question 2.—Did I, or not, inform you that I was proceeding to Three Rivers, with the intention of returning upon the following day; and that I would endeavour to procure, at that place, some means of conveyance to where the Dredges were at work in the Lake St. Peter?

Answer.—Yes.

Question 3.—Did you, or not, inform me, that Captain Vaughan was then at Sorel, with the "Vulcan," (in accordance with his general instructions to afford you any assistance which you might require, as an officer of the Trinity House,) for the purpose of taking you down to the North Channel on the following day, in order to put in their proper place, some Buoys or Beacons, which had been, by accident or otherwise, displaced?

Answer.—Yes.

Question 4.—Did you, or not, remark, that it would be little or no inconvenience for the "Vulcan" to call for me at Three Rivers, on its return to the Dredges?

Answer.—Yes.

Question 5.—Did I, or not, in reply, request that you would inform Captain Vaughan of the subject of our conversation, and say to him, that I would feel much obliged by his doing so; but that, at any rate, I would be certain to find my way across some how or other?

Answer.—Yes.

Question 6.—Did I, or not, request that you would say to Captain Vaughan, that if it was any inconvenience, or put him out of his way, or be the means of causing any delay, on no account to touch at Three Rivers?

Answer.—Yes.

I do certify that the foregoing six questions are, as far as my memory serves me, correct.

(Signed,) W. K. RAYSIDE,
Harbour Master,
and Supt. of Lights and Buoys.

Montreal, 6th January, 1847.

Thomas A. BEGLY, Esq.,
Sec. Public Works.

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Lake St. Peter,
19th September, 1845.

Sir,

The Paymaster has not yet been down to pay the men employed on the Lake St. Peter Service. The 15th was the day he stated he would be here on. I have sent three times from the Lake to Sorel, but have not seen anything of him yet; several of our men, who have large families, are very pressing for their wages, as their families are in distress. You will, therefore, please, on receipt of this, to send the Paymaster down, if he has not already started, or some person to pay the men.

I remain,
Sir,
Your obedient Servant,
(Signed,) D. VAUGHAN.

Thomas A. BEGLY, Esq.

Montreal, March 6th, 1847.

My Dear Sir,

Captain Vaughan having written to inform me that allegations have been brought against him, and that an enquiry has been made thereon, which is now before Her Majesty's Executive Council, previous to its being laid before His Excellency, the Governor General; I feel that I should be wanting in that which is due to the character and merit of Captain Vaughan, were I not to bring under your notice, as one of the Council, my knowledge of his merits. Captain Vaughan has received testimonials of character from Lord Aylmer, Lord Seaton, Lord Durham; and the late Sir Richard Jackson's recommendations procured for him his present appointment; and having myself witnessed the zeal and ability with which he carried on the arduous work entrusted to him, and the difficulties he has overcome, I feel assured that it would be difficult to find a person so well qualified to carry out the operations in Lake St. Peter.

From what I have learned, I believe that the charges against Captain Vaughan are petty and frivolous; and that he had not sufficient time given to answer them. I am, therefore, desirous to testify to the good character of Captain Vaughan, and sincerely believe that he is incapable of any dishonest action; and that he could not have obtained the good opinion of the Governor Generals I have mentioned, had he not been deserving of their notice, and of good character.

As the gentlemen composing Her Majesty's Council have had close and personal intercourse with the Governor Generals I have named, I feel assured they will give due weight to their good opinion, and that of Sir Richard Jackson: I shall feel obliged by your informing them of the testimonials that I can vouch for.

I am,
My dear Sir,
Yours truly,
(Signed,) CHARLES GORE,
M. Genl.

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Sir,

As I am to believe that my explanation and other documents, connected with certain charges which were preferred against me some time ago, are now before the Council, I feel it due to myself to transmit herewith a copy of a letter I lately received from Mr. Begly, and my reply thereto, as they are intimately connected with the subject; and will show the difficulties I have to encounter. And I beg you will have the goodness to bring them under the notice of the Council, in connection with the documents already before them.

Since I came to Montreal, I have heard in the streets from more than one, rumours of a further charge against me, the precise nature of which I have not been able to learn.

To every one of the charges which were made against me, and upon which I had been called on for explanation, I have answered fully and straightforwardly; and I am ready to meet, I trust with success and credit to myself, any charge that may be yet got up against me, if I am given an opportunity of doing so, by being furnished with the particulars. And I trust I will be excused for stating, that I think if any further charge has been made, that it is but just that I should be given a copy of it.

I am, Sir,
Your obedient Servant,
(Signed,) D. VAUGHAN.

The Honorable D. DALY,
Provincial Secretary.

Montreal, 24th March, 1847.

Sir,

I have the honor to acknowledge the receipt of a letter from your Department, signed by Mr. T. A. Begly. This letter, dated the 16th, purports to be in reply to one which I addressed to the Office on the 9th instant, requesting certain instructions; but so far from conveying to me the information asked for, it leaves me more at a loss than before, and the style of it is so singular and so unlike that usual in all Public Departments, that I cannot help thinking it was transmitted without having been seen by you. In this opinion I am further strengthened, by learning that you have been absent for some days.

I beg to assure you, Sir, in thus respectfully drawing your notice to Mr. Begly's letter of the 16th, I am influenced by a sense of duty, and by no other motive than a sincere desire to be enabled to discharge my duty efficiently and satisfactorily, both as regards the public interest, and the Department under which I have the honor to act; and upon a review of the circumstances which made it necessary for me to write to the Office on the 9th instant, in connection with Mr. Begly's letter in reply, you will at once see the difficulties I have to contend with.

At the closing of the Works last season, being desirous to economise as much as possible, I had made certain reductions in the establishment. Among the persons necessarily affected by these reductions, was Mr. M'Kim, who I had paid off in December,

for the winter, with the intention of re-engaging him upon the opening of this season's operation, in April or May next. This course was fully sanctioned by the Board, and was warranted by the nature of the engagement I had made myself with him. Mr. M'Kim accordingly left Sorel, and repaired to his farm at Laprairie, where he continued until he was sent down again by the Board, to be placed on the establishment. I was not apprised of this from the Office, but Mr. M'Kim shewed me a letter directing him to repair to Sorel, and report himself to me; whereon, I immediately wrote to the Board, explaining that as Mr. M'Kim was not a mechanic or a sailor, and as there was no number of labourers employed, over whom he could be placed as overseer, I really did not know how to use him, until the Spring operations should commence, and I therefore requested instructions from the Board. In reply, I was verbally informed by your brother Commissioner, that instructions would be sent to me in a few days; this was in January last, but I have never received any since.

Mr. M'Kim had been paid off about the 3rd of December; about the 24th of January, he went down under the authority of the Commissioner's letter referred to, and after remaining a few days, he left the yard without my permission; he was so absent about ten or twelve days; when I first found that his full time was returned in the Pay-list by the Store-keeper, for the months of December and January, during almost the entire of which period he was not in employment, I did not feel myself justified in certifying for his being paid for such time, and I wrote to the Commissioners to know if he was to be paid for it; I was informed that he was, and he was paid accordingly.

Now, Sir, if you will have the goodness to refer to my letter of the 9th instant, you will perceive that in consequence of Mr. M'Kim's having left Sorel without any authority from me, and without my being informed whether he had received leave of absence, (which I believe in all Public Departments it is usual to give through the Officer in charge,) and from his example being followed on other occasions, I felt that my authority over those employed under me was disregarded, and that, of course, the Public interest must suffer. It became, therefore, my duty to bring the subject under the notice of the Commissioners.

I will now take the liberty of respectfully requesting your attention to Mr. Begly's letter, of the 16th instant.

In it, he first says, "relative to Captain M'Kim's employment; I am directed to refer you to his letter of instructions, dated 23rd January, which he has shewn you, as he was therein desired."

This letter was certainly shown to me by Mr. M'Kim; but as it merely directed him to repair to Sorel, to report himself to me, and to give me any assistance I might require; and, as I had, in November preceding, reported that he was not required, and he was paid accordingly, I was, and still am quite at a loss to know what way he can be employed; and I felt it my duty to state so officially more than once; and certainly Mr. Begly, by referring me to his letter of the 23rd January, does not enable me yet to discover it.

Secondly. Mr. Begly says, "with regard to his pay, I am to refer you to a letter to yourself, dated 6th February, sent to you for your guidance." This letter of 6th February, was addressed

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to me, in consequence of my having declined to certify to Mr. M'Kim's being paid for the two months of December and January, (during almost the entire of which, as I have before said, he was not in employment,) unless I was directed by the Commissioners to do so; but Mr. M'Kim, after his being replaced in employment, having been absent without my authority, or any leave of absence that I was cognizant of, it was my duty to enquire whether he was also to be paid for such time. The letter of 6th February, to which Mr. Begly refers me on this point, had, and could have had reference only to the payment of Mr. M'Kim for the months of December and January, not for the time he was subsequently absent, and about which I requested instructions in my letter of the 9th instant.

Finally, Mr. Begly says, "with regard to his absence, I am to inform you, that he was granted leave by the Department."

As this was the first time I was informed of Mr. M'Kim's being absent with leave; it was natural and proper that I should, previous to my being so informed, have desired to obtain the wish of the Commissioners, as to his being paid for time, that I believed him to have been away without authority.

It is, Sir, I am sure, quite unnecessary for me to remark upon such an unusual mode of granting leave of absence to an under officer of a Department, without his superior officer being consulted or apprised of it; and it is equally needless for me to point out, how incompatible such a course is with the regularity and subordination which is indispensable to the proper working of any Department; and to the noticing of it, as I have endeavoured respectfully to do, I have been forced, by the nature of Mr. Begly's letter, the style and manner of which I humbly leave for the consideration of the Commissioners.

The substance of the foregoing being so entirely mixed up with the matters lately investigated by the Commissioners, and the documents connected therewith, being, as I am informed, now before the Honorable the Executive Council; the Commissioners will, I trust, see the justice of transmitting to them also this letter, as well as a copy of Mr. Begly's, of the 16th instant.

I am,

Sir,
Your obedient Servant,

(Signed,) DAVID VAUGHAN.

HON. W. B. ROBINSON,
Chief Commissioner of
Public Works.Copy of a Letter from Mr. T. A. Begly, Secretary
pro tem, to Captain Vaughan.Public Works,
Montreal, 16th March, 1847.

Sir,

In reply to your letter of the 9th instant, relative to Captain M'Kim's employment, I am directed to refer you to his letter of instruction, dated 23rd January, which he has shown to you, as he was therein desired.

With regard to his pay, I am to refer you to a letter to yourself, dated the 6th ult., sent to you for your guidance; and with regard to his absence, I am to inform you, that he was granted leave by the Department.

I have the honor to be,

Sir,
Your obedient Servant,
(Signed,) THOMAS A. BEGLY,
Secretary.Captain VAUGHAN,
Supt. Lake St. Peter Works,
Sorel.Public Works,
Montreal, 23rd January, 1847.

Sir,

It being necessary that immediate steps should be taken to put the Lake St. Peter vessels in proper working order, previous to the commencement of the Lake operations in the Spring; I am directed to request that you will immediately proceed to Sorel, for the purpose of assisting Captain Vaughan in making such repairs, &c., as will ensure the efficiency of the establishment in this important work.

You will be so good as to show this letter to Captain Vaughan, as your authority for so assisting him.

The Commissioners trust that no exertion will be wanting on your part, in carrying on the work with that energy and economy which the Public interest requires.

(Signed,) T. A. BEGLY,
Secretary.Captain M'Kim,
&c. &c. &c.

Sorel, 3d February, 1847.

Sir,

I beg to forward you the Pay List for the last month, which I should have certified, if I could have been certain that Captain M'Kim is returned, by authority of the Commissioners for the full time, to the date of this Pay List.

I am, Sir,

Your obedient Servant,
(Signed,) D. VAUGHAN.THOMAS A. BEGLY, Esq.,
Secretary, Public Works.

Extract of a letter to Captain Vaughan, 6th February, 1847.

"In reference to Captain M'Kim's salary, you will be pleased to enter it on the Pay List, from the date to which he was last paid up."

(Signed,) T. A. BEGLY,
Secretary.Appendix
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Extract of a letter from Captain D. Vaughan, to Messrs. Robinson and Casgrain, Commissioners, Public Works.

William Henry, 9th March, 1847.

Gentlemen,

I beg leave to inform you, that since the period the investigation into my conduct commenced, I cannot help noticing that, occasionally, some disregard has been paid to my official authority as Superintendent of the works at this place. Some of the Captains and people, perhaps dubious of my authority, seem to act as if it was doubtful; absenting themselves from this place when they please. In order to maintain the due subordination of the Department, I request, more particularly, that you will be pleased to instruct me how far my authority extends, with regard to the officers and people under me; as I am quite certain neither yourself nor Mr. Casgrain would sanction any liberties calculated to impede the Service. With regard to Captain M'Kim, I must say that I do not know how to employ him, being neither a mechanic or sailor. He was latterly absent for several days; and I beg, therefore, to be instructed how he is to be employed, and whether he is to be returned for full time, or not.

I have the honor to be,
Gentlemen,
Your most obedient Servant,
(Signed,) D. VAUGHAN.

The Honorable
Messrs. ROBINSON and CASGRAIN,
Commissioners of Public Works,
Montreal.

Extract of a Letter from Thomas A. Begly, Secretary, to the Honorable D. Daly, Provincial Secretary, &c.

Department of Public Works,
30th March, 1847.

Sir,

In reference to the letter of Captain Vaughan, dated the 27th instant, and sent to this Department for report, stating as follows: "Since I came to Montreal, I have heard in the streets, from more than one, rumour of a further charge against me; the precise nature of which I have not been able to learn;" I am directed in reply to acquaint you, that from the tenor of Captain Vaughan's letter, the Commissioners are unable to understand what the charge is to which he refers; but I am to state, that no charge has been made against Captain Vaughan by this Department, further than those referred to in the Report of the Commissioners transmitted to you on the 11th February.

In reference to Captain Vaughan's letter of the 24th instant, relative to Captain M'Kim, I am directed to transmit to you the following, a copy of the letter addressed to Captain M'Kim, dated 23rd January, instructing him to proceed to Sorel and assist Captain Vaughan; a letter from Captain Vaughan, dated 3rd February, relative to Captain M'Kim's pay; an extract of a letter in reply thereto, dated 6th of the same month; and a letter of Captain Vaughan, dated the 9th instant.

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With respect to Captain M'Kim, the Commissioners desire me to state, that he having heretofore been employed during the time of fitting up the Dredges, with the others, and having stated to the Commissioners that he had been dismissed by Captain Vaughan, without any reason being assigned, they sent him to Sorel to render any assistance in his power. He considered himself entitled to his wages for the present winter; and the Commissioners believing him to be, from Captain Vaughan's own statement, a trusty and useful man, availed themselves of his services, rather than pay him for doing nothing.

Captain M'Kim stated to the Commissioners, that if he were not employed, he must look out for another situation, in which case, they would have been obliged to employ a stranger to fill his place, and that at a time when it was very desirable to urge on the work of opening a channel through Lake St. Peter, with all possible energy.

I have the honor to be,
Sir,
Your very obedient Servant,
(Signed,) THOMAS A. BEGLY,
Secretary.

The Honorable D. DALY,
Provincial Secretary,
&c. &c.

Copy of a Report of a Committee of the Honorable the Executive Council, dated 9th April, 1847, approved by His Excellency the Governor General in Council, on the same day:

On the several papers relative to charges brought against Captain Vaughan and other Public Officers connected with the Lake St. Peter Work, and the Report of the Commissioners of Public Works thereon;

In their consideration of the evidence against Captain Vaughan, and his defence; as also of the Report of the Commissioners of Public Works, and the documents therewith; and also, of the additional letters and papers referred to them on the 5th instant; the Committee have found, that to certain charges distinctly enumerated by him in his letter, Captain Vaughan has given such reply as he has conceived he might rely on for his defence. But there are two points, to both of which the Committee attach the very greatest importance; one of which he seems to have not considered as advanced at all as a charge, and the other, which he has not met in the view in which the Committee look upon it, as most requiring explanation. The first of these points arises from the fact, that Captain Vaughan undertook, at a fixed rate per month, to board the people employed on the Lake St. Peter Service, on board the various crafts. He received the stipulated monthly payment for this board, but the victuals were cooked on board, and the men by whom the service was performed (three in each vessel) were returned on the Pay-lists as men or boys belonging to the several vessels, and were paid accordingly out of the Public funds.

-This amount, reported to exceed £860, during the time Captain Vaughan was boarding the men, ought, or ought not, to have been paid out of public moneys, according to the actual arrangement made. If, in agreeing to board the men at so much a month, the cooking of the different meals, as well as finding the

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provisions, was included, then Captain Vaughan has been improperly returning men (not as Cooks) on the Pay-lists, whose services he, and not the public, has had the benefit of, and he ought to refund the sum of money thus paid.

This becomes a charge of the most serious character, depending on the agreement, the apparent nature of which seems to bear the construction that the wages of the Cooks, &c., ought to have been paid by himself; and as Captain Vaughan does not appear to have considered himself as charged with any misconduct in this particular, he should therefore be called upon for his defence in relation thereto.

The second charge relates to the building of a vessel and skiff, for Mr. Killaly. Captain Vaughan does not, as it appears to the Committee, meet the serious part of this charge, which is neglecting to make proper returns of the workmen's time, and public materials, employed on these vessels; so that, as the Committee understand, £140, or thereabouts, in labor and materials, has been expended, which Mr. Killaly has not been hitherto charged with.

The Committee recommend that Captain Vaughan be called on to furnish his reply on these matters, with such further evidence as he is desirous of offering, and on its receipt the Committee will consider it, in connection with the matters already submitted by him, in reply to the charges which he has enumerated and defended himself against.

Certified.

(Signed,) E. PARENT.

Sorel, 23rd April, 1847.

Sir,

I have the honor herein to furnish my explanation upon the matters charged against me, as enumerated in the Minute of the Honorable the Executive Council of the 9th inst.; an extract of which was transmitted to me on the 13th instant, in a letter from the Secretary of the Board of Works, by which I was required, immediately, to furnish explanation. Upon the two points in the Minute, I have the honor to state as follows:—

First charge—That I undertook, at a fixed rate per month, to board the men employed in the Lake St. Peter Service; that I received the stipulated monthly payment for this board, but the victuals were cooked on board; and the men, by whom the service was performed, (three in each vessel) were returned on the Pay-lists as men or boys belonging to the several vessels, and were paid accordingly out of the public funds. The Minute of Council justly states, that I did not consider any charge had been advanced against me on this head. The only mention I heard made of it was during the course of the investigation, when State, the Store-keeper, said: "he thought the Cooks and Stewards should be paid by me;" but Mr. Casgrain, at the moment, expressed his opinion, that I had nothing to do with that.

The Honorable Council will be surprised to learn that upon every month's Pay-list, from the day the furnishing of the supplies was first put on me, to the close of the works this winter; the Cooks were entered in the Monthly Return as such, and were paid as such.

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And yet now, after a period of three years, I am charged with having been robbing the public all that while, by having the cooking done by men paid by the public, instead of by myself. If it was supposed that the expense of the cooking was to be borne by me, why, upon the examination and check of the very first month's return, and the subsequent ones; wherein the Cooks were entered as such, was I not at once apprised that they must be paid by me? But the truth is, the person getting up these charges knows perfectly that no such thing was ever intended. In the early part of 1843, before I had any connection with the work, the establishment received an allowance, in lieu of provisions, as follows:—

Captain Dubord	£4	per month.
Superintendent of Engineers.....	4	do.
Superintendent of Dredges.....	4	do.
First Pilot.....	4	do.
All other Captains and Officers...	3	do. each.
Crews	2	do. per man.

When I took charge, I dispensed with the Superintendent of Engineers, Superintendent of Dredges, and two Pilots, all at high wages.

This system was found to work badly, causing loss of time and irregularity; and Mr. Atherton, then in charge, made an arrangement, nominally, with Mr. Mitchell, but in reality with Captain Dubord, for furnishing the provisions at those rates; but the cooks and assistants for cooking, transport of provisions, cooking utensils, fuel, &c. &c. were all supplied to him, and paid for by the board.

Immediately after my being placed in charge, Mr. Killaly expressed dissatisfaction at the rates paid Captain Dubord; and finding the usual rates allowed by individuals or companies to be £2 10s. for officers, and £2 per month for the crew; he informed me, that I must furnish the provisions at those rates, which I accordingly undertook, and continued to do to the close of the work; but the hands for cooking, the cooking utensils, &c. &c. were all found by the Board, as was done for my predecessor.

Prior to my taking charge, little work had been done, indeed no dredging, except a fine days' trial, and the boats and crews were chiefly in harbour; but even then, when the men's time was not wholly employed, there was a Cook and an assistant on each boat, boarded and paid by the Department.

The only change made, therefore, was reducing the £4 and £3 per month, for one Captain, two Engineers, one Mate to each vessel, also three Carpenters and one Blacksmith, attached to the establishment, to £2 10s. per month; but the Cooks and assistants remained on the same principle as before I furnished the provisions. Such was the distinct understanding between myself and the gentlemen at the head of the Department at the time, or I would have had nothing whatever to do with it; was it proposed to be otherwise; and I would here beg to remark, that I sought not to furnish the supplies at any time; on the contrary, it was put on me, and I more than once expressed my desire to be relieved from such duty. Another important saving effected by my arrangement was, in having the working and discharging of the scows all done by the hands of the Dredges and Tug-Boats; whereas it was intended by Mr. Atherton, that there should be a separate crew in each scow, and accommodations for them had been accordingly prepared in each.

From the foregoing, the Honorable Council will see I had nothing to do with cooking the victuals;

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that continued to be done during the time I furnish the supplies by men paid by the Department, as had been the case with the previous Contractor. The only question there is, did I permit an unnecessary number of hands to be so employed? I beg leave respectfully to state, that I had not one hand on board any of the boats that was not required for the efficient discharge of the duty, and no set of men were ever harder worked; had it been otherwise, I am pretty certain that many of those who have come forward would not have been so anxious to make charges against me. On board the Tug-boats, between Quebec and Montreal, in which there are not more men than on board our boats, there is a Cook, Steward, and two boys allowed to each; although, from the nature of the work, the crew have a large portion of their time unemployed. On board our boats, I had a Cook, Steward, and one boy; and I considered they were required. Our boats, from the nature of the employment, with the mud and dirt constantly slashing about, require ten times more attention and labour, to the keeping of them clean, than the other boats I have alluded to.

Under the system which I learn is now proposed to be adopted by the Board, the Contractor for furnishing the supplies is to find his own Cooks, but is to be found by the Board with cooking vessels, fuel, and all other things required for that service; his men, so employed, will not, of course, attend to the cleaning of the boats, making the berths, &c. &c.; all of which must be done by taking some of the crew; and of course, there must be one person employed to take charge of the different things, and keep the people's apartments in order—as men working from five in the morning to sun-down in mud and dirt, as they are at such work, and are two nights in the week until 11 or 12 o'clock, taking fuel on board, requires one man to wait on them—as it gives the Captain and his crew as much as they can do to attend to their duty on deck, as may be judged from the hours they have to work. And to show how this will answer, I have only to state, that during the whole of the working season, I had the fires lighted up about four o'clock in the morning; and it was by no means uncommon for the men to be employed loading fuel at night, when too dark to dredge any longer—say 11 or 12 o'clock. With respect to the manner in which the hands employed about the cooking and cleaning the vessels were entered in the Pay-lists, and for which I am accused of deception, I have to observe, that the Cooks were entered as such on the returns; the others as part of the crew—the boys being set down at boys' wages; but there was no distinction made as to classifying the crew, whether Stewards, Sailors, Firemen, Labourers, &c.; nor was any such necessary, or made at any time. I trust I will be excused for expressing my strong doubts of the good working of the system now adopted by the Board—that of having Cooks, &c. &c. paid by the Contractor for the supplies on board the boats, mixed up with the working crew, not bound to hours, and over whom the Superintendent and his sub-officers can have no efficient command or control. In my long seafaring experience, I never heard or knew of such a system, with regard to the food being supplied by the new Contractor on the same terms as I was paid for furnishing the supplies alone; it is yet to be ascertained how far this will be done satisfactorily. I did not restrict the men to regular meals, but, as on board ship in hard work, the men had free recourse to the provisions whenever they felt hungry; and I have been informed, that the new Contract has been already treating for a cheaper class of biscuit than I furnished the men. The Second Charge relates to the building of a skiff, or boat, for Mr. Killaly, and neglected to make

proper returns of the workmen's time, and materials employed. I have already, in my former estimation, shown, that the skiff, costing ten or twelve pounds, was built by Mr. K.'s orders, for the Public Service; was so used, and was not chargeable against Mr. Killaly.

With respect to the building of Mr. Killaly's boat, and the amount of assistance given from the yard, the grossest misrepresentations have been made; I have shewn in my former explanations, that I was most particular, before she was even commenced, and during her construction, in directing the Foreman of the yard to keep an exact account of any materials and assistance that might be given towards her construction. That I did so, is sworn to by the Foreman and others; and, according to my instructions, he did keep an exact account thereof. This account, with that of the Blacksmith, embraces every particle done for the boat, and in the whole, amounts to £50 4s. 5d. But Mr. Killaly complains of the charge of iron work, 12d. per lb., being excessive.

When Mr. Killaly took his boat down the River last Spring, on an inspection, she was far from being completed; and I purposely deferred sending in the account against her, until what remained to be done was furnished, and I could send it in altogether. Late last Fall, Mr. Casgrain made an inspection down the River; and Mr. Killaly, the day before he left Montreal for Lake Superior, learning that Mr. Casgrain wished for the use of his boat to make his trip in, sent me instructions to have whatever remained to be done for her, completed, and for Mr. Casgrain's safety and comfort, put in hands at once; this I had done, and on Mr. Killaly's return, he paid the expenses thereof; and I was preparing to furnish him with an account in the Fall, of all matters against his boat, at the very time the investigation was commenced. Having repeatedly instructed the Foreman and Smith to keep an exact account of what should be charged against the boat, and this account was accordingly and duly so kept; I had, and could have had no object in deferring to send it in, but the desire of waiting until the boat was finished, and thereby be enabled to send in a final account, as I have already said. The Minute of the Honorable Council states, that the sum of £140, or thereabouts, in labor and materials has been expended, and not charged as yet against Mr. Killaly. The account in full, which I have lately furnished the gentleman, amounts to £50 4s. 5d., but he objects to the charge for the iron work, as before stated. I beg leave, herewith, to enclose a valuation of this boat, made by two Ship-builders, of as high character as any in the Province. From it, the Honorable Council will see their offer to build one in every respect as perfect for £150. The sums Mr. Killaly has paid on account of his boat, and the receipts for which I can lay before the Board, if required, are as follows:—

	£	s.	d.
James Hunt & Co., Sail Makers ...	50	3	4½
James Kelly, Work and Materials...	76	9	7½
Carter and Cowan.....	22	12	3
	<hr/>		
	£149	5	3

If this amount, £149 5s. 3d., of sums actually paid, be added to the sum I have charged against her, £50 4s. 5d., the cost of the boat will be seen, namely, £199 9s. 8d.; but I am aware that he has paid several small accounts not included above. From this statement, which cannot be controverted, the Honorable Council can judge of the nature of this Second Charge, got up against me.

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Trusting the foregoing account to afford satisfactory explanation to the Honorable Council, upon the points to which my attention was directed by their Minute,

I have the honor to subscribe myself,
Their obedient Servant,
(Signed,) D. VAUGHAN.

Honorable D. DALY.

We, the undersigned Ship Builders, certify being called upon by Captain Vaughan, to value the yacht "Alice." Having closely examined her, we consider the value of the said Vessel, hull, masts, spars, and iron work, worth £150, currency; and would build one of the same dimensions, with as good workmanship and materials, for that amount.

(Signed,) DANIEL M'CARTHY,
" EDWARD MERRITT.

Copy Certified.

(Signed,) D. VAUGHAN.

Public Works,
Montreal, 30th April, 1847.

Sir,

I am directed by the Commissioners to state, for the information of His Excellency, that having read the letter of Captain Vaughan, in further explanation of the charges against him, they do not consider it satisfactory.

Captain Vaughan states, that from the commencement of the work under him, to the close of last winter, "the Cooks were entered in the Monthly Returns as such, and were paid as such." How far this is correct, will be seen by a careful reference to the Returns themselves, which are herewith transmitted.

By an abstract of the Monthly Returns, (No. 1,) it appears that in the year 1844, about three persons were returned on an average as Cooks, (one for each vessel, there being then but three,) and none as Stewards; in 1845, none were returned as either Cooks or Stewards; and in 1846, the average was 2½ for the four vessels, being for the three years, equal to the time of one person for thirty-seven months, at a cost of £145 17s. 10d.; whereas the Returns should have been according to Captain Vaughan's present admission, (see evidence, and his letter of the 23rd instant,) twelve persons for the four vessels, or equal to the time of 234 persons for one month, at a cost of £877 18s. 5d., making the sum of £731 0s. 7d., paid for persons solely occupied as Cooks and Stewards, but which certified to on the Pay-lists by him as "Seamen," and some few of them as boys.

Captain Vaughan asks, "Why, upon the examination and check of the very first Month's Return, and the subsequent ones, wherein the Cooks were entered as such, was I not apprised that they must "be paid by me?"

Why this was not done by the late Board, the Commissioners, of course, cannot explain; but it is very evident the Board could not have ascertained

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the full extent of the charge for Cooks by reference to Returns, which are not, by any means, what Captain Vaughan represents them to be.

The Commissioners beg to state, that it was in consequence of their having been informed that men were returned as "Seamen," who were employed as Cooks, that they were led to investigate the matter. They could find nothing to warrant Cooks employed by Captain Vaughan, being paid by the Government, in the books of the Board of Works. They asked him by what authority it was done. He referred them to Mr. Killaly, who, on being officially applied to by the Department, gives no answer. The Commissioners, under these circumstances, felt it their duty to report the facts to the Executive Government; and they cannot refrain from expressing their surprise, that there should be any difficulty in establishing a fact, upon which a considerable amount depended, if it were as clearly understood as Captain Vaughan asserts.

The Commissioners consider that Captain Vaughan was highly culpable in employing men about his own house and garden, and returning themselves as "Labourers" on the Pay-lists, because these documents were not then what they were intended to be—faithful statements of what was done; and if he were allowed a man in addition to his salary of £500 per annum, he should have returned him in the capacity in which he actually served. The Commissioners can discover no authority for any thing of the kind, and the amount paid for such services is at least £85 15s. 9d., (see extract from the evidence No. 2.)

In reference to the charge connected with the building of Mr. Killaly's Yacht, the Commissioners can only form their opinion from evidence taken at Sorel upon oath. It will be seen by statement No. 3, that the amount actually paid by the Government on account of this vessel, (and of which not any part was ever returned by Captain Vaughan to the Office,) is at least £140.

This is proved not by one or two individuals only, but by several in whom Captain Vaughan himself professes to have every confidence.

Relative to the statement of Captain Vaughan, that there is only now due to the Government by Mr. Killaly, on the building of the Yacht, the sum of £50 4s. 5d., the evidence already referred to, shews that this is not the case; but even if it did only amount to that sum, why, the Commissioners conceive they may with propriety ask, was it not regularly returned monthly as the expenditure took place, in order that Mr. Killaly might have been charged with the amount? This is, however, distinctly at variance with what Captain Vaughan told both of the Commissioners last summer; he then stated that the Yacht was built wholly at Mr. Killaly's own expense, and cost £200. The evidence shews that some of the men employed at the Yacht were paid in part by Mr. Kelly, from means furnished by Mr. Killaly, and the remainder of their time was entered on the Pay-lists, as having been for the ordinary service on Lake St. Peter, which the Commissioners submit was highly improper, without reference to amount.

Captain Vaughan, in his letter of the 23rd instant, states that he "repeatedly instructed the Foreman and Smith to keep an exact account of what should "be charged against the Boat, and this account was "accordingly and duly kept." Reference to the evidence of the Foreman alluded to, Mr. Davidson, shews that this statement is not correct, in as much

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as Davidson swears positively to a greater amount for work, timber, &c., and his own labor, than the £50 4s. 5d., which Captain Vaughan states is all that the Boat cost the Government. The remainder of the £140 is proved on equally good testimony.

Captain Vaughan having alluded to the manner in which the Steam Tug Boats between Montreal and Quebec are found, the Commissioners have made enquiry, and find that in no instance is this done by the Captain, and therefore the case is not at all analogous.

The Commissioners, notwithstanding their earnest desire that Captain Vaughan should acquit himself satisfactorily of the charges brought against him, are compelled to state that in their opinion he has failed to do so; and on a careful perusal of the evidence, they think it will appear that many of the other charges, besides those relating to boarding the men, and building Mr. Killaly's Yacht, are of a nature that cannot, with a due regard to the Public interest, be overlooked.

With respect to that part of Captain Vaughan's statement, wherein the Store-keeper, Mr. State, is made to say, during the investigations—"He (Mr. State, thought the Cooks and Stewards should be paid by me; but that Mr. Casgrain, at the moment, expressed his opinion, that I had nothing to do with that;" I am directed by Mr. Casgrain, to say, that if any such observation at all was made by Mr. State, he (Mr. Casgrain) could not then have expressed such an opinion, but rather must have said, that "he (Mr. State) had nothing to do with that," to put a stop to any further remarks from him pending the

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enquiry. Moreover, the Commissioner, Mr. Casgrain, being aware that Captain Vaughan received sufficient remuneration for the board of the officers and men, to enable him to furnish his own Cooks, could not have thus admitted the propriety of employing so many of them, and charging the Public not only for their wages, but also for their board, especially in the absence of any authority to be found in the office to that effect.

The Commissioners regret to be obliged to remark, that Captain Vaughan, in his correspondence with this Department, relative to the investigation into his conduct, has not been guided by that sense of propriety, which should be observed by all persons acting under its orders, as will appear by his replies and other documents before His Excellency.

The time for commencing the work on Lake St. Peter has arrived; and the Commissioners would again respectfully submit that Captain Vaughan's conduct has been such, that they feel it to be their duty to recommend some other person, competent, should be placed in charge of the Work without delay.

I have the honor to be,
Sir,
Your very obedient Servant,

(Signed,) THOMAS A. BEGLY,
Secretary.

The Honorable D. DALY,
Provincial Secretary.

No. 1.

STATEMENT, shewing the Number of Men doing Duty on board the Lake St. Peter Vessels as Cooks and Stewards, for the years 1844, 1845, and 1846, distinguishing those returned by Captain VAUGHAN as Cooks, from those returned as Seamen and Boys, according to his Certificates.

Date.	No. of the Pay Lists.	Returned as Cooks.	Returned as Seamen and Boys, but serving as Cooks and Stewards.
April 1844	41	1	8
May	55	3	6
June	63	3	6
July	71	3	6
August	79	2	7
September	85	3	6
October	100	3	6
November	113	4	5
April 1845	55, 56, 57, and 58	0	11
May	64, 65, 66, and 67	0	12
June	81, 82, 83, and 84	0	11
July	91, 92, 93, and 94	0	12
August	104, 105, 106, and 107	0	12
September	113, 114, 115, and 116	0	12
October	124, 125, 126, and 127	0	12
November and December 1845	134, 135, 136, and 137	0	11
April 1846	173, 174, 175, and 176	2	10
May	180, 181, 182, and 183	2	10
June	184, 185, 186, and 187	5	7
October	2, 3, 4, and 5	2	10
November	9, 11, 13, and 15	2	9
December	10, 12, 14, and 16	2	8

The pay of the men returned as Cooks amounts to..... £145 17 10
Do do do Seamen and Boys, but acting as Cooks and Stewards.... 731 0 7

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STATEMENT from the evidence taken at Sorel, of work done for Captain Vaughan, but certified by him, and paid for, as being for the Lake St. Peter Service.

From the evidence of James State:—
 Michael Kelly, from May to December, 1845, half time, equal to 79 days, @ 2s. 6d..... £ 9 17 6
 Do from 1st December, 1845, to 2d February, 1846, whole time, 54 days, @ 2s..... 5 8 0
 Do from 2d February to 1st May, 1846, half time, 37½ days, @ 2s. 3d..... 4 4 4
 R. Main, from 21st April to 14th May, 23 days, @ 1s. 10d..... 2 2 2

From the evidence of Michael Conway:—
 Michael Conway, 11 months, equal to 287 days, @ 2s. 3d..... £32 5 9

From the evidence of John O'Leary:—
 Four men filling Ice-house..... £ 1 10 0
 Collecting timber for Captain Vaughan in the Lake, viz,—
 O'Leary, 3 days..... £0 16 10
 Davidson, 2 do 0 15 0
 Coté, 2 do 0 10 0
 Wright, 7 do 2 6 8
 Board 1 3 4
 5 11 10

From the evidence of Francis Rotting:—
 F. Rotting, 2 winters, half time, equal to 151 days, @ 2s. 6d..... £18 17 6
 Do painting, 8 days, @ 4s..... 1 12 0
 Do in summer of 1846, 5 weeks, less paid by Captain Vaughan, 21 days... 3 6 6

From the evidence of R. Main:—
 R. Main, in summer of 1846..... 56 days.
 Less 1½ month..... 45 do
 11 do @ 1s. 10d 1 0 2
 £85 15 9

The above does not include sundry articles taken by Captain Vaughan. (See evidence.)

No. 3.

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STATEMENT made from evidence taken at Sorel, of materials supplied from the Government Ship-yard at Sorel, and applied for the building of the Honorable H. H. Killaly's yacht; also of the time of the men employed thereon, and paid for by the Government.

From the evidence of T. Davidson:—
 Timber, &c., per bill..... £42 18 5½
 His own time, half of 77 days, @ 7s. 6d. 14 8 9
 Paint..... 4 14 6

From the evidence of J. O'Leary:—
 Painting—
 By O'Leary..... 10 days.
 Less, paid by Mr. Killaly 6 do
 4 do @ 6s. 8d. £1 6 8
 Board 10 do @ 1s. 8d. 0 16 8

From the evidence of A. Wright:—
 Rigging, viz.—
 O'Sullivan in yard, 36 days, @ 3s. 6d. £6 6 0
 Do in the Lake, 2 months and 18 days 10 8 0
 Board..... 6 10 0
 O'Leary in yard 18 days, @ 5s. 7½d. 5 1 3
 Wright do 18 do @ 6s. 8d. 5 10 0
 25 yards of canvass @ 1s. 6d..... 1 17 6

From the evidence of John Milne:—
 Blacksmith work..... £20 0 0

From the evidence of F. Rotting:—
 Painting, 18 days, @ 4s..... £3 12 0

From the evidence of Starky:—
 Carpenter work—
 1 week.....£1 5 0
 Board..... 0 12 6
 1 17 6

From the evidence of Stevens:—
 Carpenter work—
 5 weeks.....£6 5 0
 Board..... 3 2 6
 9 7 6

Paid by Department—
 James Gilliland..... 1 17 6
 £136 12 3

From the evidence of A. Wright:—
 All the rope, &c., for standing and running rigging.....
 Less one coil supplied by Mr. Killaly...
 £

No. 4.

STATEMENT of Timber and other Materials from the Ship-yard of the Board of Works at Sorel, and used in the construction of a Yacht built for the Honorable H. H. Killaly, at Sorel.

	£	s.	d.	£	s.	d.
46 Tamarack Knees @ 6s. each.....	13	16	0			
12 do @ 3s. do	1	16	0			
8 pieces of Tamarack @ 2s. 6d.....	1	0	0			
2 do do 20 feet by 8 inch square.....	17	9	4			
4 do do 6 do 8 do	10	8	0			
Sundry do do 76 do 8 do	33	9	4			
62 2 8 @ 4d....	1	0	8			
One White Pine Log picked up in the Lake, and brought to Sorel by the Steamer "Vulcan," 42 feet long by 20 inches square, 116 feet, @ 3d. per ft.	1	9	0			
One Red Pine Log used for the mast of the yacht, and one taken for plank: the Red Pine came from Quebec.....	6	14	9½			
100 Boards used by Mr. Killaly for the cabin of the yacht.....	2	10	0			
1 cask of 3 inch Spikes.....	2	6	0			
56 lbs. of Oakum.....	0	17	6			
7 days work done by men employed in the yard, and paid by the Board of Works, @ 4s.....	1	8	0			
Carried over.....£	32	17	11½			

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	£	s.	d.	£	s.	d.
Brought over.....	32	17	11½
For other men who have been occasionally employed at the yacht 8 days, @ 4s.	1	12	0
Elm and Oak Timber brought from Montreal by the "Vulcan" on her last trip in the Fall, viz. :—						
1 piece Oak, measuring.....	37	17	5=21 feet.			
1 do do	36	11	12=33 do			
			54 do @ 10½d.	2	7	3
About 14 or 15 Elm Plank, measuring from 20 to 36 feet in length, and 14 to 18 inches in breadth, and 1½ inch thick—value.....	...	...	...	3	0	0
Timber got from Mr. M'Carthy's Ship-yard at Sorel, and used in the construction of the yacht, viz. :—				39	17	2½
1 Log Elm Timber	44	12	3=47 feet.			
1 do do	38	13	4=48 do			
1 do do	31	10	10=21 do			
			116 do @ 10½d.	5	1	6
1 do Oak Timber	34	10	10=23 do			
1 do do	22	12	12=22 do			
1 do do	10	12	7=6 do			
			51 do @ 10½d.	2	4	7½
6 Tamarack Knees.....	1	0	0			
1 Spruce Spar 32 feet long.....						
1 do 37 do						
1 do 42 do						
1 do 27 do						
Cost	0	8	10			
	8	14	11½			
Mr. Kelly paid out on the above sum, on behalf of the Honble. H. H. Killaly..	4	3	8½	4	11	3
Some of the Elm Plank brought from Montreal were used for the Board—value about.....	...	...	...	44	8	5½
				1	10	0
				42	18	5½

The foregoing statement and valuation I give as correct, to the best of my knowledge, and as part of my testimony.

(Signed,) THOMAS DAVIDSON.

December 29th, 1846.

Public Works,
Montreal, 5th May, 1847.

Sir,

In reference to the report of this Department, of the 1st instant, in reply to the letter of Captain Vaughan, of the 23rd ult., in further explanations of the charges brought against him, I am directed to state, that it was the intention of the Commissioners to have remarked upon the portion of Captain Vaughan's letter, having reference to the visit of Mr. Commissioner Casgrain to the harbours below Quebec; but from an error inadvertently made in copying the original draft, notice of it was omitted in the report.

Captain Vaughan states, that "Mr. Killaly hearing that Mr. Casgrain wished for the use of his boat to make his trip, (of inspection below,) sent me instructions to have whatever remained to be done to her completed, and for Mr. C.'s safety and comfort put in hand at once."

In reply, I am directed to say, that before proceeding with some of the officers of this Department to a survey of a certain part of the St. Lawrence, below Quebec, Captain Vaughan being then in Montreal, the Commissioner, Mr. Casgrain, asked his opinion, as to whether he should proceed by land or in a boat, knowing his experience in these matters, and that the Department had a boat at Sorel, which would answer the purpose. He advised the use of a boat in preference to travelling by land; saying, at the same time, that Mr. Killaly's was the best for such operations. Afterwards, without any application on his part, Mr. Killaly obligingly put his boat at Mr. Casgrain's disposal; on being informed, the latter supposes, of the conversation between Captain Vaughan and himself, in relation to the best mode of

proceeding to the intended survey. Mr. Casgrain subsequently told Captain Vaughan, that, should he decide on going down by water, he could inform him of it in time to prepare the boat; but having made up his mind to proceed by land, he had no occasion to send him any instructions to that effect; and was told by Captain Vaughan, on his return, that in anticipation, he had caused the boat to be put in readiness, and her sails bent.

I have the honor to be,
Sir,
Your very obedient Servant,
(Signed,) THOMAS A. BEGLY,
Secretary.

Extract from a Report of a Committee of the Honorable the Executive Council, on Matters of State, dated 5th May, 1847; approved by his Excellency the Governor General in Council on the same day.

On further explanations of Captain Vaughan, in reply to charges brought against him, called for by the approved report of Council, of 9th April, 1847, with report from the Commissioners of Public Works thereon, dated 30th ultimo,—

The Committee, under all the circumstances of this case, humbly advise your Excellency to comply with the recommendation of the Commissioners of Public Works, by dispensing with the further services of Captain Vaughan.

Certified,

E. PARENT.

To the Provincial Secretary.

R E T U R N

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, dated 23rd June last; praying that His Excellency will be pleased to cause to be laid before the House, "A Statement of the Amount of Indian Monies invested in Government, or other Debentures, during the last three years; shewing the amount and description of such Debentures, the parties from whom the same were purchased, and to whom payment was made. Also, the rates at which such Debentures were purchased, whether below or at par, or at a premium; and whether such Investments in Debentures, if any, were made by the Chief Superintendent of Indian Affairs in this Province, or any other, or what Officer of that Department."

By Command,

D. DALY.

Secretary.

Civil Secretary's Office,
Montreal, 2nd July, 1847.

A STATEMENT of the amount of Indian Monies invested in Government, or other Debentures, during the last three years; shewing the nature and description of such Debentures, the parties from whom the same were purchased, and to whom payment was made. Also, the rates at which such Debentures were purchased, or at par or at a premium; and whether such Investments in Debenture, if any, were made by the Chief Superintendent of Indian Affairs in this Province, or any other, and what Officer in that Department:—In pursuance of an Address of the Legislative Assembly, to His Excellency the Governor General, dated 23rd June, 1847.

When purchased.	Description of Debentures.	Bear Interest at 5 per cent.	Bear Interest at 6 per cent.	From whom purchased.	To whom payment made.	Rate at which purchased.	Under what authority.	By what Officer purchased.
1845.			£ s. d.					
Nov. 6th...	City Toronto.....		850 0 0	Edmund Bradburn.....	Paid in like manner as all other payments are made from the Receiver General's Department, i.e., either to the parties themselves, or to their legally authorized Agent, under power of Attorney.	Par.	Requisition of the Civil Secretary.	By the Receiver General's Department, from and out of the Indian Funds, and for their account.
" 10th..	War Loss.....	£60		George Munro.....		Do.	Do. do.	
" 14th..	War Loss.....	80		J. Henderson.....		Do.	Do. do.	
Dec. 2nd ...	City Toronto.....		200 0 0	Do.		Do.	Do. do.	
" 6th....	Do.		362 10 0	Do.		Do.	Do. do.	
" 9th....	Do.		500 0 0	Do.		Do.	Do. do.	
" 11th....	Do.		250 0 0	R. J. Turner.....		Do.	Do. do.	
" 23rd ...	Do.		300 0 0	B. Holmes.....		Do.	Do. do.	
" 24th....	Do.		1987 10 0	Joseph Wenham.....		Do.	Do. do.	
1846.								
Jany. 10th..	Do.		50 0 0	R. J. Turner.....	Do.	Do. do.		
" 10th..	Do.		350 0 0	Joseph Wenham.....	Do.	Do. do.		
" 14th..	Welland Canal.....		1250 0 0	Bank of Upper Canada.	3 per ct. prem.	H. E. Earl Cathcart, General Order, 14th Jan., 1846.....		
" 16th..	Do.		1250 0 0	Ditto.	Do.	Do. do.		
" 21st..	City Toronto.....		200 0 0	R. J. Turner.....	Par.	Requisition of Civil Secretary....		

Appendix
(E. E.)

Appendix
(E. E.)

Statement of the Amount of Indian Monies invested in Government and other Debentures.—Continued.

2nd July.

2nd July.

When purchased.	Description of Debentures.	Bear Interest at 5 per cent.	Bear Interest at 6 per cent.	From whom purchased.	To whom payment made.	Rate at which purchased.	Under what authority.	By what Officer purchased.					
1846.		£	£ s. d.										
Jany. 27th..	War Loss.....	1000		J. Henderson.....		Par.	Requisition of Civil Secretary.....						
" 29th..	Roads and Bridges ...		200 0 0	Bank of Upper Canada.	Paid in like manner as all other payments are made from the Receiver General's Department, i.e., either to the parties themselves, or to their legally authorized Agent, under power of Attorney.	3 per ct. prem.	General Order, 14th Jany., 1846..						
" 30th..	{ Erie and Ontario } Railroad.....		1000 0 0										
" "	York Roads.....		900 0 0										
" "	Roads and Bridges ...		100 0 0										
" "	York Roads.....		1500 0 0										
" "	Roads and Bridges ...		100 0 0										
" "	Desjardin Canal.....		200 0 0										
Feb. 3rd...	City Toronto.....		275 0 0						B. Holmes.....		Par.	Requisition Civil Secretary.....	
" "	Desjardin Canal		1000 0 0						Bank of Upper Canada.		3 per ct. prem.	General Order, 14th Jany., 1846..	
" "	Grand River Bridge..		333 6 8										
" "	York Roads.....		800 0 0										
" "	Grand River Bridge..		333 6 8										
" "	York Roads.....		500 0 0										
" "	Home District Roads.		100 0 0										
" "	Desjardin Canal.....		2000 0 0										
" "	York Roads.....		300 0 0										
" "	Welland Canal.....		200 0 0										
" "	York Roads.....		1000 0 0										
" "	Roads and Bridges ...		200 0 0										
" 17th...	City Toronto.....		200 0 0	R. J. Turner		Par.	Requisition Civil Secretary						
" 24th...	War Loss.....	410		J. B. Anderson.....		Do.	Do. do.						
April 2nd...	City Toronto.....		500 0 0	A. Simpson.....		Do.	Do. do.						
" " ...	Desjardin Canal.....		200 0 0	E. Turquand.....		3 per ct. prem.	General Order, 14th Jany., 1846..						
May 16th...	City Toronto.....		200 0 0	R. J. Turner		Par.	Do. do.						
" 23rd...	Do.		100 0 0	Do.		Do.	Do. do.						
July 3rd....	Do.		50 0 0	Do.		Do.	Do. do.						
Sept. 22nd..	War Loss.....	260		James Henderson.....		Do.	Do. do.						
Oct. 16th...	Do.	80		Hon. Wm. H. Draper....		Do.	Do. do.						
1847.													
March 20th	Law Society.....		250 0 0	Joseph Cary		Par.	Do. do.						
April 27th..	Public Works.....		4600 0 0	Provincial Government..		Do.	{ Civil Secretary's letter, 20th April, 1847.....						
May 3rd....	War Loss.....	200		John Harris.....		Do.	General Order, 14th Jany., 1846 *						

* N. B.—Arrangements were made for the purchase of this Debenture previous to the receipt of the Civil Secretary's letter of the 20th April.—B. T.

B. TURQUAND,
Indian Accountant.
R. G. O.

Montreal, 30th June, 1847.

R E P O R T

OF THE

Superintendent of Education for Lower Canada,

FOR THE YEAR 1846 :

SERVING TO EXPLAIN THE TABLES WHICH FOLLOW IT.

EDUCATION OFFICE, L. C.
Montreal, 16th June, 1847.HON. D. DALY,
Provincial Secretary,
&c., &c., &c.

SIR,—In compliance with the sixth article of the 35th section of the Common School Act, 9 Vict. ch. 27, I have the honor herewith to transmit you, for the information of His Excellency the Governor General and the other Branches of the Legislature, divers statistical Tables : viz.

A Table shewing the number of Schools kept under the control of School Commissioners and Trustees; the number of children who have attended them; and the amount of the Legislative grant allowed to each Municipality; during the period between the 1st July, 1845, and the 1st July 1846; these Schools having been kept under the operation of the Common School Act, 8 Vict. ch. 41, which expired on the 1st of July last.

2. A Table shewing the number of Schools kept under the control of School Commissioners and Trustees; the number of children who have attended them; and the amount of the Legislative grant allowed to each Municipality; during the six months between the 1st July, 1846, and the 1st January 1847; these last mentioned Schools having been kept under the operation of the School Act now in force.

3. A Table shewing the amount allowed to each County out of the unappropriated balance of the Legislative grant, for the years 1842, 1843, 1844, and 1845, with the number of School-houses built or repaired, and the amount of the estimates of the value of the building or of the repairs, made by three Arbitrators appointed for that purpose. This allowance was made in pursuance of divers Acts of appropriation, and was not granted until after I had in my possession every possible guarantee that the property really and incontestibly belonged to the several School Corporations. The allowance was granted at various periods since the month of May, 1845, to divers Townships, Parishes, or Unions of Parishes or Townships, under the former division of Lower Canada into large Municipal Districts, and also to divers Municipalities as established by the Municipal Act now in force. The changes which

have thus occurred in the territorial division of this portion of the Province, have prevented me from shewing the amount allowed to each Municipal Division as now established, and have compelled me to state, *en bloc*, the number of School-houses built or repaired in each County, with the amount of the allowance granted.

The documents transmitted to this Office and upon which this allowance has been granted, are: 1st. The deeds of donation or sale of the lands to the School Commissioners; 2nd. Certificates from the Registrar of the County, of the registration of such deeds; 3rd. The awards of the three Arbitrators appointed to estimate the value of the lands given or sold, and of the School-houses built or repaired; 4th and lastly, Tables shewing the dimensions of the lands and of the School-houses, and the materials with which the latter have been constructed or repaired, &c. The School-houses for which allowances have been so granted, have been acquired or built, or have undergone considerable repairs, since the commencement of the first Act of Appropriation, in December, 1843; and, (as may be seen by the Table) the number of these School-houses amounts to no less than 383, and the property, or the repairs done to it, have been estimated at no less a sum than £30,495 19s. 0½. The amount of the allowances granted, which were in no case to exceed one half of the amount of the estimate, is £13,675 9s. 11d.

The first Table, or Table of Schools for the scholastic year ended on the 1st July, 1846, shews that there were during that period 1830 Schools under the control of School Commissioners or Trustees; that 69,887 children attended the Schools, under the said control during the same period, under the operation of the Act which expired on the 1st of July last; And lastly, that £26,097 12s. 2d. has been allowed to the said Schools out of the Legislative grant. Several Municipalities, as will be seen by the said Table, have not yet received their share of the grant, either because the local authorities having the management of the Schools, have not sent in their returns to this Office, or because the Secretary-Treasurers of the School Commissioners of the localities have not been able to certify, as by law required, that a sum equal to that coming to their Municipality out of the £50,000, has been raised by the inhabitants. I have to remark that it is generally this failure to raise the sum re-

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(F. F.)

4th July.

quired by law which has prevented the Returns from being admitted, or has been the cause which has prevented divers Municipalities from receiving their share of the grant, until some period more or less advanced, even in the month of June of the present year. I may also remark that the law has always received the most liberal interpretation in favor of the admission of these Returns, as it will be easy to perceive, on considering the advanced period at which Returns were received for the scholastic year ending on the 1st of July last.

The second Table, or Table of Schools for the last six months of 1846, shews that there were, during that period, and under the operation of the existing law, 1,211 Schools under the control of School Commissioners or Trustees; that 46,325 children attended these Schools at the time the Returns were sent to this Office; and that the sum of £8,698 15s. 8d. has been allowed, as the half-yearly share of the several Municipalities, out of the Legislative grant. As will be seen from the same Tables, many localities have not yet received their share of the grant, and for the same reasons as those stated in speaking of the first Table. I know that the School Commissioners, in several Municipalities, are waiting for the end of the Scholastic year, in the month of July next, in order then to make their Returns for the whole year, and receive their share of the grant for the twelve months, and these Annual Returns are already beginning to make their appearance in this Office.

The two School Tables, then, which I have the honor to submit to His Excellency, and the other Branches of the Legislature, unfortunately, do not furnish us with the facts requisite to enable us to judge fully of the comparative working of the two last Common School Acts. But it will certainly not be without interest, to compare the general results shewn by the first Table which accompanies this letter, with those which I have before had the honor to submit to the Governor General, and the other Branches of the Legislature, for each of the years 1842, 1843 and 1844, and for part of the year 1845, under the operation of the Act of 1841.

In 1842, there were only 398 Schools, attended by 1802 children; but at my instance, the Governor

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(F. F.)

4th July.

General in Council, was pleased to allow a share of the Legislative grant to 406 other Schools, attended by 3133 children, the Teachers in which had refused to submit to the control of the School Commissioners. The sum of £9,290 7s. 6d., out of the £50,000, was allowed by the Government to both together. The raising of money in the Parishes and Townships, and Unions of Parishes and Townships, was effected upon the principle of voluntary contribution; and the total amount so raised was £9,023 10s. 6d., a large portion of which, as well as of the sums raised during the following years, was, I believe, raised by monthly contributions. Not one penny was subscribed in the extensive Municipal Districts of Gaspé and Bonaventure, and only £55 was subscribed in the District of Chandière, and £44 19s. 0d. in the District of Sydenham.

In 1843, there were 1275 Schools under control, and 23 independent Schools, to which the Government permitted the allowance of part of the Legislative grant. The number of children attending both together, was 39,397, and the sum allowed towards the support of these Schools, out of the £50,000, was £17,131 18s. 8½d.

In 1844 and since, no Schools but those under control have been admitted, and the number of these amounted in 1844, to 1,832, They were attended by 61,030 children, and the sum of £25,409 9s. 9½d. was allowed for them out of the £50,000.

For the first part of 1845, 1,737 Schools were returned to this Office, and they were attended by 59,389 children. The share of the Legislative Grant, received by the School Commissioners for these six months, amounted to £12,713 16s. 6d. The whole humbly submitted.

I have the honor to be,

Sir,

Your very humble,

And very obedient servant,

J. B. MEILLEUR, S. E.

TABLE

Appendix
(F. F.)

2nd July.

Appendix
(F. F.)

2nd July.

T A B L E

PREPARED BY THE

SUPERINTENDENT OF EDUCATION FOR LOWER CANADA,

SHEWING

THE COUNTIES WHICH HAVE RECEIVED SUMS OF MONEY FOR THE CONSTRUCTION
OF SCHOOL HOUSES, &c.

AND

THE MUNICIPALITIES WHICH HAVE RECEIVED THEIR PROPORTION OF THE COMMON
SCHOOL FUND, BETWEEN THE 1st JANUARY, 1846, AND THE 1st JULY, 1846; AND
BETWEEN THE 1st JULY, 1846, AND THE 1st JANUARY, 1847.

TABLE of the amount granted to each County, as an aid towards building or repairing School Houses, under the laws regulating such appropriation, with the number of School Houses built or repaired, and the estimated value of the Immovable Property with regard to which such amount has been granted.

Counties.	Number of School Houses built or re- paired.	Estimated value of such School Houses.			Amount granted.		
		£	s.	d.	£	s.	d.
1. Beauharnais, ...	20	1579	8	3	596	12	1½
2. Bellechasse, ...	...	...	...	...	...	...	...
3. Berthier, ...	32	2777	19	7	1191	16	3
4. Bonaventure, ...	11	738	0	0	364	0	0
5. Chambly, ...	7	763	2	10	366	1	8
6. Champlain, ...	6	525	15	7	250	7	10
7. Two Mountains, ...	14	1037	13	7	518	16	9
8. Dorchester, ...	7	453	15	0	226	17	6
9. Drummond, ...	6	413	5	0	206	12	6
10. Gaspé, ...	14	1104	11	2	511	6	10
11. Huntingdon, ...	32	2662	15	0	1326	15	7
12. Kamouraska, ...	7	742	10	6	371	5	3
13. Lévis, ...	26	2099	13	11	1037	12	0
14. L'Islet, ...	5	817	5	0	260	0	0
15. Lotbinière, ...	14	893	19	7	434	11	10½
16. Mégantic, ...	9	452	6	7	215	6	10½
17. Missisquoi, ...	8	724	0	0	274	7	11½
18. Montmorency, ...	5	419	15	9½	209	17	11
19. Montreal, ...	1	100	0	0	50	0	0
20. Nicolet, ...	9	614	0	0	288	10	0
21. Ottawa, ...	3	156	10	0	75	0	0
22. Portneuf, ...	6	368	0	11	184	0	5
23. Quebec, ...	11	910	11	9	439	17	6
24. Richelieu, ...	7	720	5	4	351	5	1
25. Rimouski, ...	8	564	0	0	282	0	0
26. Rouville, ...	15	1381	18	7	278	10	6
27. Saguenay, ...	11	852	7	6	356	3	11
28. Saint Hyacinthe, ...	18	1105	9	3	513	7	5
29. Saint Maurice, ...	18	1411	4	0	697	3	5
30. Shefford, ...	18	1337	10	2	421	14	11
31. Sherbrooke, ...	7	372	0	0	110	5	7
32. Stanstead, ...	1	106	5	0	25	0	0
33. Terrebonne, ...	13	729	15	0	341	15	0
34. Vaudreuil, ...	8	1073	19	2	358	7	3
35. Verchères, ...	1	140	0	0	70	0	0
36. Yamaska, ...	5	346	5	0	170	0	0
Total, ...	383	£30495	19	0½	£13675	9	11

J. B. MEILLEUR, S. E.

Education Office, L. C.

Montreal, 16th June, 1847.

Appendix
(F. F.)
2nd July.

TABLE OF THE MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the Scholastic Year ending 1st July, 1846, and of the number of Schools in each Municipality, and the number of Children attending them during the period aforesaid, according to Returns transmitted to this Office at different times, with the dates at which the allowance was granted to them:—this Table also shewing the Municipalities to which nothing has been allowed, either because they have not yet sent in Returns, or because their Secretary-Treasurers have not been able to declare that they had received the sum required by Law.

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(F. F.)
2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the allowance was made.	
			Under Control.	Dissentients.			
Beauharnais,	Anicet, (St.)	326	8	...	£ 68 17 7	August, 1846.	
	Clément, (St.)	540	8	...	152 12 10	" "	
	Dundee,	148	4	...	68 14 3	September, 1846.	
	Godmanchester,	402	11	...	121 5 5	August, 1846.	
	Hemmingford,	320	15	...	142 7 3	" "	
	Hinchinbrook,	453	13	...	138 4 10	" "	
	Martine, (St.)	663	14	...	226 1 4	" "	
	Ormstown,	476	13	...	174 0 0	November, 1846.	
	Russelltown,	400	9	...	183 6 0	August, 1846.	
	Timothée, (St.)	453	7	...	161 6 3	" "	
	Bellechasse,	Beaumont,	140	5	...	45 16 2	September, 1846.
		Berthier,	51	1	...	43 10 0	August 1846.
		Charles, (St.)	369	9	...	99 0 7	" "
		François, (St.) Riv. du Sud,	107	4	...	65 5 0	" "
Gervais, (St.)		561	18	...	162 6 0	" "	
Lazare, (St.)		...	...	...	...	" "
Michel, (St.)		176	6	...	87 19 9	" "	
Standon,		46	1	...	9 11 2	" "	
Vallier, (St.)		236	5	...	81 14 6	September, 1846.	
Berthier,		Barthélemi, (St.)	287	5	...	77 15 4	August, 1846
	Berthier,	473	10	...	205 12 9	December, 1846.	
	Brandon,	121	3	1	45 16 2	September, 1846.	
	Cuthbert, (St.)	299	7	...	120 18 10	August, 1846.	
	Elizabeth, (St.)	355	6	...	123 5 0	" "	
	Félix de Valois, (St.)	...	...	...	...	" "
	Ile du Pads,	...	...	...	...	" "
	Industrie,	239	5	...	73 6 6	September, 1846.	
	Kildare,	254	6	1	86 3 6	August, 1846.	
	Isanoraic,	163	4	...	70 10 6	" "	
	Lavaltrie,	154	3	...	60 19 4	September, 1846.	
	Mélanie (St.) d'Aillebout,	117	4	...	47 12 5	August, 1846.	
	Paul, (St.)	209	6	...	98 10 8	" "	
	Thomas, (St.)	86	1	...	57 3 6	" "	
Bonaventurc,	Carleton,	69	2	...	45 6 3	" "	
	Cox,	171	4	...	43 13 3	" "	
	Hamilton,	158	5	...	42 0 4	" "	
	Hope,	115	2	1	42 3 6	" "	
	Mann,	23	1	...	16 9 6	" "	
	Maria,	83	3	...	42 2 4	" "	
	Matapedia,	23	1	...	13 3 8	" "	
	New-Richmond,	75	2	...	44 9 9	" "	
	Port-Daniel,	44	1	...	32 19 1	" "	
	Shoolbred,	71	2	...	13 3 8	" "	
	Chambly,	Blainfindie,	263	6	1	104 9 4	" "
		Boucherville,	143	3	...	117 9 8	September, 1846.
		Bruno (St.) de Madarville,	108	3	...	31 19 4	" "
		Chambly,	300	7	...	189 13 1	" "
Jean, (St.)		383	6	...	145 13 2	June, 1847.	
Longueuil,		311	8	...	160 3 2	August, 1846.	
Luc, (St.)		110	2	...	51 14 9	" "	
Champlain,	Anne (St.) de la Pérade,	272	7	...	104 32 7	" "	
	Batiscan,	133	4	...	36 8 3	" "	
	Cap de la Magdeleine,	97	2	...	43 13 3	" "	
	Champlain,	198	4	...	66 14 8	" "	
	Généviève, (St.)	...	...	...	...	" "
	Maurice, (St.)	122	3	1	32 19 2	" "	
	Stanislas, (St.)	...	...	...	...	" "
Two Mountains,	Argenteuil,	579	16	...	184 1 0	November, 1846.	
	Augustin, (St.)	234	6	1	109 8 2	August, 1846.	
	Benoit, (St.)	403	10	...	193 18 9	September, 1846.	
	Chatham,	276	10	...	101 3 5	August, 1846.	
	Columban, (St.)	140	4	...	48 15 5	" "	
	Eustache, (St.)	258	8	...	126 14 3	March, 1846.	
	Gore,	336	6	...	59 19 7	September, 1846.	
Carried forward,		14,121	349	8	5274 15 11		

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(F. F.)

TABLE OF MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the Scholastic Year ending 1st July, 1846, &c.—Continued.

Appendix
(F. F.)

2nd July.

2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the allowance was made.
			Under Control.	Dissentients.		
Two Mountains,	Brought forward,...	14,121	340	8	£ 5,274 15 11	
	Grenville,...	143	6	...	94 18 2	August, 1846.
"	Hermas, (St.)	333	4	...	75 15 11	" "
"	Ile-Bizarre,...					
Dorchester,	Scholastique, (St.)	338	9	...	223 5 4	February, 1847.
	Anselme, (St.)	405	13	...	105 5 9	August, 1846.
"	Aubert-Gallion, ...	88	3	...	50 5 1	February, 1847.
"	Bernard, (St.)					
"	Claire (Ste) de Joliette,...					
"	Cranbourne, ...					
"	Elzéar, (St.)					
"	Frampton, ...	365	11	...	96 11 2	September, 1846.
"	François, (St.)	330	10	...	103 19 5	August, 1846.
"	Henry de Lauzon, (St.)	459	16	...	127 4 1	" "
"	Isidore, (St.)					
"	Jean-Chrysostôme, (St.)	254	5	...	94 11 7	" "
"	Joseph (St.) de la Beauce,	251	8	...	128 13 9	February, 1847.
"	Marguerite (Ste.) de Joliette,					
"	Marie (Ste.) de la Beauce,					
"	Metschermet, ...					
"	Nicolas, (St.)	200	7	...	116 19 9	September, 1846.
"	Pointe-Lévi, ...	391	13	...	184 10 11	August, 1846.
Drummond,	Aston, ...	20	1	...	11 14 0	" "
	Arthabaska, ...	37	2	...	51 11 6	September, 1846.
"	Durham, ...	197	7	...	84 0 8	August, 1846.
"	Grantham, ...	43	3	...	46 19 2	November, 1846.
"	Kingsey, ...	171	6	1	95 1 6	August, 1846.
"	Stanford, ...	58	2	...	47 19 0	December, 1846.
"	Tingwick,...	89	3	...	33 9 0	August, 1846.
"	Upton, ...					
Gaspé,	Wickham, ...	25	1	...	15 9 9	September, 1846.
	Cap-Chat, ...					
"	Cap-Rosier, ...					
"	Douglas, ...	25	1	...	26 7 3	August, 1846.
"	Baie de Gaspé Nord,	28	1	...	32 19 1	" "
"	Baie de Gaspé Sud, ...	60	2	...	24 14 4	" "
"	Grand Rivière, ...	119	2	...	39 10 11	" "
"	Iles de la Magdeleine, ...	72	2	...	88 6 4	December, 1846.
"	Malbaie, ...	53	2	...	29 13 2	September, 1846.
"	Newport, ...					
"	Percé, ...	219	7	..	42 16 10	August, 1846.
Huntingdon,	Caughnawaga, ...					
	Châteauguay, ...	337	5	...	91 2 5	" "
"	Constant, (St.)	315	6	...	122 5 3	" "
"	Cyprien, (St.)	482	13	...	179 15 4	" "
"	Edouard, (St.)	389	11	...	191 2 9	" "
"	Isidore, (St.)	191	4	...	98 4 1	" "
"	Jacques le Mineur, (St.)...					
"	Lacolle, ...	400	12	...	149 18 10	April, 1847.
"	La Prairie ...	444	9	...	194 2 1	August, 1846.
"	Philippe, (St.)	389	6	...	124 11 4	" "
"	Philomène, (St.)	135	5	...	85 16 11	September, 1846.
"	Rémi, (St.)	482	9	...	155 10 11	August, 1846.
"	Valentin, (St.)	378	6	...	116 3 4	" "
Kamouraska,	André, (St.)	333	11	...	156 7 5	September, 1846.
	Anne, (Ste.) de la Pocatière,	246	7	...	128 17 0	August, 1846.
"	Denis, (St.)	254	5	...	70 7 2	November, 1846.
"	Kamouraska, ...	425	6	...	121 5 5	August, 1846.
"	Paschal, (St.)	318	9	...	151 11 10	" "
"	Rivière-Ouelle ...	306	8	...	157 17 0	" "
Leinster,	Esprit, (St.)	263	5	...	82 17 7	" "
	Jacques, (St.)	647	11	...	257 0 11	" "
"	La Chenaie, ...					
"	L'Assomption, ...	342	8	1	159 13 4	September, 1846.
"	Lin, (St.)	163	8	...	129 3 8	August, 1846.
"	Mascouche, ...	213	4	...	100 16 10	" "
"	Rawson, ...	445	13	...	122 8 6	" "
"	Repentigny, ...	160	4	...	76 9 1	" "
"	Roch, (St.)	277	5	...	103 9 7	" "
"	Sulpice, (St.)	79	2	...	40 17 3	" "
L'Islet,	Cap St. Ignace ...	356	9	...	102 19 8	" "
	Cyrille, (St.)					
"	Ile aux Grues, ...	24	1	...	23 7 11	September, 1846.
	Carried forward, ...	27,712	698	10	10,841 11 9	

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(F. F.)
2nd July.

TABLE OF MUNICIPALITIES to which any portion of the Legislative grant was allowed for the Scholastic Year ending 1st July, 1846, &c.—Continued.

Appendix
(F. F.)
2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the allowance was made.
			Under Control	Dissentents.		
	Brought forward	27,712	698	10	£ 10,841 s. 11 d. 9	
L'Islet,	L'Islet,	272	7	...	105 5 10	August, 1846.
"	Pierre, (St.), Rivière du Sud,	113	3	...	53 1 2	September, 1846.
"	Port-Joli,	347	10	...	141 14 1	August, 1846.
"	Roch des Aulncts, St.	380	11	...	129 6 11	" "
Lotbinière,	Thomas, (St.)	454	9	...	160 6 6	" "
"	Antoine (St.), de Tilly,	181	8	...	133 6 0	September, 1846.
"	Croix, (St.)	361	11	...	94 1 8	August, 1843.
"	Deschaillons,	172	5	...	55 10 7	" "
"	Flavien, (St.)	60	3	...	16 2 11	" "
"	Giles, (St.)					
"	Lotbinière,	452	12	...	134 12 5	" "
"	Sylvestre, (St.)	478	15	...	171 7 3	" "
Mégantic,	Broughton,	39	1	...	17 2 9	" "
"	Halifax,					
"	Inverness,					
"	Ireland,	91	4	...	39 4 4	" "
"	Leeds,	183	5	...	69 7 5	" "
"	Somerset,	48	2	...	47 15 8	December, 1846.
"	Tring,	120	4	...	23 17 10	August, 1846.
Missisquoi,	Dunham,	339	17	...	127 0 9	" "
"	Frelightsburg,	359	7	...	63 2 2	" "
"	Philipsburg,	250	10	...	69 14 0	December, 1846.
"	Stambridge,	542	18	...	132 16 2	August, 1846.
"	Sutton,	368	9	...	74 12 10	September, 1846.
Montmorency,	Anne, (St.), Côte Beaupré,	63	3	...	26 13 10	August, 1846.
"	Château-Richer,	134	3	...	48 12 2	September, 1846.
"	Famille, (St.)	95	2	...	35 5 2	" "
"	Férol, (St.)					
"	François, (St.)	19	1	...	21 1 10	December, 1846.
"	Jean, (St.)	163	2	...	53 1 2	August, 1846.
"	Joachim, (St.)	40	1	...	28 13 5	September, 1846.
"	L'Ange-Gardien,	95	3	...	29 9 11	" "
"	Laurent, (St.)	60	1	...	24 14 4	" "
"	Pierre, (St.)	121	3	...	32 9 2	" "
Montreal,	Bout de l'Île,	67	2	...	36 1 8	December, 1846.
"	Cité, (Catholiques,)					
"	Cité, (Protestans,)					
"	Généviève, (St.)	202	4	...	73 5 4	" "
"	Hochelaga,	151	6	...	201 7 1	August, 1846.
"	Lachine,	142	2	...	96 14 5	" "
"	Laurent, (St.)	244	6	...	121 2 2	September, 1846.
"	Longue-Pointe,	81	3	...	37 18 0	August, 1846.
"	Pointe-aux-Trembles,	165	4	...	43 16 7	" "
"	Pointe-Claire,	148	4	...	66 17 11	November, 1846.
"	Rivière-des-Prairies,	70	2	...	35 11 10	" "
"	Sault-au-Récollet,	254	4	...	84 13 10	August, 1846.
Nicolet,	Béancour,	398	11	...	151 18 5	" "
"	Blandford,	60	2	...	16 6 3	" "
"	Gentilly,	175	5	...	115 0 3	" "
"	Grégoire le Grand, (St.)	540	11	...	155 1 0	" "
"	Monique, (St.)	299	9	...	88 16 3	February, 1847.
"	Nicolet,	349	8	...	108 18 4	August, 1846.
"	Pierre les Becquets, (St.)	575	11	...	102 16 4	" "
Ottawa,	Bristol,	121	4	...	24 11 0	March, 1847.
"	Buckingham,					
"	Clarendon,	295	9	...	118 19 4	December, 1846.
"	Eardley,	17	1	...	12 10 5	August, 1846.
"	Hull,	143	6	...	137 15 0	December, 1846.
"	Litchfield,					
"	Lochaber,	126	6	...	32 2 7	August, 1846.
"	Onslow,	21	1	...	14 19 11	November, 1846.
"	Petite-Nation,					
"	Templeton,	70	2	...	38 17 9	December, 1846.
"	Wakefield,					
Portneuf,	Ancienne Lorette,	348	8	...	82 7 8	November, 1846.
"	Augustin, (St.)					
"	Basile, (St.)	169	5	...	32 19 1	August, 1846.
"	Cap-Santé,	438	10	...	132 6 3	" "
"	Casimir, (St.)	39	1	...	32 19 1	" "
"	Catherine, (St.)					
"	Deschambault,	225	4	...	84 13 10	November, 1846.
"	Ecureuils,	104	1	...	21 5 1	August, 1846.
	Carried forward,	39,947	1040	10	15,308 15 8	

Appendix
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TABLE OF THE MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the Scholastic Year ending 1st July, 1846, &c.—(Continued.)

Appendix
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2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the Allowance was made.
			Under Control.	Dissentient.		
	Brought forward,...	39,947	1040	10	£ 15,308 s. 15 d. 8	
Portneuf, ...	Grondines, ...	213	5	...	52 14 7	August, 1846.
" ...	Pointe-aux-Trembles, ...	239	5	...	74 16 2	" "
" ...	Rainmond, (St.) ...	87	4	...	47 12 5	December, 1846.
Quebec, ...	Ambroise, (St.) ...	386	7	...	98 14 1	August, 1846.
" ...	Beauport, ...	306	7	...	94 1 8	" "
" ...	City (Catholics), ...	1745	30	...	576 6 4	June, 1845.
" ...	City (Protestants), ...	332	13	...	190 17 3	" "
" ...	Charlesbourg, ...	299	6	...	73 19 8	August, 1846.
" ...	Dunstan, (St.) ...					
" ...	Foye, (St.) ...	93	2	...	59 6 6	" "
" ...	Roch, (St.) ...					
" ...	Stadaconé, ...					
" ...	Stoncham, ...	85	2	...	17 19 4	" "
" ...	Valcartier, ...	90	3	...	61 19 3	September, 1846.
Richelieu, ...	Aimé, (St.) ...	278	5	...	147 12 9	August, 1846.
" ...	Barnabé, (St.) ...	145	5	...	63 12 0	" "
" ...	Charles, (St.) ...	244	4	...	66 8 1	" "
" ...	Denis, (St.) ...	324	6	...	126 14 3	" "
" ...	Jude, (St.) ...	176	5	...	62 12 3	" "
" ...	Ours, (St.) ...	347	6	...	134 15 8	September, 1846.
" ...	Sorel, ...					
" ...	Victoire, (St.) ...					
Rimouski, ...	Bic, ...	59	2	...	34 12 0	December, 1846.
" ...	Ile-Verte, ...	272	8	...	115 16 8	August, 1846.
" ...	Kakouna, ...	341	8	...	163 15 8	" "
" ...	Lessard, ...	155	6	...	55 4 0	" "
" ...	Lepage, ...					
" ...	Matane, ...	55	2	...	23 14 7	November, 1846.
" ...	Métis, ...	36	1	...	16 12 10	August, 1846.
" ...	Rimouski, ...	337	8	...	131 3 2	September, 1846.
" ...	Rivière du Loup, ...	277	7	...	138 14 9	August, 1846.
" ...	Simon, (St.) ...	157	6	...	69 10 8	" "
" ...	Trois-Pistoles, ...	330	12	...	131 3 2	September, 1846.
Rouville, ...	Athanase, (St.) ...	505	13	...	214 14 0	November, 1846.
" ...	Brigitte, (St.) ...	175	4	...	53 7 9	August, 1846.
" ...	Clarenceville, ...	268	8	...	55 17 2	" "
" ...	Foucault, ...	179	5	...	46 15 10	" "
" ...	Grégoire, (St.) ...	379	8	...	103 9 7	" "
" ...	Henryville, ...	622	15	...	175 3 1	" "
" ...	Jean-Baptiste, (St.) ...	262	5	...	94 11 7	" "
" ...	Marie, (St.) ...	542	10	...	214 4 1	" "
" ...	Mathias, (St.) ...	240	5	...	98 0 10	September, 1846.
" ...	Rouville, ...	126	3	...	56 7 0	February, 1846.
Saguenay, ...	Agnès, (St.) ...	72	2	...	49 18 6	November, 1845.
" ...	Bagot, ...	75	2	...	54 7 6	August, 1846.
" ...	Baie St. Paul, ...	394	10	...	150 18 7	" "
" ...	Chicoutimi, ...	27	1	...	24 14 4	" "
" ...	Eboulemens, ...	109	3	...	91 15 7	December, 1846.
" ...	Irénée, (St.) ...	73	2	...	39 17 6	" "
" ...	Ile aux Coudres, ...	140	4	...	32 9 2	August, 1846.
" ...	Malbaie, ...	230	8	...	154 4 6	" "
" ...	Petite-Rivière, ...	32	1	...	19 12 2	" "
" ...	Tadoussac, ...					
" ...	Urbain, (St.) ...	139	3	...	39 17 6	" "
Saint Hyacinthe, ...	Abbottsford, ...	86	3	...	14 19 11	" "
" ...	Césaire, (St.) ...	390	10	...	206 19 1	September, 1846.
" ...	Damasc, (St.) ...	400	9	...	132 3 0	August, 1846.
" ...	Dominique, (St.) ...	273	6	...	45 6 3	" "
" ...	Hugues, (St.) ...	272	5	...	71 6 11	" "
" ...	Hyacinthe, (St.) ...	556	18	...	185 4 1	" "
" ...	Pie, (St.) ...	338	8	...	97 14 2	" "
" ...	Présentation, ...	195	4	...	70 7 2	March, 1847.
" ...	Rosalie, (St.) ...	91	3	...	62 9 0	September, 1846.
" ...	Simon, (St.) ...	139	3	...	66 11 4	August, 1846.
Saint Maurice, ...	Dumontier, ...	437	10	...	132 19 5	March, 1847.
" ...	Gatineau, ...	305	5	...	75 6 0	August, 1846.
" ...	Maskinongé, ...	354	8	...	161 12 10	" "
" ...	Pointe du Lac, ...	148	3	...	62 2 4	November, 1846.
" ...	Rivière du Loup, ...	301	7	...	125 7 10	August, 1846.
" ...	Trois-Rivières, ...	362	4	...	180 18 5	" "
" ...	Ursule (St.) ...	263	7	1	78 8 7	" "
" ...	Yamachiche, ...	743	15	...	159 10 3	" "
	Carried forward,...	57,647	1455	11	21,837 18 3	

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TABLE OF THE MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the Scholastic Year ending 1st July, 1846, &c.—(Continued.)

Appendix
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2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the Allowance was made.
			Under Control.	Discontent.		
	Brought forward,...	57,642	1455	11	£ 21,837 18 3	
Shefford, ...	Brome, ...	324	10	...	79 15 0	August, 1846.
"	Ely, ...	32	1	...	19 12 2	"
"	Farnham, ...	458	12	...	93 1 11	"
"	Granby, ...	301	11	...	69 14 0	"
"	Milton, ...	155	3	1	46 2 9	"
"	Shefford, ...	253	6	...	88 6 4	September, 1846.
"	Stukeley, ...	70	4	...	44 6 6	August, 1846.
Sherbrooke, ...	Ascot, ...	265	11	...	108 18 3	September, 1846.
"	Brompton, ...	66	3	...	16 19 5	"
"	Bury, ...	102	5	...	56 7 1	March, 1847.
"	Compton, ...	522	15	...	105 5 9	November, 1846.
"	Dudswell, ...	126	5	...	21 8 5	August, 1846.
"	Eaton, ...	475	13	...	90 19 1	"
"	Hereford, ...	32	2	...	33 2 4	December, 1846.
"	Melbourne, ...	246	10	...	70 0 7	"
"	Shipton, ...	297	17	...	103 6 3	August, 1846.
"	Windsor, ...	50	2	...	11 17 3	April, 1847.
Stanstead, ...	Barnston, ...	331	17	...	125 4 6	August, 1846.
"	Bolton, ...	343	14	...	68 4 4	"
"	Hatley, ...	400	14	...	83 10 9	December, 1846.
"	Potton, ...	301	8	...	59 9 8	August, 1846.
"	Stanstead, ...	884	29	...	171 17 2	"
Terrebonne, ...	Anne des Plaines, (St.)...	223	6	...	77 5 7	"
"	François de Sales, (St.)	71	2	...	38 17 9	"
"	Jérôme, (St.)	296	7	...	185 17 3	"
"	Lacorne, ...	140	4	...	53 11 0	"
"	Martin, (St.)	342	8	...	139 11 3	"
"	Rose, (St.)	180	5	...	108 15 0	"
"	Terrebonne, ...	213	6	...	74 19 5	September, 1846.
"	Thérèse, (St.)	353	9	...	164 18 9	August, 1846.
"	Vincent de Paul, (St.)	275	4	...	90 19 1	"
Vaudreuil, ...	Côteau du Lac, ...	312	8	...	137 11 8	"
"	Ile-Perrot, ...	53	2	...	46 2 9	November, 1846.
"	Newton, ...	86	2	...	18 12 5	August, 1846.
"	New-Longueuil, ...	485	12	1	198 11 0	"
"	Rigaud, ...	535	14	...	196 11 6	"
"	Soulanges, ...	178	4	...	95 18 0	September, 1846.
"	Vaudreuil, ...	246	5	...	139 1 4	August, 1846.
Verchères, ...	Antoine, (St.)	109	4	...	67 7 10	"
"	Belœil, ...	164	5	...	87 16 6	"
"	Contrecoeur, ...	176	4	...	88 12 11	"
"	Marc, (St.)...	163	3	...	48 18 9	"
"	Varennas, ...	351	7	...	172 0 6	"
"	Verchères, ...	198	5	...	103 2 11	"
Yamaska, ...	Baie du Fevre, ...	377	9	...	147 16 0	"
"	David (St.)	...	...	...	...	...
"	François du Lac, (St.)	619	13	...	175 16 3	September, 1846.
"	Yamaska, ...	...	...	...	...	...
"	Zéphyrin (St.) de Courval,	67	2	...	33 9 0	August, 1846.
	Total,...	69,887	1817	13	26,097 12 2	

J. B. MEILLEUR, S. E.

Education Office, L. C.,
Montreal, 16th June, 1847.

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2nd July.

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TABLE OF THE MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the last six months of 1846,—and also of the number of Schools in each Municipality, and of the Children who have attended them during the said period, according to Returns transmitted to this Office at divers periods, and with the date at which the allowance was granted to each; this Table shewing also the Municipalities to which no money has been allowed, either because they have not yet sent in Returns, or because the Secretary-Treasurers were unable to declare that they had received the sum required by Law.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the Allowance was made.
			Under Control.	Dissentient.		
Beauharnais, ...	Anicet, (St.) ...				£ s. d.	
"	Clément, (St.) ...	589	9	2	66 6 5	February, 1847.
"	Dundee, ...					" "
"	Godmanchester, ...	416	11	...	60 12 8	" "
"	Hemmingford, ...					" "
"	Hinchinbrooke, ...	323	11	1	69 2 5	" "
"	Martine, (Ste.) ...	526	13	..	113 0 8	" "
"	Ormsdown, ...	324	11	...	87 0 0	" "
"	Russelltown, ...	658	10	...	66 13 0	June, 1847.
"	Timothée, (St.) ...	295	6	...	80 13 1	February, 1847.
Bellechasse, ...	Beaumont, ...					
"	Berthier, ...					
"	Charles, (St.) ...	89	5	...	49 10 3	June, 1847.
"	François, (St.) South River, ...	105	4	...	32 12 6	February, 1847.
"	Gervais, (St.) ...	347	12	...	81 3 0	April, 1847.
"	Lazare, (St.) ...					
"	Michel, (St.) ...					
"	Standon, ...					
"	Vallier, (St.) ...	227	6	...	40 17 3	February, 1847.
Berthier, ...	Barthélemi, (St.) ...					
"	Berthier, ...	484	10	1	102 16 5	April, 1847.
"	Brandon, ...					
"	Cuthbert, (St.) ...	259	7	...	60 9 5	June, 1847.
"	Elizabeth, (Ste.) ...	310	6	...	61 12 6	February, 1847.
"	Félix de Valois, (St.) ...					
"	Ile du Pads, ...					
"	Industrie, ...	162	4	...	36 13 3	" "
"	Kildare, ...	406	5	1	43 1 9	" "
"	Lanoraie, ...	103	3	...	35 5 3	June, 1847.
"	Lavalrie, ...	121	3	...	30 9 8	February, 1847.
"	Mélanie (Ste.) d'Aillebout, ...	120	4	...	23 16 2	" "
"	Paul, (St.) ...	228	8	...	49 5 4	March, 1847.
"	Thomas, (St.) ...	65	2	...	28 11 9	" "
Bonaventure, ...	Carleton, ...	60	2	...	22 13 1	June, 1847.
"	Cox, ...	177	4	...	21 16 8	April, 1847.
"	Hamilton, ...	76	3	...	21 0 2	June, 1847.
"	Hope, ...	71	2	...	21 1 10	March, 1847.
"	Mann, ...					
"	Maria, ...	75	3	...	21 0 2	April, 1847.
"	Matapédia, ...					
"	New-Richmond, ...	90	2	1	22 4 11	" "
"	Port-Daniel, ...					
"	Shoolbred, ...					
Chambly, ...	Blairfindie, ...	323	7	1	52 4 8	March, 1847.
"	Boucherville, ...	238	4	...	58 14 10	June, 1847.
"	Bruno (St.) de Montarville, ...					
"	Chambly, ...	616	9	1	94 16 6	March, 1847.
"	Johns, (St.) ...					
"	Longueuil, ...	393	9	...	80 1 7	February, 1847.
"	Luc, (St.) ...	90	2	...	25 17 5	March, 1847.
Champlain, ...	Anne (Ste.) de la Pérade, ...					
"	Batiscan, ...					
"	Cap de La Magdeleine, ...					
"	Champlain, ...					
"	Généviève (Ste.) ...					
"	Maurice (St.) ...					
"	Stanislas, (St.) ...					
Two Mountains, ...	Argenteuil, ...					
"	Augustin, (St.) ...	241	7	1	54 14 1	June, 1847.
"	Benoît, (St.) ...	428	10	1	96 19 5	" "
"	Chatbam, ...					
"	Colomban, (St.) ...					
"	Eustache, (St.) ...					
"	Gore, ...					
	Carried forward, ...	90,35	200	10	1,812 18 1	

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TABLE OF THE MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the last six months of 1846, &c.—(Continued.)

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2nd July.

2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000	Date at which the Allowance was made.
			Under Control.	Dissentient.		
	Brought forward,...	9035	200	10	£ 1,812 s. 10 d. 1	
Two Mountains,	Grenville, ...	177	4	...	37 17 11	February, 1847.
"	Hermas, (St.) ...					
"	Le Bizarre, ...					
Dorchester,	Scholastique (Stc.) ...					
"	Anselme, (St.) ...					
"	Aubert Gallion, ...					
"	Bernard (St.) ...					
"	Claire (Stc.) de Joliette,...					
"	Cranbourne, ...					
"	Elzéar, (St.) ...	207	6	...	48 5 7	March, 1847.
"	Frampton,...					
"	François, (St.) ...	247	12	...	63 12 0	" "
"	Henri (St.) de Lauzon, ...					
"	Isidore, (St.) ...	35	2	...	47 5 10	June, 1847.
"	Jean (St.) Chrysostôme,...					
"	Joseph (St.) de la Beauce, ...					
"	Marguerite (Stc.) de Joliette, ...					
"	Marie (Stc.) de la Beauce, ...					
"	Metschermet, ...					
"	Nicolas, (St.) ...	229	7	...	58 9 10	February, 1847.
"	Pointe-Lévi, ...	396	10	...	92 5 6	March, 1847.
Drummond,	Arthabaska, ...	41	1	...	25 15 9	" "
"	Aston, ...					
"	Durham, ...	192	7	...	42 0 4	" "
"	Grantham,...					
"	Kingscy, ...					
"	Stanford, ...	129	4	...	23 19 6	February, 1847.
"	Tingwick, ...					
"	Upton, ...					
"	Wickham, ...					
Gaspé,...	Cap-Chat, ...					
"	Cap-Rosier, ...					
"	Douglas, ...	20	1	...	13 3 8	March, 1847.
"	Gaspé Bay, North, ...	58	2	...	16 9 7	" "
"	Gaspé Bay, South, ...	74	2	...	12 7 2	February, 1847.
"	Grand Rivière, ...	76	2	...	19 15 5	" "
"	Iles de la Magdeleine, ...					
"	Malbaie, ...					
"	Newport, ...	33	1	...	8 4 9	April, 1847.
"	Percé, ...					
Huntingdon,	Caughnawaga, ...					
"	Chateauguay, ...	358	5	...	45 11 3	March, 1847.
"	Constant, (St.) ...	296	7	...	61 2 8	June, 1847.
"	Cyprien, (St.) ...	512	11	...	89 17 8	March, 1847.
"	Edouard, (St.) ...	442	12	...	95 11 4	February, 1847.
"	Isidore, (St.) ...	239	4	...	49 2 0	" "
"	Jacques le Mineur, (St.)...	209	4	...	41 17 1	April, 1847.
"	Lacolle, ...	439	12	...	74 19 5	" "
"	La Prairie, ...	345	8	...	97 1 0	February, 1847.
"	Philippe (St.) ...					
"	Philomène, (Stc.) ...	181	4	...	42 18 6	March, 1847.
"	Rémi, (St.) ...	445	9	...	77 15 5	February, 1847.
"	Valentin, (St.) ...	342	6	1	58 1 8	March, 1847.
Kamouraska,	André, (St.) ...					
"	Anne (Stc.) de la Pocatière, ...					
"	Denis, (St.) ...	192	6	...	60 12 8	February, 1847.
"	Kamouraska, ...	304	10	...	75 15 11	" "
"	Paschal, (St.) ...					
"	Rivière-Ouelle, ...					
Leinster,	Esprit, (St.) ...	195	4	...	41 8 10	March, 1847.
"	Jacques, (St.) ...	711	13	...	128 10 5	February, 1847.
"	La Chenaie, ...					
"	L'Assomption, ...					
"	Lin, (St.) ...					
"	Mascouche, ...					
"	Rawdon, ...	527	12	...	61 4 3	March, 1847.
"	Repentigny, ...	132	4	...	38 4 6	April, 1847.
"	Roch, (St.) ...					
"	Sulpice, (St.) ...					
L'Islet,	Cap St. Ignace, ...	342	9	...	51 9 10	February, 1847.
"	Cyrille, (St.) ...					
"	Ile aux Cruces, ...	91	3	...	11 13 11	" "
	Carried forward,...	17,251	404	11	3,525 9 3	

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TABLE OF THE MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the last six months of 1846.—Continued.

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(F. F.)
2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the Allowance was made.
			Under Control.	Dissentients.		
	Brought forward,...	17,251	404	11	£ 3,525 9 3	
L'Islet, ...	L'Islet, ...	282	9	...	52 12 11	March, 1847.
"	Pierre, (St.), Rivière du Sud,	166	5	...	26 10 7	February, 1847.
"	Port-Joli, ...	376	10	...	70 17 1	June, 1847.
"	Roch des Aulnets, (St.)	308	11	...	64 13 6	April, 1847.
"	Thomas, (St.)	...	...	...	...	...
Lotbinière, ...	Antoine, (St.) de Tilly, ...	403	10	...	66 13 0	February, 1847.
"	Croix, (St.)	387	13	...	47 0 10	" "
"	Deschailions, ...	172	7	...	27 15 3	" "
"	Flavien, (St.)	58	3	...	8 1 5	" "
"	Giles, (St.)	...	...	...	...	" "
"	Lotbinière, ...	592	15	...	67 6 2	" "
"	Sylvestre, (St.)	...	...	...	...	" "
Mégantic, ...	Broughton, ...	...	...	...	...	...
"	Halifax, ...	...	...	...	...	...
"	Inverness, ...	...	...	...	...	...
"	Ireland, ...	...	...	...	...	...
"	Leeds, ...	...	...	...	...	...
"	Somerset, ...	82	3	...	23 17 10	March, 1847.
"	Tring, ...	...	...	...	...	...
Misisquoi, ...	Dunham, ...	310	16	...	63 10 5	" "
"	Frelighsburg, ...	373	7	...	31 11 1	June, 1847.
"	Philipsburgh, ...	218	10	...	34 17 0	April, 1847.
"	Stanbridge, ...	482	16	...	66 8 1	March, 1847.
"	Sutton, ...	...	...	...	...	...
Montmorency, ...	Anne, (Ste.), Côte Beaupré,	83	3	...	13 6 11	February, 1847.
"	Château-Richer, ...	115	3	...	24 6 1	" "
"	Famille, (Ste.)	78	2	...	17 12 7	June, 1847.
"	Féréol, (St.)	...	...	...	...	...
"	François, (St.)	30	1	...	10 10 11	April, 1847.
"	Jean, (St.)	138	2	...	26 10 7	March, 1847.
"	Joachim, (St.)	45	1	...	14 6 9	" "
"	L'Ange-Gardien, ...	75	2	...	14 14 11	February, 1847.
"	Laurent, (St.)	56	1	...	12 7 2	March, 1847.
"	Pierre, (St.)	123	3	...	16 4 7	February, 1847.
Montreal, ...	Bout de l'Île, ...	71	2	...	18 0 10	March, 1847.
"	City, (Catholics),	...	...	...	...	...
"	City, (Protestants),	...	...	...	...	...
"	Côte des Neiges, ...	...	...	...	...	...
"	Côte Visitation, ...	80	2	..	7 3 6	April, 1847.
"	Côteau St. Louis, ...	...	...	...	...	...
"	Généviève, (Ste.)	168	5	...	39 2 8	June, 1847.
"	Henri, (St.)	118	1	1	14 17 1	February, 1847.
"	Hochelaga, ...	86	2	...	15 1 11	" "
"	Lachine, ...	245	4	2	48 7 2	" "
"	Laurent, (St.)	320	8	...	60 11 1	April, 1847.
"	Longue-Pointe, ...	113	3	...	18 19 0	February, 1847.
"	Pierre, (St.)	...	...	...	...	...
"	Pointe-aux-Trembles, ...	116	3	...	21 18 3	" "
"	Pointe-Claire, ...	...	...	...	...	...
"	Rivière-des-Prairies, ...	69	2	...	17 15 11	April, 1847.
"	Sault-au-Récollet, ...	231	4	...	42 6 11	March, 1847.
Nicolet, ...	Bécancour, ...	456	11	...	75 19 2	February, 1847.
"	Blandford, ...	40	1	...	8 3 2	March, 1847.
"	Gentilly, ...	...	...	...	...	...
"	Grégoire le Grand, (St.)	473	12	...	77 10 6	" "
"	Monique, (Ste.)	...	...	...	...	...
"	Nicolet, ...	157	5	...	54 9 2	June, 1847.
"	Pierre les Becquets, (St.)	378	12	...	51 8 2	March, 1847.
Ottawa, ...	Bristol, ...	170	3	...	12 5 6	" "
"	Buckingham, ...	...	...	...	...	...
"	Clarendon, ...	142	5	...	29 5 0	" "
"	Eardley, ...	...	...	...	...	...
"	Hull, ...	260	9	...	68 17 6	June, 1847.
"	Litchfield, ...	...	...	...	...	...
"	Lochaber, ...	126	5	...	16 1 3	February, 1847.
"	Onslow, ...	...	...	...	...	...
"	Petite-Nation, ...	...	...	...	...	...
"	Templeton, ...	...	...	...	...	...
"	Wakefield, ...	...	...	...	...	...
Portneuf, ...	Ancienne Lorette, ...	298	6	...	41 3 10	March, 1847.
"	Augustin, (St.)	75	2	...	28 8 5	February, 1847.
"	Basile, (St.)	...	...	...	...	...
	Carried forward,...	26,395	678	14	5,095 0 11	

Appendix
(F. F.)
2nd July.

TABLE OF MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the last six months of 1846, &c.—(Continued.)

Appendix
(F. F.)
2nd July.

Counties.	Municipalities.	Number of Children.	Schools.		Sum allowed to the Municipality out of the £50,000.	Date at which the allowance was made.
			Under Control.	Dissentient.		
	Brought forward...	26,395	678	14	£ 5,095 0 11	
Portneuf,	Cap-Santé,					
"	Casimir, (St.)					
"	Catherine, (Ste.)					
"	Deschambault,	216	4		42 6 11	February, 1847.
"	Ecureuils,					
"	Grondines,	166	5		26 7 4	March, 1847.
"	Pointe-aux-Trembles,	181	4		37 8 1	February, 1847.
Quebec,	Raimond, (St.)					
"	Ambroise, (St.)	401	7		49 7 0	" "
"	Beauport,					
"	City (Catholics),					
"	City (Protestants),					
"	Charlesbourg,	268	6		36 19 10	March, 1847.
"	Dunstan, (St.)					
"	Foye, (Ste.)					
"	Roch, (St.)					
"	Stadacona,					
"	Stoncham,	75	1		8 19 8	February, 1847.
"	Valcartier,					
Richelieu,	Aimé, (St.)					
"	Barnabé, (St.)	174	5		31 16 0	March, 1847.
"	Charles, (St.)	170	4		33 4 1	April, 1847.
"	Denis, (St.)	309	8		63 7 1	February, 1847.
"	Jude, (St.)	124	5		31 6 2	March, 1847.
"	Ours, (St.)	260	6		67 7 10	February, 1847.
"	Sorel,	336	9		117 12 11	" "
"	Victoire, (Ste.)					
Rimouski,	Bic,	45	2		17 6 0	" "
"	Ile-Verte,	222	7		57 18 4	March, 1847.
"	Kakouna,	245	8		81 17 10	June, 1847.
"	Lessard,					
"	Lepage,					
"	Matane,					
"	Métis,	32	1		8 6 5	March, 1847.
"	Rimouski,	305	8		65 11 7	" "
"	Rivière du Loup,					
"	Simon, (St.)					
"	Trois-Pistoles,					
Rouville,	Athanase, (St.)					
"	Brigite, (Ste.)	311	5		26 13 10	February, 1847.
"	Clarenceville,	270	8		27 18 7	June, 1847.
"	Foucault,					
"	Grégoire, (St.)	396	8		51 14 9	February, 1847.
"	Henryville,	651	13	3	87 11 7	March, 1847.
"	Jean-Baptiste, (St.)	240	6		47 5 9	February, 1847.
"	Marie, (Ste.)	536	10		107 2 0	" "
"	Mathias, (St.)	226	5		49 0 5	" "
"	Rouville,	120	3		28 3 6	June, 1847.
Saguenay,	Agnès, (Ste.)					
"	Bagot,					
"	Baie St. Paul,					
"	Chicoutimi,					
"	Eboulemens,					
"	Irénée, (St.)					
"	Ile aux Coudres,	125	4		16 4 7	April, 1847.
"	Malbaie,	319	8		77 2 3	" "
"	Petite-Rivière,					
"	Tadoussac,					
"	Urbain, (St.)	116	4		19 18 9	February, 1847.
Saint Hyacinthe,	Abbottsford,	130	5		7 9 11	" "
"	Césaire, (St.)	412	15		103 9 7	April, 1847.
"	Damasc, (St.)	389	10		66 1 6	February, 1847.
"	Dominique, (St.)					
"	Hugues, (St.)	260	5		35 13 6	June, 1847.
"	Hyacinthe, (St.)	661	18		92 12 1	March, 1847.
"	Pie, (St.)					
"	Présentation,	216	5		35 3 7	February, 1847.
"	Rosalie, (Ste.)	143	4		31 4 6	" "
"	Simon, (St.)	157	3		33 5 8	" "
Saint Maurice,	Dumontier,					
"	Gatineau,	184	5		37 13 0	April, 1847.
"	Maskinongé,	446	9		80 16 5	March, 1847.
	Carried forward,...	36,232	921	17	6,934 9 9	

Appendix
(F. F.)

TABLE OF THE MUNICIPALITIES to which any portion of the Legislative Grant was allowed for the last six months of 1846.—Continued.

Appendix
(F. F.)

2nd July.

2nd July.

Counties.	Municipalities.	Number Children.	Schools.		Sum allowed to the Municipality out of the £50,000	Date at which the Allowance was made.
			Under Control.	Dissentient.		
	Brought forward...	36,232	921	17	£ 6,934 9 9	
Saint Maurice,	Pointe du Lac, ...					
"	Rivière du Loup, ...	360	8	...	62 13 11	March, 1847.
"	Three Rivers, (City) ...					
"	Three Rivers, (Banlieue) ...	45	1	...	27 3 9	April, 1847.
"	Ursule, (Ste.) ...	107	4	...	39 4 3	June, 1847.
"	Yamachiche, ...	726	16	...	79 5 1	" " 1847.
Shefford,	Brome, ...	422	11	...	39 17 6	February, 1847.
"	Ely, ...					
"	Farnham, ...	315	10	...	46 11 0	March, 1847.
"	Granby, ...	292	11	...	34 17 0	February, 1847.
"	Milton, ...	96	4	...	23 1 4	March, 1847.
"	Shefford, ...	587	11	...	44 3 2	June, 1847.
"	Stukeley, ...	73	4	...	23 3 3	April, 1847.
Sherbrooke,	Ascot, ...	399	15	...	54 9 1	February, 1847.
"	Brompton, ...					
"	Bury, ...					
"	Compton, ...					
"	Dudswell, ...	118	5	...	10 14 2	" " 1847.
"	Eaton, ...	456	13	...	45 9 6	" " 1847.
"	Hereford, ...					
"	Melbourne, ...					
"	Shipton, ...	223	12	...	51 13 2	March, 1847.
"	Windsor, ...					
Stanstead,	Barnston, ...					
"	Bolton, ...	302	12	...	34 2 2	" " 1847.
"	Hatley, ...	430	15	...	41 15 4	February, 1847.
"	Potton, ...					
"	Stanstead, ...					
Terrebonne,	Anne des Plaines, (Ste.) ...	152	4	...	38 12 10	April, 1847.
"	François de Sales, (St.) ...	72	2	...	19 8 10	February, 1847.
"	Jérôme, (St.) ...					
"	Lacorne, ...	114	3	...	26 15 6	March, 1847.
"	Martin, (St.) ...	315	7	...	69 15 8	June, 1847.
"	Rose, (Ste) ...	214	5	...	54 7 6	March, 1847.
"	Terrebonne, ...	235	5	...	37 9 9	" " 1847.
"	Thérèse, (Ste.) ...					
"	Vincent de Paul, (St.) ...	207	4	...	45 9 6	February, 1847.
Vaudreuil,	Côteau du Lac, ...	358	8	...	68 15 10	" " 1847.
"	Ile-Perrot, ...	76	3	...	23 1 4	April, 1847.
"	Marthe, (Ste.) ...					
"	Newton, ...	67	2	...	9 6 3	June, 1847.
"	Nouvelle-Longueuil, ...	443	12	1	99 5 6	February, 1847.
"	Rigaud, ...	383	9	...	71 10 3	March, 1847.
"	Soulanges, ...	227	4	...	47 19 0	February, 1847.
"	Vaudreuil, ...	357	7	1	69 10 8	March, 1847.
Verchères,	Antoine, (St.) ...	93	4	...	33 13 11	" " 1847.
"	Belœil, ...	221	5	...	43 18 3	February, 1847.
"	Contrecoeur, ...	222	4	...	44 6 6	March, 1847.
"	Marc, (St.) ...	146	3	...	24 9 4	" " 1847.
"	Varencennes, ...	417	8	...	86 0 3	" " 1847.
"	Verchères, ...	240	4	...	51 11 6	" " 1847.
Yamaska,	Baie du Febvre, ...					
"	David (St.) ...					
"	François du Lac, (St) ...	487	12	...	87 18 1	February, 1847.
"	Yamaska, ...	96	4	...	53 16 0	June, 1847.
"	Zéphyrin (St.) de Courval, ...					
	Total, ...	46,325	1192	19	8698 15 8	

J. B. MEILLEUR, S. E.

Education Office, L. C.,
Montreal, 16th June, 1847.

Montreal:

PRINTED BY LOVELL AND GIBSON,

ST. NICHOLAS STREET.

Appendix
(G. G.)

6th July.

Appendix
(G. G.)

6th July.

RETURN

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, dated the 17th ultimo, praying that His Excellency would be pleased to cause to be laid before them "information whether the £2,000 voted, in 1845, for a line of Road referred to in the Report of the Chairman of the Board of Works for the last year, under the name of the 'Road from Scugog Lake to the Narrows' Bridge, has been all expended; and, if so, on what part of the said Road, and when the work was commenced, and when ended; and that he will be pleased to direct to be laid before this House a Statement of the particulars respecting the outlay of the £100 of this money referred to in Schedule C. of the said Report; and that he will also direct to be laid before this House, Copies of the Orders or Instructions given by the Government and by the Department of Public Works for laying out the balance of the said £2,000; and also Copies of the further Report and information called for by the Government, for the purpose of coming to a decision as to the line of Road upon which the same was to be laid out, and referred to in the answer of His Excellency Earl Cathcart, to the Address of this House of the 22nd May, 1846; and that His Excellency will be further pleased to inform this House, whether any, and what decision has been come to by the Government, as to the line to be adopted in uniting the present Windsor and Scugog Road with the Road from the Talbot River to the Narrows' Bridge; and also that he will be pleased to direct to be laid before this House, so much of the original, and of all subsequent Reports, made to the Department of Public Works, and by them to the Government, as relates to the continuation of the Road from the Talbot River to the Narrows of Lake Simcoe, towards its Northern Terminus at the Narrows Bridge, in a straight line to the Bridge, and the subsequent alteration of that course, carrying it westerly, out of the direct line, to the Village of Atherlie, and thus making it describe two sides of a triangle, instead of one."

By Command,

D. DALY,
Secretary.

Secretary's Office,
Montreal, 6th July, 1847.

(Copy.)

A.

PAY LIST for Survey of the Continuation Road from Scugog Lake to the Narrows, during the months of July and August, 1845.

NAMES.	Days.	Rate.	Amount.			Received from the Board of Works, per Mr. Charles Green, Paymaster, the amounts set opposite to our respective names.
			£	s.	d.	
James Lyons, for cash paid for Labour.....	103	3s. 3d.	16	14	9	James Lyons.
William Hartwell, for self and Horse.....	20	10s.	10	0	0	Wm. Hartwell,
James Lyons, cash paid Mr. Perry for Pork.....			1	5	0	James Lyons.
Do do J. Welsh, for Ham, &c.....			0	15	8½	James Lyons.
Do do Steamer "Beaver," for passages to and from the Narrows.....			1	10	0	James Lyons.
Do do for Provisions on the way.....			9	18	9½	James Lyons.
			£40	3	10	

Voucher for Forty pounds three shillings and ten pence.

(Signed,)

CHARLES GREEN,
Paymaster, N. D.

B.

The Board of Works, Dr.

To Joseph Keeler.

1845.—For services as Overseer on the Lake Ontario and Scugog Lake Road, for the month of June, 30 days, at 5s.....£7 10s.

I certify this account to the amount of seven pounds ten shillings.

(Signed,) JAMES LYONS.

Received from the Board of Works, per Mr. Charles Green, Paymaster, the sum of seven pounds ten shillings, as herein stated.

(Signed,)

THOS. W. SIMMS,

Per R. ROBINS,
Cashier Commercial Bank.

Appendix
(G. G.) (Copy.)

156.

6th July.

Board of Works,
Montreal, 30th June, 1845.

Sir,

I am directed to request that you will proceed as soon as possible to determine and mark out (for the purpose of carrying into effect the appropriation made by the Legislature for the purpose) the extension of the Scugog Road, from where that road turns off to Lake Scugog, to the bridge over the Narrows. The Board are informed that the portion of this line, as far as Mara, is already opened by the District Council, and that it runs along the line between lots 12 and 13 of Reach and Brock, and 10 and 11 of Thorah, except in a few cases, where some swamp induced the Surveyor to turn aside. You will examine these places particularly, and if you find the difficulty in the way of following the direct line easily surmountable by moderate drainage, it would be advisable to continue the road in it.

From Thorah, to the bridge at the Narrows, you will select the most direct and suitable line, and it is hoped that as it will run through an unenclosed country, you will find no obstacles thrown in the way of your selecting it, by the parties to whom the lands may belong. It would appear, from the map, desirable that this part of the line should touch at or near the heads of the bays which run into the eastward from Lake Simcoe. Having ascertained the most direct line, and the cheapest, whether as regards construction or subsequent maintenance, you will proceed to divide it into one mile sections, and furnish a specification and estimate of the quantity and cost of each class of work, in each mile, to enable the Board to let the work for a bulk sum per mile, without any danger of after disputes or misunderstanding, as to the work undertaken.

The sum granted for the extension of the Scugog Road is £2,000, which must cover all costs whatever incident thereto, management, supervision, &c.

Your duty, therefore, will be carefully to determine what is the most requisite work to be done, especially as to proper opening, clearing, and draining throughout, so as that the money granted may be expended judiciously, and to the utmost advantage. It is very desirable that the Board be enabled to let out this work as soon as possible.

I am, Sir, &c. &c.

(Signed,) H. H. KILLALY,
Chairman.JAMES LYONS, Esquire, C. E.,
Cobourg.

[A previous Report from Mr. Lyons, on this subject, was submitted to the House of Assembly on the 23rd April, 1846.]

G. POWELL.

Prov. Sec. Office, 6th July, 1847.

Cobourg, September 18, 1845.

Appendix
(G. G.)

6th July.

Sir,

I have the honor to acknowledge your letter of the 13th instant, with accompanying documents, and am glad to have it in my power thus early to reply.

In the first place, the original Petition to the Legislature for the Grant I have never seen, therefore I could not have known the wishes of the Petitioners on the subject.

In the Survey I made, I was guided solely by the Instructions of the Board, No. 156, June 30th, 1845, to select what I thought the most eligible and practicable route. Allusion having been made to the District Line Road, I have to state that the line is not, nor can it be, travelled, or made available; the one used is to the west thereof, running through the Townships of Reach and Brock, in a zig-zag and tortuous direction; and from the Non-Cong River to the North, it is a succession of hills and crossways. The line I followed through those Townships, and as far as the third concession of Mara, had been surveyed and allowed by the District Council; and finding it perfectly practicable, and likely to be of most benefit, I felt no hesitation in recommending it, and see no reason to abandon that conviction.

The line recommended in my Report is the most direct route, connecting two Public Works, will be available for all the settlers; and has this advantage, that being direct, it saves a travel of fully fourteen miles over the line advocated by the Petitioners.

Relating to the Petitions forwarded to the Board by the Honorable Mr. Baldwin, I have the honor to submit two letters, one from Colonel Cameron, and the other from Mr. Perry; the former gentleman fully explains the circumstances under which the Petitions were "got up," and treats them in their proper light, while the latter (than whom no one knows the country better) fully approves the route I have selected. On a full examination of the subject, taking into consideration all the circumstances bearing thereon, the shortness of the route, its practicability, the expense, and the population likely to be affected, I am fully convinced that I made no error in my Report.

As to the insinuations contained in the letter of Mr. Baldwin, founded on the report of interested Petitioners, or rather from the letter from Oshawa, I feel confident the Board expect no refutation at my hands; no earthly influence or power could influence my judgment prejudicial to the public good, in the discharge of a public duty. My only object is the faithful discharge of my duties, in conformity to the instructions I receive; and I trust this occasion will prove that I acted solely with that view, and for the benefit of the country.

I beg permission to take the following extract from Mr. Baldwin's letter:—"The appointment of Mr. Lyons is objected to as injudicious under the circumstances, and it is supposed that he has been influenced by individual interests at the two extremities." I would imagine that persons residing at the extremities of the line, where all their interests are concentrated, would have the least concern in attempting undue influence in the selection of the intermediate route; it could not affect their interests in any way.

I have, &c.,
(Signed,) JAMES LYONS.T. A. BEGLY, Esquire,
&c. &c. &c.

Appendix
(G. G.) (Copy.)
3.
6th July.

Public Works,
7th July, 1846.

Sir,

The balance remaining on hand for continuing the improvements and opening the Windsor and Narrows Road, (called the Scugog Road,) and amounting to £1,900, is intended to be applied, in the first place, to opening the Road from the Narrows Bridge through Mara, to Talbot River, in Thorah. In this distance will be found much swamp and low land, requiring draining, and some small creeks to bridge. The plan and survey already sent you of Mr. Lyons, will afford you much assistance in proceeding with the work. You will perceive from Mr. Lyons' Report, and be able from your own experience to ascertain how the money may be applied to the best advantage in forming a common country road. It will be desirable to drain instead of causeway the swamps, when practicable.

As it will require a large portion of the money to open a road as above-mentioned, I will not give you instructions for the expenditure of any balance that may remain, until I know the amount. Should there remain a balance, and I trust there will, I am informed that the parts next requiring attention are from 5th to 9th Concession Reach, three miles swamp, and from 12th Concession Brock to 4th Concession Thorah, and it will be well to ascertain the present state of the whole road at your earliest convenience.

Should you require any additional assistance to enable you to proceed with this work, you will inform me of the nature and extent of it without delay, as it is highly desirable no time should be lost.

I am, &c.,
(Signed,) W. B. ROBINSON,
C. C. P. W.

C. S. GZOWSKI, Esquire,
C. E.
Toronto.

(Copy.)

Engineers' Office,
Toronto, 22nd March, 1847.

Sir,

I beg leave to report that I have examined the line of road from Windsor Harbour to Beaverton, in the Township of Thorah, and, from the examinations, have found that the line as surveyed by Mr. Lyons presents many advantages, which, in my opinion, are sufficient to cause it to be adopted as the line to be improved, instead of the present travelled road.

In the first place, from the point where the new line leaves the improved road at Lake Scugog to a point opposite Beaverton, the line as surveyed is at least four miles shorter, a matter of considerable importance, if the road is looked upon as a main highway between Lakes Ontario and Huron.

In the second place, the surveyed line runs over a very flat portion of the country, there being scarcely a rise of any kind requiring to be reduced, while upon

the present travelled road, the expense of cutting down the hills would more than equal the expense of draining the new line,—a portion of work complained of as very difficult, and forming one of the objections against the adoption of the new road.

In the third place, the present travelled road through Reach and Brock, runs through a portion of the country which is pretty well settled; and in the north parts of Brock and Thorah, where it is not settled, it runs but a short distance from the new line: in the first case, the inhabitants themselves can improve the Road, and in the second, by opening the concessions to the new road, it would bring them to a new line of road, in a distance not exceeding one and a half miles.

The line of road, as surveyed, would open a large tract of land, which is now settling, and its course is through the centre of the Townships, enabling the inhabitants east and west of the road to avail themselves of it by opening the different concessions.

The expense of making it a good turnpike road from one end to the other, will not fall short of Mr. Lyons' estimate, which is £14,632; but the road can be opened throughout (in the same manner as the portion of it is being opened from the Talbot River) for the sum of £3,740, exclusive of the £2,000 already granted, as it will take the entire of the latter sum to open the road from the Narrows to the Talbot River.

I am, Sir, &c.,

(Signed,) C. S. GZOWSKI,
Engineer.

THOS. A. BEGLY, Esquire,
&c. &c. &c.

(Copy.)

Report from Mr Gzowski.

A grant of £2,000 was made during the Session of Parliament in 1845, towards opening the road from the termination of the Windsor and Scugog Road, to the Narrows of Lake Simcoe.

In consequence of local disputes as to the position of the road between the terminus of the Windsor and Scugog Road, and the Talbot River, in the Township of Thorah, and as there are already two Roads which are made use of, running through that section of the country, through Beaverton to the Talbot River, it was considered most advisable to commence opening the road from the Talbot River to the Narrows of Lake Simcoe, that being a portion of country without an available road, and thus bringing into use an extensive bridge constructed at the Narrows, and which, without opening this road, would remain useless; the distance from the Talbot River to the Narrows is fourteen miles.

The peculiar position of the country, being very flat and difficult to be drained, in consequence of the proximity of Lake Simcoe, which lays but a very short distance from the line of road, and the surface of which is but little below the surface of the country required to be drained, the item of draining will be expensive, and it will require the whole sum of £2,000 appropriated, to open that portion of the road.

Appendix
(G. G.)
6th July.

Appendix
(G. G.)

6th July.

The work of opening the road 66 feet wide, and grubbing, and clearing a tract through the centre 16 feet wide, was put under contract in September, 1846, and has since then progressed satisfactorily. In consequence of the depth of snow and high-water during the spring, it had to be abandoned; the contractor has, however, recommenced the work, and will complete the opening of the road throughout in August next.

Amount of money expended on this road up to 1st inst. is.....	£600	11	5
Amount of money required to open the road to Talbot River is.....	1399	8	7
<hr/>			
Total cost of opening the road from Narrows of Lake Simcoe to Talbot River.....	£2000	0	0

In accordance with instructions from the Commissioners of Public Works, I examined the line of road from Beaverton to the termination of the Lake Scugog Road, and have reported in favor of improving the line, as surveyed by Mr. Lyons, under the authority of the late Board of Works.

The surveyed line is shorter than any line of road now used, by a distance of four miles. It passes over a very level country, while on the other lines there are a number of hills, which would require reducing. It runs also through the centre of the Townships of Reach and Brock, giving equal advantages to the settlers in every portion of them, while the roads at present in use run, one near the District Line, to the east of the line surveyed, and the other on the extreme west side of the two Townships. Under all these circumstances, I have recommended, and beg leave to do so now, that the improvement should be made on the line surveyed by Mr. Lyons, instead of following either of the roads at present used.

I estimate the expense of opening this portion of the road, in the same manner as the road from the Narrows to the Talbot River is being opened, to be £3740.

4th May, 1847.

Extract from the General Report of the Commissioners, dated 21st June, 1847.

(Road from Windsor Bay to the Narrows of Lake Simcoe.)

The state of this road, and what it requires, are fully explained in Mr. Gzowski's Report, and the Commissioners have already recommended to His Excellency the completion of that portion of it between Windsor and Lake Scugog, which has already been planked in detached places; were this done, and tolls exacted, there is no doubt it would not only pay for the outlay on this particular portion, but supply means for continuing the improvement further north. An estimate for planking or gravelling the remainder will be submitted in a few days.

Reference to the Map of the Province will show that this route from Lake Ontario to a Port on Lake Huron, is the shortest of any that can be found, passes through a country nearly the whole of which (a distance of 80 miles,) is susceptible of improvement, and by far the greatest portion is superior land, well settled.

Mr. Gzowski estimates the cost of rendering the road passable from Lake Scugog to the Narrows at £3,700, which sum the Commissioners recommend being granted.

With respect to the location of this road, the Commissioners have examined the reports and plans attentively, and from information derived from intelligent and disinterested parties, they have no hesitation in selecting the line surveyed by Mr. Lyons, and subsequently confirmed by Mr. Gzowski, as the best and shortest that can be found between the two points to be connected, Lake Huron and Lake Ontario. The ground on what is called the District Line, (between the Home and Newcastle Districts,) is unfavorable for a road in many places, and Lake Scugog crosses it in a manner to force the road out of the straight line for some distance.

Appendix
(G. G.)

6th July.

R E T U R N

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, dated the 25th ultimo, praying that His Excellency would be pleased to cause to be laid before them, "A Return of the Amount collected for Harbour Dues at the Port of Toronto, for the year 1846; and also, a detailed Statement, shewing the balance (if any) still due to the Government, on account of sums advanced by the authority of certain Acts of the Parliament of Upper Canada, for constructing or repairing the Queen's Wharf, at the entrance of the said Harbour."

By Command.

Provincial Secretary's Office,
Montreal, 5th July, 1847.

D. DALY, Secretary.

RETURN of the amount collected for Harbour Dues at the Port of Toronto, for the year 1846. Furnished pursuant to an Address from the Honorable the Legislative Assembly of the 25th June, 1847.

Gross Revenue.....	£886 17 5
Collectors' Commission, 10 per cent.....	£88 14 3
Light House Keeper's Salary, &c.....	62 10 0
	151 4 3
Net Revenue.....	£735 13 2

Inspector General's Office,
Montreal, 1st July, 1847.

JOSEPH CARY,
Deputy Inspector General.

DETAILED STATEMENT, shewing the balance due to the Government, on account of sums advanced by the authority of certain Acts of Parliament of Upper Canada, for constructing or repairing the Queen's Wharf at the entrance of the Harbour of Toronto.

Furnished pursuant to an Address from the Honorable the Legislative Assembly, of 25th June, 1847.

		Dr.			£			s.			d.		
Per Act 3 Wm. 4, Ch. 32.	}	Interest on £ 500—26th June, 1833, to 31st Dec., 1840.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		" 500—14th Aug., " " " ".....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		" 500—18th Oct., " " " ".....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		" 500—9th Dec., " " " ".....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Per Act 7 Wm. 4, Ch. 64.	}	" 500—7th September, 1837.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		" 500—21st October, " " " ".....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		" 500—10th February, 1838.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		" 1000—1st October, " " " ".....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total		Interest on £4500 to 31st December, 1840.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		Cr.											
		By Net amount of Tolls—1837.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		Do. do. 1838.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		Do. do. 1839.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		Do. do. 1840.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		Balance due Government on account of Interest, 31st December, 1840.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
31st December, 1840.		Balance due Government brought down.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Do.	1841.	Interest on.....	4500	0	0	270	0	0	.....	.....	.....	.....	.....
Do.	"	By Net Tolls.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Do.	"	Balance of Interest.....	9	19	10½	.....	.....	.....	.....	.....	.....	.....	.....
Do.	1842.	Interest on.....	4490	0	13	269	8	0	.....	.....	.....	.....	.....
Do.	"	By Net Tolls.....	.....	.....	.....	516	4	3	.....	.....	.....	.....	.....
Do.	"	Balance of Interest.....	246	16	3	.....	.....	.....	.....	.....	.....	.....	.....
Do.	1843.	Interest on.....	4243	3	10½	254	11	7	.....	.....	.....	.....	.....
Do.	"	By Net Tolls.....	.....	.....	.....	477	1	7	.....	.....	.....	.....	.....
Do.	"	Balance of Interest.....	222	10	0	.....	.....	.....	.....	.....	.....	.....	.....
Do.	1844.	Interest on.....	4020	13	10½	241	5	2	.....	.....	.....	.....	.....
Do.	"	By Net Tolls.....	.....	.....	.....	590	12	9	.....	.....	.....	.....	.....
Do.	"	Balance of Interest.....	349	7	7	.....	.....	.....	.....	.....	.....	.....	.....
Do.	1845.	Interest on.....	3671	6	3½	220	5	2	.....	.....	.....	.....	.....
Do.	"	By Net Tolls.....	.....	.....	.....	729	5	0	.....	.....	.....	.....	.....
Do.	"	Balance of Interest.....	508	19	10	.....	.....	.....	.....	.....	.....	.....	.....
Do.	1846.	Interest on.....	3162	6	5½	189	14	9	.....	.....	.....	.....	.....
Do.	"	By Net Tolls.....	.....	.....	.....	735	13	2	.....	.....	.....	.....	.....
Do.	"	Balance of Interest.....	545	18	5	.....	.....	.....	.....	.....	.....	.....	.....
Do.	"	Balance due Government on account of principal.....	2616	8	0½	.....	.....	.....	.....	.....	.....	.....	.....

Inspector General's Office,
Montreal, 1st July, 1847.

JOSEPH CARY,
Deputy Inspector General.

SCHEDULE of the SALES of LAND in the late PARK RESERVE belonging to the Endowment Executive Government, from the 30th September, 1830, date of first Sale, up to 1st May, 1847:— on account of Principal and

Table with columns: NAME or PURCHASER., DATE or PURCHASE., DESCRIPTION OF LOTS., Amount of Purchase Money, AMOUNT OF MONEY (Principal).

of the TORONTO GENERAL HOSPITAL, sold by the TRUSTEES, under the Authority of the Shewing the Amount of Purchase Money, together with the amounts received and remaining due Interest for the same.

Table with columns: PURCHASE PAID. (Interest), AMOUNT OF PURCHASE MONEY DUE, MAY 1, 1847. (Principal, Interest), TOTAL, REMARKS.

Appendix (I. I.) 6th July.

SCHEDULE of the SALES of LAND in the late PARK RESERVE belonging

Appendix (I. I.) 6th July.

Table with columns: NAME or PURCHASER, DATE or PURCHASE, DESCRIPTION OF LOTS, Amount of Purchase Money, AMOUNT OF MONEY (Principal).

Appendix (I. I.) 6th July.

to the Endowment of the TORONTO GENERAL HOSPITAL, &c.—(Continued.)

Appendix (I. I.) 6th July.

Table with columns: PURCHASE PAID (Interest, TOTAL), AMOUNT OF PURCHASE MONEY DUE, MAY 1, 1847 (Principal, Interest, TOTAL), REMARKS.

SCHEDULE of the SALES of LAND in the late PARK RESERVE belonging

Table with columns: NAME OF PURCHASER, DATE OF PURCHASE, DESCRIPTION OF LOTS, Amount of Purchase Money, and AMOUNT OF MONEY (Principal). Rows include John Mulligan, Stephen Secord, Mrs. Andrews, Betsey Shanahan, etc.

to the Endowment of the TORONTO GENERAL HOSPITAL, &c.—(Continued.)

Table with columns: PURCHASE PAID (Interest), AMOUNT OF PURCHASE MONEY DUE, MAY 1, 1847 (Principal, Interest), TOTAL, and REMARKS. Rows include various financial entries and remarks such as 'Deeded to Stephen Secord, 27th March, 1838.' and 'Transferred. Deeded to Joseph Cawthra, 4th September, 1834.'

SCHEDULE of the SALES of LAND in the late PARK RESERVE belonging

NAME OF PURCHASER.	DATE OF PURCHASE.	DESCRIPTION OF LOTS.	Amount of Purchase Money.			AMOUNT OF MONEY		
						Principal.		
			£	s.	d.	£	s.	d.
J. Townsend.....	October 24, 1839...	Lot No. 5, 6, W. of River Street.....	80	0	0	20	0	0
Patrick Lowe.....	November 6, 1837...	do 5, E. of Sumach do	40	0	0	27	0	0
Robert Charlton.....	May 27, 1840...	do 4, E. of River do	50	0	0	43	0	11
William Foley.....	November 6, 1837...	do 9, N. of James do	35	0	0	8	15	0
Andrew Craig.....	do 15, 1841...	do 12, do do do	30	0	0	30	0	0
John Carrigan.....	do do do	do 14, S. of North Park do	20	0	0	20	0	0
William Patterson.....	September 15, 1839...	do 4, S. of Oak do	55	0	0	6	5	6
George Bullock.....	July 25, 1842...	do 5, do do do	50	0	0	7	10	0
Edward Sands.....	February 21, do	do 6 E. & 7 S. of Oak Street.....	60	0	0	30	0	0
Wm. Smith & Co.....	September 18, 1843...	do 17, 18, 19, N. of South Park Street.....	120	0	0	40	0	0
John Cornwall.....	October 31, do	do 16, E. of River Street.....	50	0	0	37	10	0
Sarah Cockburn.....	January 15, 1844...	do 4, S. side of Spruce do	60	0	0	15	0	0
James Cruthers.....	March 18, do	do 5, E. side of Cross do	50	0	0	12	10	0
James Francis.....	April 1, do	do 10, W. side of River do	50	0	0	50	0	0
do do do	do do do	do 11, do do do	40	0	0	40	0	0
Margaret Woods.....	do 18, do	do 13, S. of Beech do	25	0	0	11	18	0
John Sierson.....	do 22, do	do 20, 21, 22, 23, 24, 25 in 3rd, and 20, 21, 22, 23, 24 in 4th Range S. of Palace Street.....	175	0	0	25	0	0
Joshua S. Baird.....	do do do	do 20, 21, 22, in 1st and 2nd Ranges S. of Palace Street.....	177	14	3	72	10	0
James Cruthers.....	do 27, do	do 6, 7, 8, 9 and 10, E. side of Cross Street.....	200	0	0	56	5	0
Joseph Lang.....	do 15, do	do 19, N. of Front Street	40	0	0	24	15	0
Metcalfe & Co.....	July 1, do	do 5, E. & S. of Don do	25	0	0	12	10	0
Joseph James.....	June 10, do	do 6, W. & do do do	25	0	0	25	0	0
Rector and Churchwardens of St. James Church.....	July 18, 1832...	15 acres bounded by Parliament, Park, Beech, and Pine Streets.....	300	0	0	300	0	0
John Groves.....	June 24, 1844...	Lot No. 4, N. side of Don Street.....	60	0	0	30	0	0
James Hamilton.....	do do do	do do do do	do	do	do	do	do	do
Thomas Kenny.....	June 3, 1844...	Lot No. 7 and 6, E. & N. side of Oak Street.....	60	0	0	60	0	0
James M'Garr.....	do do do	do 7 and 6, E. & S. side of Don do	60	0	0	20	0	0
Gabriel Reid.....	August 8, 1842...	do 4, N. of Oak Street	50	0	0	50	0	0
James Orford.....	January 4, 1843...	do 1, E. of Parliament do	40	0	0	40	0	0
James M'Intyre.....	September 13, 1841...	do 11, E. of Sumach do	40	0	0	11	0	0
Robert Charlton.....	November 1, 1842...	do 5, E. of River do	60	0	0	6	5	0
James Orford.....	January 4, 1843...	do 1, E. of Parliament do	do	do	do	do	do	do
Patrick Langan.....	February 24, do	do 7 and 8, E. of do do	60	0	0	59	0	0
Luke Rogers.....	March 6, do	do 25, S. of King do	50	0	0	50	0	0
James Hamilton.....	May 8, do	do 15, N. of South Park do	52	18	9	15	8	9
The Lord Bishop of Toronto.....	April 17, do	do 3, 4, 5, 6, 7, 8, S. of King Street, E.; 9, 10, 11, 12, W. of Mill Street, and 13, 1, 2, 3, E. of Parliament Street.....	650	0	0	do	do	do
Richard Bowles.....	July do do	do 8 and 9, S. of Oak Street	110	0	0	70	5	0
George Forbes.....	May 2, do	do 10, N. of Beech Street.....	60	0	0	25	0	0
James Orford.....	February 27, do	do 1, S. of Don do	50	0	0	50	0	0
James Walsh.....	May 5, do	do 32, S. of King Street, E.....	50	0	0	50	0	0
Michael Barnes.....	July 1, do	do 13, 14, 15, 16, 17, 18, 19 in 3rd and 4th Ranges S. of Palace Street.....	350	0	0	237	10	0
John Cornwall.....	October 16, do	do 15, E. of River Street.....	50	0	0	37	10	0
James M'Ginn.....	December 20, 1839...	do 30, S. of King do E.....	60	0	0	15	0	0

to the Endowment of the TORONTO GENERAL HOSPITAL, &c.—(Continued.)

PURCHASE PAID.	TOTAL.	AMOUNT OF PURCHASE MONEY DUE, MAY 1, 1847.				TOTAL.	REMARKS.
		Principal.		Interest.			
		£	s.	d.	£			s.	d.
Interest.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
4 4 0	24 4 0	60 0 0	19 16 0	79 16 0		Transferred to J. Caldwell, and from J. Caldwell to James Vance, 2nd January, 1844.	
6 19 1	27 0 0	13 0 0	0 15 1	7 14 2			
1 16 0	31 16 0	8 15 0	11 16 3	38 1 3		Deeded to Andrew Craig, 23rd December, 1844.	
1 11 3	21 11 3	26 5 0				Deeded to John Carrigan, 2nd March, 1846.	
12 18 5	19 3 11	48 14 6	5 7 6	54 2 0		Deeded to William Patterson, 21st June, 1847.	
	7 10 0	42 10 0	7 12 3	50 2 3			
	30 0 0	30 0 0	6 4 6	36 4 6			
3 6 9	43 6 9	80 0 0	17 8 0	97 8 0		Lot No. 19 deeded to William Smith and Samuel Childs, 24th July, 1845.	
	37 10 0	12 10 0	5 14 7	18 4 7			
9 7 8	24 7 8	47 10 0	9 7 8	56 17 8			
	12 10 0	37 10 0	4 10 0	42 0 0			
4 5 10	54 5 10						
3 12 7	43 12 7						
	11 18 0	13 2 0	3 7 6	16 9 6			
	25 0 0	150 0 0	27 7 6	177 7 6			
	72 10 0	105 4 3	19 1 3	124 5 6			
	56 5 0	143 15 0	25 17 6	169 12 6			
1 15 0	26 10 0	15 5 0	4 12 2	19 17 2			
0 7 6	12 17 6	12 10 0	2 2 6	14 12 6			
1 4 3	26 4 3						
	610 5 11					Deeded to the Rector and Churchwardens of St. James Church.	
	30 0 0	30 0 0	5 2 0	35 2 0		By consent of parties Sale cancelled.	
4 10 9	64 10 9						
6 4 0	26 4 0	40 0 0	7 0 0	47 0 0		Deeded to Gabriel Reid, 3rd March, 1846.	
1 0 0	51 0 0					Deeded to James Orford, 1843.	
	40 0 0						
	11 0 0	29 0 0	7 17 5	36 17 5			
	6 5 0	53 15 0	14 10 3	68 5 3			
	59 0 0	1 0 0	4 19 5	5 19 5		See third line above.	
1 16 3	51 16 3					Deeded to John Wright, 23rd December, 1844.	
	15 8 9	37 10 0	0 0 0	46 10 0			
	78 0 0	78 0 0	650 0 0	650 0 0			
12 5 0	82 10 0	39 15 0	5 12 6½	45 7 6½			
	25 0 0	35 0 0	9 8 7½	44 8 7½			
3 17 6	53 17 6						
	50 0 0	37 15 0	9 1 8½	46 16 8½			
	237 10 0	112 10 0	35 8 9	147 18 9			
	37 10 0	12 10 0	5 14 7	18 4 7		Forfeited for nonpayment of Instalments. Re-sold to J. Welsh, 21st August, 1838.	

Appendix (I. I.) 6th July.

MEMORANDUM of LOTS contained in the above SCHEDULE FORFEITED

Appendix (I. I.) 6th July.

Table with 5 columns: NAME or PURCHASER, DATE or PURCHASE, DESCRIPTION OF LOTS, Amount of Purchase Money, AMOUNT OF MONEY (Principal). Includes entries for Joseph Radford, William Quigley, James Schofield, James Orford, Edward Wallace, James Walsh, Henry Wood, and Joseph Lang.

I hereby certify, that the foregoing Statements have been carefully taken by me from the books kept in the Office of the Trustees of the Hospital Endowment, and that, to the best of my knowledge and belief, they are correct.

GEORGE RYERSON, Secretary.

Toronto, July 2nd, 1847.

STATEMENT of LOTS belonging to the TORONTO GENERAL HOSPITAL ENDOWMENT within the full of Purchase

Table with 5 columns: NAME or PURCHASER, DATE or PURCHASE, DESCRIPTION OF LOTS, Amount of Purchase Money, AMOUNT OF MONEY (Principal). Includes entries for Joseph James, Joseph Gardiner, John Somerset, James Hunter, Thomas Duggan, Joseph Horne, Alexander Stewart, James Turner, William Andrews, William Marwood, John Beattie, James Smith, John Johnston, Robert Petch, Isaac Russel, James Turner, Charles Statesbury, James W. Padfield, Robert Stewart, John Scott, Joseph Bloor, Charles Statesbury, William Andrews, Christopher Elliot, and James Church.

I certify, that the foregoing Statement is correct to the best of my knowledge and belief.

GEORGE RYERSON, Secretary.

July 2nd, 1847.

Appendix (I. I.) 6th July.

and RESOLD for the Non-payment of Principal and Interest.

Appendix (I. I.) 6th July.

Table with 5 columns: PURCHASE PAID (Interest, TOTAL), AMOUNT OF PURCHASE MONEY DUE, MAY 1, 1847 (Principal, Interest), TOTAL, REMARKS. Includes remarks about improvements and no improvements.

ARCHD. M'LEAN, H. J. GRASETT, Trustees Toronto Hospital Endowment.

City of TORONTO, sold by the TRUSTEES, subject to the Payment of Interest as Ground Rent until Amount in Money be paid.

Table with 5 columns: PURCHASE PAID (Interest, TOTAL), AMOUNT OF PURCHASE MONEY DUE, MAY 1, 1847 (Principal, Interest), TOTAL, REMARKS. Includes remarks about deeds and forfeitures.

ARCHD. M'LEAN, H. J. GRASETT, Trustees, Toronto Hospital Endowment.

Appendix
(I. I.)

Appendix
(I. I.)

STATEMENT of Rents on Leasehold Property, belonging to the Toronto General Hospital Endowment.

6th July.

6th July.

DESCRIPTION.	DATE.	Amount of Rent.			Rent Received.			Rent due.			
		£	s.	d.	£	s.	d.	£	s.	d.	
Lot No. 1—East side Peter Street.....	1st July, 1844, to 1st January, 1847.....	90	0	0	90	0	0	0	0	0	
“ 2— Do. Do.....	20th July, 1844, to 20th January, 1847.....	75	0	0	75	0	0	0	0	0	
“ 1—N. King Street West.....	1st January, 1845, to 1st January, 1847.....	140	0	0	140	0	0	0	0	0	
“ 2— Do. Do.....	1st April, 1845, to 1st April, 1847.....	76	15	0	76	15	0	0	0	0	
Cottage and Ground, West of Brock Street.....	1st February, 1845, to 1st February, 1847.....	18	0	0	18	0	0	0	0	0	
Cottage No. 1—Queen Street, West.....	1st April, 1846, to 1st April, 1847.....	7	0	0	5	15	0	1	5	0	
Do. 2— Do. do.....	10th August, 1846, to 14th April, 1847.....	3	15	0	2	5	0	1	10	0	
Cottage on Richmond Street.....	1st August, 1846, to 1st June, 1847.....	5	0	0	3	0	0	2	0	0	
5, 6, and 7—Part of Town Lot No. 9, S. W. corner of King and York Streets.....	10th August, 1843, to 10th February, 1847..	244	17	9	244	17	9	0	0	0	
12— Do. do. do. do.....	10th August, 1843, to 10th February, 1847..	68	5	0	60	0	0	68	5	0	
10—North side of King Street.....	28th February, 1845, to 28th February, 1846	131	8	0	86	18	0	44	10	0	
		£	860	0	9	742	10	9	117	10	0

Annual Ground Rent, J. M. Strachan, Esquire, Lessee..... £75 1 6
 Ditto, ditto, Owen, Miller, and Mills, do. 19 10 0
 Ditto, ditto, John Squires, original Lessee—Transferred to T. G. Ridout.

ARCHIBALD McLEAN, } Trustees Toronto Hospital
 H. J. GRASSETT, } Endowment.

I certify that the foregoing Statement is correct to the best of my knowledge and belief.

GEORGE RYERSON.
 Secretary.

Toronto, 2nd July, 1847.

General Statement of the Affairs of the Toronto General Hospital Endowment Trust Fund, on the 1st day of May, 1847.

Dr.		£	s.	d.
Salaries and Commissions on Sales.....		1538	19	1
Trustees of Management.....		8339	0	0
Estate of the late Stephen Heward.....		560	19	0
Real Estate.....		4482	5	4
* Expended in Building, Repairs, &c.....		1679	19	0½
Bonds and Notes.....		03	8	9
Debentures.....		200	0	0
Balance of Cash in hand.....		217	5	2½
		£17087	5	6½
Cr.		£	s.	d.
Sales Account.....		12987	12	6½
Rents and Interest.....		4099	13	0
		£17087	5	6½

* This Item "Expenses" covers the Surveys, Repairs of Houses, Legal Services, Making of Fences, &c., &c., for the last twenty-five years.

G. R.

GEORGE RYERSON,
 Secretary and Treasurer.

Toronto, 1st May, 1787.

R E T U R N

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, dated the 22nd ultimo; praying that His Excellency would be pleased to cause to be laid before them, "A Statement of the gross amount of Revenue derived from Timber on the Ottawa River; and also from other sections of the Province;—and also the amount of Revenue from Slides on the Ottawa, and from the Union Suspension Bridge at Bytown, for the year 1846."

By Command,

D. DALY,

Secretary.

Provincial Secretary's Office,
Montreal, July, 1847.

Department of Crown Lands,
Montreal, 5th July, 1847.

Sir,

I have the honor to state, in reply to your letter of the 24th ultimo, that the gross amount of Revenue derived from Timber on the Ottawa River, is.....£30,985 8 4
From other sources..... 8,993 14 2
£39,979 2 6

I have the honor to be,

Sir,

Your most obedient Servant,

The Honorable D. DALY,
Provincial Secretary,
&c. &c. &c.

T. BOUTHILLIER.

STATEMENT of the amount of Revenue from Slides on the Rivers Ottawa and Madawaska, and from the Union Suspension Bridge at Bytown, for the year 1846.

SLIDES—RIVERS OTTAWA AND MADAWASKA.

	£	s.	D.	£	s.	D.
Gross amount of Revenue per Returns, 1st January to 31st December, 1846..	7066	11	6			
Expenses in progress of collection.....	338	11	5			
Arrears, unsettled and disputed.....	456	0	0			
To be accounted for by the Crown Land Department.....	354	12	0			
				1149	3	5
Cash paid to the Receiver General up to 31st January, 1847.....	£	5917	8	1		

UNION SUSPENSION BRIDGE AT BYTOWN.

	£	s.	D.	£	s.	D.
Collections per Returns, 1st January to 31st May, 1846.....	284	0	1			
Amount of Rent, 1st June to 31st August, 1846; at £700 per annum.....	175	0	0			
Do. 1st Sept., to 31st Dec., 1846; reduced 30 per cent.....	163	6	8			
				622	6	9
Expenses, &c.....	14	4	4			
Arrears due by Lessee.....	105	0	0			
				119	4	4
Cash paid Receiver General.....	£	503	2	5		

JOSEPH CARY,
Deputy Inspector General.

Inspector General's Office,
Montreal, 29th June, 1847.

Appendix
(K. K.)

7th July.

Appendix
(K. K.)

7th July.

R E T U R N

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, praying that the proper Officer do lay before the House a Statement of the Amount of Customs' Duties collected and paid into the Provincial Treasury at the Ports of Quebec and Montreal—the Expense attending the same—and the Nett Amount received—in separate columns. Also, a like Statement from St. Johns, Kingston, Toronto, and Hamilton. Also, a like Statement from every other interior Port in Canada, for the years 1840, 1841, 1845, and 1846.

Also, a Statement of the Expenses attending the new Department, called the Commissioner of Customs.

In order that the comparative Amounts received and cost of collection and expenses at each separate Port may be contrasted, for the information of the House, and that a Tabular Statement of the same may be appended to the Public Accounts.

By Command,

D. DALY,

Secretary.

Secretary's Office,

Montreal, 7th July, 1847.

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Appendix  
(K. K.)  
7th July.

No. 1.—COMPARATIVE STATEMENT of the Gross Amount of DUTIES of CUSTOMS Collected at the Ports of MONTREAL and QUEBEC, in the years 1840, 1841, 1845, and 1846, with the expenses of Collection, Drawbacks, and returned Duties included, and the Nett Amount paid into the Provincial Treasury in each year.

| PORTS.   | 1840.              |       |             |       | 1841.    |       |                    |       | 1845.       |       |          |       | 1846.              |       |             |       |          |       |        |      |       |      |        |      |
|----------|--------------------|-------|-------------|-------|----------|-------|--------------------|-------|-------------|-------|----------|-------|--------------------|-------|-------------|-------|----------|-------|--------|------|-------|------|--------|------|
|          | Gross Collections. |       | Deductions. |       | Paid in. |       | Gross Collections. |       | Deductions. |       | Paid in. |       | Gross Collections. |       | Deductions. |       | Paid in. |       |        |      |       |      |        |      |
|          | £                  | s. d. | £           | s. d. | £        | s. d. | £                  | s. d. | £           | s. d. | £        | s. d. | £                  | s. d. | £           | s. d. | £        | s. d. |        |      |       |      |        |      |
| Quebec   | 74704              | 10 0  | 4116        | 1 6   | 70588    | 8 6   | 57740              | 19 0  | 4239        | 6 7   | 55501    | 12 5  | 74425              | 14 2  | 5834        | 1 3   | 68891    | 12 11 | 78652  | 12 6 | 7090  | 9 6  | 71562  | 3 0  |
| Montreal | 109196             | 3 3   | 2518        | 17 9  | 106617   | 5 6   | 110481             | 9 11  | 1730        | 18 11 | 108750   | 11 0  | 222765             | 18 2  | 4494        | 17 10 | 218271   | 0 4   | 179396 | 8 9  | 5191  | 10 8 | 174404 | 12 1 |
| Totals   | 183840             | 13 3  | 6634        | 19 3  | 177205   | 14 0  | 168222             | 8 11  | 5970        | 5 0   | 162252   | 3 5   | 297191             | 12 4  | 10628       | 19 1  | 287162   | 13 3  | 258249 | 1 3  | 12282 | 0 2  | 245986 | 15 1 |

NOTE.—Previous to 1841, the Collectors retained from the Imperial Duties sufficient to cover the expenses of collection and a portion of the contingencies; hence there is great difficulty in arriving at a true and absolutely correct statement as far as those Ports are concerned. The amounts given for 1840, under the head of Gross Collections, are taken from the Public Accounts, and only the deductions there found are given. The year 1841 did not commence till the 5th of February, so that the duties of four months have to be added to the above, the gross amount of which was, at both Ports, £28,769 19s. 8d.; in this period was no deductions except £610 6s. 1840 does not include the bonds of 1839 though collected in the former year, while its bonds are carried to 1841.

No. 2.—COMPARATIVE STATEMENT of the Gross Amount of DUTIES of CUSTOMS Collected at the Ports of ST. JOHNS, KINGSTON, TORONTO, and HAMILTON, in the years 1840, 1841, 1845, and 1846, with the Expenses of Collection, drawbacks, and returned Duties included, and the Nett Amount paid into the Provincial Treasury in each year.

| PORTS.    | 1840.              |       |             |       | 1841.    |       |                    |       | 1845.       |       |          |       | 1846.              |       |             |       |          |       |        |       |      |      |        |      |
|-----------|--------------------|-------|-------------|-------|----------|-------|--------------------|-------|-------------|-------|----------|-------|--------------------|-------|-------------|-------|----------|-------|--------|-------|------|------|--------|------|
|           | Gross Collections. |       | Deductions. |       | Paid in. |       | Gross Collections. |       | Deductions. |       | Paid in. |       | Gross Collections. |       | Deductions. |       | Paid in. |       |        |       |      |      |        |      |
|           | £                  | s. d. | £           | s. d. | £        | s. d. | £                  | s. d. | £           | s. d. | £        | s. d. | £                  | s. d. | £           | s. d. | £        | s. d. |        |       |      |      |        |      |
| St. Johns | 50186              | 19 8  | 2138        | 8 5   | 47998    | 11 3  | 24092              | 7 10  | 819         | 2 8   | 23273    | 5 2   | 41165              | 10 8  | 1150        | 6 11  | 40015    | 3 9   | 40422  | 1 3   | 1212 | 18 0 | 39209  | 3 3  |
| Kingston  | 4155               | 0 9   | 282         | 15 0  | 3772     | 5 8   | 8479               | 18 8  | 300         | 0 0   | 8179     | 18 8  | 19924              | 3 9   | 751         | 4 1   | 19172    | 19 7  | 19273  | 15 11 | 1145 | 12 1 | 18128  | 3 10 |
| Toronto   | 5050               | 7 1   | 300         | 0 0   | 4750     | 7 1   | 6720               | 9 10  | 317         | 2 4   | 6403     | 7 6   | 22195              | 13 7  | 1336        | 16 10 | 20858    | 16 9  | 33529  | 14 8  | 1295 | 5 9  | 32234  | 8 11 |
| Hamilton  | 3114               | 9 6   | 230         | 14 5  | 2889     | 15 0  | 2978               | 6 4   | 223         | 18 3  | 2754     | 8 0   | 22011              | 1 6   | 561         | 17 2  | 21449    | 4 4   | 20726  | 8 1   | 911  | 1 5  | 10815  | 6 8  |
| Totals    | 62456              | 17 0  | 2951        | 17 11 | 59404    | 19 1  | 42271              | 2 8   | 1660        | 3 4   | 40610    | 19 4  | 105296             | 9 6   | 3800        | 5 0   | 101496   | 4 5   | 113951 | 19 11 | 4504 | 17 3 | 109387 | 2 8  |

Drawbacks and returned Duties included in deductions No. 2. 1840—Kingston, £3 3s. 1841—St. Johns, £10 1845—do £32 6s. 9d.; Hamilton, £5 11s. 9d.; Toronto, £31 17s. 7d. 1846—do £84 10s. 4d.; do £11 11s. 2d.; Kingston, £211 18s. 4d. 478 13 5

NOTE.—St. Johns, for 1840, includes five quarters, viz.—to the 5th February, 1841, as also the outports attached to it.

Inspector General's Office,  
Montreal, 5th July, 1847.

JOS. CARY,  
Deputy Inspector General.

Appendix  
(K. K.)  
7th July.



Appendix (K. K.)  
7th July.

Appendix (K. K.)  
7th July.

No. 3.—COMPARATIVE STATEMENT of the Gross Amount of DUTIES of CUSTOMS Collected at the several INLAND PORTS, &c.—(Continued.)

| PORTS.                  | 1840.                                   |       |             |       | 1841.    |               |                    |       | 1845.       |       |          |       | 1846.              |       |             |       |          |       |  |
|-------------------------|-----------------------------------------|-------|-------------|-------|----------|---------------|--------------------|-------|-------------|-------|----------|-------|--------------------|-------|-------------|-------|----------|-------|--|
|                         | Gross Collections.                      |       | Deductions. |       | Paid in. |               | Gross Collections. |       | Deductions. |       | Paid in. |       | Gross Collections. |       | Deductions. |       | Paid in. |       |  |
|                         | £                                       | s. d. | £           | s. d. | £        | s. d.         | £                  | s. d. | £           | s. d. | £        | s. d. | £                  | s. d. | £           | s. d. | £        | s. d. |  |
| CANADA WEST—            |                                         |       |             |       |          |               |                    |       |             |       |          |       |                    |       |             |       |          |       |  |
| (Continued.)            |                                         |       |             |       |          |               |                    |       |             |       |          |       |                    |       |             |       |          |       |  |
| Brought down.....       | 8912                                    | 7     | 2984        | 15    | 0        | 1293          | 7                  | 5     | 17891       | 8     | 2        | 15552 | 2                  | 7     | 18786       | 9     | 7        | 15808 |  |
| Maria Town.....         | 69                                      | 0     | 34          | 10    | 3        | 30            | 18                 | 7     | 549         | 0     | 0        | 380   | 6                  | 7     | 598         | 2     | 1        | 426   |  |
| Maitland.....           | 25                                      | 1     | 12          | 10    | 7        | 137           | 6                  | 5     | 1932        | 6     | 1        | 239   | 11                 | 2     | 2025        | 6     | 1        | 186   |  |
| Niagara.....            | 1022                                    | 3     | 896         | 1     | 8        | 84            | 0                  | 9     | 444         | 1     | 7        | 1742  | 14                 | 1     | 2025        | 6     | 1        | 310   |  |
| Newcastle.....          | 82                                      | 10    | 41          | 5     | 2        | 100           | 0                  | 0     | 412         | 10    | 5        | 328   | 10                 | 7     | 531         | 9     | 7        | 370   |  |
| Oakville.....           | 30                                      | 4     | 15          | 2     | 3        | 100           | 0                  | 0     | 412         | 10    | 5        | 295   | 3                  | 10    | 762         | 18    | 11       | 582   |  |
| Owen's Sound.....       | 170                                     | 9     | 85          | 4     | 11       | 100           | 0                  | 0     | 26          | 5     | 7        | 10    | 12                 | 5     | 72          | 17    | 5        | 76    |  |
| Pencanguishene.....     | 269                                     | 0     | 169         | 0     | 2        | 100           | 0                  | 0     | 29          | 7     | 5        | 18    | 15                 | 0     | 13          | 2     | 3        | 26    |  |
| Prescott.....           | 81                                      | 8     | 40          | 10    | 7        | 51            | 16                 | 8     | 1098        | 14    | 9        | 921   | 4                  | 3     | 1793        | 13    | 6        | 175   |  |
| Port Burwell.....       | 66                                      | 0     | 33          | 0     | 4        | 100           | 0                  | 0     | 225         | 5     | 6        | 125   | 5                  | 6     | 385         | 5     | 5        | 100   |  |
| do Colborne.....        | 202                                     | 11    | 102         | 11    | 9        | 100           | 0                  | 0     | 97          | 6     | 4        | 127   | 16                 | 1     | 280         | 2     | 10       | 59    |  |
| do Darlington.....      | 319                                     | 8     | 219         | 8     | 10       | Incl. in Bond |                    |       | 187         | 6     | 5        | 80    | 5                  | 7     | 240         | 19    | 7        | 254   |  |
| do Dalhousie.....       | 205                                     | 8     | 105         | 8     | 3        | Incl. in Bond |                    |       | 325         | 5     | 6        | 250   | 2                  | 11    | 318         | 16    | 9        | 161   |  |
| do Doyer.....           | 329                                     | 1     | 429         | 1     | 11       | 100           | 0                  | 0     | 2351        | 6     | 5        | 2049  | 18                 | 2     | 1854        | 14    | 4        | 292   |  |
| do Hope.....            | 62                                      | 10    | 31          | 5     | 4        | 100           | 0                  | 0     | 560         | 1     | 5        | 483   | 4                  | 9     | 1265        | 4     | 8        | 190   |  |
| do Sarnia.....          | 454                                     | 9     | 354         | 9     | 9        | 66            | 1                  | 9     | 908         | 4     | 3        | 762   | 10                 | 7     | 1419        | 16    | 9        | 172   |  |
| do Stanley.....         | 479                                     | 9     | 379         | 9     | 9        | 100           | 0                  | 0     | 367         | 8     | 8        | 257   | 17                 | 2     | 516         | 18    | 9        | 241   |  |
| do Talbot.....          | 25                                      | 10    | 12          | 18    | 3        | 100           | 0                  | 0     | 4932        | 17    | 8        | 4363  | 4                  | 3     | 3588        | 7     | 6        | 277   |  |
| Queenston.....          | 237                                     | 10    | 137         | 10    | 2        | 20            | 5                  | 0     | 1016        | 9     | 7        | 1426  | 8                  | 6     | 1883        | 10    | 9        | 254   |  |
| Rivière aux Resine..... | 95                                      | 16    | 45          | 19    | 4        | 28            | 5                  | 5     | 505         | 6     | 3        | 417   | 17                 | 2     | 172         | 3     | 3        | 126   |  |
| Rond Eau.....           | 237                                     | 10    | 137         | 10    | 2        | 33            | 5                  | 6     | 847         | 0     | 8        | 676   | 6                  | 4     | 1272        | 13    | 2        | 104   |  |
| Sandwich.....           | In connexion with the Port of Newcasle. |       |             |       |          |               |                    |       | 101         | 2     | 6        | 108   | 19                 | 10    | 241         | 8     | 10       | 90    |  |
| Sault St. Marie.....    | 167                                     | 15    | 83          | 17    | 6        | 82            | 16                 | 8     | 29          | 17    | 6        | 29    | 17                 | 6     | Reunited    |       |          |       |  |
| Trent Port.....         | 121                                     | 19    | 60          | 19    | 9        | 100           | 0                  | 0     | 188         | 6     | 3        | 85    | 13                 | 0     | 411         | 16    | 7        | 189   |  |
| Turkey Point.....       |                                         |       |             |       |          |               |                    |       | 801         | 5     | 6        | 667   | 11                 | 7     | 604         | 6     | 3        | 100   |  |
| Windsor.....            |                                         |       |             |       |          |               |                    |       |             |       |          |       |                    |       |             |       |          |       |  |
| Wallaceburg.....        |                                         |       |             |       |          |               |                    |       |             |       |          |       |                    |       |             |       |          |       |  |
| Wellington.....         |                                         |       |             |       |          |               |                    |       |             |       |          |       |                    |       |             |       |          |       |  |
| Total Canada West.....  | 8534                                    | 14    | 6129        | 9     | 7        | 2838          | 4                  | 3     | 36614       | 15    | 11       | 31104 | 8                  | 9     | 38602       | 14    | 7        | 7192  |  |
| Canada East.....        | 1688                                    | 17    | 740         | 19    | 7        | 926           | 15                 | 1     | 10857       | 3     | 10       | 7685  | 13                 | 5     | 11412       | 2     | 11       | 3645  |  |
| Total Inland Ports..... | 10223                                   | 11    | 6870        | 9     | 2        | 3764          | 19                 | 5     | 47471       | 19    | 9        | 38790 | 2                  | 2     | 50014       | 17    | 6        | 10898 |  |

See Notes next Page.

JOS. CARLY,  
Deputy Inspector General.

Inspector General's Office,  
Montreal, 5th July, 1847

Appendix  
(K. K.)

The difference at Inland Ports is accounted for by the excess of the Expenses over Collections, as follows:—

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7th July.

7th July.

| 1845.                          |     |    |    | 1846.                          |     |    |    |
|--------------------------------|-----|----|----|--------------------------------|-----|----|----|
|                                | £   | s. | d. |                                | £   | s. | d. |
| Owen's Sound .....             | 11  | 15 | 13 | Owen's Sound .....             | 3   | 11 | 0½ |
| Port Credit .....              | 30  | 9  | 9  | Penetanguishene .....          | 13  | 0  | 5½ |
| Rond Eau .....                 | 0   | 5  | 6½ | Port Colborne .....            | 4   | 19 | 10 |
| Sault Ste. Marie .....         | 7   | 17 | 4  | Rond Eau .....                 | 15  | 18 | 10 |
| Total deficiency in 1845 ..... | £50 | 7  | 9  | * Wallaceburg .....            | 12  | 1  | 5½ |
|                                |     |    |    | * Wellington .....             | 20  | 2  | 11 |
|                                |     |    |    | Total deficiency in 1846 ..... | £69 | 14 | 6  |

\* New Ports established during the year.

|                                       | £   | s. | d. |                                                                                | £   | s. | d. |
|---------------------------------------|-----|----|----|--------------------------------------------------------------------------------|-----|----|----|
| Drawbacks and re-returned Duties..... |     |    |    | Total returned Duties at Inland Ports included in No. 3, during the year 1845. | 444 | 0  | 10 |
| { Canada East, 1845...                | 249 | 0  | 7  | Total returned Duties at Inland Ports included in No. 3, during the year 1846. | 356 | 10 | 6  |
| do do 1846...                         | 183 | 10 | 1  |                                                                                |     |    |    |
| do West, 1845...                      | 195 | 0  | 3  |                                                                                |     |    |    |
| do do 1846...                         | 173 | 0  | 5  |                                                                                |     |    |    |

No. 4.—RETURN of the Expenses of the Office of COMMISSIONER of CUSTOMS for the years 1845 and 1846.

1845.

|                              |                                                                                                                                                                      | £   | s. | d. | £     | s. | d. |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|----|-------|----|----|
| J. W. Dunscombe.....         | Salary as Commissioner of Customs, from the 1st January to the 5th April, at £50 sterling per month.....                                                             |     |    |    | 175   | 18 | 6  |
| do .....                     | Salary as Commissioner of Customs, from 6th April to 31st December, 1845, at £500 currency .....                                                                     |     |    |    | 368   | 2  | 7  |
| do .....                     | Allowance for extra services from ditto to ditto, at £165 cur'y. ....                                                                                                |     |    |    | 121   | 9  | 8  |
| A. S. Menzies.....           | Salary as First Clerk in the Office, from the 13th August to 31st December, 1845, at £175 per annum .....                                                            |     |    |    | 67    | 1  | 0  |
| Matthew Jack .....           | Salary as Second Clerk, from 28th October to 31st December, at £150 per annum.....                                                                                   |     |    |    | 26    | 9  | 10 |
| J. S. Lee.....               | Salary as Extra Clerk, from 21st November, 1845, to 31st December, at 9s. 7d. per diem.....                                                                          |     |    |    | 19    | 12 | 11 |
| T. A. Stayner, D. P. M. G.   | In part payment of the postage account due by the Inspector General's Office for the Customs Branch, to 5th April, 1844 .....                                        | 225 | 6  | 2  |       |    |    |
| J. Porteus, P. M., Montreal  | Amount of ditto, from 6th April, 1844, to 5th January, 1845..                                                                                                        | 354 | 11 | 7  |       |    |    |
| do do do                     | Amount against Commissioner, from ditto to ditto.....                                                                                                                | 210 | 0  | 3  |       |    |    |
| J. W. Dunscombe.....         | Amount of postage incurred by him, from 1st January to 5th April, 1845 .....                                                                                         | 18  | 9  | 2  |       |    |    |
| do .....                     | Amount of his travelling expenses and stationery for 6 months ended 30th June, 1845.....                                                                             | 82  | 15 | 0  |       |    |    |
| Desbarats & Derbishire ..... | Amount of their account for printing, books and stationery, in the 6 months ending 30th June, 1845 .....                                                             | 858 | 16 | 0  |       |    |    |
| do do .....                  | For printing Customs Laws, Instructions to Collectors and other Officers of Customs, blank forms of Returns, books, and other printing connected with the Service... | 319 | 8  | 8  |       |    |    |
|                              |                                                                                                                                                                      |     |    |    | 2069  | 6  | 10 |
|                              |                                                                                                                                                                      |     |    |    | £2848 | 1  | 4  |

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1846.

|                              |                                                                            | £   | s. | d. | £     | s. | d. |
|------------------------------|----------------------------------------------------------------------------|-----|----|----|-------|----|----|
| J. W. Dunscombe.....         | Salary as Commissioner of Customs for year ended 31st December, 1846 ..... | 500 | 0  | 0  |       |    |    |
| do .....                     | Allowance for extra services .....                                         | 165 | 0  | 0  |       |    |    |
| do .....                     | Contingencies of Office, to 31st March, 1846 .....                         | 38  | 17 | 7  |       |    |    |
| do .....                     | Travelling expenses, 6 months ending 30th September, 1846 .....            | 35  | 0  | 0  |       |    |    |
| A. S. Menzies .....          | Salary as First Clerk for year .....                                       | 175 | 0  | 0  |       |    |    |
| Matthew Jack .....           | do Second do do .....                                                      | 150 | 0  | 0  |       |    |    |
| J. S. Lee.....               | do Extra do do .....                                                       | 174 | 17 | 11 |       |    |    |
| Robt. Hampson .....          | do do do from 5th February to 31st March, at 5s. per day .....             | 23  | 10 | 0  |       |    |    |
| P. A. Derbishire .....       | do do do from 9th May to 31st December, do do .....                        | 59  | 5  | 0  |       |    |    |
| W. C. Crofton.....           | do Statistical Clerk, at £200 per annum .....                              | 25  | 0  | 0  |       |    |    |
| Jas. Porteus.....            | Postage account for year ended 5th January, 1847.....                      | 733 | 10 | 1  |       |    |    |
| H. Hilton.....               | Furniture, &c.....                                                         | 80  | 15 | 10 |       |    |    |
| Desbarats & Derbishire ..... | Printing, stationery, &c., 12 months ending 30th June, 1846 .....          | 257 | 17 | 6  |       |    |    |
|                              |                                                                            |     |    |    | £2418 | 13 | 11 |

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Inspector General's Office,  
Montreal, 5th July, 1847.

JOS. CARY,  
Dep. Insp. General.



**R E T U R N**

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, dated the 25th ultimo; praying that His Excellency would be pleased to cause to be laid before them, "the Report of Thomas C. Keefer, Assistant Engineer to the Board of Works, of date the 18th and 19th June, instant; together with ten accompanying Documents, with reference to the Survey and Line of Road from Bytown to Hatfield; and also "Mr. Keefer's General Report on the Trade and Public Works on the Ottawa."

By Command,

D. DALY,

Secretary.

Secretary's Office,  
Montreal, 7th July, 1847.

SCHEDULE OF ACCOMPANYING DOCUMENTS, VIZ. :

- No. 1.—Report of Mr. T. C. Keefer, on the relative merits of the Front and Centre Routes for Road, (Bytown and L'Orignal,) 18th June, 1847.
- No. 2.—Report of Mr. T. C. Keefer, upon the Improvements desirable to be made upon the Works under his charge, (Ottawa,) 1st June, 1847.
- No. 3.—Report of Mr. T. C. Keefer, upon the State of the Works, (Ottawa,) 1st June, 1847.
- No. 4.—Abstract shewing character of "Front Line" from Gloucester to Hatfield.
- No. 5.—Report of Mr. James West, on L'Orignal and Bytown Road, 22nd August, 1845.
- No. 6.—Remarks of Mr. James West, on Ravines and Gullies on Front Route, 15th April, 1846.
- No. 7.—Copy of a Letter of the Deputy Post Master General, on Mail Routes between Montreal and Bytown, 3rd December, 1844.
- No. 8.—Letter of Mr. D. S. Walton, 24th February, 1847, relative to the Estimate for the Expenditure on the Front Route.
- No. 9.—Letter from Clerk of the Ottawa District Council, to Mr. Neil Stewart, M. P. P., of 18th August, 1846; with two Memorials of that Council to the Governor General.
- No. 10.—Mr. J. Begg's Report on Road from Hatfield to Fox's Point, 10th March, 1847.
- No. 11.—Two Petitions of Inhabitants of Ottawa District, to Governor General, in favor of the Route recommended by Mr. Keefer.

No. 1.

Report of Mr. T. C. Keefer on the relative merits of the Front and Centre Routes for Road, (Bytown and L'Orignal,) 18th June, 1847.

Montreal, June 18th, 1847.

Gentlemen,

With reference to the question of the relative merits of the two routes proposed for that portion of the Bytown and L'Orignal Road, lying between Gloucester Township and Hatfield; I would prefer that a competent disinterested Officer should proceed to examine both routes. I consider that statements have been made by parties notoriously interested; the object of which is to force a commencement of a route, repeatedly condemned by the Ottawa District Council, before any farther examination be made; and farther, I would draw attention to the fact, that the supporters of the "front route" have not endeavored to prove the superiority, or even possibility, of their route; but have instead, made a fierce attack upon the character of the proposed deviation and the motives of its proposers. My purpose is now to shew, first, the real nature of that portion of the front line, which I have considered it expedient to abandon; and next, to submit some considerations upon the probability of the correctness of the extravagant statements made against the central route. To avoid any insinuation of personal feelings or motives, I will not adduce my own, or the evidence of any person who has been employed by me.

First, As to the real character of the "Front Route," I have prepared a statement (No. 1) from Mr. West's Estimate, of the abandoned (by me) portion of the front route, shewing the work done, and to be done; and description of the timber, soil, &c. of this 30 miles. From this statement, it appears that, in 18 out of 19 miles, where the description of timber is mentioned, pine is in the list; and that in 12 miles, it is described as "heavy pine," "heavy clearing and grubbing;" that on 5 miles "low wet land" is mentioned; and it is shewn, that the description of timber is such on the route generally, as would indicate poor land for settlement, and bad and expensive ground for a road. It is also shewn, that

Appendix  
(L. L.)

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the width to which the present line has been cut out is less than 20 feet average; and since, in many instances, the whole length and width of the mile is estimated for, "to be cleared and grubbed;" it appears that on 5 of the miles at least, the timber has been only cut low, the logs rolled one side, and the stumps left in, and more expensive now to remove than if they had not been touched. The value of work done, therefore, (laying aside log bridges in gullies either rotted down, or to be removed) on the front line of road, cannot be estimated over £500. And even this slight advantage must be abandoned, if any alteration be made in the present line of "front road;" some alteration is called for, even by its supporters. Next, it appears that there are in this 30 miles, one hundred and seventy-two streams or water courses; for which Mr. West has provided thirty-four bridges, and one hundred and thirty-nine culverts. As road formation is estimated for over the whole length of the route, it appears that there is no portion of the front line where "road formation" has been completed.

I next submit Mr. West's Report, of 22nd August, 1845, (No. 2,) descriptive of the front line, and beg to draw attention to the passages underlined by me. Mr. West says: "The soil from here (Green's Creek) to Hatfield, is, with one or two exceptions, "blue clay, intermixed with reddish." "All the Creeks and Rivers coming from the interior cuts into this clay, and form deep ravines and gullies, making the bridging expensive. As the bridges are now located, the road comes straight down upon them on the one side, and straight up on the other. I have had to alter this in almost every instance, and I think I will be able to make ascents and descents, which are now from 1 in 1, to from 1 in 2, to a grade that will not exceed 1 in 12 to 1 in 16." Alluding to the line suggested by Mr. Walton, Mr. West says: "the ground is nearly one succession of ridges, knolls, swamps, and gullies, and a much larger proportion of wet swamp than on the front." It must be inferred, therefore, that there is "a proportion of wet swamp" on the front; and, as the land just described lies immediately in rear of the front route, it is to furnish the statute labor to keep up that route, with its numerous bridges and culverts. This land is not now settled, and, from the description, is not soon likely to be.

It has been asserted, that the front route is a "travelled road," "post road," &c.; and that a waggon came last summer over the route from L'Original to Cumberland. Mr. West says in his Report: "To here (Jessup's Falls) the road has been located and partly opened, but from here, for some distance, it was neither located nor opened; so that I had nearly two miles to cut through very thick woods." And, lastly, Mr. West says in that Report: "I have in only two or three instances, of any note, deviated from the old location." I think his own Report shews, that a more extensive deviation is desirable.

Again I submit a later Report of Mr. West, on the subject of the gullies, (No. 3,) dated 15th April, 1846. Mr. West there says, "nearly all the streams on the route pass in deep ravines or gullies, and will require good cribbed abutments, raised high, and well filled with stone or earth. The banks of the ravines and gullies will require, in most cases, to be cut down." I have been unable to find in Mr. West's estimate any adequate provision for this service.

How far the "front line" is, or has been a post road, the annexed communication (No. 4) from the Deputy Post-Master General will shew. Mr. Stay-

ner says, "the post communication is absolutely broken off altogether, between Plantagenet (Hatfield) and Bytown, from the impracticability of what is called a 'Road' on the Map, and the entire absence of 'any road' for some fifteen miles of the distance; and this upon one of the main Rivers of the Province, within about 80 miles of Montreal."

I next take Mr. Walton's estimate for the "front line," and find—"Between Hatfield and Gifford, 13 miles wet land."

"From Gifford to Beckwith's Creek, 1 mile of swamp, and 2 miles of wet pine.

"Between Beckwith and Green's Creek, 4 miles of wet pine, half a mile of swamp."

Mr. Walton's estimate is published, and can be referred to; that gentleman recommended an examination of a shorter route to avoid the gullies between Hatfield and Fox's Creek. According to Mr. West, this alteration would be no improvement. Mr. Walton was instructed on the 18th November, 1843, "to travel over" the route, and furnish a Report "as soon as possible." His Report is dated 19th December, 1843. Within this one month, at that season of the year, no examination sufficient for an appropriation upon a specific route could be made; and I now annex an official letter from Mr. Walton, in which he says that his estimation was "not founded on actual survey;" and "I should deem it advisable by all means before any expenditure was made on the 'front route,' to examine the country further to see if a better one could not be found." (Vide No. 5.)

From the foregoing evidence, the propriety, if not absolute necessity of deviation from the "front route" seems evident. There are, however, some general considerations, which should not be overlooked. The line of front road was established, and "partly opened," upwards of 15 years since; the bridges have been re-built once, and again require it; now, if this road had been established in the proper place, and if the adjacent land were (instead of wet clay covered with pines and greenwood, as it chiefly appears to be,) of a description capable of, and inducing cultivation, it is but reasonable to suppose that the statute labor should have been sufficient, at the expiration of 15 years, to have kept open and perfected this road, without appealing a third time for Government assistance. But again, from the extraordinary number of culverts and bridges required, it is not probable that the statute labor would be sufficient to keep up the road, even if the land were fit for settlement; particularly as the route lying in the front tier of lots draws only upon one concession for its statute labor. This road, lying on the bank of the Ottawa, will be abandoned every winter for the ice, unless the gullies are bridged on a level with the natural surface, (an expense not to be thought of); because, on account of the numerous steep hills at these gullies, teams cannot take more than half the load that they could upon ice;—the consequence is, that in the spring, when the ice becomes dangerous, the road, not having been travelled, will be found (as has hitherto been the case) blocked up with snow and windfalls, and impassable. Lastly, the annual freshets coming down the gullies and streams, cutting through the clay soil, will be most likely to undermine the abutments of at least some of the numerous bridges, and cut off the communication at the very time when the ice being unsafe, a land road is most needed. This result is now to be seen on the "front line," and there is no reason to suppose it will not be re-

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peated. Also, the "front route" unnecessarily lengthens the travel between Bytown and Plantagenet four miles; and it is cut off by an acknowledged bad tract of land from the large settlement in Plantagenet, and consequently from the whole country in the rear.

The Ottawa District Council, in August, 1842, (vide resolutions annexed, No. 6,) voted for the expenditure of any Government grant for a road on a main centre route; and that the wild land assessment money belonging to the Townships of Cumberland and Clarence, be expended in "completing the 'front line' in said two Townships as a Bridle Road." This resolution was carried by a vote of five to two, and proves that in 1842 a Bridle Road even was not completed on the "front;" and farther, that the Council considered the "front line" only fit for a Bridle Road.

With respect to the Central Route:—In 1834 a Surveyor, Mr. Fox, ran and established a line of centre road; his Report is in the District Clerk's hands at L'Original; it is endorsed "established without opposition in open Court." In 1842, Mr. Wait, the present District Surveyor, also ran a similar route, and his Report is also to be had. Neither of these Surveyors allude to any of the physical difficulties discovered by the deputation of the "front party."

The Ottawa District Council, in 1842 and 1843, voted decidedly in favor of the central route; and in October, 1846, this Council voted, by a majority of four, that the central route, "as now surveyed by Mr. Keefer, was, in their opinion, the proper line, "and preferable to any other yet traced;" and recommended "the expenditure of the Government grant for said road, to be made on said line."

I also annex a Report of a portion of the central route, examined by a Township Surveyor, in which (see No. 7) he states there are no gullies;—and farther, beg to refer to two most respectable petitions from the Ottawa District, in favor of the central route, and signed by many of the Magistrates and Councillors. (See No. 8 and 9.)

I also refer to Mr. West's final Report and Estimate, for the correctness of the extracts made from it. (No. 10.)

I have the honor to be,  
Gentlemen,  
Your obedient Servant,  
THOS. C. KEEFER,  
Engineer Ottawa Works.

To the Honorable the  
Commissioners of Public Works.

No. 2.

Report of Mr. T. C. Keefer, upon the Improvements desirable to be made upon the Works under his charge, (Ottawa,) 1st June, 1847.

Bytown, June 1st, 1847.

Sir,

Having, in my former Report, explained the condition of the several works constructed, or authorized, upon the Ottawa, I propose to consider the question

of farther improvements; and in doing so, will again separate the River works from Roads.

The works upon the Ottawa River, at the Joachim, Calumet, Mountain, Chats, and at Bytown, may be considered complete; some slight improvements may yet be required at the first and last. Above the Joachim, it may be found advisable to do some blasting at Rocher Capitaine. There remains then, only Portage du Fort, on the Main River; the slide at this place, as before mentioned, is only used a portion of the season; and although the chutes are passable for the remainder, it is with much difficulty and delay, and at much risk of life. The safe passage of the timber should not be the only consideration; a quick, and therefore a cheap one, is becoming more and more necessary, (as lumbering is extended higher up,) to enable timber to reach the market the same season. For these reasons, it is desirable that this place, which on account of the number of islands, is very intricate, should be thoroughly examined, and if it can be attained at a reasonable cost, a channel available at all pitches of water, and removed from the danger of rocks on the South side, should be formed. The above, with perhaps a slight expenditure for mooring piers at the head of the Châts Rapids, includes all the outlay under this head, which will be necessary to complete the timber navigation of the Main River.

On the Madawaska, nothing further is required than a new retaining boom at Chain Rapids, and the repair of this year's damage; this would render that portion of the River occupied by the Government Works as complete as necessary. The improvements here, however, must necessarily depend upon the plan adopted to manage the River and the Works.

It has been proposed to extend the improvement of this River as far as Kimmiskeek Lake, at the mouth of the York branch, and take the improvements made by the Lumber men off their hands, at a valuation. One of the difficulties attending the policy of improving the tributaries of the Ottawa, is in determining the point to stop at. There are four or five branches of the Ottawa, of about the same size as the Madawaska, the parties on which may also expect Government assistance; there are strong reasons, however, of the Madawaska being the subject of Government assistance; and there is no occasion to regret the improvement of this River, so far. The High Falls, and Ragged Chute, were obstacles beyond the means of the Lumbermen, and have had the effect of keeping the rich and extensive supply of red pine, standing in the Valley of the Madawaska, almost intact until the present time. This may, therefore, be considered as a new River; and as the red pine plains, drained by its waters, are very extensive, the timber of the best quality, and the River navigable for timber at a great distance above the Works, the amount which these Works will enable to reach the market will be very great.

The value of the timber manufactured on the Madawaska for this season, (about 2½ millions of feet,) when delivered at Québec, is about £90,000; and the River is capable of sending out this quantity for many years to come. The number of square miles of limits licenced on the Madawaska, are 1,800; about one-sixth of the whole are licenced on the Ottawa, and therefore, the amount made this year will average 1,400 feet to the square mile, for all the limits, old and new. The upper timber from this River is generally two years on its way to market. The worst obstructions are within about 10 miles of the Upper Government Works. The timber, it is believed, would generally arrive at this

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point in good time in the first year's drive; and if the improvement of the River were extended there, the Quebec market would be reached in one season, instead of two. In any case, the improvements should stop at the point to which the upper part of the River is, or can be, driven in one season.

## ROADS.

The Main Road, surveyed and authorized, up the Ottawa River, terminates at Pembroke, at the foot of the Upper Allumette Lake; beyond this, there is no continuous land communication. The River communication up the Ottawa, from Bytown, commences by a portage road to Aylmer, of 8 miles; thence, by the iron steamer, "Emerald," 28 miles to the Châts; here the communication is connected with the Châts Lake, by a Railway, 3½ miles in length, constructed by Messrs. Egan, Aumont, and Wright, at an expense of upwards of £6,000. From the head of this road, another iron steamer, the "Oregon," takes goods and passengers to Portage Du Fort, about 25 miles. This point is the present head of Steamboat navigation. From Portage Du Fort, goods, to the amount of 500 tons annually, proceed by a very bad portage road to the head of the Calumet, distance 7 miles, at a cost of one shilling and six pence per cwt. (or 30s. per ton,) where they take the canoes. If this portage road was constructed as proposed by the Government, the cost of transportation would be reduced one-half, and another steamer would shortly be placed above the Calumet, whence she could run up 40 miles to the foot of the Islette's Rapids, at the Allumette Island. A short portage of a few rods, past the Islette and Culbute Rapids, would open another stretch of 40 miles of navigation, extending to the Joachim Rapids, 150 miles above Bytown. Upon the completion of the Bytown and Pembroke road, or even that portion of it from the head of the Châts Lake to Pembroke, a Steamer could be placed upon the Upper Allumette Lake, and run a distance of 50 miles to the Joachim, touching at, and connecting with, the Steamer from the Calumet, at the head of the Culbute and Islette portages. From the Joachim Rapids upwards, the River is too rapid, and too much broken by numerous falls, to admit of extending Steamboat navigation farther for the present. But although the Joachim be the head of Steamboat navigation up the Ottawa, the land road need not stop at Pembroke. I am informed that there is a fine and extensive tract of hardwood land stretching from the Pittowawa River, near Allumette Lake, to Amable du Fond's River, toward Lake Nipissing. A main road extended in this direction, and connected by a branch with the head of Steam navigation at Joachim, and continued to the Shores of Lake Huron, at the mouth of French River, passing as it would for a great portion of the route through good land, would have a highly beneficial effect, both in the settlement of the country, and the reduction of the cost of supplies to the Lumber trade. If a depot on Lake Huron were established, at the mouth of French River, it seems reasonable that the pork and flour now brought from the Western States, via Lake Ontario, to Bytown, and thence teamed hundreds of miles up the Ottawa, could be supplied by the Lake Nipissing and French River route, to the red pine districts of the Upper Ottawa, at a considerable diminution of cost.

The cost of transportation on a barrel of pork, from Cleveland, Ohio, to Bytown, including the cost of re-packing, inspection, and warranty, and exclusive of the duty, may be set down at 15s.; from Bytown it costs, to transport it to Amable du Fond's River, (a fork of the Matawa,) 14s. to 15s. per cwt., or from 42s. to 45s. per barrel. Now, from Amable

du Fond's River, to the mouth of French River, on Lake Huron, (where pork can be delivered as cheap, if not cheaper, than at Kingston,) it is about 100 miles, as measured on Bouchette's new Map—and allowing 25 per cent. for deviation, it would seem that such supplies as are obtained from the Western States, could be brought in by this route for much less than the present rates.

One or two roads connecting the Lumbering Districts on the Ottawa, with the back settlements of the Districts on Lake Ontario, would be of great benefit to all parties; it would facilitate and cheapen the supplies to the Lumbermen, and stimulate the farmer to raise larger crops, for which he would find a ready, home, and cash market, and employment for himself and teams, in transportation, during the Winter. One road of this kind has been explored by Mr. Birdsall; another might be examined, connecting the District of Simcoe with the Pittowawa country. As an instance of the importance of these roads, some enterprising Lumbermen on the Upper Madawaska have penetrated, at their own expense, the Townships in the rear of Victoria District, by winter roads, by means of which, they are enabled to obtain supplies, delivered at their shanties, at Bytown prices.

These roads would open that extensive region, called the "Huron and Ottawa Tract," (vide Bouchette's Map,) which is known to contain a large amount of arable land, and an almost unlimited supply of timber. Instead of importing from the States, or teaming from great distances, this country, if cultivated, should furnish the means of obtaining the timber within it; and with respect to this question, (now become so important,) there is no portion of Canada, perhaps of America, which can offer the same inducements to the industrious Immigrants, if they could be transported to it; the highest cash prices are paid at his door, for every description of agricultural produce: (I have seen £10 per ton paid for hay; 6s. per bushel for oats, and the same for potatoes, to a farmer of Kimmiskeek Lake, in the unsurveyed lands on the Madawaska, by the Lumbermen,) and he finds employment, at good wages, throughout the winter, for himself and his teams, in transporting provisions and drawing timber. That these high prices should continue, and the farmer enjoy the protection caused by the expensive transportation from abroad, for many years to come, is evident. Nearly all the supplies required for the trade, may be said to be imported from the Front Districts, or the States. It is doubtful whether the fixed population of the Banks of the Ottawa (calculated at about 40,000,) produce enough for their own consumption.

To appreciate the importance of the above considerations, the extent of the Lumber trade, and the quantity of supplies required, must be borne in mind.

The quantity of timber of all kinds manufactured above Bytown, for the season of 1846, according to the estimate of the Messrs. Gilmour, was 18 millions of cubic feet. The manufacture and transportation of this timber to market would employ 7200 men, 2880 horse teams, 720 yokes of oxen, and consume 18,000 barrels of pork, 19,800 barrels of flour, 7200 tons of hay, 300,000 bushels of oats, 1800 chests of tea, besides clothing, tobacco, &c. The value of this timber delivered in the Quebec market would exceed £500,000. The average for the five years previous may be put down at a little over two-thirds of this amount in 1846. The above statement has been

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confined to that portion of the Lumbering District above Bytown, as being more connected with the Government improvements. The quantity manufactured below Bytown, upon the Ottawa and its tributaries for the same season of 1846, is stated at about 9 millions of cubic feet, of a value of about £225,000, delivered in the Quebec market, and requiring a proportionably large quantity of supplies. The above estimate of supplies is applicable only to red pine; that for white pine is more irregular, and as it is generally procured nearer, the total amount of supplies should be somewhat reduced. Of the foregoing 27 millions of feet, the product of the Ottawa and its tributaries, which gave employment to at least 10,000 men, about 4 millions was not taken to market on account of low water and low prices.

Having thus given some idea of the extent and importance of the Lumber trade of the Ottawa, it may be well to consider its probable duration. Any speculations upon this important subject can only be considered as approximate. While many persons suppose that the supply of timber will soon be exhausted,—the best judges consider that, while the demand continues at remunerating prices, there need be little alteration in the average supply of timber for 50 or more years to come; any required quantity of white pine can be furnished when the price offers sufficient inducements. This timber is chiefly produced in and near the Agricultural Districts; the population of which can, when necessary, turn their whole attention to its manufacture; and the fact, that nearly nineteen millions of cubic feet of white pine were manufactured on the Ottawa and its branches for the year 1846, the greater part of which was taken from surveyed lands, shews the difficulty of exhausting or estimating the quantity of timber yet remaining on the unsurveyed lands. Before the Townships, from which this timber was taken, were surveyed, they were lumbered over, and in many instances, abandoned by some parties as exhausted; and it has not unfrequently happened, that limits so abandoned, have, on more thorough examination, supplied a greater quantity than before.

On the other hand, the annual supply of red pine must, for the present, be comparatively restricted, not from want of timber, but of communication. This timber, which grows chiefly in the unsurveyed lands, (upon Norway Plains, as they are called, and which are now considered unfit for cultivation,) is at a great distance from market, and much more inaccessible than the white pine. As there are no roads but those formed by the ice on lakes and rivers, supplies do not reach the red pine limits until the 1st of January. And as the teams employed in hauling the timber are obliged to leave about the middle of March, in order to get safely home before the ice breaks up; the time allowed for the manufacture of red pine is necessarily very limited. In addition to this, the great cost of transporting supplies, and the risk of the markets, tend to check for the present any extensive manufacture of this timber. The cost of transportation to the red pine Districts from Bytown, range from 10s. to 15s. per cwt., or from 20s. to 30s. per bbl. on flour, and 30s. to 45s. upon pork.

With regard to the duration of the red pine, it is known that there are extensive groves, in which all the timber is too small to be marketable. The quantity of small timber greatly exceeds that which is

marketable; and in those groves where the large timber is obtained, the majority is at present too small for market, but will increase the more rapidly by the removal of the large trees. As these groves are thinned to furnish rafting material for the timber on its way to market, the remainder increases rapidly in size, growing about one inch in diameter in three years; making a marketable stick from a tree, which three years previous was too small for manufacture. This timber is remarkable by its general exemption from injury by the fires which overrun the forests in dry seasons, and prove so destructive to other timber. Fire frequently runs through a grove of red pine without injuring the timber.

It should also be remarked, that none of the old limits are yet given up to the Government as exhausted.

There are about 10,000 square miles of limits licenced on the Ottawa and its tributaries: these may be nearly all considered as red pine Districts. From one of the best limits known on the Bonchère, of an area of about 25 square miles, there has been cut 50,000 pieces, of 50 feet average, or 2½ millions of feet of red pine; value in Quebec, upwards of £100,000, or about £6 for each acre. The duties on this timber would be £7916, or nearly 10s. from each acre; this is more than the upset price of the land; this limit is still lumbered upon. It has been shewn that the amount made for this year on the Madawaska alone, is an average of 1400 feet to the licenced square mile, of limits old and new. The Pittowawa limits last year averaged 1200 feet to the square mile. The Bonchère has been lumbered upon upwards of 30 years; the same limits are still worked, and the average amount sent out annually, since the year 1840, has been about one million of feet of timber, value in Quebec, £37,500; the number of square miles of licenced limits on this river is 750, and the average product per square mile since 1840, has been about 1400 feet.

From the duration and present product of the Bonchère limits, it will not be extravagant to assume that those on the Pittowawa and Madawaska, somewhat similarly situated, and both of which are as yet new Rivers, could supply 1500 feet to the square mile of limits, or one tree for every 20 acres for the next 20 years at least. It is believed that the new limits on the Upper Madawaska will furnish 50,000 feet to the square mile, and that 25,000 feet to the square mile would not be too high an average generally for the new Red Pine limits on the South side of the Ottawa. When it is remembered that it would require only one tree from each acre licenced, to furnish this latter quantity, the estimate does not seem extravagant.

If an average of 20,000 feet from each square mile of the whole 10,000, which are licenced, be admitted,—the Ottawa can send five millions of Red Pine per annum (the average quantity of the last five years) for the next forty years to come. But there are still large tracts of timber country unlicenced and untouched.

As an instance of the richness of the Timber Districts on the South side of the Ottawa, I give the products of three branches of the Ottawa.

1846.

1847.

|           |                         |                    | Red Pine.<br>Feet. | White Pine.<br>Feet. | Red Pine.<br>Feet. | White Pine.<br>Feet. |
|-----------|-------------------------|--------------------|--------------------|----------------------|--------------------|----------------------|
| Licenced. | 1800 Square Miles ..... | The Madawaska..... | 1,720,000          | 840,000              | 1,840,000          | 628,000              |
|           | 755 do. ....            | The Bonchère.....  | 712,000            | 330,000              | 640,000            | 170,000              |
|           | 1220 do. ....           | The Pittowawa..... | 1,530,000          | None.                | 1,312,000          | None.                |
|           |                         |                    | 2,962,000          | 1,170,000            | 3,792,000          | 798,000              |

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The above was the amount of Timber manufactured at the opening of Navigation in each season. As some of the Timber was left behind in the Madawaska, a portion of that for 1847 was manufactured and counted in 1846.

It appears from the above, that these three tributaries of the Ottawa alone, could, without difficulty, send three millions of Red Pine to Market annually, or three fifths of the average amount sent from the Ottawa for the last seven years.

In the foregoing estimate of the value of Timber delivered in Quebec, I have assumed an average value of 10d. for Red Pine, and 6d. for White. I have furnished the Department with all the information in my possession, (upon which any speculations on the probable duration of the lumber trade can be founded,) because further improvements upon the Ottawa must, in a great measure, be regulated by this question. It is to be hoped that the improvements already made, besides the direct benefits they confer, will have the effect of turning the attention of the lumbermen to a more economical management of the trade; and that by seeing the reduction of time and expense already obtained, they will become ambitious of reducing their expenses to a minimum.

That there is a great want of system and true economy in the trade, as conducted at present, is evident to every observer. But a very few rafts are towed, and as oars are never used but to keep them in the channel, their progress through the Lakes and slack water portions of the River (at an expense of about £5 per diem) is extravagantly slow; and this is stopped by the slightest adverse winds. Again, at the Rapids on the main River, weeks are frittered away, and the best pitch of water lost, when an organized system of pilotage might pass them in as many days. More enterprise upon the part of the lumbermen, better communications by the Government, and the settlement of the country, with the attendant increased facilities and appliances, must soon reduce the cost, and thereby increase the demand for the Ottawa Timber.

I have the honor to be,

Sir,

Your obedient Servant,

THOS. C. KEEFER,

Engineer, Ottawa Works.

To THOMAS A. BEGLY, Esquire,  
Secretary Public Works.  
Montreal.

No. 3.

Report of Mr. T. C. Keefer, upon the state of the Works, (Ottawa,) 1st June, 1847.

Bytown, June 1st, 1847.

Sir,

In reporting the present state of the Works under my charge, on the Ottawa, I have separated the "Slide and River Works," from the "Roads and Bridges."

SLIDES AND RIVER WORKS, OTTAWA RIVER.

The Slides and River Works constructed by the Government, are confined to the main stream of the Ottawa, and one of its largest tributaries, the Madawaska.

The most distant Works are those at the "Joachim Rapids," on the Ottawa River, about 150 miles above Bytown, where there is a slide and dam, overcoming a fall of about 20 feet. The river is navigable for cribs from Lake Temiskamang, about 150 miles farther up. The next obstruction, (coming down,) is at the Falls of the Grand Calumet, and of the Mountain, about 70 miles above Bytown; and at both of which places slides have been constructed, overcoming a fall of about 60 feet. About 4 miles below "The Mountain," are the Rapids of "Portage Du Fort;" here are two old slides, built by private parties, one on each side of the river, overcoming a fall of about 10 feet; the one on the North side is not now in use—that on the South side is in the possession of the Government, but is used only during high water, and passes but a small portion of the timber; the majority generally arriving at this place at the middle pitch of water, when the chutes can be run without a slide.

About 35 miles above Bytown, the next obstruction occurs, at the Châts Falls, where a slide has been built, overcoming a fall of about 38 feet; a slide has also been completed at this place, the last Winter, by Mr. Wright of Hull.

The last difficulty the timber has to encounter, is at the Falls of the Chaudière, at Bytown, where there are two slides, one on each side of the river—that on the South side being the property of the Government, and the other of Mr. Wright of Hull.

All the slides on the Ottawa are "crib" slides, passing the timber without the expense and delay of re-rafting; and since the completion of the Joachim slide, timber rafted in Lake Temiskamang, (300 miles above Bytown,) is floated to Quebec, without loss, delay, or damage, in one season. In connection with the slide, many obstructions have been removed in several of the Rapids, particularly in those of the Châts and Little Chaudière.

The Works on the Madawaska extend about 30 miles up the river, from its mouth; the principal of which, are the dams, slide piers, and booms, at the "High Falls;" the dams and piers at the "Ragged Chute," overcoming a descent of 107 feet; and the Rafting boom, in the Calabogie Lake. Several minor improvements have been made below the High Falls, extending nearly to the mouth of the river, consisting of more or less blasting in all the Rapids, and Side Dams at Barrett's and Landon's chutes, and at the Flat Rapids.

The Works at the High Falls of the Madawaska, differ widely from those on the Ottawa, inasmuch as they are constructed for the passage of loose timber, which is "driven," (for this river is not navigable for cribs above Calabogie Lake,) instead of cribs, (or small rafts,) guided by men with oars, as on the Ottawa; the timber is here left to the mercy of the current; the eddies fill and empty themselves irregularly, and small "jams" form, and are flooded off by the head of water they create, bringing down the timber in masses, which, in high water, get beyond the control of the Lumbermen, and destroy, or render useless, the booms and piers at the head of the Works. This result can only be avoided by a proper system of "driving," limiting the amount of timber put out within a given time from the main retaining boom at the head of the Works, which boom must be strong enough for any emergency, and preventing this timber from lodging in any considerable quantities between the retaining boom and the Works. How to enforce this system, is the chief difficulty; either the Government must employ sufficient force

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to drive the timber through the Works, and charge the Lumbermen with the expense; or they must place competent officers in charge of the Works, with the power and means to enforce the above regulations. If the Lumbermen are admitted within the limits of the Works, while all goes well, they become impatient of a safe policy, and force down their timber, until brought to their senses by the breaking of the booms, and the loss of their timber. In addition to the destruction of the Works, they claim exemption from slidage, on the ground of the failure of the Works. It is evident that Works cannot be maintained under this state of affairs. If, on the other hand, the Government assume the driving of timber, they must be prepared to hear the Lumbermen complaining of the expense, delay, &c. Nothing is to be hoped from any organization among the Lumbermen themselves. A "jam" is formed of the timber of five or six different parties,

each of whom has not enough "stuck" to warrant him in taking it off, and he wo'nt do so, as he must thereby also free his neighbour's timber, (next to not "sticking" themselves, the object is to have others stick—for the less arriving in market the better the price); so well aware were they of their want of union, that they applied to me last season to drive the timber through the Works. As this service was not paid for, they have been left to themselves this season, and the result of their management has been the destruction of a portion of the Works, and the loss of more timber in one day, than the whole expense of last year's driving.

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Annexed is a Statement of the Quantity of Timber passed through the different slides, in cribs; their loss up to June 1st, 1846; and their revenue for that season:

| Slide.                           | Cost to June 1, 1846. | No. of Cribs passed. | Slidage. |    |    |                                                        |
|----------------------------------|-----------------------|----------------------|----------|----|----|--------------------------------------------------------|
|                                  |                       |                      | £        | s. | d. |                                                        |
| Calumet and Mountain.....        |                       | 6036                 | 1509     | 0  | 0  | £2,676 expended by me. This amt. did not pass Calumet. |
| Portage Du Fort.....             |                       | 186                  | 18       | 12 | 0  |                                                        |
| Châts.....                       | £4,611                | 1,2345               | 3123     | 17 | 6  | { £4,728 expended on this River by me.                 |
| High Falls of Madawaska, &c..... |                       | 1,337                | 501      | 2  | 6  |                                                        |
| Chaudière.....                   | £4,639                | 7,245                | 1838     | 15 | 0  |                                                        |
|                                  |                       |                      | 6991     | 12 | 0  |                                                        |
| Total Slidage received, was..... |                       |                      |          |    |    | £7,066.                                                |

It is not by the mere revenue, however, that the value of Slides should be estimated; the great economy of time and expense, and the reduction of damages upon timber going to market, is their chief merit. Timber, which formerly was two years or more on its way, now arrives in one season. The improvement of the main river as a highway, which when arrived at, can be depended upon; and the expense reduced to some certain calculation, enables each Lumberman to go higher up on the tributaries, and to extend the hauling distance; drawing from a larger tract of country, and bringing timber to market, which, but for the slides, could not be reached. On this timber the Government receives the duty as a direct revenue, attributable to the slides; and the country the benefit derived from its manufacture, and transportation to market.

Another important advantage arising from the improvement of the river, is the absolute saving to the Government, and Lumbermen, of at least 10 per cent. of the timber, which, without slides, would be lost; at such places as the Calumet, and High Falls, before their improvement, the loss was frequently as high as 30 per cent. As the timber is not measured, and the duties not collected until it arrives at Bytown, where it is considered safe—of course, if ten per cent. is lost in the chutes on the way, this amount of duty is lost to the Government. And not the least important benefits conferred by the slides, is in the additional security given to the lives of the Lumbermen; it is in taking off jams about the chutes, that the greatest danger exists. The loss of life at some seasons on the Ottawa, is fearful; it is said that as many as 80 were drowned in the Spring of 1845; and the number last year could not have been far short of 50. It may not be thought improper here, to bring under the notice of the Government, the want of Coroners on the Ottawa; men are drowned, and, frequently, their bodies not re-

covered for several days, and when found, are dragged on shore, and interred, without inquest, or the rites of burial. Perhaps, if the causes of their death were inquired into, it might not unfrequently be shown, that "green hands," newly arrived emigrants; or *habitants*, had been sent in canoes, by some reckless foreman, to remove a jam in a rapid, where, none but old and experienced Lumbermen should venture. Another source of evil is in the number of unlicensed grog-shops with which the portages at the slides, as at the Calumet, are infested; almost every house on this portage kept and sold liquor last season. Men who have been all the winter temperate in their shanties, cannot be supposed to drink in moderation at this, perhaps their first opportunity—as the men pass backward after running the slide, and the dangerous chutes at the foot, they are beset at every point by these harpies; and perhaps the sober raftsmen, who in the morning ran the rapids with safety, before night loses his caution and his life.

ROADS AND BRIDGES.

The Roads which have been proposed as part of the Ottawa Improvements, are:

- The Road from Bytown to Pembroke, 85 miles.
- Do. do. L'Original, 54 do.
- Portage road, from Portage du Fort to head of Calumet..... 10 do.
- Do. at the Culbute..... 1/4 do.
- Do. at the Joachim Rapids, 2 do.

For the road from Bytown to L'Original, there is a special appropriation; but the remaining roads being considered as part of the improvements for facilitating the transport of supplies to the Lumbering Districts, were included in the general appropriation for "Slides and River Works, and Roads connected therewith," of £15,110; (vide Appendix,

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letter S.—Report of Chairman, Board of Works, December, 1844.) The slides being considered the most important, were first constructed; and as large additional expenditure was necessary at the Calumet, Mountain, and High Falls of the Madawaska, a large portion of the original amount intended for these roads was consumed in the slides, and River Works; none of these works, therefore, have been commenced. The surveys of the two first have been completed, and the timber has been procured for the principal bridges. The prosecution of the Bytown and L'Original Road has been delayed, on account of a dispute as to the proper route to be taken.

The want of Roads and Bridges in this part of the Province is most severely felt. With the exception of the Road to Richmond, which is almost impassable in the spring and autumn, there is now no passable route for a wagon, in any direction, at ten miles from Bytown. There are several reasons for this, the chief of which are, the many physical difficulties which the country presents, the large size and frequency of the tributaries of the Ottawa, requiring expensive Bridges, which are exposed to heavy annual freshets; the thinness of the population, and the fact, that the business is chiefly done in the winter, after the snow has fallen, and ice has formed a road on different streams. The existing land roads, therefore, may be considered chiefly as temporary, and Winter Roads are not such as should be selected for permanent and Summer highways; the want of Bridges prevents their being used as wagon Roads, and, therefore, little or no statute labor is done upon them. In consequence of the number of large Bridges required, the sparseness of the population, and from the fact, that a large portion of the lands are still in the hands of the Government: this section of the Province seems to have peculiar claims for Government assistance in these respects; and it should be remembered that the business done is not in proportion to the light population, but much heavier than in many of the best settled portions of the Province. And further, the fact that the transportation is chiefly done in winter, renders thorough land Roads and Bridges the more necessary. Most of the teams employed in transporting provisions to the shanties and hauling timber, come from the lower part of the Ottawa, from Glengarry and the front Districts of the St. Lawrence. Upwards of 2,000 of these teams are yearly employed above Bytown. As the ice gives way first in the tributaries, and since these are not Bridged, teams working several hundred miles above Bytown, are obliged to quit work nearly a month sooner than would be otherwise necessary, in order to get home while the ice lasts, to the great injury and inconvenience of the Lumbermen. Had they a land Road, they could remain as long as required, as the snow lasts long after the ice is unsafe, or they could get home on the bare ground. In short, the increase of business, and of the wants of the country, the consequences of the extensive prosecution of the Lumber trade, has been so rapid, that Roads and other improvements have not kept pace with the prosperity and population of the Ottawa.

As these Roads, therefore, are not to be looked upon as highways in an Agricultural District, but equally with the slides, as a portion of the improvements designed to reduce the cost of supplies, and facilitate the manufacture of timber; it seems but reasonable that some fund derived from this trade should, in time, be set apart for their construction, in order that some permanent benefit should accrue to that part of the Province which contributes so largely to

the Provincial Revenue. After the timber is swept away, the Agricultural inducements of the Upper Ottawa will be insufficient to open up the country within a reasonable period. The proportion of arable land is small and much scattered. The land which furnishes the timber is generally unfit for cultivation, but by means of its perishing product, it is (if taken in time) able to furnish the means of reaching and using that which is available.

The opposition which has been experienced in establishing the line of a main Road up the Ottawa, from the variety of interests excited, is of course known to the Department. From what has been said of the character of the Roads in this District, it may be inferred, that great and general changes in the location have been found necessary; that these would be opposed, in many instances, was to be expected. The population of the District on the Ottawa is chiefly composed of "Old Countrymen," who attach an undue value to mere acres; the consequence is, that although each wish a road, they endeavor to force it through their neighbor's grounds; and the principal reason why the roads are generally so badly located, is, that the settler throws open a way through that portion of his land (when he can) which he considers fit for nothing else, only to prevent a better route being forced through by the requisite number of freeholders, with a surveyor at their head. The roads thus grudgingly given, through many of the clearances, are constantly encroached upon by the farmer, until, as in many instances, they are only 15 or 20 feet wide between the fences, and, of course, are drifted full in winter.

The early settlements of the Ottawa were chiefly confined to the banks of the river. It has been frequently remarked, with regard to this river especially, that the land on the banks is comparatively poor, and not an index of the Valley of the Ottawa. The front of the river is moreover much cut up by ravines, and indented with bays, making any main road following the banks of the river both circuitous and expensive. In the laying out a main road, therefore, for the accommodation of both the Lumber trade and the public, it is desirable to make the route as direct and smooth as possible, (particularly on account of the distance to which supplies have to be carried by teams,) in order to reduce the cost of transportation. It is sufficient that the road touch the river at the most important points; and more reasonable that short branch roads, to strike the main one, should be constructed by some of the settlements, than that the attempt should be made to conciliate all parties, by twisting the road; thereby increasing the length of haul to the whole of the through traffic.

I have the honor to be,  
Sir,  
Your obedient Servant,

THOS. C. KEEFER,  
Engineer, Ottawa Works.

To THOS. A. BEGLY, Esquire,  
Secretary, Public Works,  
Montreal.

Appendix  
(L. L.)  
4th July.



Appendix  
(L. L.)  
24th July.

Appendix  
(L. L.)  
24th July.

No. 4.

ABSTRACT STATEMENT, shewing the Amount of Work done, in Chopping, Clearing, Grubbing, &c., and to be done, on the "Front Line" of Road between the Townships of Gloucester and the Village of Hatfield, in Plantagenet, with the Bridges and Culverts on each Mile, taken from Mr. West's final Report and Estimate; with a Description of Timber, Soil, &c., quoted from Mr. West.

| Number of Mile.   | Distance remaining on each Mile to be chopped and cleared. | Width remaining on each Mile to be chopped and cleared. | Width of present Road where chopped out. | Distance on each Mile yet to be grubbed. | Width of grubbing yet to be done on each Mile. | Distance on each Mile requiring road formation. | No. of Bridges. | No. of Culverts. | Remarks of Mr. West, as to the quality of Timber, Soil, &c. (In his own words.)      |
|-------------------|------------------------------------------------------------|---------------------------------------------------------|------------------------------------------|------------------------------------------|------------------------------------------------|-------------------------------------------------|-----------------|------------------|--------------------------------------------------------------------------------------|
| 11th              | Whole mile.....                                            | 50 feet.....                                            | 16 feet.....                             | Whole mile.....                          | Full width.....                                | Whole mile.....                                 | .....           | 3                | " Pine, hemlock, ash, &c. Soil not mentioned.                                        |
| 12th              | 65 chains.....                                             | 40 do.....                                              | 26 do.....                               | do.....                                  | do.....                                        | do.....                                         | 2               | 3                | Timber and soil not mentioned.                                                       |
| 13th              | Whole mile.....                                            | 50 do.....                                              | 16 do.....                               | do.....                                  | do.....                                        | do.....                                         | 2               | 4                | " Woods of heaviest kind, mostly pine and hemlock—heavy grubbing."                   |
| 14th              | do.....                                                    | 52 do.....                                              | 14 do.....                               | do.....                                  | 24 feet.....                                   | do.....                                         | .....           | 4                | " Chopping and grubbing not very heavy; generally hardwood timber."                  |
| 15th              | do.....                                                    | 52 do.....                                              | 14 do.....                               | do.....                                  | Full width.....                                | do.....                                         | .....           | 4                | " Timber, mixed—hardwood, pine, and hemlock."                                        |
| 16th              | 59½ chains.....                                            | 52 do.....                                              | 14 do.....                               | 59½ chains.....                          | do.....                                        | do.....                                         | .....           | 3                | " Mixed timber—hardwood, pine, and hemlock."                                         |
| 17th              | None.....                                                  | None.....                                               | 66 do.....                               | £2 0 0.....                              | £2 0 0.....                                    | do.....                                         | 1               | 3                | " Through cleared land; soil sandy; good for road."                                  |
| 18th              | 55 chains.....                                             | 60 feet.....                                            | 6 do.....                                | 55 chains.....                           | Full width.....                                | do.....                                         | 1               | 3                | " Heavy clearing—pine, hemlock, birch, ash, &c.; hilly, uneven land."                |
| 19th              | 65 do.....                                                 | 52 do.....                                              | 14 do.....                               | Whole mile.....                          | do.....                                        | do.....                                         | 2               | 1                | " Pine, hemlock, birch, ash, &c.; some parts very wet; heavy clearing and grubbing." |
| 20th              | 67½ do.....                                                | 50 do.....                                              | 13 do.....                               | do.....                                  | do.....                                        | do.....                                         | .....           | 6                | " Pine, hemlock, ash, spruce, &c.; heavy clearing and grubbing."                     |
| 21st              | 55 do.....                                                 | 48 do.....                                              | 18 do.....                               | 53 chains.....                           | do.....                                        | do.....                                         | 2               | 4                | " Lighter than those last; clay soil; level."                                        |
| 22nd              | 40 do.....                                                 | 60 do.....                                              | 16 do.....                               | 40 do.....                               | do.....                                        | do.....                                         | 2               | 0                | " Pine, hemlock, ash, &c."                                                           |
| 23rd              | 75 do.....                                                 | 50 do.....                                              | 16 do.....                               | Whole mile.....                          | do.....                                        | do.....                                         | .....           | 6                | " Pine, hemlock, ash, cedar, &c.; heavy clearing."                                   |
| 24th              | 57½ do.....                                                | 50 do.....                                              | 16 do.....                               | do.....                                  | do.....                                        | do.....                                         | .....           | 3                | " Woods very heavy—pine and hemlock; soil, sandy loam."                              |
| 25th              | Whole mile.....                                            | 52 do.....                                              | 14 do.....                               | do.....                                  | do.....                                        | do.....                                         | 3               | 4                | " Mostly heavy pine and hemlock timber; heavy grubbing; some low, wet places."       |
| 26th              | 10½ chains.....                                            | 66 do.....                                              | 14 do.....                               | 10½ chains.....                          | do.....                                        | do.....                                         | 1               | .....            | " Remainder, in clearing, is fully open."                                            |
| 27th              | 46½ do.....                                                | 66 do.....                                              | .....                                    | 46½ do.....                              | do.....                                        | do.....                                         | .....           | 3                | " Only part very in woods."                                                          |
| 28th              | 62½ do.....                                                | Not mentioned.....                                      | .....                                    | Whole mile.....                          | do.....                                        | do.....                                         | .....           | 4                | " Heavy pine and hemlock; part low alder swamp."                                     |
| 29th              | 60 do.....                                                 | 66 feet.....                                            | .....                                    | do.....                                  | do.....                                        | do.....                                         | 1               | 3                | " Heavy pine land from beginning to end."                                            |
| 30th, Clifford's  | 72½ do.....                                                | Not mentioned.....                                      | .....                                    | do.....                                  | do.....                                        | do.....                                         | 3               | 6                | " Heavy pine, mixed with balsam, ash, &c.; low, wet land."                           |
| 31st              | 75 do.....                                                 | 50 do.....                                              | 14 feet.....                             | do.....                                  | do.....                                        | do.....                                         | 1               | 7                | " Pine, hemlock, cedar, ash; low, wet land."                                         |
| 32nd              | 75 do.....                                                 | 52 feet.....                                            | 16 do.....                               | 75 chains.....                           | 22 feet.....                                   | do.....                                         | 2               | 7                | " Pine, hemlock, ash, spruce; nearly all very wet land."                             |
| 33rd              | 50 do.....                                                 | 50 do.....                                              | 16 do.....                               | do.....                                  | Whole width.....                               | do.....                                         | 2               | 8                | " Heavily timbered—pine, hemlock, ash, balsam, and spruce."                          |
| 34th              | 39 do.....                                                 | 50 do.....                                              | 16 do.....                               | Whole mile.....                          | do.....                                        | do.....                                         | 2               | 6                | " Not very heavy clearing, but heavy pine grubbing."                                 |
| 35th              | Whole mile.....                                            | 52 do.....                                              | 14 do.....                               | do.....                                  | do.....                                        | do.....                                         | .....           | 6                | " All through woods; rather light clearing."                                         |
| 36th              | do.....                                                    | 52 do.....                                              | None.....                                | do.....                                  | do.....                                        | do.....                                         | .....           | 6                | " All in woods; to be entirely cleared and grubbed."                                 |
| 37th              | do.....                                                    | Whole width.....                                        | .....                                    | do.....                                  | do.....                                        | do.....                                         | 3               | 4                | " Whole section in woods; not heavy clearing."                                       |
| 38th              | do.....                                                    | 52 do.....                                              | 14 feet.....                             | do.....                                  | do.....                                        | do.....                                         | 1               | 4                | " Whole section in woods; not heavy to clear or to grub."                            |
| 39th              | 70 chains.....                                             | 52 do.....                                              | 14 do.....                               | 75 chains.....                           | Not mentioned.....                             | do.....                                         | .....           | 4                | " Greater part in woods; not very heavy clearing."                                   |
| 40th, to Hatfield | 62½ do.....                                                | 52 do.....                                              | 14 do.....                               | 62½ do.....                              | do.....                                        | do.....                                         | 3               | 8                |                                                                                      |
|                   |                                                            |                                                         |                                          |                                          |                                                |                                                 | 34              | 139              |                                                                                      |

THOMAS C. KEEFER,  
Engineer Ottawa Works.

Appendix  
(L. L.)

No. 5.

Report of Mr. James West, on L'Original and Bytown Road.—22nd August, 1845.

L'Original and Bytown Road,  
Encampment near Caledonia Springs,  
22nd August, 1845.

Sir,

I have the honor to inform the Board, that I have completed the Survey of this Road, to within about three miles of L'Original; and have all things prepared to proceed with the specifications, estimates, &c.

As soon as I had finished the plans, estimate, &c., for the Bridge over the West Branch of the Rideau, on the road from the Gatineau Ferry to Bytown, and transmitted them to the Board, I procured a guide, and proceeded from Bytown down to examine the route, and obtain a general knowledge of the country through which it passes. I made a general reconnaissance of the whole, on foot, and arrived in about five days in L'Original, where I expected to have hired my party, get provisions, &c. for my instrumental survey back to Bytown.

Having gone through the route, I found I must have a tent, cooking utensils, blankets, &c. for my party, as the few settlers on the route were generally residing off the road, near the Ottawa, and much inconvenience and loss of time must result, if I depended on boarding and sleeping with them, besides much discomfort in other respects. On inquiry at L'Original, I found that I could not there obtain pork, biscuit, or much else that I wanted; and that it would be necessary for me to return to Bytown to obtain a party, provisions, &c. This I did.

I found a good deal of difficulty and delay in hiring hands, as hay harvest had commenced, and all were busy at it.

Having completed my party, and arrangements, I proceeded on my Survey, commencing at the Court-house door in Bytown, and numbering and planting a good substantial mile-post at the end of every mile.

At the post marking the end of the sixth mile, and beginning of the seventh, I commenced to number the Sections, considering these six miles would do for the present, without any outlay; the seventh mile, therefore, is the first section, and begins at Green's Creek.

The soil from here to Hatville is, with one or two exceptions, blue clay, intermixed with redish; this being the constituent of the whole country from the Ottawa back, resting at a good depth, generally, on a limestone formation. The Road is located on a table of this, standing at different points, at a height, varying from twenty to eighty feet, or more, above the surface of the Ottawa River; and is, in the greatest part of the route, at the base of an ascent, the top of which is the table forming the general surface of the country back. All the creeks and rivers coming from the interior, cut into this clay, and form deep ravines and gullies for their beds, making the bridging expensive, and requiring a good deal of care to locate the bridges and the road, in its descent and ascent to and from the bridges, in such a manner, as to make the descent and ascent the most gentle possible. As the bridges are now loca-

ted, the road comes straight down upon them on the one side, and straight up on the other, without any care to avoid the precipitancy on either side. I have had to alter this, in almost every instance; and I think I will be able, without any very great expense, to make the road at these points in such a manner as will reduce ascents and descents, which are now, from 1 in 1, to from 1 in 2, to a grade that will not be more than from 1 in 12, to 1 in 16, as the ground will answer. The examination for this purpose delayed me a good deal; but the subject is one of great importance in making a Road on either side of the Ottawa River.

Having arrived at Fox's Creek, in compliance with my instructions, I took a direct course for Hatville, to examine the route suggested in Mr. Walton's Report. I continued the survey and exploration for a distance of six miles—this was through a dense forest, mostly of pine, with a thick growth of underwood. Lumbering has been carried on all through here, for 30 or more years, filling the woods with fallen timber, and, of itself, rendering it very expensive to open a road through it. But this would be the least difficulty; the ground is nearly one succession of ridges, knolls, swamps, and gullies; and a much larger proportion of wet swamp, than on the point. Having gone the distance I mention, I was convinced that the route was suggested without any knowledge of the ground; that it would be at least twice as expensive as the front, and very little shorter, if any kind of shapely ground should be selected. On these and other accounts, which will be mentioned in the more detailed Report, I abandoned the route, knowing it would be only losing time, and creating useless expense, to pursue the survey any further.

I resumed my survey on the front, where I had stopped, and continued on to what is called Jessup's Falls, or New Inverness, on the Nation River, within about four miles of Hatville. To here, the road has been located, and partly opened; but from here, for some distance, it was neither located nor opened; so that I had nearly two miles of cutting to do, through very thick woods.

Having arrived near Shannon Cottage, I called on Colonel Kearnes, who used me in the most kind and hospitable manner; and gave me a great deal of information about roads and bridges, which I received with all due deference.

At Hatville, I made a thorough examination of the Nation River, and have fixed upon a site for the Bridge; one that I think will, in nearly all respects, be more suitable than the one used heretofore.

I have, in only two or three instances of any note, deviated from the old location; and that where the road is shortened, and evidently bettered. I shall prepare a detailed Report, with plans, estimate, &c., with the least possible delay.

I have the honor to be,  
Sir,  
Your most obedient humble Servant,

JAMES WEST.

THOS. A. BEOLY, Esq.,  
Secretary, Board of Works,  
Montreal.

Appendix  
(L. L.)

5th July.

Appendix  
(L. L.)

No. 6.

5th July.

Remarks of Mr. James West on Ravines and Gullies  
on Front Route; 15th April, 1846.

Rear of Matilda, 15th April, 1846.

Dear Sir,

Enclosed you have a rough Map of Hatville, and the part of the Nation River near it; shewing the position of the old Bridge, with the road leading to and from it, and the place I propose to erect the new Bridge, with the position of the road leading to and from it. You have likewise a rough elevation of the Piers and Stringers of the Bridge as I propose it should be erected.

I took the width of the River by triangulation, the angles taken with the compass, and make the width 356 feet from bank to bank. It may, on actual measurement, or with the angles taken with the Theodolite, differ a little from this, but I think nothing of any consequence.

At the time I took the soundings, the water was just running over the dam, being pretty low; the rough draft of the elevation shews the depths precisely, the deepest place being about 7 feet 6 inches, and the centre about 6 feet, and so shallowing to both shores.

As you see I have made the estimate for both frame and crib work, the latter I by all means prefer, and would most strongly recommend, as I have already, for the Bridges on the road on North side of the Ottawa, in my Report to the Board of Works on that route, sent a day or two before I received your letter, directing the estimate for this.

Piers of crib work, filled with stone, may at the outset cost a little more, but they are ultimately the most economic, and by far the most secure; the parts of the piers constantly under water, (in this case, say on an average 6 feet,) will last for ages, and may be made of hemlock or course pine, which is plenty and cheap in the vicinity. The part above the water should be of good sound straight cedar timber, the whole well secured with cross ties and treenails, and securely floored and well filled in with stone, which is likewise convenient and abundant. Such a Bridge will fully resist floating ice, cribs of timber, floodwood, and even the axe of the lawless raftsman.

When the parts of such a Bridge which stand above the water get decayed, and require renewal, they may be removed, and a new superstructure raised on the parts under the water, which, if originally well made, will be good.

One of the greatest objections to the use of piers of crib work, is their filling the channel of the River, and so obstructing the water, and causing it to overflow the land further; but when we take a proper view of this, it is not a matter of so much importance as at first sight would appear. There is never high water in the Rivers of this country at any time, but early in the spring, on the melting of the snow and ice, and then it is extremely high, only five or six days at the most, when the first great rush comes; and except in the Ottawa occasionally, it gets down from lands fit for cultivation or grass, long before the grass begins to grow, or any thing can be sown or planted; so that so far it is rather a benefit than an injury.

Appendix  
(L. L.)

5th July.

In this Bridge at Hatville I have put the string pieces on an average ten feet above the ordinary height of the water; this will be required to give the timber cribs a free passage during high water in the spring; and the bays are made of such a width as will be quite sufficient for the timber cribs to pass, and at the same time be less expensive and more durable than wider ones.

The timber cribs on the Nation River are never over 20 feet wide, the general width being 18 feet, and they are never banded or lashed together until they arrive at the basin below Jessup's Falls, so that nothing more than a crib will require to pass at once, and it can pass through any of the bays.

The banks of the ravines and gullies will require in most cases to be cut down, the excavation from them will furnish material sufficient for the formation of the approaches and filling in of the abutments.

Nearly all the streams on the route pass in deep ravines or gullies, and will require good cribbed abutments, raised high and well filled with stone and earth, or earth; this will make them more durable, and by narrowing the waterway to the least possible width to allow the highest water to pass, will so shorten the covering and string pieces, or rather the string pieces and covering, as to make their expense now, and in future, a mere trifle.

I regret that you were under the necessity of sending a messenger for the estimate; I got through with it as fast as possible, and hurried it on to you without delay; I trust you got it safe, and that it suited you.

I remain,

Dear Sir,

Very truly, your obedient Servant,  
JAS. WEST.THOS. C. KEEFER, Esquire,  
Engineer, Ottawa Works,  
Bytown.

No. 7.

Copy of a letter by the Deputy Post Master General,  
on Mail Route between Montreal and Bytown,  
3d December, 1844.General Post Office,  
Montreal, 3d December, 1844.

Sir,

I think it my duty respectfully to solicit the attention of the Governor General to representations which I have had the honor repeatedly to address to His Excellency's Predecessors, Lord Seaton and Lord Sydenham, and, before their time, to other Governors General, upon the wretched condition of the roads in the Ottawa Country, above Grenville, on the North Bank of that River, and L'Orignal on the South. On the latter shore, indeed, the Post communication is absolutely broken off altogether, between Plantagenet and Bytown, from the impracticability of a portion of what is called a "Road" upon the map, and the entire absence of any road, for some fifteen miles of the distance; and this upon one of the main Rivers of the Province, within about eighty miles of Montreal.

On the North Shore, the case is hardly better: a road to connect Grenville with Hull (60 miles) was

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opened about twenty-eight years ago, and some thousands of pounds of public money were expended upon it; but as the work was not then completed, and that no improvement upon an adequate scale has been made since, some portions of the route are, to this day, totally impracticable for wheel carriages, and many of the large streams which cross the road are without bridges. The consequence is, that during the greater part of the year, this department experiences the utmost difficulty in maintaining the Post communication upon what has become the second most important Mail-route in the Province. The inconveniences which thereby accrue to the residents of the Ottawa Country, and to their mercantile connexions in Montreal, gives rise to complaints which it is out of my power to redress, and which are most serious and harassing.

Trusting that this appeal may be found to merit the notice of the Governor General, and that His Excellency will be pleased to take such steps as may be advisable to secure good and available roads for the transmission of the Mails upon both banks of the Ottawa, to the west of the Long Sault,

I have, &c.,

(Signed,) T. A. STAYNER,  
D. P. M. G.

Hon. D. DALY,  
&c. &c. &c.

No. 8.

Letter of Mr. D. S. Walton, 24th February, 1847;  
relative to the Estimate for the Expenditure on  
the Front Route.

Montreal, 24th February, 1847.

Sir,

In reply to the inquiries proposed in your communication of to-day, concerning my report of the 19th November, 1844, upon the route for the Bytown and L'Original Road; I beg to state, for the information of the Department, that it and the estimate were not founded upon actual survey, but upon a personal examination of the Front Route, by travelling over it, (as per instructions.)

Also, that I should deem it advisable, by all means, before any expenditure was made upon the Front Route, to examine the country farther to see if a better one could not be found.

I have the honor to be,  
Sir,

Your obedient Servant,

D. S. WALTON.

THOS. A. BEGLY, Esquire,  
Secy. Department Public Works,  
Montreal.

No. 9.

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Letter from Clerk of the Ottawa District Council, to Mr. Neil Stewart, M. P. P., of 18th August, 1846; with two Memorials of that Council to Governor General.

District Office,  
L'Original, 18th August, 1846.

Dear Sir,

I have your letter of to-day's date, requesting me officially to inform you, whether (1.) The District Council memorialized, or ever authorized the Warden to memorialize His Excellency to cause the Government grant on the Bytown and L'Original Road to be expended on the front, in preference to the central road; or, (2.) Whether any vote or resolution was passed by the Council preferring the Front Road.

In answer to your letter, and speaking from the records of the Council's proceedings; I have to reply to both your queries in the negative.

At the same time I would refer you to the printed copy of the Council's Memorial to the Government, and relative Resolution appended to it, (signed by yourself as Chairman *pro tempore*,) of August, 1842, suggestive of the site of a Main Central Road;—and which was renewed by another Memorial of the Council, adopted in their meeting of November, 1843. This latter Memorial (not printed) was forwarded to the Provincial Secretary by the former Warden, Mr. Low, on the 16th of the same month.

And, I may add, that the District Council did not adopt any Memorial, vote, or resolution on the same subject, contradictory of the above.

I have the honor to be,  
Sir,

Your most obedient Servant,

DON. McDONALD, E.  
District Clerk for Ottawa District.

NIEL STEWART, Esquire,  
M. P. P., &c.  
Vankleeckhill.

To His Excellency, the Right Honorable Sir Charles T. Metcalfe, Baronet, G.C.B., Governor General of British North America, &c. &c., in Council.

The Memorial of the District Council of the District of Ottawa, in Quarterly Meeting assembled, on the 14th day of November, 1843:—

Humbly Sheweth,

That your Memorialists, having understood that it is in contemplation, during the present Session of the Legislature, to appropriate a certain sum out of the Provincial Funds, for the improvement of Roads in this District, they feel it to be their duty, as representing the inhabitants in such cases, to respectfully declare, that, in their opinion, the interests of the community at large would be most advantageously subserved and promoted, by having the said appropriation laid out and expended upon a Main Central Road, leading from the Eastern Line of the District, by the Caledonian Springs, Hatfield, in Plantagenet.

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and through the centre of Clarence and Cumberland, to the Town of Bytown; whereby many Tracts of Land would be laid open for early settlement.

Your Memorialists, therefore, humbly pray, in determining the site for the above expenditure, their present representation may receive Your Excellency's most gracious consideration.

And your Memorialists, &c.

(Signed,) NIEL STEWART,  
Chairman, *pro tem.*

Cimbleton,  
L'Original, 14th Nov. 1843.

To His Excellency the Right Honorable Sir Charles Bagot, G. C. B., Governor General of the Province of Canada, &c. &c. &c.

In Council.

The Memorial of the District Council of the District of Ottawa, in Quarterly Meeting assembled, on the ninth day of August, one thousand eight hundred and forty-two:—

Humbly sheweth,

That your Memorialists consider it extremely important for the general advancement of the interests of this Province, that a more equable practice were adopted as to the distribution of the Parliamentary money grants for public improvements, whereby each District might receive a due proportion of such grants.

That the Districts in the vicinity of the Ottawa River have hitherto been manifestly overlooked in this respect, to a very injurious degree, notwithstanding that large sums of revenue from Crown timber duties have been annually collected there; and as to the District of Ottawa, its share of Parliamentary appropriations has heretofore been very inconsiderable, and none such were received here since the year 1837. The state of the Public Roads is therefore very imperfect, while the District revenues are altogether inadequate to any plan of improvement on a desirable and efficient scale. A great desideratum, also, in the improvement of this District, is the completion of a Main Road through it from east to west, which would lay open many tracts of land to early settlement, which are now shut up. Such a Road, beginning at the Eastern extremity of the District and leading into Bytown, a distance of seventy miles and upwards, has been recently laid out, but in many parts it has not been opened, and a sum of £4,500 would be requisite to render the same efficient.

That of the monies voted for public improvements, in the last Session of Parliament, no part whatever was given for this District.

Your Memorialists, therefore, humbly pray, that Your Excellency will be graciously pleased to give a favorable consideration to the claim of the Ottawa District, to a share of the public monies, and to direct that a due proportion of the appropriations to be made in the ensuing Session of the Legislature, for public improvements, may be awarded to this District, for the completion of the said Main Road.

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And your Memorialists, as in duty bound, will ever pray, &c. &c. &c.

Signed in behalf of the Council,

(Signed,) NIEL STEWART,  
Chairman, *pro tem.*

Certified,  
DONALD M'DONALD, (F.)  
District Clerk.

L'Original, 9th August, 1842.  
(L.S.)

(Resolution relative to the above Address.)

On motion of Mr. Fletcher, seconded by Mr. Brady:—

“Resolved,—That in the event of any money grant being fortunately obtained for public improvements in this District, in the ensuing Session of Parliament, the same should be expended on the Main Centre Road through the District, from the Eastern extremity at the Rigaud line, by Hatfield, and the centre of Clarence and Cumberland, in preference to any other: and that, in the meantime, the Wild Land Assessment money belonging to Clarence and Cumberland be expended in completing the front line in said two Townships as a bridle Road.”

Yeas: Brady, Fletcher, Higginson, Johnson, M'Master,—5. Nays: M'Caul, Petrie,—2. Majority, 3.

Certified, DON'D. M'DONALD, (F.)  
District Clerk.

No. 10.

Report of a Road from Hatfield to Fox's Point.

(Copy.)

Bytown, March 10, 1846.

Commenced at Hatfield on the Concession Line between the 4th and 5th Concessions of Plantagenet, a course of 10 degrees South of West to the West of No. 22, finding the land as follows: from Hatfield, on the said course. A Road cut and made by public money 2½ miles; from thence to Lot No. 18, on a ridge land, where I met with about 10 acres wide of Tamarack swamp; from thence to Lot 20, on the same line, where I met a small brook 12 feet wide; from thence to Lot 22, on the same line, where I met another small brook about 14 feet wide; from thence to of 22 on the same line; from thence in a North-West by West course, until I intersected the boundary line between Plantagenet and Clarence, proceeding on the same course, North-West, by West, on ridge land, until I met a small piece of rising ground about 15 feet high, on hard wood land; after crossing said hard wood ridge to a birch tree, blazed on 4 sides, where I met a gentle descent about 12 feet, into greenwood land, from thence in a North-West direction, chiefly Pine ridge, for a considerable distance, until I met with two small brooks within a little distance of each other, the largest about 10 feet wide, keeping the same course on a Pine ridge, until I came to a pretty large windfall, partly burned over; from thence through a

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small piece of greenwood, to a piece of hardwood, about 1 mile from the Bytown Road, keeping the same course, until I intersected the Bytown Road, about 2 acres West of a post on said road, marked 25 miles on the West side, and 20 sections on the East side; said post standing on the East side of Fox's Creek, about 5 acres, blazing a line all through, and finding no gullies on the whole route.

(Signed,) JOHN BEGGS,  
Township Surveyor, Plantagenet.

No. 11.

Two Petitions of Inhabitants of Ottawa District, to Governor General, in favor of the route recommended by Mr. Keefer.

To His Excellency, Lieutenant General, the Right Honorable CHARLES MURRAY, Earl Cathcart, of Cathcart, in the County of Renfrew, K. C. B.; Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same; and Commander of the Forces in British North America.

The Memorial of the under-signed Inhabitants of the Ottawa District,

Humbly sheweth:

That in consequence of numerous Petitions and applications, an Officer of the Board of Works, Mr. Walton, was sent in 1844 to examine the route for a Road between L'Orignal and Bytown.

That a Line of Road called the "King's Road," or "Front Road," from Hatfield, on the Nation River, to Green's Creek, in Gloucester, has been established for 25 years; that said Road is located on the banks of the Nation and Ottawa Rivers, following the windings of both, and crossing numerous gullies at most disadvantageous points. That these gullies are many of them of great depth, cut through a clayey soil, and the banks being steep, the abutments for their Bridges are, from the effects of frosts and freshets, liable, as has already happened, to be undermined by Slides, destroying the Bridge, and stopping the travel.

That the above Road, although many years established, and on which Government money has been thrown away, is not, and never has been passable, summer or winter, for sleigh or by horse; a portion has never been cut open, another portion is closed up by a second growth of trees; the Bridges which have been long built and seldom used, are mostly of round logs, and are now nearly rotten.

That in consequence of the number and steepness of these gullies, and the proximity of the Road to the River, even those portions of it which are opened and bridged, are only travelled occasionally by a settler, the ice being taken in preference; thus when the ice becomes bad in the spring, the "King's Road" is blocked up with snow, untracked, and the ice must be followed at frequent loss of life and property.

Mr. Walton, upon whose Report and Estimate the grant was based, recommended a direct line from Hatfield, to intersect the Front Road near Fox's Creek, hoping to save two miles of distance by cutting off some of the windings of the River, and to avoid the greater number of the gullies which lie

between these points; he also recommended changes in the King's Road, between Fox's and Green's Creek, for the purpose of shortening it, and of crossing the gullies at more favorable points.

In July, 1845, Mr. West, a Road Surveyor, was employed by the Board of Works to carry out the objects proposed in Mr. Walton's Report; instead, however, of straightening the Road, or seeking more favorable points to cross the gullies between Green's and Fox's Creeks, Mr. West followed faithfully the old track, even restoring it in one instance where the settlers had found it necessary to alter it. At Fox's Creek he made one attempt at the deviation proposed by Mr. Walton, but meeting with some difficulties, he immediately returned to the old route, and followed all its windings and crossed all its gullies until he arrived at Hatfield.

In consequence of the general dissatisfaction expressed at the course taken by Mr. West, the work was not proceeded with; and Mr. Thomas Keefer, Engineer of Ottawa Works, was directed to examine and report upon the question. Mr. Keefer recommended a route which secures both the objects proposed in Mr. Walton's Report, viz.: shortening the route, and avoiding the gullies, and this to a greater extent. All these Reports, Maps, &c., were laid before Parliament and the Executive; the Members for Prescott, Russell, Bytown, and Carleton, were present; the subject must have been fully discussed, and the Executive decided upon the route recommended by Mr. Keefer. This route was accordingly surveyed, and has in every respect proved satisfactory; the route is shortened four miles, all the gullies are avoided, and there is but one small Bridge, opposed to upwards of thirty in the corresponding route by the old "King's Road."

Your Memorialists would here remark, that the Ottawa District Council have uniformly decided that when this grant was obtained it should not be expended on the "Old Front," or "King's Road." It is therefore with regret they have learned that the Member for Russell has succeeded in establishing a contrary conviction on Your Excellency's mind, by Memorials he has made to Your Excellency, (signed as Warden of the District); and they have now the satisfaction to state, that the same Council have, during their last Session, in the present month, by a vote of more than two to one, decided in favor of the route recommended by Mr. Keefer, in "preference to any other hitherto proposed."

The small party in favor of the old "Front Road," having no hope of successful opposition on the ground of the respective merits of the two routes, now fall back upon the words of the appropriation, losing sight, wholly, of the spirit of that appropriation, and of the report upon which it was based.

Your Memorialists would merely state, that the route surveyed by Mr. Keefer complies with the specifications of the Grant, (viz.: going by Green's, Leonard's, Beckwith's, and Fox's Creeks, to Hatfield,) with the exception of the word "Clifford's;" and they further beg to state, that there is no such place as "Clifford's" on the route.

Your Memorialists, therefore, pray that the decisions of the Executive Council, and of the Ottawa District Council, may be carried out; and that the work may be commenced as soon possible, in order that it may be cut out for a Winter Road.

And your Memorialists, as in duty bound, will ever pray.

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| NAMES.                 | OCCUPATION.    | TOWNSHIP.       | No. | CON. |
|------------------------|----------------|-----------------|-----|------|
| William Kirby, J.P.D.  |                |                 |     |      |
| Elijah Brown, J.P.O.D. |                |                 |     |      |
| Chauncey Johnson, J.P. |                |                 |     |      |
| John Ramsay            | High Constable |                 |     |      |
| Peter M'Lauren, J.P.   |                | Caledonia       |     |      |
| Thomas Higginson, J.P. |                | Hawkesbury      |     |      |
| Henry W. M'Cann        |                | Do.             |     |      |
| Charles Waters         |                | Do.             |     |      |
| John Brady, J.P.       |                |                 |     |      |
| John Patten, J.P.      |                |                 |     |      |
| Humphrey Hughes        | Coroner        |                 |     |      |
| Donald Macdonald, J.P. |                | Plantagenet     |     |      |
| Morris Shine           |                | Do.             | 19  | 10   |
| Alexander Findlay      |                | Cumberland      | E.  | 7    |
| A. Parker              |                |                 |     |      |
| Stephen Smith          |                |                 |     |      |
| Henry Clifton          |                |                 |     |      |
| Nathan Capron          |                |                 |     |      |
| J. L. Wilkinson        |                |                 |     |      |
| T. H. Johnson          |                |                 |     |      |
| George Blayney         |                |                 |     |      |
| James Wickham          |                |                 |     |      |
| Michael Menton         |                |                 |     |      |
| Finlay M'Rae           |                |                 |     |      |
| Alexander M'Rae        |                |                 |     |      |
| John M'Nale            |                |                 |     |      |
| Jos. Mullikin          |                |                 |     |      |
| Simeon Cass            |                |                 |     |      |
| James M'Intosh         |                |                 |     |      |
| Simeon Cass, jun.      |                | Vankleek's Hill |     |      |
| Boziel Miner           |                |                 |     |      |
| Baptisto Meanyen       |                |                 |     |      |
| George Ross, Esq.      |                |                 |     |      |
| John A. M'Laurin       |                |                 |     |      |
| John Tonest            |                |                 |     |      |
| J. Pollock             |                |                 |     |      |
| James Stewart          |                |                 |     |      |
| A. G. Campbell         |                |                 |     |      |
| John Garland           |                |                 |     |      |
| Angus G. M'Master      |                |                 |     |      |
| John M'Kue             |                |                 |     |      |
| Donald B. M'Phee       |                |                 |     |      |
| Rennett M'Leod         |                |                 |     |      |
| James Blym Martine     |                |                 |     |      |
| Roderik Truse          |                |                 |     |      |
| John Higginson         |                | Vankleek's Hill |     |      |
| William Vogan          |                | Vankleek's Hill |     |      |
| Thomas H. Higginson    |                |                 |     |      |
| John M'Laurin          |                |                 |     |      |
| Charles Brizzle        |                |                 |     |      |
| John Fraser            |                |                 |     |      |
| Alexander Fraser       |                |                 |     |      |
| James Brock            |                |                 |     |      |
| Alexander M'Phee       |                |                 |     |      |
| John Kervan            |                |                 |     |      |
| Peter Stirling, J. P.  |                |                 |     |      |
| John Leavitt           |                |                 |     |      |
| John M'Master, J. P.   |                |                 |     |      |
| Ewen M'Master, D. C.   |                |                 |     |      |
| Donald M'Master        |                |                 |     |      |
| Andrew Butler          |                |                 |     |      |
| James Stirling, M. D.  |                |                 |     |      |
| Ward Leavitt           |                |                 |     |      |
| Godfrey Valley         |                |                 |     |      |
| Joseph Meldon          |                |                 |     |      |
| R. Stewart             |                |                 |     |      |
| William Allison        |                |                 |     |      |
| Alex. C. M'Donald      |                |                 |     |      |
| Duncan Shaw            |                |                 |     |      |
| James Beggs            |                |                 |     |      |
| Alexander M'Doneo      |                |                 |     |      |
| William Brown          |                |                 |     |      |
| Peter Beechan          |                |                 |     |      |
| Alexander Urquhart     |                |                 |     |      |
| Rory M'Crimmo          |                |                 |     |      |
| James M'Kibbon         |                |                 |     |      |
| John M'Rae             |                |                 |     |      |
| Barmley Russell        |                |                 |     |      |
| Duncan M'Cleod         |                |                 |     |      |

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| NAMES.                    | OCCUPATION.  | TOWNSHIPS.                 | No. | CON. |
|---------------------------|--------------|----------------------------|-----|------|
| John Gemmel ... ..        | ...          | ...                        | ... | ...  |
| Malcolm Dewar ... ..      | ...          | ...                        | ... | ...  |
| Abner Hagar ... ..        | ...          | ...                        | ... | ...  |
| Albert Hagar ... ..       | ...          | ...                        | ... | ...  |
| Jos. S. Whitcomb ... ..   | Pound-Keeper | in the front of W. Vanklk. | ... | ...  |
| Henry Cain... ..          | ...          | ...                        | ... | ...  |
| James Stewart ... ..      | Shoe Maker   | Vankleek's Hill ...        | ... | ...  |
| Alexander M'Kibbon... ..  | ...          | Do. ...                    | ... | ...  |
| Alexander M'Donell ... .. | Sleigh Maker | Do. ...                    | ... | ...  |
| Johnny M'Donell ... ..    | Do.          | Do. ...                    | ... | ...  |
| Donald Fraser ... ..      | ...          | Hawkesbury ...             | ... | ...  |
| Alfred Johnson ... ..     | ...          | ...                        | ... | ...  |
| Geo. Ross ... ..          | ...          | ...                        | ... | ...  |
| Peter Shea ... ..         | ...          | ...                        | ... | ...  |
| Joseph Amond ... ..       | ...          | ...                        | ... | ...  |
| John Capron ... ..        | ...          | ...                        | ... | ...  |

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To His Excellency, Lieutenant General, the Right Honorable CHARLES MURRAY, Earl Cathcart, of Cathcart, in the County of Renfrew, K. C. B.; Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same; and Commander of the Forces in British North America.

The Memorial of the undersigned Inhabitants of the Ottawa District,

Humbly sheweth:

That in consequence of numerous Petitions and Applications, an Officer of the Board of Works, Mr. Walton, was sent in 1844, to examine the route for a Road between L'Orignal and Bytown.

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| NAMES.                    | OCCUPATION.    | TOWNSHIP.   | No. | CON. |
|---------------------------|----------------|-------------|-----|------|
| William Kirby, J. P.      |                |             |     |      |
| Elijah Brown, J. P.       |                |             |     |      |
| Chancey Johnson, J. P.    |                |             |     |      |
| John Ramsay               | High Constable |             |     |      |
| Peter M'Lauren, J. P.     |                |             |     |      |
| Thomas Higginson, J. P.   |                |             |     |      |
| Henry W. M'Cann           |                |             |     |      |
| Charles Waters            |                |             |     |      |
| John Brady, J. P.         |                |             |     |      |
| John Pattie, J. P.        |                |             |     |      |
| Humphrey Hughes           | Coroner        |             |     |      |
| Donald M'Donald, J. P.    |                |             |     |      |
| Moris Shene               |                |             |     |      |
| W. Cearnes, J. P.         |                | Plantagenet |     |      |
| P. W. Martin, Post Master | Merchant       | Do.         |     |      |
| Michael Ryan              | Councillor     |             |     |      |
| Andy Donnagh              | Farmer         | Plantagenet | 13  | 4    |
| James M'Donald            | Do.            | Do.         | 10  | 5    |
| Jeneiah Lapage            | Do.            | Do.         |     | 0    |
| John M'Martin             | Lumberer       | Do.         | 0   | 0    |
| Alexander M'Martin        | Do.            | Do.         | 0   | 0    |
| James Buchan              |                | Do.         | 0   | 0    |
| John Bags                 | Farmer         | Do.         | 14  | 4    |
| Ecan Doute, Senior        | Do.            | Do.         | 6   | 8    |
| Ecan Doute, Junior        | Do.            | Do.         | 6   | 8    |
| Francis Lacatte           | Labourer       | Do.         |     | 0    |
| John Paroute              | Do.            | Do.         |     | 0    |
| Daniel M'Cormick          | Farmer         | Do.         | 14  | 5    |
| John M'Crack              | Do.            | Do.         | 12  | 5    |
| Dennis M'Gill             | Do.            | Do.         | 0   | 0    |
| James M'Crack             | Do.            | Do.         | 14  | 5    |
| John Simpson              | Lumberman      | Do.         | 0   | 0    |
| Peter Buchan              | Do.            | Do.         | 0   | 0    |
| J. N. Kendall             | Farmer         | Do.         | 14  | 3    |
| George Presley            | Do.            | Do.         | 10  | 9    |
| Wm. Presley               | Do.            | Do.         | 14  | 7    |
| John M'Marton             |                |             | 0   | 0    |
| Hugh M'Lean               | Farmer         | Plantagenet | 21  | 10   |
| Donald M'Lean             | Do.            | Do.         | 21  | 10   |
| John M'Lean               | Lumberer       | Do.         | 0   | 0    |
| John Presley              | Farmer         | Do.         | 10  | 9    |
| Edward Charles            | Do.            | Do.         | 6   | 6    |
| Alexander M'Phee          | Yeoman         | Do.         | 10  | 20   |
| Thomas Fitzgerald         | Lumberman      | Do.         | 0   | 0    |
| Louis Blondal             | Farmer         | Do.         | 9   | 3    |
| Randolph Lecatre          | Labourer       | Do.         | 0   | 0    |
| James M'Crack, Junior     | Farmer         | Do.         | 15  | 5    |
| James M'Kinley            | Do.            | Do.         | 13  | 6    |
| Hugh M'Kinley             | Do.            | Do.         | 13  | 6    |
| Archey Daraugh            | Do.            | Do.         | 13  | 5    |
| Neil M'Crack              | Do.            | Do.         | 12  | 15   |
| Patrick Duffey            | Do.            | Do.         | 11  | 4    |
| Aderkand Thomson          | Do.            | Do.         | 14  | 5    |
| Bartley Kelly             | Do.            | Do.         | 15  | 6    |
| Alexander Shields         | Do.            | Do.         | 5   | 16   |
| Samuel Wilison            | Do.            | Do.         | 6   | 17   |
| Seren Bellford            | Do.            | Do.         | 9   | 10   |
| John Presley              | Do.            | Do.         | 7   | 13   |
| Charly M'Cauly            | Do.            | Do.         | 8   | 9    |
| James M'Cauly             | Do.            | Do.         | 8   | 9    |
| Robert Johnson            | Do.            | Do.         | 7   | 23   |

Appendix  
(L. L.)

Appendix  
(L. L.)

8th July.

8th July.

| NAMES.                 | OCCUPATION.  | TOWNSHIPS.  | No.   | CON. |
|------------------------|--------------|-------------|-------|------|
| Mrs. Hyennes           |              | Alfred      | 7     | 2    |
| James Wickham          | Farmer       | Plantagenet | 21    | 8    |
| Peter Bigger           | Schoolmaster | Do.         | 0     | 0    |
| Tardiu M'Cormick       | Do.          | Do.         | 8     | 9    |
| Alex. Beggs            | Farmer       | Do.         | 15    | 4    |
| John Baggs, Senior     | Do.          | Do.         | 0     | 0    |
| Robert Baggs           | Do.          | Do.         | 0     | 0    |
| Hugh M'Millan          | Do.          | Do.         | 15    | 4    |
| Daniel M'Aley          | Do.          | Do.         | 14    | 4    |
| John M'Kinlay          | Do.          | Do.         | 15    | 3    |
| Patrick M'Kinlay       | Do.          | Do.         | 15    | 3    |
| Alexander Muckleroy    | Do.          | Do.         | 14    | 4    |
| John M'Donald          | Do.          | Do.         | 12    | 4    |
| Daniel M'Donald        | Do.          | Do.         | 11    | 4    |
| John Ryan              | Do.          | Do.         | 19    | 9    |
| James Muckle           | Do.          | Alfred      | N. 12 | 7.   |
| Moris Shean            | Do.          | Plantagenet | 19    | 10   |
| Moses Shean            | Do.          | Plantagenet | 20    | 9    |
| John Brady, Junior     |              | Alfred      |       |      |
| Donald Brady           |              | Do.         |       |      |
| James Brady            |              | Do.         |       |      |
| Angus Brady            |              | Do.         |       |      |
| Hugh Brady             |              | Do.         |       |      |
| Thomas Brady, Senior   |              | Do.         |       |      |
| Thomas Brady           |              | Do.         |       |      |
| Henry Kelly            |              | Do.         |       |      |
| Theodore James         |              | Do.         |       |      |
| Adolphus H. James      |              | Do.         |       |      |
| Henry James            |              | Do.         |       |      |
| Patrick Feeney, Senior |              | Do.         |       |      |
| Patrick Feeney, Junior |              | Do.         |       |      |
| Patrick Megauvran      |              | Do.         |       |      |
| John Megauvran         |              | Do.         |       |      |
| Jophs. Megauvran       |              | Do.         |       |      |
| Falin Megauvran        |              | Do.         |       |      |
| James Megauvran        |              | Do.         |       |      |
| John Sergeant          |              | Do.         |       |      |
| Mathew Sergeant        |              | Do.         |       |      |
| John Holmes            | Freeholder   | Do.         | 10    | 5    |
| Henry Holmes           | Do.          | Caledonia   | 14    | 1    |
| James M'Alpine         | Do.          | Do.         | 2     | 2    |
| George Barker          | Farmer       | Cumberland  | 5     | 2    |
| Patrick Byrns          | Do.          | Do.         | 4     | 2    |
| Charles Hunter         | Do.          | Do.         | 4     | 2    |
| Michael Egan           | Do.          | Do.         | 8     | 2    |
| John Madden            | Freeholder   | Do.         | 4     | 5    |
| Samuel Holmes          | Farmer       | Do.         | C     | 6    |
| John Keaveroy          | Blacksmith   | Do.         | C     | 6    |
| James Cashidy          | Farmer       | Do.         | D     | 6    |

Signed by John  
Brady, District  
Councillor, per  
order of the  
parties.

**RETURN**

To an ADDRESS from the LEGISLATIVE ASSEMBLY to HIS EXCELLENCY the GOVERNOR GENERAL, dated the 18th ultimo; praying that His Excellency would be pleased to cause to be laid before them, "Accounts in detail of the Expenditure of the Funds raised by virtue of the 13th and 14th Sections of an Act of the Legislature of the late Province of Upper Canada, entitled, 'An Act to authorize the erection of an Asylum within this Province for the reception of Insane and Lunatic persons;' to include the amounts paid from each District separately, when paid, and what steps have been taken to audit the Accounts of the various District Treasurers, with respect to the Fund; the amount paid for the purchase of the site of said Asylum, and the general expenditure in detail of the cost in the construction thereof; and from what funds the temporary Asylum at Toronto has been supported; and the Annual Expenditure for the support thereof.

By Command,

D. DALY,

Secretary's Office,

Secretary.

Montreal, 8th July, 1847.

STATEMENT, shewing the Receipts from the several Districts in Upper Canada, on account of the Fund for the erection of an Asylum for the reception of Insane and Lunatic Persons, per Act of Upper Canada, 2 Vict., ch. 11; and the expenditure thereof.

Furnished pursuant to an Address from the Honorable the Legislative Assembly, of 18th June, 1847.

| DISTRICT AND DATE.             | RECEIPTS. |     |     |      |    |    | DISTRICT AND DATE.             | RECEIPTS. |     |     |       |    |    |
|--------------------------------|-----------|-----|-----|------|----|----|--------------------------------|-----------|-----|-----|-------|----|----|
|                                | £         | s.  | d.  | £    | s. | d. |                                | £         | s.  | d.  | £     | s. | d. |
| <b>BATHURST.</b>               |           |     |     |      |    |    | <b>EASTERN.</b>                |           |     |     |       |    |    |
| To 30th June, 1841.....        | 200       | 0   | 0   |      |    |    | To 8th September, 1842.....    | ...       | ... | ... | 283   | 5  | 0  |
| Do. ".....                     | 54        | 8   | 10  |      |    |    | 6th May, 1843.....             | ...       | ... | ... | 100   | 0  | 0  |
|                                |           |     |     | 254  | 8  | 10 | 23rd January, 1844.....        | 11        | 17  | 6   |       |    |    |
| 30th June, 1842.....           | ...       | ... | ... | 139  | 9  | 4½ | 7th September, 1844.....       | 87        | 8   | 4   |       |    |    |
| 30th March, 1843.....          | 100       | 0   | 0   |      |    |    | 14th April, 1846.....          | ...       | ... | ... | 99    | 5  | 10 |
| 16th September, 1843.....      | 11        | 10  | 0   |      |    |    | Total to 31st January, 1847... | ...       | ... | ... | £661  | 9  | 5  |
|                                |           |     |     | 111  | 10 | 0  | February 3, 1847.....          | ...       | ... | ... | £157  | 11 | 10 |
| 12th September, 1844.....      | ...       | ... | ... | 118  | 8  | 10 | <b>GORE.</b>                   |           |     |     |       |    |    |
| 29th December, 1845.....       | ...       | ... | ... | 131  | 10 | 0  | To 30th November, 1842.....    | 600       | 0   | 0   |       |    |    |
| Total to 31st January, 1847... | ...       | ... | ... | £755 | 7  | 0½ | 13th December, 1842.....       | 240       | 0   | 0   |       |    |    |
| <b>BROCK.</b>                  |           |     |     |      |    |    |                                |           |     |     | 840   | 0  | 0  |
| To 30th June, 1841.....        | ...       | ... | ... | 86   | 8  | 10 | 15th June, 1843.....           | 47        | 1   | 6   |       |    |    |
| Do. 1842.....                  | ...       | ... | ... | 96   | 3  | 8  | 16th September, 1843.....      | 150       | 0   | 0   |       |    |    |
| 11th January, 1843.....        | ...       | ... | ... | 58   | 3  | 7  |                                |           |     |     | 197   | 1  | 6  |
| 18th January, 1844.....        | 49        | 11  | 6   |      |    |    | 12th February, 1844.....       | 23        | 2   | 11  |       |    |    |
| 23rd May, 1844.....            | 61        | 5   | 10  |      |    |    | 22nd February, 1844.....       | 250       | 0   | 0   |       |    |    |
| 13th January, 1845.....        | 99        | 11  | 7   |      |    |    | 19th August, 1844.....         | 200       | 12  | 0   |       |    |    |
|                                |           |     |     | 210  | 8  | 11 |                                |           |     |     | 473   | 14 | 11 |
| 28th June, 1845.....           | 23        | 3   | 10  |      |    |    | 29th May (8th Feb.) 1845.      | ...       | ... | ... | 99    | 0  | 6  |
| 29th January, 1846.....        | 49        | 7   | 6   |      |    |    | 12th January, 1847.....        | ...       | ... | ... | 300   | 0  | 0  |
|                                |           |     |     | 72   | 11 | 4  | Total to 31st January, 1847... | ...       | ... | ... | £1255 | 1  | 5½ |
| 18th January, 1847.....        | ...       | ... | ... | 169  | 14 | 7  | March, 1847.....               | ...       | ... | ... | £276  | 2  | 6  |
| Total to 31st January, 1847... | ...       | ... | ... | £713 | 10 | 11 | <b>HOME.</b>                   |           |     |     |       |    |    |
| <b>COLBORNE.</b>               |           |     |     |      |    |    | To 31st December, 1840.....    | ...       | ... | ... | 70    | 6  | 8  |
| To 19th April, 1844.....       | 68        | 5   | 0   |      |    |    | 30th June, 1841.....           | ...       | ... | ... | 130   | 0  | 0  |
| 11th January, 1845.....        | 69        | 5   | 4   |      |    |    | 30th June, 1842.....           | 258       | 2   | 0   |       |    |    |
| Total to 31st January, 1847... | ...       | ... | ... | £137 | 10 | 4  | 13th December, 1842.....       | 25        | 8   | 11  |       |    |    |
| <b>DALHOUSIE.</b>              |           |     |     |      |    |    |                                |           |     |     | 263   | 10 | 11 |
| To 23rd January, 1843.....     | ...       | ... | ... | 57   | 7  | 10 | 17th February, 1844.....       | 755       | 6   | 8   |       |    |    |
| 30th January, 1844.....        | 69        | 7   | 10½ |      |    |    | 29th January, 1845.....        | 514       | 1   | 10  |       |    |    |
| 6th January, 1845.....         | 66        | 2   | 2   |      |    |    |                                |           |     |     | 1269  | 8  | 6  |
|                                |           |     |     | 135  | 10 | 0½ | 27th January, 1846.....        | ...       | ... | ... | 450   | 4  | 1  |
| 15th January, 1846.....        | ...       | ... | ... | 114  | 10 | 2  | 23rd January, 1847.....        | ...       | ... | ... | 563   | 5  | 2  |
| 15th January, 1847.....        | ...       | ... | ... | 75   | 9  | 8  | Total to 31st January, 1847... | ...       | ... | ... | £2766 | 15 | 4  |
| Total to 31st January, 1847... | ...       | ... | ... | £382 | 17 | 8½ |                                |           |     |     |       |    |    |



Appendix  
(M. M.)  
8th July.

Appendix  
(M. M.)  
8th July.

ABSTRACT OF THE RECEIPTS FROM THE SEVERAL DISTRICTS.

| DISTRICT.           | 1840. |     |     | 1841. |     |     | 1842. |     |     | 1843. |     |     | 1844.<br>To 31st Jan., 1845. |     |     | 1845.<br>To 31st Jan., 1846. |     |     | 1846.<br>To 31st Jan., 1847. |     |     | Total to<br>31st January, 1847. |     |     | Receipts between 1st<br>February and 18th<br>June, 1847. |     |     |
|---------------------|-------|-----|-----|-------|-----|-----|-------|-----|-----|-------|-----|-----|------------------------------|-----|-----|------------------------------|-----|-----|------------------------------|-----|-----|---------------------------------|-----|-----|----------------------------------------------------------|-----|-----|
|                     | £     | s.  | d.  | £     | s.  | d.  | £     | s.  | d.  | £     | s.  | d.  | £                            | s.  | d.  | £                            | s.  | d.  | £                            | s.  | d.  | £                               | s.  | d.  | £                                                        | s.  | d.  |
| BATHURST .....      | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| BROCK .....         | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| COLBORNE .....      | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| DALHOUSIE .....     | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| EASTERN .....       | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| GORE .....          | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| HOME .....          | 70    | 6   | 8   | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| HURON .....         | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| JOHNSTOWN .....     | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| LONDON .....        | 210   | 2   | 8   | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| MIDLAND .....       | 184   | 10  | 8   | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| NEWCASTLE .....     | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| NIAGARA .....       | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| OTTAWA .....        | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| PRINCE EDWARD ..... | 105   | 12  | 0   | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| SIMCOE .....        | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| TALBOT .....        | 56    | 3   | 1½  | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| VICTORIA .....      | 66    | 10  | 0   | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| WELLINGTON .....    | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| WESTERN .....       | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...   | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                          | ... | ... | ...                             | ... | ... | ...                                                      | ... | ... |
| <b>Total</b> .....  | £693  | 4   | 8½  | 934   | 2   | 0½  | 3878  | 2   | 2   | 2783  | 13  | 2   | 4891                         | 14  | 11½ | 2738                         | 17  | 6   | 2717                         | 0   | 11  | 18636                           | 15  | 7½  | 952                                                      | 4   | 2   |

Total Receipts to 31st January, 1847.  
 October, 1840.—C. Widner.....  
 " 1844.—Honorable R. S. Jameson.....  
 " 1845.—W. H. Boulton.....  
 " 1846.—Honorable R. S. Jameson.....  
 " 1846.—W. H. Boulton.....

EXPENDITURE.....

Balance in hands of Receiver General, 31st January, 1847.....  
 Receipts between 1st February and 18th June, 1847, brought down.....  
 Expenditure, 8th April, 1847; W. H. Boulton.....  
 Balance, June, 1847.....

JOSEPH CARY,  
Deputy Inspector General.

Inspector General's Office, Montreal, 30th June, 1847.

The several District Treasurers are required to render to the Inspector General, annually, a Return of the Assessment for the Lunatic Asylum, and Account Current, according to the forms with which they are furnished; and have been called on to pay up these collections.  
 The amount paid for the purchase of ground for the site of the said Asylum, and the general expenditure in detail of the cost in the construction thereof, cannot be given by this Department, as Accounts are not rendered by the Commissioners; but it is understood that ground for the Asylum has been given by the Board of Ordnance.

Appendix  
(M. M.)  
8th July.

STATEMENT of the Annual Expenditure for the support of the Temporary Lunatic Asylum at Toronto, shewing from what funds paid. Furnished pursuant to an Address from the Honorable the Legislative Assembly, of the 18th June, 1847

Appendix  
(M. M.)  
8th July.

| DATE.             | TO WHOM PAID.                                                 | AMOUNT. |     |     |       | FROM WHAT FUND. |    |                                  |
|-------------------|---------------------------------------------------------------|---------|-----|-----|-------|-----------------|----|----------------------------------|
|                   |                                                               | £       | s.  | d.  | £     |                 | s. | d.                               |
| 1841.....         | Honorable R. S. Jameson.....                                  | ...     | ... | ... | 200   | 0               | 0  | Annual Vote<br>of<br>Parliament. |
| 1842.....         | { W. B. Jarvis.....                                           | 3049    | 11  | 8   | 3411  | 15              | 5  |                                  |
|                   | { Wm. Rees..... |  |  |  |  |  |  |  | 362 | 3 | 9 |
| 1843.....         | { W. B. Jarvis.....                                           | 97      | 18  | 4   | 2347  | 18              | 4  |                                  |
|                   | { W. B. Jarvis..... |  |  |  |  |  |  |  | 2250 | 0 | 0 |
| 1844.....         | { W. B. Jarvis and Rev. H. J. Grassett.....                   | 2030    | 5   | 9   | 2255  | 5               | 9  |                                  |
|                   | { Wm. Rees..... |  |  |  |  |  |  |  | 225 | 0 | 0 |
| 1845.....         | { W. B. Jarvis and Rev. H. J. Grassett.....                   | 2062    | 10  | 0   | 2250  | 0               | 0  |                                  |
|                   | { Wm. Rees..... |  |  |  |  |  |  |  | 187 | 10 | 0 |
| 1846.....         | { W. B. Jarvis and Rev. H. J. Grassett.....                   | 2113    | 1   | 1   | 2425  | 11              | 1  |                                  |
|                   | { Wm. Rees..... |  |  |  |  |  |  |  | 12 | 18 | 2 |
| 4th Feb., 1847... | W. B. Jarvis, balance of appropriation for 1846.              | ...     | ... | ... | 574   | 8               | 11 |                                  |
|                   |                                                               |         |     |     |       |                 |    |                                  |
| 4th Feb., 1847... | W. B. Jarvis, balance of expenses to 31st December, 1846..... | ...     | ... | ... | 479   | 2               | 5 |  | Marriage Licence Fund, per 9 Vict., ch. 65. |
|                   | Total expenditure to 31st December, 1846.....                 | ...     | ... | ... | 13944 | 1               | 11 |                                  |

JOSEPH CARY,  
Deputy Inspector General.

Inspector General's Office,  
Montreal, 30th June, 1847.

**R E T U R N**

To an ADDRESS from the LEGISLATIVE ASSEMBLY, to HIS EXCELLENCY, the GOVERNOR GENERAL, dated the 8th ultimo ; praying that HIS EXCELLENCY would be pleased to cause to be laid before them, " A Statement of all the Fees, Emoluments, Allowances, Salaries, " Perquisites, and Receipts of every description, of the Clerk of the Crown, and Pleas " for Upper Canada ; including all Sums received through his Deputies, as well for Civil " and Criminal Proceedings, and business of every description, shewing the amount for " each year for the last four years ; also, shewing all the Disbursements attending the said " Office for the same period, and the amount for each year, with the number of Clerks, " Assistants, and Servants employed, with their respective names, and the general nature " of the peculiar duties of each, and the Salary of each for the same period ; shewing " how much for each year to each of them ; and whether any such Salary or any por- " tion thereof is paid by Fees or Perquisites, and shewing particularly how the amount " of each Salary or Allowance is made up."

By Command,

D. DALY,

Secretary.

Secretary's Office,

Montreal, 12th July, 1847.

| RETURN of all Fees, Emoluments, Allowances, Salaries, Perquisites, and Receipts of every description, of the Clerk of the Crown and Pleas for Upper Canada ; including all Sums received through his Deputies, as well for Civil and Criminal Proceedings, and business of every description, for the last four years : also, shewing all the Disbursements attending the said Office for the same period, with the number of Clerks employed, with their respective names, and the general nature of the peculiar duties of each, and the Salary of each for the same period :— |               | 1844.         |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|-------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | £             | s. d. |
| Amount received from Principal Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2,036         | 9             | 3     |
| "    from Deputies.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 445           | 12            | 1     |
| "    from Government....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 176           | 0             | 0     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>£2,658</u> | 1             | 4     |
| DISBURSEMENTS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |               |               |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | £             | s. d. |
| To John Radenurst, Esq.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 300           | 0             | 0     |
| To W. H. Coxwell, Esq....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 200           | 0             | 0     |
| To Mr. John Dempsey.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 120           | 0             | 0     |
| To Mr. Thomas Coxwell...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 100           | 0             | 0     |
| To Mr. Pearson.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 90            | 0             | 0     |
| To Mr. George Goldsmith,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 20            | 0             | 0     |
| To Books, Stationery, and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |               |       |
| Printing.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 50            | 0             | 0     |
| To Postage.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 20            | 0             | 0     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | <u>900</u>    | 0 0   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | <u>£1,331</u> | 13 8  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | 1845.         |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | £             | s. d. |
| Amount received from Principal Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1,493         | 0             | 2     |
| "    from Deputies.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 507           | 7             | 0     |
| "    from Government....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 147           | 11            | 10    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | <u>£2,147</u> | 19 0  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Carried over. | <u>£2,147</u> | 19 0  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | <u>£1,723</u> | 1 4   |

Appendix  
(N. N.)

12th July.

Brought over. £2,147 19 0

DISBURSEMENTS:

|                                           | £      | s. | d. |
|-------------------------------------------|--------|----|----|
| To John Radenhurst, Esq.                  | 150    | 0  | 0  |
| To W. H. Coxwell, Esq....                 | 200    | 0  | 0  |
| To Mr. John Dempsey....                   | 120    | 0  | 0  |
| To Mr. Thomas Coxwell..                   | 100    | 0  | 0  |
| To Mr. Pearson.....                       | 90     | 0  | 0  |
| To Mr. Goldsmith.....                     | 50     | 0  | 0  |
| To Printing, Postage, and Stationery..... | 35     | 0  | 0  |
|                                           | <hr/>  |    |    |
|                                           | 745    | 0  | 0  |
|                                           | <hr/>  |    |    |
|                                           | £1,402 | 19 | 0  |

1846.

|                                        | £      | s. | d. |
|----------------------------------------|--------|----|----|
| Amount received from Principal Office. | 1,427  | 13 | 9  |
| „ from Deputies.....                   | 665    | 0  | 5  |
| „ from Government.....                 | 107    | 18 | 0  |
|                                        | <hr/>  |    |    |
|                                        | £2,200 | 12 | 2  |

DISBURSEMENTS:

|                                         | £      | s. | d. |
|-----------------------------------------|--------|----|----|
| To W. H. Coxwell, Esq...                | 200    | 0  | 0  |
| To Mr. John Dempsey....                 | 120    | 0  | 0  |
| To Mr. Thomas Coxwell..                 | 100    | 0  | 0  |
| To Mr. Pearson.....                     | 100    | 0  | 0  |
| To Mr. Goldsmith.....                   | 50     | 0  | 0  |
| To Extra Clerk, Copying..               | 25     | 0  | 0  |
| To Printing, Books, and Stationery..... | 35     | 0  | 0  |
| To Postage.....                         | 20     | 0  | 0  |
|                                         | <hr/>  |    |    |
|                                         | 650    | 0  | 0  |
|                                         | <hr/>  |    |    |
|                                         | £1,550 | 12 | 2  |

Appendix  
(N. N.)

12th July.

Mr. Radenhurst was discontinued as a Salaried Clerk, on the first day of July, 1845; since which period, he attends solely to the duty of the Court, during the four Terms of Hilary, Easter, Trinity, and Michaelmas: for which services the Clerk of the Crown has relinquished to him all the fees and perquisites thereto appertaining—averaging per Term, about Thirty pounds.

Mr. Coxwell is Taxing Officer, enters Judgments, and has charge of the Ejectment and Crown Papers; is Chief Clerk in the Office.

Mr. Dempsey enters Judgments, Issues Writs of Execution, Rules, &c., and has charge of the Exchequer Department.

Mr. Thomas Coxwell docketts Judgments, enters Satisfaction thereon, and has charge of the Docket Books.

Mr Pearson issues all Mesne Processes, has charge of the papers and pleadings to final Judgment; passes Records, &c.

Mr. Goldsmith makes out Writs, Exemplifications; passes Records, &c., and assists the other Clerks, as need requires.

Mr. Heward discharges the duty in the Practice Court, during the four Terms of Hilary, Easter, Trinity, and Michaelmas; receiving the fees as remuneration for his services, averaging from £100 to £120 per annum.

CHARLES C. SMALL,  
Clerk, Crown and Pleas.



## RETURN

12th July.

12th July.

To an ADDRESS from the LEGISLATIVE ASSEMBLY, to HIS EXCELLENCY the GOVERNOR GENERAL; dated the 23d ult., praying that His Excellency would be pleased to cause to be laid before them, "An Account, in detail, of the Quantity and Quality of Timber which, during the year 1846, passed over one or more Slides on the River Trent; the amount of the Revenue received as Slide dues for the passing of such Timber, and when received; and the Amount of Dues on Timber which passed over one or more of such Slides during said year, which are not yet paid, and why not paid; and the Name or Names of the Person or Persons by whom such dues have been paid, or by whom the same are due and owing."

By Command,

D. DALY,

Secretary's Office,

Secretary.

Montreal, 12th July, 1847.

STATEMENT, shewing the amount of Revenue as Slide Dues, for Timber passed over the Slides on the River Trent, during the year 1846; and when received; the amount of Dues not paid, and why not paid; and the name or names of the persons by whom such Dues have been paid, or by whom the same are due and owing.

Furnished pursuant to an Address from the Honorable the Legislative Assembly, of 23rd June, 1847.

| Owners of Timber.            | Dues received. |     |     | Dues unpaid. |     |     | REMARKS—When received, why not paid, &c.                                                     |
|------------------------------|----------------|-----|-----|--------------|-----|-----|----------------------------------------------------------------------------------------------|
|                              | £              | s.  | d.  | £            | s.  | d.  |                                                                                              |
| John Blair.....              | 4              | 0   | 0   | ...          | ... | ... | } Per a joint Bond, due 21st June.                                                           |
| George Streevel.....         | 4              | 18  | 0   | ...          | ... | ... |                                                                                              |
| Baker and Waldroff.....      | 39             | 18  | 0   | ...          | ... | ... | Per Bond due 10th July.                                                                      |
| Richard Beattie.....         | 26             | 8   | 0   | ...          | ... | ... | Do. do. 20th July.                                                                           |
| Joseph Craig.....            | 4              | 0   | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| William Clark.....           | 11             | 16  | 0   | ...          | ... | ... | Do.                                                                                          |
| Edward Fidler.....           | 27             | 18  | 0   | ...          | ... | ... | Do.                                                                                          |
| Benjamin Clark.....          | 112            | 4   | 0   | 0            | 2   | 0   | Do. difference of 2s. apparently an error.                                                   |
| William Bowen.....           | 0              | 16  | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| C. E. Bullock.....           | 15             | 10  | 0   | ...          | ... | ... | Per Bond due 10th June.                                                                      |
| H. Humphrey.....             | 44             | 0   | 0   | 5            | 0   | 0   | Do. £5 remitted, smallness of cribs.                                                         |
| J. Gilchrist.....            | 180            | 6   | 0   | ...          | ... | ... | Do.                                                                                          |
| Henry Jones.....             | ...            | ... | ... | 12           | 2   | 0   | Bond due 10th July, payment refused.                                                         |
| Jacob Ford.....              | 39             | 10  | 0   | ...          | ... | ... | Per Bond due 18th August.                                                                    |
| Julien Julien & Co.....      | 18             | 10  | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| Daniel Healey.....           | 28             | 18  | 0   | 5            | 0   | 0   | Do. £5 remitted, smallness of cribs.                                                         |
| E. W. Meyers.....            | 4              | 12  | 0   | ...          | ... | ... | Paid at the Trent.                                                                           |
| Willet Platt.....            | 12             | 12  | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| Charles Townsend.....        | 6              | 16  | 0   | ...          | ... | ... | Do.                                                                                          |
| Wm. W. Meyers.....           | 137            | 14  | 0   | ...          | ... | ... | Per Bond due 1st September.                                                                  |
| Cyrus Richmond.....          | 37             | 8   | 0   | ...          | ... | ... | Do. 10th July.                                                                               |
| Elijah Allen.....            | 9              | 14  | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| Pickersgill and Tibbett..... | ...            | ... | ... | 72           | 0   | 0   | } Secured by Bond, to be settled on arrival of Timber at Quebec—wintered near Coteau du Lac. |
| Murphy and Bonter.....       | 23             | 0   | 0   | ...          | ... | ... |                                                                                              |
| Paul Sofa.....               | 9              | 12  | 0   | ...          | ... | ... | Paid at the Trent.                                                                           |
| Donald Stewart.....          | 62             | 10  | 0   | ...          | ... | ... | Per Bond due 15th September.                                                                 |
| Jonathan Tripp.....          | 8              | 18  | 0   | ...          | ... | ... | Do. 15th August.                                                                             |
| Benjamin Weller.....         | 77             | 2   | 0   | ...          | ... | ... | Do. 15th July.                                                                               |
| David Smith.....             | ...            | ... | ... | 5            | 0   | 0   | Left without settlement.                                                                     |
| A. C. Thomson.....           | 46             | 0   | 0   | 0            | 6   | 0   | Difference of 6s. per Accounts. £46 paid at Quebec per Bond due 1st September.               |
| Thomas Carr.....             | 16             | 8   | 0   | ...          | ... | ... | Per Bond due 10th September.                                                                 |
| Robert Campbell.....         | 28             | 12  | 0   | ...          | ... | ... | Do. 20th July.                                                                               |
| M'Bean and Strong.....       | 47             | 0   | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| John Cameron.....            | 32             | 0   | 0   | ...          | ... | ... | Per Bond due 1st September.                                                                  |
| H. G. Bettis.....            | 6              | 0   | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| Strater and Lock.....        | 39             | 10  | 0   | ...          | ... | ... | Do.                                                                                          |
| Eustache Vassa.....          | 35             | 4   | 0   | ...          | ... | ... | Per Bond due 1st September.                                                                  |
| Robert Potts.....            | 37             | 8   | 0   | ...          | ... | ... | Paid at Quebec.                                                                              |
| John Cook and Son.....       | ...            | ... | ... | 152          | 12  | 0   | } Left without settlement—wintered near Coteau du Lac—to be secured on arrival at Quebec.    |
| Johnson and Whistle.....     | 111            | 14  | 0   | 12           | 0   | 0   |                                                                                              |
| Thomas Shat.....             |                |     |     |              |     |     | £12 remitted—£111 14s. paid per Bonds due 10th and 21st September.                           |
| Carried forward....          | £1341          | 16  | 0   | 264          | 2   | 0   |                                                                                              |

Appendix  
(O. O.)

Statement shewing the amount of Revenue as Slide Dues for Timber.—Continued.

Appendix  
(O. O.)

12th July.

12th July.

| Owners of Timber.            | Dues received. |     |     | Dues unpaid. |     |     | REMARKS—When received, why not paid, &c.                                                       |
|------------------------------|----------------|-----|-----|--------------|-----|-----|------------------------------------------------------------------------------------------------|
|                              | £              | s.  | d.  | £            | s.  | d.  |                                                                                                |
| <i>Brought forward</i> ..... | 1341           | 16  | 0   | 264          | 2   | 0   |                                                                                                |
| Hugh M'Gowan.....            | 6              | 0   | 0   | ...          | ... | ... | Per Bond due 15th September.                                                                   |
| Donald Campbell.....         | 9              | 12  | 0   | ...          | ... | ... | Do. 10th July.                                                                                 |
| Israel Humphrey.....         | 113            | 18  | 0   | ...          | ... | ... | Paid at Quebec.                                                                                |
| John Kent.....               | 31             | 12  | 0   | ...          | ... | ... | Do.                                                                                            |
| Thomas Faucett.....          | 67             | 0   | 0   | ...          | ... | ... | Per Bond due 1st September.                                                                    |
| Wm. S. Marsh.....            | 70             | 0   | 0   | ...          | ... | ... | Do. 1st October.                                                                               |
| Winkworth Tremain.....       | 39             | 0   | 0   | ...          | ... | ... | Paid at Quebec.                                                                                |
| Anderson and Cumming.....    | ...            | ... | ... | 57           | 14  | 0   |                                                                                                |
| Theophilus Oaks.....         | 37             | 10  | 0   | 38           | 4   | 0   | } £37 10s. paid per Bond due 15th August<br>—remainder of Timber laid up at<br>mouth of Trent. |
| J. R. Macaulay & Co.....     | ..             | ..  | ..  | 17           | 16  | 0   |                                                                                                |
| Henry Easton.....            | ..             | ..  | ..  | 43           | 18  | 0   |                                                                                                |
| John Cassady.....            | ..             | ..  | ..  | 12           | 8   | 0   |                                                                                                |
| P. & E. Herinban.....        | ..             | ..  | ..  | 32           | 0   | 0   |                                                                                                |
| Michael Kelly.....           | ..             | ..  | ..  | 10           | 16  | 0   |                                                                                                |
| John Moran.....              | ..             | ..  | ..  | 0            | 12  | 0   |                                                                                                |
| Silas Marseles.....          | ..             | ..  | ..  | 2            | 8   | 0   |                                                                                                |
| Truman A. Procter.....       | ..             | ..  | ..  | 0            | 4   | 0   |                                                                                                |
| John Cole.....               | ..             | ..  | ..  | 0            | 6   | 0   |                                                                                                |
| John D. Macaulay.....        | ..             | ..  | ..  | 19           | 4   | 0   |                                                                                                |
| R. C. Wilkins.....           | ..             | ..  | ..  | 1            | 0   | 0   |                                                                                                |
| Benjamin Weller.....         | ..             | ..  | ..  | 1            | 16  | 0   |                                                                                                |
| Nathan Carey.....            | ..             | ..  | ..  | 0            | 14  | 0   |                                                                                                |
| Daniel.....                  | ..             | ..  | ..  | 4            | 12  | 0   |                                                                                                |
| John Beckett.....            | ..             | ..  | ..  | 10           | 16  | 0   |                                                                                                |
| Henry Bull.....              | 1              | 2   | 0   | ...          | ... | ... | Paid at Quebec.                                                                                |
| <b>LOOSE TIMBER.</b>         |                |     |     |              |     |     |                                                                                                |
| Benjamin Clark.....          | 10             | 0   | 0   | ...          | ... | ... | Paid at Quebec.                                                                                |
| Joseph Craig.....            | 5              | 8   | 4   | ...          | ... | ... | Do.                                                                                            |
| Edward Fidler.....           | 0              | 10  | 8   | ...          | ... | ... | Do.                                                                                            |
| John Gilchrist.....          | 1              | 16  | 0   | ...          | ... | ... | Do.                                                                                            |
| Charles Townsend.....        | 13             | 14  | 8   | ...          | ... | ... | Do.                                                                                            |
| Benjamin Weller.....         | 2              | 15  | 8   | ...          | ... | ... | Included in a bond for £79 17s. 8d., due 15th<br>July.                                         |
| David Smith.....             | ...            | ... | ... | 2            | 12  | 0   |                                                                                                |
| J. R. Macaulay.....          | ...            | ... | ... | 35           | 6   | 8   | Timber remained at Trent.                                                                      |
| Wm. Bowen.....               | 0              | 3   | 8   | 0            | 0   | 0   | Paid at Quebec. 4d. unpaid.                                                                    |
| 4                            |                |     |     |              |     |     |                                                                                                |
| Michael Kelly.....           | ...            | ... | ... | 1            | 14  | 4   |                                                                                                |
| J. R. Macaulay.....          | ...            | ... | ... | 17           | 13  | 4   |                                                                                                |
| Totals.....                  | £1751          | 19  | 4   | 575          | 16  | 4   |                                                                                                |

AMOUNT OF DUTIES.

|                         | Total Amount. |    |    | Amount received. |    |    | Amount unpaid. |    |    |
|-------------------------|---------------|----|----|------------------|----|----|----------------|----|----|
|                         | £             | s. | d. | £                | s. | d. | £              | s. | d. |
| On Cribs of Timber..... | 2,236         | 0  | 0  | 1,717            | 10 | 0  | 518            | 10 | 0  |
| Loose Timber.....       | 91            | 15 | 4  | 34               | 9  | 4  | 57             | 6  | 0  |
| Total.....              | £2,327        | 15 | 4  | 1,751            | 19 | 4  | 575            | 16 | 0  |

  

|                                                                                                             | £     | s. | d. | £      | s. | d. |
|-------------------------------------------------------------------------------------------------------------|-------|----|----|--------|----|----|
| Duty leviable on Cribs of Hardwood Timber, Masts, Staves, and Sawed Lumber.—6s. for passing each Slide..... | 239   | 4  | 0  |        |    |    |
| Duty leviable on other Lumber and Saw Logs.—4s. for passing each Slide..                                    | 1,973 | 16 | 0  |        |    |    |
| Extra Dues.....                                                                                             | 23    | 0  | 0  |        |    |    |
|                                                                                                             |       |    |    | 2,236  | 0  | 0  |
| Duty on Pieces of Loose Timber.—Masts,—8d. each for passing each Slide..                                    | 1     | 16 | 0  |        |    |    |
| Other Lumber.—4d. each for passing each Slide.....                                                          | 89    | 19 | 4  |        |    |    |
|                                                                                                             |       |    |    | 91     | 15 | 4  |
| Total Duty.....                                                                                             |       |    |    | £2,327 | 15 | 4  |

N. B.—All the Bonds, and other payments, except £8 4s. (paid at the Trent,) were settled at Quebec, prior to 1st January, 1847, which are included in the sum of £1,751 19s.

The Returns do not shew the actual quantity of Timber passed the River Trent—but a Statement is annexed, shewing the quantity passed Chisholm's Rapids, the last Slide on the River.

Inspector General's Office,  
Montreal, 7th July, 1847.

JOSEPH CARY, Deputy Inspector General.

STATEMENT of the quantity of Timber passed over the Slide at Chisholm's Rapids, the lowest Slide in the River Trent, during the year 1846:

| Cribs of Hardwood Timber, Masts, Staves, or Sawed Lumber..... | 143   | Masts.....                  | 54 |
|---------------------------------------------------------------|-------|-----------------------------|----|
| Cribs of other Lumber, or Saw Logs.....                       | 2,508 | Pieces of other Timber..... | 43 |

J. C.

**R E T U R N**

To an ADDRESS from the LEGISLATIVE ASSEMBLY, to HIS EXCELLENCY the GOVERNOR GENERAL; praying that the proper Officer might lay before the House, a Statement of the Outstanding Debentures, issued prior to the Union, in both Provinces; under what Act authorized, Rate of Interest, when due, and for what object issued, in separate columns.

Also, a Statement of the Debentures issued under the guarantee of the Imperial Government, similar to the above; if no Return of the same in the Inspector General's Office, to present a Statement of the Amounts received on Account of the Loan of One and a Half Millions, the Date, Rate of Exchange, when expended, and for what purpose, and the Balance on hand.

Also, a Statement of the Amount of Debentures issued since the Union, with Date, Rate of Interest, when due, and for what object, as above.

Also, a Statement of Amount Borrowed, from what Institution, what Rate of Interest, when payable, and for what object; that the entire Debt of the Province may be seen at the end of the column.

Also, a Statement of the Amount required to complete each separate Work now commenced; also, to complete those Works not commenced. That the entire Debt and Liability of the Province may be ascertained, with a Report of the same, with any remarks the Inspector General may make, touching any part of the above Expenditure; shewing what part of the Public Debt, for which Debentures are issued, has been expended for Public Works, and for what other objects, to be therein designated; and append a Tabular Statement of the same to the Public Accounts.

By Command,

D. DALY,

Secretary.

Secretary's Office,

Montreal, 9th July, 1847.

STATEMENT of Outstanding DEBENTURES issued prior to the Union in both Provinces, under what Act authorized, Rate of Interest, when Due and for what object Issued; as called for by an Address of the Honorable the Legislative Assembly of 15th June, 1847.

| Under what Act authorized.                                                                                                                                                                       | Total Amount of Outstanding Debentures. Currency. |                | Rate of Interest.                                                                                                                              | When Due.                                                                                                                                                                             | For what object Issued.                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                  | £                                                 | s. d.          |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 3 Geo. IV, cap. 8 }<br>4 do do do 16 }                                                                                                                                                           | 3000                                              | 0 0            | 6 per cent ...                                                                                                                                 | { £2750 in 1836.....<br>£1416 13s. 4d. in 1837.....<br>£1250 in 1838.....<br>£83 6s. 8d. in 1839.....<br>£1000 in 1840...<br>£3000 in 1847...<br>1000 in 1851...<br>1500 in 1852... } | Burlington Canal.                                                                                                            |
| 8 do do do 19...<br>11 do do do 12...                                                                                                                                                            | 15000                                             | 0 0            |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 2000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 8 do do do 18...<br>1 Will. IV. do 26...<br>1 do do do 25...<br>1 do do do 17...<br>2 do do do 23...                                                                                             | 3000                                              | 0 0            | 6 per cent ...                                                                                                                                 | 4th May, 1841.....<br>1851.....<br>28th April, 1842.....                                                                                                                              | Kettle Creek Harbour.<br>Oakville Harbour.<br>Roads and Bridges.<br>Port Hope Harbour and Wharf Company.<br>Cobourg Harbour. |
| 2500                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 2500                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 20000                                                                                                                                                                                            | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 2000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 2 do do do 22...<br>3 do do do 18...<br>3 do do do 55...<br>4 do do do 39...<br>7 do do do 92...                                                                                                 | 3000                                              | 0 0            | 5½ per cent...                                                                                                                                 | 4th May, 1842.....                                                                                                                                                                    | St. Lawrence Navigation.                                                                                                     |
| 3000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 5 per cent ...                                                                                                                                                                                   | 1250                                              | 0 0            | 6 per cent.                                                                                                                                    | May 1843.....                                                                                                                                                                         | Welland Canal.                                                                                                               |
| 50000                                                                                                                                                                                            | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 3200                                                                                                                                                                                             | 0 0                                               | 6 per cent.    | £42500 in 1874,<br>and<br>£7500 in 1875...<br>£1200 in 1857,<br>and<br>£2000 in 1860...<br>£500, each, in<br>1836, 1838, 1840<br>and 1843..... | Inland Waters Newcastle District.                                                                                                                                                     |                                                                                                                              |
| 2000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 3 do do do 33...<br>3 do do do 34...<br>3 do do do 31...<br>3 do do do 26&27                                                                                                                     | 2000                                              | 0 0            | 6 per cent....                                                                                                                                 | { £666 13s. 4d. each,<br>in 1841, 1842<br>and 1843. ....<br>£500 each, in<br>1841, 1842 and<br>1843. .... }                                                                           | River Trent Bridge.                                                                                                          |
| 2000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 1500                                                                                                                                                                                             | 0 0                                               | 6 per cent ..  | £54550 in 1874,<br>and<br>£7500 in 1875...<br>£1200 in 1857,<br>and<br>£2000 in 1860...<br>£500, each, in<br>1836, 1838, 1840<br>and 1843..... | Brantford Bridge.                                                                                                                                                                     |                                                                                                                              |
| 57190                                                                                                                                                                                            | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 5 per cent ...                                                                                                                                                                                   | 10000                                             | 0 0            | 6 per cent ...                                                                                                                                 | { £54550 in 1853...<br>2000 in 1854...<br>50 in 1855...<br>180 in 1857...<br>60 in 1858...<br>150 in 1859...<br>200 in 1869... }                                                      | War Losses.                                                                                                                  |
| 7 do do do 76...<br>6 do do do 30...<br>2 do do do 24...<br>5 do do do 34...<br>7 do do do 65...<br>7 do do do 83...                                                                             | 1100                                              | 0 0            |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 1000                                                                                                                                                                                             | 0 0                                               | 6 per cent.... | { £1100 in 1847...<br>2200 in 1854...<br>4800 in 1855...<br>1000 in 1857...<br>2000 in 1863...<br>1000 in 1864... }                            | Roads in the Home District.                                                                                                                                                           |                                                                                                                              |
| 5000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 7000                                                                                                                                                                                             | 0 0                                               | 6 per cent.... | { £5000 in 1842...<br>5000 in 1845...<br>2000 in 1846...<br>5000 in 1847... }                                                                  | Desjardin Canal.                                                                                                                                                                      |                                                                                                                              |
| 5000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 1500                                                                                                                                                                                             | 0 0                                               | 6 per cent ... | { £500 each, in<br>1845, 1846 and<br>1847. ....<br>£119 13s. 4d., in<br>1848, 1849 and<br>1850. .... }                                         | Chatham Bridge.                                                                                                                                                                       |                                                                                                                              |
| 1859                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 3 Victoria, do 37...<br>7 Will. IV, do 68...<br>7 do do do 81...<br>2 Victoria, do 51...<br>2 do do do 68...<br>7 Will. IV, do 82...<br>7 do do do 66...<br>7 do do do 73...<br>7 do do do 78... | 359                                               | 0 0            | 6 per cent....                                                                                                                                 | April, 1847.....                                                                                                                                                                      | Erie and Ontario Railroad.                                                                                                   |
| 5000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 4988                                                                                                                                                                                             | 17 9¼                                             | 6 per cent ... | { £3000 in 1857.....<br>1988 17s. 9¼d. in<br>1859. .... }                                                                                      | Kingston and Napanee Road.                                                                                                                                                            |                                                                                                                              |
| 1100                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 4103                                                                                                                                                                                             | 13 5                                              | 6 per cent.... | January, 1859.....                                                                                                                             | Insurrection Losses.                                                                                                                                                                  |                                                                                                                              |
| 2000                                                                                                                                                                                             | 0 0                                               |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 6 per cent ...                                                                                                                                                                                   | 3050                                              | 0 0            | { £1770 in 1860...<br>and<br>£1280 in 1861... }                                                                                                | Trent Navigation.                                                                                                                                                                     |                                                                                                                              |
| 6 per cent....                                                                                                                                                                                   | 500                                               | 0 0            |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| 6 per cent ...                                                                                                                                                                                   | 3430                                              | 0 0            | January 1860.....                                                                                                                              | September 1860.....                                                                                                                                                                   | Grand River Navigation.<br>Hamilton and Brantford Road.                                                                      |
| 6 per cent ...                                                                                                                                                                                   | £213671                                           | 11 2¼          |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |
| Total, Currency...                                                                                                                                                                               |                                                   |                |                                                                                                                                                |                                                                                                                                                                                       |                                                                                                                              |

STERLING DEBENTURES.

| Under what Act authorised. | Total outstanding Debentures. |    |    | Rate of Interest. | For what Object issued.             |
|----------------------------|-------------------------------|----|----|-------------------|-------------------------------------|
|                            | Sterling.                     |    |    |                   |                                     |
|                            | £                             | s. | d. |                   |                                     |
| 2 Will. IV. cap. 53 .....  | 200000                        | 0  | 0  | 5 per cent ....   | To cancel part of Public Debt.      |
| 5 do do 31 .....           | 400000                        | 0  | 0  | do .....          | Ditto, and for sundry Public Works. |
| 7 & 8 do do 4 .....        | 269650                        | 0  | 0  | do .....          | For sundry Public Works.            |
| Total, Sterling .....      | £869650                       | 0  | 0  |                   |                                     |

JOS. CARY,  
Deputy Inspector General.

Inspector General's Office,  
Montreal, 7th July, 1847.

STATEMENT of DEBENTURES issued by the Lords of Treasury, under the Guarantee of the Imperial Parliament, Premiums realised on Sale, with the Date, Service, Rate of Interest, and when redeemable; as required by an Address of the Honourable the Legislative Assembly of the 15th June, 1847.

| Date.                | Service and Act of Legislature.            | Amount of Debentures in Sterling. |       | Premium in Sterling. |       | Proceeds in Sterling. |       | Rate of Interest per Annum on the amount of Debentures. | When redeemable.                 |
|----------------------|--------------------------------------------|-----------------------------------|-------|----------------------|-------|-----------------------|-------|---------------------------------------------------------|----------------------------------|
|                      |                                            | £                                 | s. d. | £                    | s. d. | £                     | s. d. |                                                         |                                  |
| 1st January, 1843.   | Public Works, 4 & 5 }<br>Vic. cap. 28..... | 300000                            | 0 0   | 24106                | 5 0   | 324106                | 5 0   | 4 per cent.                                             | 20 years from 1st July, 1843.    |
| 1st July, do         | Public Works, 4 & 5 }<br>Vic. cap. 28..... | 300000                            | 0 0   | 27025                | 0 0   | 327025                | 0 0   | do                                                      | 20 years from 1st July, 1843.    |
| 1st April, 1844..... | Public Works, 4 & 5 }<br>Vic. cap. 28..... | 300000                            | 0 0   | 37125                | 0 0   | 337125                | 0 0   | do                                                      | 20 years from 1st April, 1844.   |
| 1st Jan., 1845.      | Public Works, 4 & 5 }<br>Vic. cap. 28..... | 120000                            | 0 0   | 14400                | 0 0   | 134400                | 0 0   | do                                                      | 20 years from 1st January, 1845. |
| do do do             | Public Works, 4 & 5 }<br>Vic. cap. 28..... | 80000                             | 0 0   | 9200                 | 0 0   | 89200                 | 0 0   | do                                                      | 20 years from 1st January, 1845. |
| 1st April, do        | Public Works, 4 & 5 }<br>Vic. cap. 28..... | 200000                            | 0 0   | 25000                | 0 0   | 225000                | 0 0   | do                                                      | 20 years from 1st April, 1845.   |
| 1st January, 1846.   | Public Works, 4 & 5 }<br>Vic. cap. 28..... | 60000                             | 0 0   | 3060                 | 0 0   | 63060                 | 0 0   | do                                                      | 20 years from 1st January, 1846. |
|                      |                                            | £ 1360000                         | 0 0   | 139916               | 0 0   | 1499916               | 5 0   |                                                         |                                  |

|                                                                              |           |      |      |
|------------------------------------------------------------------------------|-----------|------|------|
| Say .....                                                                    | £ 1499916 | s. 5 | d. 0 |
| Less retained to meet additional expenses of advertising, printing, &c. .... | 128       | 1    | 7    |
| Net proceeds.....                                                            | £ 1499788 | 3    | 5    |

JOS. CARY,  
Deputy Inspector General.

Inspector General's Office,  
Montreal, 7th July, 1847.

12th July.

12th July.

STATEMENT of the Amounts received on account of the Loan of One and a half Millions, the Date, Rate of Exchange, when Expended, for what Purpose, and the Balance on hand; required by an Address of the Legislative Assembly of the 15th June, 1847.

| RECEIPTS.                          |                   |       |                                            | EXPENDITURE ON PUBLIC WORKS. |       |       |                     |        |          |
|------------------------------------|-------------------|-------|--------------------------------------------|------------------------------|-------|-------|---------------------|--------|----------|
| Date.                              | Amount of Drafts. |       | Rate of Exchange.                          | Proceeds of Drafts.          |       | Date. | Amount in Currency. |        | Remarks. |
|                                    | £                 | s. d. |                                            | £                            | s. d. |       | £                   | s. d.  |          |
| October 1842                       | 97045             | 5 0   | 8 per cent. on par.<br>Dols. at 4s. 6d.    | 128509                       | 17 1  | 1842  | 186137              | 11 8   |          |
| do do                              | 10000             | 0 0   | 8½ do do                                   | }                            |       |       |                     |        |          |
| January 1843                       | 73553             | 5 1   | 10 do do                                   |                              |       |       |                     |        |          |
| do do                              | 33027             | 10 5  | 9 do do                                    |                              |       |       |                     |        |          |
| March do                           | 10000             | 0 0   | 10 do do                                   |                              |       |       |                     |        |          |
| do do                              | 40000             | 0 0   | 9½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 33373             | 19 6  | 9 do do                                    |                              |       |       |                     |        |          |
| April do                           | 3000              | 0 0   | 9½ do do                                   |                              |       |       |                     |        |          |
| May do                             | 24000             | 0 0   | 9½ do do                                   |                              |       |       |                     |        |          |
| August do                          | 75000             | 0 0   | ½ per cent. at 24s.<br>4d. par             |                              |       |       |                     |        |          |
| do do                              | 25000             | 0 0   | ¼ do do                                    |                              |       |       |                     |        |          |
| October do                         | 36877             | 6 6   | 10 per cent. on par.<br>Dollars at 4s. 6d. | 652615                       | 9 9½  | 1843  | 531347              | 3 5    |          |
| November do                        | 10000             | 0 0   | 1½ per cent. at 24s.<br>4d. par            | }                            |       |       |                     |        |          |
| do do                              | 10000             | 0 0   | 1 do do                                    |                              |       |       |                     |        |          |
| do do                              | 17500             | 0 0   | ½ do do                                    |                              |       |       |                     |        |          |
| do do                              | 40000             | 0 0   | ¼ do do                                    |                              |       |       |                     |        |          |
| do do                              | 3000              | 0 0   | At par                                     |                              |       |       |                     |        |          |
| December do                        | 100000            | 0 0   | ¾ per cent. at 24s.<br>4d. par             |                              |       |       |                     |        |          |
| Paid on account of printing, &c.   | 168               | 18 4  | 10 per cent. on par.<br>Dollars at 4s. 6d. |                              |       |       |                     |        |          |
| February 1844                      | 12395             | 18 0  | ¾ per cent. on par.<br>at 24s. 4d. ....    |                              |       |       |                     |        |          |
| March do                           | 25000             | 0 0   | 1¼ do do                                   |                              |       |       |                     |        |          |
| do do                              | 50000             | 0 0   | 1 do do                                    |                              |       |       |                     |        |          |
| do do                              | 25000             | 0 0   | ¾ do do                                    |                              |       |       |                     |        |          |
| May do                             | 37419             | 1 9   | 1 do do                                    |                              |       |       |                     |        |          |
| July do                            | 1000              | 0 0   | 2 do do                                    |                              |       |       |                     |        |          |
| do do                              | 99000             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| September do                       | 30000             | 0 0   | 2½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 53500             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 2500              | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 10000             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| October do                         | 165290            | 4 7   | 2½ do do                                   |                              |       |       |                     |        |          |
| December do                        | 44000             | 0 0   | 1 do do                                    |                              |       |       |                     |        |          |
| February 1845                      | 4089              | 2 10  | 1 do do                                    | 686520                       | 8 6   | 1844  | 697355              | 11 11½ |          |
| March do                           | 70000             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 10000             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 12000             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 7000              | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 35000             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| April do                           | 31500             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 13500             | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| do do                              | 10000             | 0 0   | 1 do do                                    |                              |       |       |                     |        |          |
| May do                             | 40338             | 13 3  | 1½ do do                                   |                              |       |       |                     |        |          |
| August do                          | 6734              | 0 0   | 1½ do do                                   |                              |       |       |                     |        |          |
| October do                         | 41427             | 0 0   | 2½ do do                                   |                              |       |       |                     |        |          |
| November do                        | 21400             | 0 0   | 2½ do do                                   |                              |       |       |                     |        |          |
| Paid on account of printing, &c.   | 147               | 18 2  | At 24s. 4d. ....                           | }                            |       |       |                     |        |          |
| Balance on hand 31st January, 1847 |                   |       |                                            |                              |       |       |                     |        |          |
| Sterling.....£                     | 1499788           | 3 5   | Currency..... £                            | 1842401                      | 10 9½ | Cy. £ | 1842401             | 10 9½  |          |

JOS. CARY,  
Deputy Inspector General.

Inspector General's Office,  
Montreal, 7th July, 1847.

STATEMENT of the Amount of DEBENTURES Issued since the Union, with the Date, Rate of Interest, when Due, and for what object issued; as required by an Address of the Honorable the Legislative Assembly of 15th June, 1847.

| Date of Issuc.                               | Under what Act authorized. | Amount of Debentures. |    |    | Rate of Interest.                                                                                         | When Due.                                                                 | For what object Issued.                                                                      |
|----------------------------------------------|----------------------------|-----------------------|----|----|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
|                                              |                            | £                     | s. | d. |                                                                                                           |                                                                           |                                                                                              |
| 24th November, 1841                          | 4 and 5 Vict. cap. 48...   | 3687                  | 10 | 0  | { 2 p cent for 1st & 2d yrs.<br>3 do 3d do<br>4 do 4th do<br>5 do 5th do<br>6 do 6th and following yrs. } | 20 years from date.                                                       | Welland Canal Stock.                                                                         |
| 1st January, 1843, to 23rd April, 1847...    | 7 Victoria, cap. 34.....   | 18296                 | 14 | 0  | 6 per cent. ....                                                                                          | 20 years from date...                                                     | { Welland Canal Stock. See Debentures in Sterling for the remainder for Welland Canal Stock. |
| 1st July, 1846, to 24th April, 1847...       | 9 do do 66.....            | 88000                 | 0  | 0  | 5 per cent. ....                                                                                          | 1st July 1871.....                                                        | Public Works.                                                                                |
| 16th January, 1847...                        | 9 do do 33.....            | 6000                  | 0  | 0  | 6 per cent. ....                                                                                          | { 15 years from 20th June, 1846, or before by giving six months' notice } | Courts of Superior Jurisdiction. Law Society of Upper Canada.                                |
| 1st January, 1847....                        | 8 do do 72.....            | 20000                 | 0  | 0  | 6 per cent. ....                                                                                          | 1st January, 1850 ...                                                     | Rebellion Losses, U. Canada.                                                                 |
| 20th February, 1847.                         | 9 do do 61.....            | 4750                  | 0  | 0  | 6 per cent. ....                                                                                          | { 20 years, or sooner by giving six months' notice. }                     | Lunatic Asylum, Upper Canada.                                                                |
| 15th October, 1846, to 1st April, 1847. .... | 9 do do 65.....            | 8438                  | 12 | 4  | 6 per cent. ....                                                                                          | { 20 years, or sooner by giving six months' notice. }                     | Rebellion Losses, Lower Canada.                                                              |
| September, 1844. ....                        | 8 do do 76.....            | 19810                 | 0  | 0  | 5 per cent. ....                                                                                          | { At the pleasure of the Commissioners ... }                              | Montreal Harbour.                                                                            |
| Total, Currency....£                         |                            | 168982                | 16 | 4  |                                                                                                           |                                                                           |                                                                                              |
|                                              |                            | Sterling.             |    |    |                                                                                                           |                                                                           |                                                                                              |
| 5th October, 1845....                        | 8 Victoria, cap. 76.....   | 3000                  | 0  | 0  | 4½ per cent. ....                                                                                         | In 20 years.....                                                          | Montreal Harbour.                                                                            |
| 5th January, 1846...                         | 8 do do do.....            | 19250                 | 0  | 0  | 5 do do .....                                                                                             | In 20 do .....                                                            | do do                                                                                        |
| do do do ...                                 | 8 do do do.....            | 19250                 | 0  | 0  | 5 do do .....                                                                                             | In 25 do .....                                                            | do do                                                                                        |
| do do do ...                                 | 8 do do do.....            | 19250                 | 0  | 0  | 5 do do .....                                                                                             | In 30 do .....                                                            | do do                                                                                        |
| do do do ...                                 | 8 do do do.....            | 18850                 | 0  | 0  | 5 do do .....                                                                                             | In 35 do .....                                                            | do do                                                                                        |
| 1st January, 1843...                         | 7 do do 34.....            | 77725                 | 7  | 8  | 5 do do .....                                                                                             | In 20 do from date                                                        | Welland Canal Stock.                                                                         |
| 1st July, 1846.....                          | 9 do do 66.....            | *50000                | 0  | 0  | 5 do do .....                                                                                             | In 20 do do                                                               | Public Works.                                                                                |
| 1st January, 1847....                        | 9 do do do.....            | 71000                 | 0  | 0  | 5 do do .....                                                                                             | 1st July, 1866.....                                                       | do do                                                                                        |
| Total, Sterling....£                         |                            | 278325                | 7  | 8  |                                                                                                           |                                                                           |                                                                                              |
| One-ninth....£                               |                            | 30925                 | 0  | 10 |                                                                                                           |                                                                           |                                                                                              |
| Total, Currency.....£                        |                            | 309250                | 8  | 6  |                                                                                                           |                                                                           |                                                                                              |

\* This Sum remains in the hands of Glyn, Halifax & Co., England, for Sale, as yet undisposed of.

RECAPITULATION.

|                                              | £       | s. | d. |
|----------------------------------------------|---------|----|----|
| Amount of Debentures issued in Currency..... | 168982  | 16 | 4  |
| do do do in Sterling, equal in Currency..... | 309250  | 8  | 6  |
| Total, Currency.....                         | £478233 | 4  | 10 |

JOS. CARY,

Deputy Inspector General.

Inspector General's Office,

Montreal, 7th July, 1847.

Appendix  
(P. P.)  
12th July.

Appendix  
(P. P.)  
12th July.

The Address of the Honorable the Legislative Assembly of 15th June, 1847, requires a Statement "of the Amount required to complete each separate Work, now commenced; also, to complete those Works not commenced."

As the Records of the Inspector General's Office do not enable that Department to furnish such a Statement, reference was made to the Department of Public Works for the necessary information.—And the following is a copy of the Document furnished from that Office, viz. :—

(COPY.)

SCHEDULE of WORKS already commenced by the DEPARTMENT of PUBLIC WORKS, shewing the Amount of Appropriations, Amount Expended, Balances on hand, Amounts required to complete Contracts, Amounts required where no Contracts exist, Amounts required over Appropriations already made.

|                                              | Amount of Appropriations.<br>(This is subsequent to the Union.) |       | Amount Expended,<br>15th May, 1847. |       | Balance of Appropriation,<br>15th May, 1847. |       | Amount of work required to be done to finish Contracts. |       | Amount of work to be done to complete Works not under Contract. |       | Amount required over Appropriations. |       |
|----------------------------------------------|-----------------------------------------------------------------|-------|-------------------------------------|-------|----------------------------------------------|-------|---------------------------------------------------------|-------|-----------------------------------------------------------------|-------|--------------------------------------|-------|
|                                              | £                                                               | s. d. | £                                   | s. d. | £                                            | s. d. | £                                                       | s. d. | £                                                               | s. d. | £                                    | s. d. |
| * Welland Canal .....                        | 780653                                                          | 2 11  | 709960                              | 11 5  | 70692                                        | 11 6  | 100973                                                  | 17 10 | 56300                                                           | 6 5   | 86581                                | 12 9  |
| † St. Lawrence Canal .....                   |                                                                 |       | 1824                                | 1 6   |                                              |       |                                                         |       |                                                                 |       |                                      |       |
| Lachine Canal .....                          |                                                                 |       | 293436                              | 9 10  |                                              |       |                                                         |       |                                                                 |       |                                      |       |
| Beauharnois Canal .....                      | 553460                                                          | 15 8  | 301565                              | 2 7   | 69060                                        | 15 8  | 79624                                                   | 15 8  |                                                                 |       | 10064                                | 0 0   |
| Cornwall Canal .....                         |                                                                 |       | 75300                               | 2 2   |                                              |       |                                                         |       |                                                                 |       |                                      |       |
| Williamsburgh Canals .....                   |                                                                 |       | 224274                              | 19 5  |                                              |       |                                                         |       |                                                                 |       |                                      |       |
| ‡ Lake St. Peter .....                       | 74500                                                           | 0 0   | 69880                               | 11 10 | 4619                                         | 8 2   |                                                         |       | 26527                                                           | 11 7  | 21908                                | 3 5   |
| Burlington Bay Canal .....                   | 50000                                                           | 0 0   | 47130                               | 6 5   | 2869                                         | 14 7  |                                                         |       | 6141                                                            | 19 9  | 3272                                 | 6 2   |
| Harbours and Light-Houses,<br>&c.—           |                                                                 |       |                                     |       |                                              |       |                                                         |       |                                                                 |       |                                      |       |
| Windsor Harbour .....                        |                                                                 |       |                                     |       |                                              |       | 150                                                     | 0 0   | 3416                                                            | 18 9  |                                      |       |
| Dover Harbour .....                          |                                                                 |       |                                     |       |                                              |       |                                                         |       | 1200                                                            | 0 0   |                                      |       |
| Windsor and Scugog Road                      | 119148                                                          | 13 10 | 97887                               | 4 5   | 21261                                        | 9 5   |                                                         |       | 2607                                                            | 4 0   | 15311                                | 17 4  |
| Port Stanley Harbour .....                   |                                                                 |       |                                     |       |                                              |       | 719                                                     | 16 0  | 5328                                                            | 8 3   |                                      |       |
| Rond Eau Harbour .....                       |                                                                 |       |                                     |       |                                              |       | 5655                                                    | 7 3   |                                                                 |       |                                      |       |
| Port Burwell .....                           |                                                                 |       |                                     |       |                                              |       |                                                         |       | 17495                                                           | 12 6  |                                      |       |
| Main North Toronto Road..                    |                                                                 |       |                                     |       |                                              |       |                                                         |       |                                                                 |       |                                      |       |
| Yonge Street Road .....                      |                                                                 |       |                                     |       |                                              |       | 15011                                                   | 4 3   |                                                                 |       |                                      |       |
| Brantford and Barrie Road                    | 39833                                                           | 6 8   | 28662                               | 10 0  | 11170                                        | 16 8  | 2251                                                    | 13 3  | 4074                                                            | 17 5  | 23079                                | 5 2   |
| Barrie and Penetanguishene                   |                                                                 |       |                                     |       |                                              |       | 2973                                                    | 13 2  | 9519                                                            | 10 4  |                                      |       |
| Bond Head and Barrie Road                    |                                                                 |       |                                     |       |                                              |       | 419                                                     | 3 5   |                                                                 |       |                                      |       |
| Chatham, Sandwich, &c. Road                  | 45077                                                           | 7 7   | 42973                               | 1 4   | 2104                                         | 6 3   | 650                                                     | 0 0   | 3103                                                            | 4 4   | 1648                                 | 18 1  |
| Owen's Sound Road .....                      | 4000                                                            | 0 0   | 4025                                | 1 3   |                                              |       | 141                                                     | 1 3   | 9550                                                            | 0 0   | 9691                                 | 1 3   |
| Toronto Custom House .....                   | 2500                                                            | 0 0   | 2417                                | 15 10 | 82                                           | 4 2   | 142                                                     | 4 2   |                                                                 |       | 60                                   | 0 0   |
| Ottawa Improvements .....                    | 68118                                                           | 16 0  | 67194                               | 5 5   | 924                                          | 10 7  | 924                                                     | 10 7  |                                                                 |       | 10140                                | 0 0   |
| Pembroke Road .....                          |                                                                 |       |                                     |       |                                              |       |                                                         |       | 10140                                                           | 0 0   |                                      |       |
| Kennebec Road .....                          | 3000                                                            | 0 0   | 2926                                | 12 4  | 73                                           | 7 8   | 372                                                     | 7 8   |                                                                 |       | 299                                  | 0 0   |
| Arthabaska Road .....                        | 15761                                                           | 0 0   | 7847                                | 8 2   | 7913                                         | 11 10 | 8524                                                    | 12 2  | 2938                                                            | 19 8  | 3550                                 | 0 0   |
| Rouge Hill Improvements .....                | 6500                                                            | 0 0   | 5478                                | 10 8  | 1021                                         | 9 4   | 2069                                                    | 19 1  |                                                                 |       | 1048                                 | 9 9   |
| ‡ Gaspé Roads .....                          | 8564                                                            | 0 0   | 7249                                | 8 5   | 1314                                         | 11 7  |                                                         |       | 3594                                                            | 14 8  | 2280                                 | 3 1   |
| Chemin des Caps .....                        | 1500                                                            | 0 0   | 961                                 | 0 7   | 538                                          | 19 5  |                                                         |       | 2538                                                            | 19 5  | 2000                                 | 0 0   |
| Repairs Chaudiere Bridge .....               | 307                                                             | 9 0   | 463                                 | 12 7  |                                              |       | 190                                                     | 0 0   |                                                                 |       | 190                                  | 0 0   |
| Jacques Cartier Bridge .....                 | 3500                                                            | 0 0   | 1360                                | 9 11  | 2139                                         | 10 1  | 2389                                                    | 10 0  |                                                                 |       | 250                                  | 0 0   |
| Grosse Isle Wharf .....                      | 2750                                                            | 0 0   | 2047                                | 18 1  | 702                                          | 1 11  | 1052                                                    | 1 11  |                                                                 |       | 350                                  | 0 0   |
| Grimsby Road .....                           | 8000                                                            | 0 0   | 7954                                | 6 8   | 45                                           | 13 4  | 885                                                     | 0 3   | 7422                                                            | 3 8   | 8261                                 | 10 7  |
| Rond Eau Road .....                          | 1969                                                            | 1 2   | 1597                                | 16 11 | 371                                          | 4 3   | 783                                                     | 13 0  | 5839                                                            | 10 0  | 6251                                 | 18 9  |
| Surveys, Canada West .....                   | 1000                                                            | 0 0   | 952                                 | 8 11  | 47                                           | 11 1  |                                                         |       | 547                                                             | 11 1  | 500                                  | 0 0   |
| do do East .....                             | 600                                                             | 0 0   | 458                                 | 13 3  | 141                                          | 6 9   |                                                         |       | 641                                                             | 6 9   | 500                                  | 0 0   |
| Vaudreuil Bridge Survey .....                |                                                                 |       | 21                                  | 3 4   |                                              |       |                                                         |       |                                                                 |       | 21                                   | 3 4   |
| Missisquoi Canal do .....                    |                                                                 |       | 70                                  | 9 0   |                                              |       |                                                         |       |                                                                 |       | 76                                   | 9 0   |
| Tecumseth Road .....                         |                                                                 |       |                                     |       |                                              |       | 48                                                      | 12 6  |                                                                 |       | 48                                   | 12 6  |
| Narrows Bridge .....                         |                                                                 |       |                                     |       |                                              |       | 50                                                      | 16 4  |                                                                 |       | 50                                   | 16 4  |
| Toronto Harbour Survey .....                 |                                                                 |       | 47                                  | 3 0   |                                              |       |                                                         |       |                                                                 |       | 47                                   | 3 0   |
| St. Ann's Lock, blasting rock.               |                                                                 |       | 53                                  | 12 5  |                                              |       |                                                         |       |                                                                 |       | 53                                   | 12 5  |
| \|\| Bridges between Montreal<br>and Quebec ..... | 37777                                                           | 15 6  | 31662                               | 8 9   | 6115                                         | 6 9   | 24339                                                   | 14 2  |                                                                 |       | 18224                                | 7 5   |

\* This does not include the sum of £31,343 3s., stated by the Engineer as required to complete the works.

† This does not include the estimate for Basins, £3,339 11s. 6d., on the Lachine Canal, now under the consideration of His Excellency in Council; nor the sum of £37,638 14s. 6d., stated by the Engineer as required to complete the Williamsburgh Canals.

‡ To make a Channel 300 feet will require £38,698 10s., additional.

§ This includes Rimouski Bridge.

|| For the construction of the Bout de l'Isle Bridge.

A true Copy.

JOS. CARY,  
Deputy Inspector General.